



**City Commission Agenda
Civic Center, 2 Park Drive South, Great Falls, MT
Commission Chambers Room 206
March 6, 2018**

CALL TO ORDER 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS

AGENDA APPROVAL

CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS

PROCLAMATIONS

Charles M. Russell Month, Montana Retired Educator Day, Respect Day and 2017 Outstanding Airmen of the Year Award.

PETITIONS AND COMMUNICATIONS

(Public comment on any matter that is not on the agenda of the meeting and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of 3 minutes. When at the podium, state your name and address for the record.)

1. Miscellaneous reports and announcements.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

BOARDS AND COMMISSIONS

3. Appointment, Golf Advisory Board.
4. Appointment, Great Falls Planning Advisory Board.
5. Removal of a Member, Public Library Board.
6. Miscellaneous reports and announcements from Boards and Commissions.

CITY MANAGER

7. Miscellaneous reports and announcements from the City Manager.

CONSENT AGENDA

The Consent Agenda is made up of routine day-to-day items that require Commission action. Items may be pulled from the Consent Agenda for separate discussion/vote by any Commissioner.

8. Minutes, February 20, 2018, Commission Meeting.
9. Contracts List.
10. Total Expenditures of \$1,720,743 for the period of January 31, 2018 through February

21, 2018, to include claims over \$5,000, in the amount of \$1,528,575.

11. Award a contract in the amount of \$73,400.00 to Sletten Construction Company for the Gore Hill Pump Station Pump Replacement, and authorize the City Manager to execute the construction contract documents.
12. Reject a contract for the Police Department Water Main Replacement/Re-route.

Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

13. Ordinance 3186, Amending Title 3, Chapter 6, of The Official Code of the City of Great Falls (OCCGF) Pertaining to Sale of Unclaimed Personal Property.

Action: Accept or not accept Ord. 3186 on first reading and set second reading for March 20, 2018. (Presented by Joseph Cik)

CITY COMMISSION

14. Miscellaneous reports and announcements from the City Commission.
15. Commission Initiatives.

ADJOURNMENT

(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.) Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. City Commission meetings are re-aired on cable channel 190 the following Wednesday morning at 10 am, and the following Tuesday evening at 7 pm.



Item: Appointment, Golf Advisory Board

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested:

Appoint one member to the Golf Advisory Board as a non-league representative.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ as a non-league representative on the Golf Advisory Board for the remainder of a three-year term through March 31, 2019.”

2. Mayor requests a second to the motion, Commission discussion, public comment, and calls for the vote.

Staff Recommendation:

It is recommended that the City Commission appoint one member as a non-league representative to the Golf Advisory Board.

Summary:

Roy Aafedt was appointed to the Golf Advisory Board in April 2016 and passed away in November. A notice of the opening was sent to the local media and posted on the City’s website. Four applications were received.

Purpose

The Golf Advisory Board is comprised of five members with representation from the City Men’s Golf Association, City Women’s Golf Association, Malmstrom Golf Association, and two non-league golfers. The Board advises the City Commission regarding the operation of municipal golf courses. Members must reside within the City limits.

Evaluation and Selection Process

Advertising was done through the local media and on the City of Great Falls Website. The Golf Advisory Board interviewed the four candidates on January 22, 2018 during their regular meeting but

due to time constraints was not able to make a recommendation. The Board met on February 12, 2018 and recommended the City Commission appoint Jamie Kapp. Their second choice for the vacancy would be Jeff Yoder.

Continuing members of this board are:

Roger Curtiss – Men's Association 6/7/2017 – 3/31/20
Jackie Lohman – Women's Association 4/1/16 – 3/31/19
Lori Muzzona – Malmstrom Association 3/4/14 – 3/31/20
Mark Johnson – Non-league 10/1/13 – 3/31/20

Citizens interested in serving on this board are:

Keern Haslem
Scott A. Hobbs
James (Jamie) Kapp
Jeff Yoder

Concurrences:

At its February 12, 2018, meeting, the Golf Advisory Board recommended the appointment of Jamie Kapp.

ATTACHMENTS:

- Applications for Golf Board



**BOARDS AND COMMISSIONS
CITIZEN INTEREST FORM
(PLEASE PRINT OR TYPE)**

Thank you for your interest. Citizen volunteers are regularly appointed to the various boards and commissions. This application subject to Montana Right to Know laws.

Board/Commission Applying For: <i>Golf Advisory Board</i>		Date of Application: <i>4/17/17</i>
Name: <i>Keern Haslem</i>		
Home Address: <i>3803 Poker Flats Rd</i>		Email address: <i>keernz@live.com</i>
Home Phone: <i>(916)798-4479</i>	Work Phone: <i>(406)727-8255</i>	Cell Phone: <i>(916)798-4479</i>
Occupation: <i>Project Coordinator</i>		Employer: <i>Paris Gibson Square</i>
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: <i>Twenty-four years experience as a golfer. Author of two golf books. Past employee at four courses.</i>		
Educational Background: <i>Bachelors in Sociology from UGF credits towards Masters from Concordia College of New York</i>		
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:		
Previous and current service activities: <i>Former Board Chair Mansfield events advisory board. Currently treasurer of Mansfield Theater Foundation and President KGR Board.</i>		
Previous and current public experience (elective or appointive): <i>Please see above.</i>		
Membership in other community organizations:		

Have you ever worked for or are you currently working for the City of Great Falls? Yes No If yes, where and when? *Mansfield theater and Convention center events on-call from August 2010 to present plus city courses 2012-2015*

Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes No If yes, who, which department, and relationship?


Have you ever served on a City or County board? Yes No If yes, what board and when did you serve? *Mansfield events advisory Board 2012-2016*

Are you currently serving on a Board? Yes No If yes, which board? *Mansfield Theatre Foundation and K&PR board*

Please describe your interest in serving on this board/commission?
As a long time competitor and lover of the game of golf I take great interest in it's ongoing success.

Please describe your experience and/or background which you believe qualifies you for service on this board/commission?
Experience in a wide range of golf competitions, and with golfers around the world (through my author ship connections) as well as local ties.

Additional comments:

Signature 

Date: *4/17/17*

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

Return this form to:
City Manager's Office
P.O. Box 5021
Great Falls, MT 59403

Fax:
(406) 727-0005

Email:
kartis@greatfallsmt.net



**BOARDS AND COMMISSIONS
CITIZEN INTEREST FORM
(PLEASE PRINT OR TYPE)**

Thank you for your interest. Citizen volunteers are regularly appointed to the various boards and commissions. This application subject to Montana Right to Know laws.

Board/Commission Applying For: Golf Advisory Board		Date of Application: 14 Nov 2017
Name: Scott A Hobbs		
Home Address: 1914 Central Ave, Great Falls, Mt 59401		Email address: srhobbs@bresnan.net
Home Phone: 727-0724	Work Phone: 731-4320	Cell Phone:
Occupation: Fuels Distribution Operator		Employer: T-Square Inc.
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: Play alot of golf.		
Educational Background: HS graduate.		
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:		
Previous and current service activities: None		
Previous and current public experience (elective or appointive): None		
Membership in other community organizations: None		

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission?	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission?	
Additional comments:	
Signature	Date:

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

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BOARDS AND COMMISSIONS
CITIZEN INTEREST FORM
(PLEASE PRINT OR TYPE)


RECEIVED

JAN 19 2018

Thank you for your interest. Citizen volunteers are regularly appointed to the various boards and commissions. This application subject to Montana Right to Know laws.

CITY MANAGER

Board/Commission Applying For: <i>Golf Advisory Board</i>		Date of Application: <i>1-18-2018</i>
Name: <i>James Robert Kapp (Jamie)</i>		
Home Address: <i>1317 Beargrass Dr. Great Falls, MT 59404</i>		Email address: <i>jami.kapp@hotmail.com</i>
Home Phone: <i>(406) 670-3712</i>	Work Phone:	Cell Phone: <i>(406) 670-3712</i>
Occupation: <i>Retired</i>		Employer:
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: <i>School board member 13 yrs / parish council 14 yrs / Enjoys Golf</i>		
Educational Background: <i>Graduated from Fairfield H.S.</i>		
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:		
Previous and current service activities: <i>School board 13 yrs @ Centerville H.S. / Parish Council Centerville 14 yrs.</i>		
Previous and current public experience (elective or appointive): <i>See above</i>		
Membership in other community organizations: <i>Centerville Boosters, PTA, Montana Officials Assoc (Retiree B-ball) 19 yrs</i>		

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? <i>My wife and I golf mostly in G.F. but also around the state and other vacation areas. I think I can improve our courses by suggesting ideas from other courses without losing the great home town golf we all enjoy.</i>	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? <i>In my 27 years of school board & parish council experience I have worked with a variety of individuals to help with policies to help improve key elements for our community and for our future generations.</i>	
Additional comments:	
Signature 	Date: <i>1-18-2018</i>

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

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**BOARDS AND COMMISSIONS
CITIZEN INTEREST FORM**
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RECEIVED

JAN 19 2018

Thank you for your interest. Citizen volunteers are regularly appointed to the various boards and commissions. This application subject to Montana Right to Know laws.

CITY MANAGER

Board/Commission Applying For: <i>Golf Advisory Board</i>		Date of Application: <i>1/17/18</i>
Name: <i>Jeff Yoder</i>		
Home Address: <i>217 Riverview Drive East</i>		Email address: <i>yodda105@gmail.com</i>
Home Phone: <i>(406) 231-2568</i>	Work Phone: <i>(406) 231-2568</i>	Cell Phone: <i>(406) 231-2568</i>
Occupation: <i>Operator</i>	Employer: <i>Calumet Montana Refining Co.</i>	
Would your work schedule conflict with meeting dates? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> (If yes, please explain) <i>I work shift work at the refinery. I would be able to make most of the meetings but might miss once and a while.</i>		
Related experiences or background: <i>I don't really have much experience other than playing golf in town quite a bit.</i>		
Educational Background: <i>Graduated from CMR in 2005 and have some college but didn't finish</i>		
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:		
Previous and current service activities:		
Previous and current public experience (elective or appointive):		
Membership in other community organizations:		

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? I have been looking for a way to give back to the community and volunteer. Golf is something I am very interested in so it seems like a good choice.	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? I don't really have much experience serving on boards but this seems like something I would be interested in doing and am willing to put in the time and effort to learn.	
Additional comments:	
Signature 	Date: 1/17/18

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

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Item: Appointment, Great Falls Planning Advisory Board

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Appoint one member to the Great Falls Planning Advisory Board

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ to the remainder of a three-year term ending on December 31, 2020, to the Great Falls Planning Advisory Board.”

2. Mayor calls for a second to the motion, Commission discussion, public comment, and calls for the vote.

Staff Recommendation:

It is recommended that the City Commission appoint one member for a partial three-year term ending on December 31, 2020, to the Great Falls Planning Advisory Board.

Summary:

There is currently one opening on the Planning Advisory Board. Nathan Weisenburger was appointed to the Planning Advisory Board in November 2011 and has served two full terms. Mr. Weisenburger's term expired December 31, 2017 but he has remained serving on the Board until a replacement can be appointed.

Advertisement to fill vacancies has been ongoing for various Board openings since January 2017 through the local media and the City's website. An application from Tory Mills was received on February 2, 2018.

During the Planning Advisory Board meeting on February 13, 2018 the Board recommended that the Commission appoint Mr. Mills to fill the remainder of the three year term.

Purpose

The Great Falls Planning Advisory Board was created in lieu of the Great Falls City-County Planning Board. Further, the Advisory Board has jurisdiction within the City limits; consists of nine citizen members appointed by the City Commission; and, performs and provides the duties, services and functions specified in Ordinance No. 2913, generally involving growth policies, subdivision applications and plats, annexation applications, zoning and rezoning petitions, conditional use permits, long range planning, transportation planning, Community Transportation Enhancement Program administration, historic preservation services, etc.

Members must reside within the city limits. City employees and elected officials are not eligible for appointment.

Alternatives:

Advertise to seek other citizen interest.

Concurrences:

Continuing members of this board are:

	Terms
Patrick Sullivan	9/19/17 – 12/31/20
Scot Davis	11/1/11 – 12/31/18
Anthony Houtz	1/21/14 – 12/31/19
Michael Wedekind	10/7/15 – 12/31/19
Charles Pankratz	6/20/17 – 12/31/19
Amanda Thompson	2/6/18 – 12/31/18
Peter Fontana	4/7/15 – 12/31/20
Dave Bertelsen	8/15/17 – 12/31/18

ATTACHMENTS:


- Application from Tory Mills



**BOARDS AND COMMISSIONS
CITIZEN INTEREST FORM**
(PLEASE PRINT OR TYPE)

Thank you for your interest. Citizen volunteers are regularly appointed to the various boards and commissions. This application subject to Montana Right to Know laws.

Board/Commission Applying For: <i>Great Falls Planning advisory Board</i>		Date of Application: <i>2-2-18</i>
Name: <i>Tony mills</i>		
Home Address: <i>2817 upper river road</i>		Email address: <i>Tonymills.United Electric@gmail.com</i>
Home Phone: <i>406-799-4277</i>	Work Phone: <i>—</i>	Cell Phone: <i>—</i>
Occupation: <i>Electrician</i>		Employer: <i>United Electric</i>
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: <i>None</i>		
Educational Background: <i>Highschool — trade apprenticeship — masters license</i>		
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:		
Previous and current service activities: <i>None</i>		
Previous and current public experience (elective or appointive): <i>None</i>		
Membership in other community organizations: <i>None</i>		

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? I feel great interest in the development of the Great Falls area. I have lived in Great Falls for 32 years and have a valuable understanding of the development in the area.	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? Working in a trade that survives on the success of the development of Great Falls, I understand the need for proper planning to make this possible. You cant just build a factory in the middle of town and hope it succeeds. You have to build successful community first.	
Additional comments: I would like to serve in any possession required for this board. Thank you	
Signature 	Date: Feb-2-18

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

Return this form to:
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Fax:
(406) 727-0005

Email:
kartis@greatfallsmt.net



Item: Removal Of A Member Of The Great Falls Public Library Board

From: City Attorney's Office

Initiated By: Kathy Mora, Library Director

Presented By: Joseph Cik, Assistant City Attorney

Action Requested: The City Commission remove Jane West as a member of the Great Falls Public Library Board

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (remove/retain) Jane West as a member of the Great Falls Public Library Board."

2. Mayor requests a second to the motion, Commission discussion, public comment, and calls for the vote.

Staff Recommendation:

City Staff recommends that the City Commission remove Jane West from the Great Falls Public Library Board.

Background:

Recently, the Great Falls Public Library Board reported to City staff that Board Member Jane West had missed over one-third of the regularly scheduled monthly meetings in 2017. No explanation was provided for Ms. West's absences.

The Official Code of the Great Falls (OCCGF) §2.23.020 states:

A member of any board, commission, committee, or council, including Neighborhood Council, may be removed from office, by majority vote of the City Commission, if:

A. The member misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse;

B. The member is unable to fulfill the duties of the office as a result of physical illness or mental disorder. A determination of whether the incumbent has a mental disorder shall be made pursuant to MCA Title 53, Chapter 21;

C. The member neglects or refuses to discharge the member's duties;

D. The member ceases to be a resident of the City, or in the case of a neighborhood council member, the member ceases to be a resident of the council member's district;

E. The member is convicted of a felony, or of any offense involving moral turpitude, or a violation of official duties or the City Code of Ethics, Title 2, Chapter 21, while serving on a board, council, committee or commission; or

F. Any other reason which City Commission deems to be in the best interests of the City, and in such case, only by a four-fifths vote.

On February 1, 2018, the City Attorney's office sent a notice letter to Ms. West which provided her with the language of the code section stated above. Additionally, the letter informed Ms. West that she had an opportunity to provide written explanation for her absences by February 10, 2018. This letter is attached as Exhibit A. Neither the Library nor the City received a response from Ms. West.

On February 14, 2018, the City Attorney sent another letter to Ms. West informing her that her removal would be considered by the City Commission at its regular meeting on March 6, 2018. The letter also informed Ms. West that the City Attorney's office would be recommending that she be removed from her position as a member of the Library Board. This letter is attached as Exhibit B.

Notice was properly given to Ms. West of this hearing and she was advised as to staff's recommendation. She provided no response. Therefore, the staff recommends that Ms. West be removed from the Great Falls Public Library Board.

Alternatives:

The Commission could maintain Jane West as a member of the Great Falls Public Library Board. However, staff does not recommend this alternative.

ATTACHMENTS:

- ▢ Exhibit A
- ▢ Exhibit B



City Attorney's Office
Civic Center
P.O. Box 5021
Great Falls, MT 59403
Phone: 406-455-8578
Fax: 406-727-0005

Sara R. Sexe,
City Attorney
Joseph Cik,
Assistant City Attorney
Neil A. Anthon,
Chief Prosecutor
Cassidy R. Blomgren,
Deputy Prosecutor

February 1, 2018

Jane West
819 5th Ave S
Great Falls, MT 59405

Re: *Potential removal from Great Falls Public Library Board.*

Dear Ms. West:

It has come to the City's attention that you have missed five regularly scheduled Great Falls Public Library Board meetings without reason or excuse, and thus the absences are considered unexcused. You also were excused from attending one meeting, and that is not considered for the purposes of this letter.

Members of Great Falls City Boards and Commissions have attendance responsibilities when serving the City. It is imperative that a board member attend meetings to provide input and recommendations on behalf of the City.

The Official Code of the Great Falls (OCCGF) §2.23.020 states:

A member of any board, commission, committee, or council, including Neighborhood Council, may be removed from office, by majority vote of the City Commission, if:

- A. The member misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse;
- B. The member is unable to fulfill the duties of the office as a result of physical illness or mental disorder. A determination of whether the incumbent has a mental disorder shall be made pursuant to MCA Title 53, Chapter 21;
- C. The member neglects or refuses to discharge the member's duties;
- D. The member ceases to be a resident of the City, or in the case of a neighborhood council member, the member ceases to be a resident of the council member's district;
- E. The member is convicted of a felony, or of any offense involving moral turpitude, or a violation of official duties or the City Code of Ethics, Title 2, Chapter 21, while serving on a board, council, committee or commission; or

Jane West
Page 2
February 1, 2018

- F. Any other reason which City Commission deems to be in the best interests of the City, and in such case, only by a four-fifths vote.

If a member is to be removed from any board, commission, committee or council and be replaced by the City Commission, the member will be provided written notice of removal, stating the reasons for removal, by certified mail, postage prepaid, return receipt requested, or by hand delivery. Notice will be provided no less than ten (10) days prior to the City Commission hearing where said removal will be subject to the vote of the Commission.

The purpose of this letter is to request that you provide written reasons for your absences which comply with the ordinance above. Please provide this office with the documentation within ten days of the date of this letter. If our office does not receive such documentation, we will proceed with the process for your removal as a board member, as outlined above in the ordinance.

Sincerely,

A black rectangular redaction box covering the signature of Sara R. Sexe.

Sara R. Sexe
City Attorney

cc: Greg Doyon, City Manager
Charles Anderson, Deputy City Manager
Kathy Mora, Library Director



City Attorney's Office
Civic Center
P.O. Box 5021
Great Falls, MT 59403
Phone: 406-455-8422
Fax: 406-727-0005

Sara R. Sexe,
City Attorney
Joseph Cik,
Assistant City Attorney
Neil A. Anthon,
Chief Prosecutor
Cassidy R. Blomgren,
Deputy Prosecutor

February 14, 2018

SENT VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Jane West
PO Box 2261
Great Falls, MT 59403

Re: *Removal from Great Falls Public Library Board.*

Dear Ms. West:

Enclosed is a February 1, 2018 letter that was sent to you. Since that date, neither the City nor the Library received written communication from you providing reasons for your absence, as contemplated by the Official Code of the Great Falls (OCCGF) §2.23.020.

The Great Falls Public Library Board meets on a monthly basis, with the exception of July. Therefore, the total number of meetings within the calendar year is eleven (11). You missed more than one-third of the Library Board regularly scheduled meetings within the 2017 calendar year. You also have missed the January meeting in 2018.

The Great Falls City Commission will consider your removal from the Great Falls Public Library Board on March 6, 2018 at its City Commission Meeting, which starts at 7:00 p.m. Based upon your failure to communicate reasons why you have missed so many meetings, our office will be recommending to the Commission that you be removed as a Library Board member. This letter, and the enclosed letter, provide the bases for this recommendation.

Pursuant to OCCGF §2.23.020, you may attend and participate in the March 6, 2018 City Commission hearing regarding this matter.

Sincerely,

[REDACTED]
Sara R. Sexe
City Attorney

Encl.

cc: Greg Doyon, City Manager
Charles Anderson, Deputy City Manager
Kathy Mora, Library Director



City Attorney's Office
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P.O. Box 5021
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Phone: 406-455-8578
Fax: 406-727-0005

Sara R. Scze,
City Attorney
Joseph Cik,
Assistant City Attorney
Neil A. Anthon,
Chief Prosecutor
Cassidy R. Blomgren,
Deputy Prosecutor

February 1, 2018

Jane West
819 5th Ave S
Great Falls, MT 59405

Re: *Potential removal from Great Falls Public Library Board.*

Dear Ms. West:

It has come to the City's attention that you have missed five regularly scheduled Great Falls Public Library Board meetings without reason or excuse, and thus the absences are considered unexcused. You also were excused from attending one meeting, and that is not considered for the purposes of this letter.

Members of Great Falls City Boards and Commissions have attendance responsibilities when serving the City. It is imperative that a board member attend meetings to provide input and recommendations on behalf of the City.

The Official Code of the Great Falls (OCCGF) §2.23.020 states:

- A member of any board, commission, committee, or council, including Neighborhood Council, may be removed from office, by majority vote of the City Commission, if:
- A. The member misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse;
 - B. The member is unable to fulfill the duties of the office as a result of physical illness or mental disorder. A determination of whether the incumbent has a mental disorder shall be made pursuant to MCA Title 53, Chapter 21;
 - C. The member neglects or refuses to discharge the member's duties;
 - D. The member ceases to be a resident of the City, or in the case of a neighborhood council member, the member ceases to be a resident of the council member's district;
 - E. The member is convicted of a felony, or of any offense involving moral turpitude, or a violation of official duties or the City Code of Ethics, Title 2, Chapter 21, while serving on a board, council, committee or commission; or

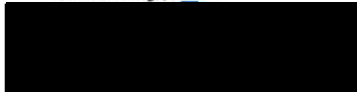
Jane West
Page 2
February 1, 2018

F. Any other reason which City Commission deems to be in the best interests of the City, and in such case, only by a four-fifths vote.

If a member is to be removed from any board, commission, committee or council and be replaced by the City Commission, the member will be provided written notice of removal, stating the reasons for removal, by certified mail, postage prepaid, return receipt requested, or by hand delivery. Notice will be provided no less than ten (10) days prior to the City Commission hearing where said removal will be subject to the vote of the Commission.

The purpose of this letter is to request that you provide written reasons for your absences which comply with the ordinance above. Please provide this office with the documentation within ten days of the date of this letter. If our office does not receive such documentation, we will proceed with the process for your removal as a board member, as outlined above in the ordinance.

Sincerely,



Sara R. Sexe
City Attorney

cc: Greg Doyon, City Manager
Charles Anderson, Deputy City Manager
Kathy Mora, Library Director



Item: Minutes, February 20, 2018, Commission Meeting

From: City Clerk's Office

Presented By: City Commission

ATTACHMENTS:

- ▣ February 20, 2018 - - Commission Meeting Minutes

JOURNAL OF COMMISSION PROCEEDINGS

February 20, 2018

**Regular City Commission Meeting
Commission Chambers Room 206**

CALL TO ORDER 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

City Commission members present: Bob Kelly, Bill Bronson, Tracy Houck, and Mary Sheehy Moe. Commissioner Owen Robinson was excused. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Park and Recreation Director Steve Herrig; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

AGENDA APPROVAL

No changes were proposed by the City Manager or City Commission. The agenda was approved as submitted.

CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS

None.

PROCLAMATIONS

Youth Art Month & Lewis and Clark Interpretive Center

PETITIONS AND COMMUNICATIONS

1. **Miscellaneous reports and announcements.**

Sherrie Arey, NeighborWorks Great Falls, 509 1st Avenue South, read a portion of the CDBG application submitted by NeighborWorks in 2017. NeighborWorks' accomplishments since 1980 have been attributed to CDBG funds, stretching \$1 to \$6 for the community. She referred to HUD's recent letter and noted that the four organizations that will not receive funds will struggle. She commended the Commission for making the process as transparent as possible. Ms. Arey concluded that NeighborWorks will be the first in line to apply for funding when the review process concludes and will be good stewards of CDBG money.

NEIGHBORHOOD COUNCILS

2. **Miscellaneous reports and announcements from Neighborhood Councils.**

None.

BOARDS AND COMMISSIONS

3. Appointment, Historic Preservation Advisory Commission.

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission appoint Ellen Sievert to fill the remainder of a three-year term through April 30, 2018, to the Historic Preservation Advisory Commission (HPAC).

Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Bronson noted that he is the liaison to the HPAC. Although this is a temporary appointment to fill in for a member that had to resign, Ms. Sievert may be willing to consider a further appointment.

Commissioner Moe noted that there will now be two married people on that board. She inquired of City Attorney Sara Sexe if that created a conflict of interest to consider.

City Attorney Sexe responded that she researched nepotism laws and opined that, because the Commission is making the appointment and not the HPAC, there is not an issue in that regard.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0

4. Miscellaneous reports and announcements from Boards and Commissions.

None.

CITY MANAGER

5. Miscellaneous reports and announcements from the City Manager.

City Manager Greg Doyon reported that the topics for the March 6th work session include the Great Falls Public School District discussion regarding a portion of Kranz Park for parking purposes, and an update from McKinstry on its findings of energy savings and efficiency measures that the City could explore.

Executive Assistant Krista Artis will be contacting the Commission to schedule a retreat.

Manager Doyon reported that a trip report is forthcoming from the Association of Defense Communities conference he attended this past week. Highlights from the conference included: military value and what communities can do to enhance the value of installations, a desire for expanded virtual and real testing and training, a need for more bandwidth and more electricity, a need for training lands and that future missions may require more space.

There was continued discussion on encroachment issues that complicates security and flights. It was strongly suggested that joint land use studies (JLUS) be looked at as well.

States are investing millions of dollars into installations that have a positive impact on communities. He has not seen that same type of desire from Montana, which makes it hard to compete for missions. He expects many communities to be identifying projects that would be considered to be key infrastructure projects and also add military value. Additionally, he was hearing that the USAF is still seeking partnerships and expecting community help.

Manager Doyon announced that a new City prosecutor, Mark Dunn, will begin employment in March.

Manager Doyon provided a CDBG update. In a letter dated February 1, 2018, HUD indicated there were definite conflicts of interest based on information provided by the City with regard to four entities: Great Falls Development Authority (\$40,000), NeighborWorks Great Falls (\$82,903), Habitat for Humanity (\$65,000), and Rural Dynamics (\$11,250).

HUD directed the City to submit new project selection criteria and process, develop a new conflict of interest policy, and submit exception requests if the City wants to pursue funding for the four entities.

HUD's broad interpretation of a conflict of interest included the appearance of a conflict. He advised staff that the City is not going to go through an appeal process with HUD. Although the City may disagree with HUD's interpretation versus what actually happened, he feels the City needs to move forward in a clean manner and put a new process in place.

The declined funds totaling \$199,153 will be placed in with the next allocation cycle from HUD, and will be eligible for disbursement when a new process is in place. Staff will go through an evaluation and scoring process to make funding decisions, rather than an advisory council.

An audit report sets forth that no CDBG funds were used to pay Mrs. Bronson's salary and, through the auditor's analysis, no conflict existed with regard to concerns of Commissioner Bronson's wife working for NeighborWorks.

City Attorney Sara Sexe responded to a comment made in HUD's letter concerning a statement she made to the Commission at its June 20, 2017, meeting being false. She explained that Commission meeting minutes are action minutes of the Great Falls City Commission and provide notice to refer to the audio/video recording for additional detail. Attorney Sexe's comments in the minutes that HUD indicated were false reflect that she stated "a representative from HUD has reported that there was not a conflict of interest."

Attorney Sexe reported that the audio/video recording clarifies that statement was in response to a disclosure by Commissioner Bronson about his son's employment in relation to the public facilities CDBG recommendations and that, specifically, her statement was that "your letter and mine, indicating agreement as to there being no conflict under the regulations that we evaluated as to your son, were provided to the representative of HUD who spoke to our CDBG administrator and verbally indicated agreement that there was no conflict."

After receiving HUD's recent letter, she further verified with Planning and Community Development staff that the conversation did indeed occur, and that her statements to the Commission were correct.

Manager Doyon concluded that he hopes the City's final letter will close that chapter and the City can move forward with a new process and clear outline for the community on how the City will proceed with using CDBG funds.

Mayor Kelly apologized to the community for the confusion, and apparent or appearance of a conflict of interest as set forth by HUD, and to the four recipients being penalized that did nothing wrong in this situation. Mistakes were made and the City will learn from them and move forward. The Commission is looking forward to getting a cleaner, more transparent approach for the distribution of those funds that do good work in the community.

CONSENT AGENDA

6. Minutes, February 6, 2018.
7. Total Expenditures of \$4,439,020 for the period of January 13, 2018 through February 7, 2018, to include claims over \$5,000, in the amount of \$2,565,585.
8. Contracts List.
9. Grants List.

Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as submitted.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0

PUBLIC HEARINGS

10. **Resolution 10227, Swimming Pool Fees.**

Park and Recreation Director Steve Herrig reported that the requested action is to conduct a public hearing and adopt Resolution 10227. The pool fund has been identified by the City Manager as an "at risk fund." The pool fund received \$267,861 in general fund support in FY 2017 and FY 2018 to supplement the pool budget. Pool admission fees were last raised in 2014, although these fees specifically haven't been increased since 2009. The proposed changes include a \$.50 increase for open swim fees at the Natatorium, Water Tower and Jaycee pools, and a \$.50 increase to \$2.00 from \$1.50 at all pools for the second child two years of age and under when accompanied by an adult. The first child is free. Staff feels the adjustment would align fees with other public operated pools.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to Resolution 10227.

Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10227, Swimming Pool Fees.

Manager Doyon noted the recent issue with the Natatorium façade that created an additional unknown expense for repairs. It is already known that fees don't cover operating costs. There have been many discussions regarding the amount of general fund subsidy for pools versus user fees. The concern moving forward is, what is that balance. Manager Doyon continued that it is highly unlikely that the general fund will be able to contribute an increased subsidy to offset the fees. An option now is to start limiting hours and reducing operating expenses.

Manager Doyon further noted that the proposed Park Maintenance District does not address the needs of the Natatorium. The concern long term is if fee adjustments aren't made in trying to keep a balance, pool maintenance will get further behind.

Commissioner Moe noted her opposition to the motion. She is having trouble getting used to the idea of an enterprise fund, but will need to because times are different. Before traveling teams and "pay to play," access to a desirable adult life was formed during childhood because they had equal opportunity to develop talents. Increasingly, those opportunities are only available if you have money. She believes that is the case with the pools.

Commissioner Moe commented that usage of the pools is going down. She doesn't think the answer to getting people to use the pools is raising the fees. Her desire is not so much to make everything pencil out as it is to figure out how to get more kids to utilize the pools and get more people to be more physically active. She thinks there are groups within the community that care about children's health and fitness that she would like to have conversations with to help the City with this matter. She would rather the pools close on certain days that are undersubscribed than to raise rates.

Commissioner Bronson commented that this operation has always been viewed in the context of an enterprise fund. In his experience, he has never sensed a significant resentment in the community, or any community that has public pools, to the idea that an individual wouldn't pay some of the operational costs of the facility.

Commissioner Bronson commented that it is hard to assume that a decline in usage is due to a price increase. Pool usage is dictated by a number of different factors, weather being one of the most important. He finds it hard to believe that a modest increase would have a deleterious impact on use. He would support any endeavors with outside groups to increase usage.

This program has general fund support. The reality is the City does not have the monies to increase the general fund subsidy for the pools. He explained that local governments are restricted by state law in the amount of money that can be raised to meet the City's own needs and public amenities. The City has to rely on an initiative that put caps on property taxes, and changes to that law throughout the years that restrict the City in the amount of revenue it can raise. General fund dollars are competed with by the pools, Police Department, Fire Rescue, and other aspects of the Park and Recreation program.

Commissioner Houck commented that her family participated in fund raisers to save the Natatorium since her children began swimming. She thought the proposed fee increase would have been higher than \$0.50. Swimming is still a good activity that a family can do together. She expressed concern that children are sent to the pools without a parent, and the responsibility and

burden that places on young lifeguards. She would like to see more adults and seniors utilizing the pools.

She has learned that some programs are luxuries or privileges that will take some alternative thinking with the community. But, there are other current pressing needs. She would like to move forward with the fee increase rather than waiting.

Mayor Kelly expressed concern about the nuance of asking the taxpayers to support \$1.5 million dollars for a Park Maintenance District to fix some facilities and also increasing pool fees to raise \$6,000 to cover additional expenses with the pools. The timing is difficult. He would much rather talk with the community about the Park Maintenance District and investing in parks. Degradation of facilities, dilapidation of items and lack of maintenance will be easy to see and there will be real consequences if the investment is not made. Although it is a modest increase, he will not support the motion because he wants the community to focus on the bigger picture.

Commissioner Moe added that she wouldn't have a problem if the \$0.50 increase only affected a child going to the pool one time, but she would like to see more attendance in the summer. There is work to be done in this area, and the timing is not right.

Commissioner Houck added that the reason the Commission has before it a fee increase tonight is that it was voted on a year ago and it didn't happen. If the increase isn't supported and is put off yet again, when it does come back the request will not be for \$0.50 at that point in time. She didn't agree with waiting for something that may or may not take place in May that, even if it takes place in May, will not be impacted until 2020.

There being no further discussion, Mayor Kelly called for the vote.

Motion failed 2-2 (Mayor Kelly and Commissioner Moe dissenting)

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

CITY COMMISSION

11. **Miscellaneous reports and announcements from the City Commission.**

Commissioner Bronson announced that Phyllis Hemstad, who served on Neighborhood Council 2 and the Planning Advisory Board, passed away. She never deviated from her vision on what she thought was best for the community.

12. **Commission Initiatives.**

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Mayor Kelly, to adjourn the regular meeting of February 20, 2018, at 8:16 p.m.**

Motion carried 4-0

Mayor Bob Kelly

City Clerk Lisa Kunz

**Minutes Approved:
March 6, 2018**

DRAFT



Item: Contracts List

From: City Clerk's Office

Presented By: City Commission

ATTACHMENTS:

- ▣ Contracts List

COMMUNICATION TO THE CITY COMMISSION

DATE: March 6, 2018

ITEM: CONTRACTS LIST
 Itemizing contracts not otherwise approved or ratified by City Commission Action
 (Listed contracts are available for inspection in the City Clerk’s Office.)

PRESENTED BY: Darcy Dea, Deputy City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR’ S SIGNATURE: _____

CONTRACTS LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
A	PublicWorks/ Engineering	David W. Kuglin Construction	03/06/2018- 06/30/2018	\$56,672	Construction Agreement for 2017 CDBG ADA Handicap Ramps/Sidewalk (OF 1715.1)
B	Park and Recreation	Williamson Fencing & Sprinklers	11/07/2017- 04/15/2018	\$24,150	Addendum 1 to agreement to replace dugouts and backstop on Field Four at the Multi Sports Complex – termination date extended to April 15, 2018 (CR 110717.10E)
C	PublicWorks/ Engineering	Terracon Inc. LLC.	03/06/2018- 12/30/2018	\$7,313	Professional Service Agreement for Geotechnical Services for the Public Works Fuel Station at 1025 25 th Avenue NE

					OF 1455.9
D	Public Works/ Engineering	Gregoire Construction	03/06/2018- 06/2020	\$15,502.50	Agreement for providing ADA compliant access to play equipment at Elks Riverside Park and Rhodes Park. OF 1715.3
E	Public Works/ Engineering and Park and Recreation	Wadsworth Builders Company, Inc.	06/06/2018- 08/30/2018	\$40,610	Construction Agreement to erect a new Pavilion at West Bank Park, including pavilion foundation, the slab, and new sidewalk OF 1585.7



Item: Total Expenditures of \$1,720,743 for the period of January 31, 2018 through February 21, 2018, to include claims over \$5,000, in the amount of \$1,528,575.

From: Fiscal Services

Initiated By: City Commission

Presented By: Melissa Kinzler, Fiscal Services Director

ATTACHMENTS:

- ▣ 5000 Report



ITEM: \$5,000 Report
 Invoices and Claims in Excess of \$5,000

PRESENTED BY: Fiscal Services Director

ACTION REQUESTED: Approval with Consent Agenda

LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT
www.greatfallsmt.net/fiscalservices/check-register-fund

TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN
ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:

ACCOUNTS PAYABLE CHECK RUNS FROM FEBRUARY 8, 2018 - FEBRUARY 21, 2018	1,682,754.34
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JANUARY 31, 2018 - FEBRUARY 15, 2018	37,988.50
MUNICIPAL COURT ACCOUNT CHECK RUN FOR	
TOTAL: \$	<u>1,720,742.84</u>

GENERAL FUND

OTHER ADMIN

CTA ARCHITECTS	PHASE 1 CIVIC CENTER EXTERIOR ENVELOPE REHABILITATION	30,714.44
GREAT FALLS HOUSING AUTHORITY	USBC CREDIT	16,527.01

FIRE

US BANK NA	DEBT SERVICE FIRE PUMPERS	41,966.53
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SPECIAL REVENUE FUND

SUPPORT & INNOVATION

GREAT FALLS BUSINESS IMPROVEMENT DISTRICT	JANUARY 2018 TAX DISTRIBUTION	7,818.75
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DOWNTOWN TID

DOWNTOWN DEVELOPMENT PARTNERSHIP	OPERATING COSTS FOR THE DOWNTOWN DEVELOPMENT PARTNERSHIP	5,000.00
DOWNTOWN DEVELOPMENT PARTNERSHIP	DOWNTOWN WEBSITE FOR DOWNTOWN DEVELOPMENT PARTNERSHIP	5,000.00

FEDERAL BLOCK GRANT

NEIGHBORWORKS GREAT FALLS	LOAN AGREEMENT 1 17TH ST S MARTHA APARTMENTS	9,380.21
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DEBT SERVICE

WEST BANK TID BONDS

BOLAND WELL SYSTEMS INC	OF 1585.3 WEST BANK PARK LANDSCAPING & IRRIGATION	20,547.47
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ENTERPRISE FUNDS

WATER

NALCO COMPANY	CHEMICALS	6,048.00
BLACK & VEATCH CORPORATION	OF 1519.6 WTP PHASE 1 CONSTRUCTION	84,252.44
CAN-AM CHAINS	Basin Sludge Removal Repair Parts	20,113.77

SEWER

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	233,851.99
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	12,500.00
HDR ENGINEERING	OF 1633 WWTP PERMIT REQUIRED UPGRADES	9,134.74

STORM DRAIN

TD&H ENGINEERING	OF 1462 18TH ST S STORM DRAIN IMPROVEMENTS	7,657.50
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SANITATION

US BANK NA	DEBT SERVICE SOLID WASTE TRUCKS	136,282.88
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PARKING

STANDARD PARKING CORPORATION	CONTRACT SERVICES FOR JAN 20018	29,675.53
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CIVIC CENTER EVENTS

GREAT FALLS COMMUNITY CONCERT ASSOCIATION	18-14 TONY PACE CASH OUT	6,211.23
GREAT FALLS SYMPHONY ASSOCIATION	18-43 DIRTY DANCING CASH OUT	42,742.45

INTERNAL SERVICES FUND

FISCAL SERVICES

WARDEN PAPER	WINDOW AND RETURN ENVELOPES	13,959.00
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INFORMATION TECHNOLOGY

ZUERCHER TECHNOLOGIES LLC	ZUERCHER SOFTWARE SUITE FINAL	73,663.00
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CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	FUEL	30,763.60
WATCH GUARD VIDEO	POLICE CAMERA SYSTEMS & SOFTWARE	35,840.00

CC FACILITIES SERVICES

MR GREEN LANDSCAPE SOLUTIONS	SNOW REMOVAL	5,480.00
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ENGINEERING

US BANK NA	DEBT SERVICE PW REMODEL	39,088.19
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TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS FINES & FORFEITURES COLLECTIONS 31,918.50

PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	43,190.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	8,319.66
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	51,217.05
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	65,259.93
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	121,934.32
POLICE SAVINGS & LOAN	EMPLOYEE CONTRIBUTIONS	14,171.00
US BANK	FEDERAL TAXES, FICA & MEDICARE	182,188.73
AFLAC	EMPLOYEE CONTRIBUTIONS	10,980.62
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	12,738.61

UTILITY BILLS

MONTANA WASTE SYSTEM INC JANUARY 2018 MONTHLY CHARGES 62,438.20

CLAIMS OVER \$5000 TOTAL: \$ 1,528,575.35



Item: Construction Contract Award: Gore Hill Pump Station Pump Replacement OF 1625.6.

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Approve Construction Contract.

Suggested Motion:

1. Commissioner moves:

"I move the City Commission (award/not award) a contract in the amount of \$73,400.00 to Sletten Construction Company for the Gore Hill Pump Station Pump Replacement, and authorize the City Manager to execute the construction contract documents."

2. Mayor requests a second to the motion, Commission discussion, public comment, and calls for the vote.

Staff Recommendation:

Approve award of the construction contract.

Summary:

This project will remove the existing 75 horsepower split case pump and install a new 100 horsepower vertical turbine pump in the Gore Hill Pump Station. The new larger pump is needed to overcome the increased hydrostatic pressure associated with the increased height of the new Gore Hill Water Tower which is being constructed this summer. It is anticipated that this pump replacement project will start in the summer of 2018 and be complete by the end of the 2018 construction season.

Background:

Significant Impacts

Currently, the Gore Hill Pump Station is comprised of three pumps: a 75 horsepower pump that provides primary service duty in the winter and two 200 horsepower pumps that operate on a lead-lag basis to meet demands in the summer. Advanced Engineering and Environmental Services (AE2S) evaluated the Gore Hill Pump Station in conjunction with the new Gore Hill Water Tower and determined that the existing 75 horsepower pump would not be able to provide water to the new, taller, Gore Hill Water Tower.

Citizen Impact

The construction activity should not require temporarily shutting off the water to the surrounding residences or businesses. The location of the construction activities should not interfere with access to these residences or businesses. Based on this, staff anticipates minimal impact to citizens during construction.

Workload Impacts

The City has a Professional Services Agreement with AE2S to design the project, prepare the construction documents, and perform the construction inspection for this project. City Staff will help manage contract administration duties for this project. Public Works staff will be responsible for maintaining the improvements once the construction is complete.

Project Work Scope

This project will replace an existing 75 horsepower pump and motor with a new 100 horsepower vertical turbine pump and motor, install a new chain hoist bridge beam trolley, install new process piping and valves, and complete associated painting and restoration.

Evaluation and Selection Process

Three (3) bids were received and opened for this project on February 21, 2018. The bids ranged from \$73,400.00 to \$90,610.00. Sletten Construction Company submitted the low bid and executed all of the necessary documents. Sletten Construction Company is an established contractor and has done a number of projects within the City over the years.

Fiscal Impact:

The attached bid tabulation summarizes the bids that were received. Funding for this project is through the Water Capital Improvement fund.

Alternatives:

The City Commission could vote to deny award of the construction contract and re-bid or cancel the project.

Concurrences:

AE2S also recommends awarding the construction contract to Sletten Construction Company.

ATTACHMENTS:

- OF 1625.6 Gore Hill Pump Bid Tab

CITY OF GREAT FALLS ENGINEERING
 P.O. BOX 5021
 GREAT FALLS, MT 59403

BID TABULATION SUMMARY

OFFICE FILE 1625.6
 GORE HILL PUMPSTATION PUMP REPLACEMENT

BIDS TAKEN AT CIVIC CENTER
 DATE: 21-FEB-18
 TABULATED BY: KARI WAMBACH

	NAME & ADDRESS OF BIDDER	ACKNOWLEDGE ADD. #1	ACKNOWLEDGE ADD. #2	10% BID SECURITY	CERTIFICATE OF NON-SEGREGATED FACILITIES	CERTIFICATE OF COMPLIANCE WITH INSURANCE REQ.	TOTAL BID
1	BOLAND CONST. PO BOX 7107 GREAT FALLS, MT 59406		N.A.				DID NOT BID
2	SLETTEN CONSTRUCTION 1000 25TH STREET NORTH GREAT FALLS, MT 59401	√	N.A.	√	√	√	\$73,400.00
3	CENTRAL EXCAVATING 3701 RIVER DRIVE NORTH GREAT FALLS, MT 59405	√	N.A.	√	√	√	\$74,248.00
4	CAPCON 4117 14TH AVENUE SOUTH GREAT FALLS, MT 59405	√	N.A.	√	√	√	\$90,610.00
5	WESTERN ENGINEERING CONST. 500 LOCUST ST ELLENSBURG, WA 98926		N.A.				DID NOT BID
6							
7							
8							
9							
10							



Item: Construction Contract Award: Police Department Water Main Replacement/Re-Route, OF 1684

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Reject bids and not enter into a construction contract.

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (reject/award) a contract for the Police Department Water Main Replacement/Re-route.”

2. Mayor requests a second to the motion, Commission discussion, public comment, and calls for the vote.

Staff Recommendation:

Reject bids and not enter into a construction contract. Staff recommends rebidding the project.

Summary:

Four bids were received and opened for this project on February 21, 2018. The bids (Base Bid + Additive Alternate #1) for this project ranged from \$138,074.50 to \$171,333.00. Geranios Enterprises submitted the low bid but had an error in their base bid amount. Geranios Enterprises was notified of the error and after consideration has elected to pull their bid from consideration. City Staff (Police Department, Public Works Utilities, and Engineering) have discussed the issue and have agreed to allow Geranios to pull their bid.

The second lowest bid is approximately \$14,000.00 over budget. Therefore, Staff recommends rebidding the project.

Background:

The project will replace/re-route the water main along the north side of the Police Department and east side of Energy West and will also replace the Police Department’s water service.

This project is being completed in cooperation with the Montana Department of Environmental Quality

(DEQ).

City engineering staff, in conjunction with utility staff, designed the project and will perform construction inspection and contract administration duties.

This project will replace the water service to the Police Department which has been failing with increasing frequency. It is currently tapped to the water main in Park Drive. The breaks on this service line are causing extensive damage to property and disrupting water service to the Police Department. The water service breaks are primarily due to corrosive soils, age and type of pipe material used.

The new water service will be tapped off the new water main which will replace existing ductile iron water main installed in 1983. The new main will be installed in the roadway and out of Energy West's parking lot area.

This project will replace approximately 480 lineal feet of 8-inch ductile iron water main with 8-inch PVC water main; replace 1 fire hydrant; 2 water service connections; 170 lineal feet of 2-inch copper; 500 square yards of gravel; and 450 square yards of asphalt pavement.

City staff recommends rejecting the bids, not entering into a contract at this time, and rebidding the project.

Fiscal Impact:

This project is being funded through the Police Department, Water Capital Improvement Fund, and Street Department Maintenance Fund.

Alternatives:

The City Commission could vote to award the construction contract to the second bidder; award to a different bidder or reject bids and not rebid the project, repairing breaks as they occur in the future.

Concurrences:

DEQ has reviewed and approved the plans and specifications for this project.

ATTACHMENTS:

- Bid Tab

CITY OF GREAT FALLS ENGINEERING
 P.O. BOX 5021
 GREAT FALLS, MT 59403

OFFICE FILE 1684
 POLICE DEPARTMENT WMR

BIDS TAKEN AT CIVIC CENTER
 DATE 21-FEB-18
 TABULATED BY: KARI WAMBACH

	NAME & ADDRESS OF BIDDER	ACK. ADD. #1	10% BID SECURITY	CERT. OF NON-SEGREGATED FACILITIES	CERT. OF COMPLIANCE WITH INSURANCE REQ.	BASE BID	ADD. ALT. #1	TOTAL BASE BID + ADDITIVE ALT #1
1	BOLAND CONST. PO BOX 7107 GREAT FALLS, MT 59406							DID NOT BID
2	MIKE COLEMAN CONST. PO BOX 1188 DILLON, MT 59725							DID NOT BID
3	UNITED MATERIALS, INC. P.O. BOX 1690 GREAT FALLS, MT 59403	✓	✓	✓	✓	\$138,630.00	\$20,068.00	\$158,716.00
4	CENTRAL EXCAVATION 3701 RIVER DRIVE NORTH GREAT FALLS, MT 59405	✓	✓	✓	✓	\$150,425.00	\$20,908.00	\$171,333.00
5	GERANIOS ENTERPRISES PO BOX 2542 GREAT FALLS, MT 59403	✓	✓	✓	✓	\$116,061.70	\$22,012.80	\$138,074.50
6	CAPCON 4117 14TH AVENUE SOUTH GREAT FALLS, MT 59405	✓	✓	✓	✓	\$148,385.00	\$14,935.00	\$163,320.00
7	HORN CONSTRUCTION 11 SUNNYSIDE AVENUE VAUGHN, MT 59487							DID NOT BID
8								
9								
10								



Item: Ordinance 3186, "An Ordinance Amending Title 3, Chapter 6, of The Official Code of the City of Great Falls (OCCGF) Pertaining to Sale of Unclaimed Personal Property."

From: City Attorney's Office

Initiated By: City Attorney's Office

Presented By: Joseph Cik, Assistant City Attorney

Action Requested: Accept Ordinance 3186 on first reading and set second reading for March 20, 2018.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (accept/not accept) Ordinance 3186 on first reading and set the second meeting for March 20, 2018."

2. Mayor calls for a second to the motion, Commission discussion, public comment, and calls for the vote.

Staff Recommendation:

Staff recommends that the City Commission accept Ordinance 3186 on first reading and set second reading for March 20, 2018.

Background:

The Ordinance under consideration amends OCCGF Title 3, Chapter 6, pertaining to the sale of unclaimed personal property in Great Falls Police Department (GFPD) custody. Beginning in 2016 GFPD and Legal staff began examining issues with an overcrowding of unclaimed personal property in GFPD custody. A vast majority of the property being held by the GFPD has little or no value, and has never been claimed by a rightful owner. This property comes into GFPD custody by a number of different means. The property may be recovered as part of investigations or in many instances because members of the public have no other way of disposing of it. The property sits in custody sometimes in perpetuity with no means of disposal, creating obvious storage issues.

This problem is not specific to the City of Great Falls. This problem exists in many of the larger municipal and county jurisdictions throughout the state. Prior to the 2017 Montana Legislative Session, there was no clear legislative criteria as to how law enforcement agencies could dispose of this type of property. The Great Falls City Attorney's office requested the Montana League of Cities and Towns to

consider supporting legislative changes to the existing statutory scheme, to allow for alternative means of disposition of property.

During the 2017 legislative session, the Montana League of Cities and Towns worked on legislation to establish criteria by which this type of property could be disposed. City Attorney Sara Sexe requested that Senator Edward Buttrey introduce Senate Bill (SB) 200; he agreed and it was passed and signed into law. City Commissioner Bill Bronson, Assistant City Attorney Joseph Cik, and GFPD Captain John Schaffer attended both House and Senate Judiciary Committee sessions and testified as proponents of the Bill. SB 200 amended Mont. Code Ann. Title 7, Chapter 8, Part 1, pertaining to general provisions to local government. Mont. Code Ann. § 7-8-105 now states:

- (1) The legislative body of a local government may, by ordinance or resolution, provide for the care, restitution, sale, donation, return, or destruction of unclaimed tangible personal property that may come into the possession of a peace officer or a law enforcement entity of the local government for which state law does not otherwise provide a procedure for disposition.
- (2) At a minimum, the ordinance or resolution must provide:
 - (a) that unclaimed property valued at \$20 or more must be held by the local government for a period of at least 3 months;
 - (b) a process by which the local government shall attempt to notify the legal owner of unclaimed property held in its possession;
 - (c) a process by which the local government may allow a finder of unclaimed personal property to take possession of that property if it remains unclaimed;
 - (d) that unclaimed property will be destroyed as allowed or required by local, state, or federal law, returned to the finder, donated, or otherwise sold at public auction to the highest bidder;
 - (e) that, at least 10 days prior to the time fixed for the destruction, return, donation, or sale at public auction of unclaimed property, notice of the planned disposal must be given by publication one time in a newspaper of general circulation; and
 - (f) that, upon proof of legal ownership, the local government shall restore the unclaimed property to its legal owner.
- (3) After property has been destroyed, returned, donated, or sold at public auction, the property or the value of the property is not redeemable by the owner or another person entitled to possession.

Id.

Ordinance 3186 would amend the OCCGF to allow the GFPD to dispose of unclaimed property consistent with the criteria listed in the above cited statute. This amendment will help alleviate the backfill of the massive amount of unclaimed personal property in GFPD custody.

Ord. 3186 Exhibit A is a document illustrating proposed changes as compared to the existing provisions. Exhibit B attached to this agenda report, illustrates the proposed Code provisions which would replace the current provisions in a clean format.

Concurrences:

Great Falls Police Department

ATTACHMENTS:

- ▣ Ordinance 3186
- ▣ Exhibit A
- ▣ Exhibit B

ORDINANCE 3186

AN ORDINANCE AMENDING TITLE 3, CHAPTER 6 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE SALE OF UNCLAIMED PERSONAL PROPERTY.

* * * * *

WHEREAS, the City Commission established Title 3, Chapter 6, of the OCCGF outlining provisions pertaining to the sale of unclaimed personal property; and

WHEREAS, the City Commission wishes to provide a procedure for the disposal of unclaimed personal property held in Great Falls Police Department custody; and

WHEREAS, the City Commission wishes to establish said procedures consistent with currently enacted state law.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. The revisions of OCCGF Title 3, Chapter 6, are depicted in Exhibit "A" attached hereto, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading March 6, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading March 20, 2018.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3186 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Title 3 REVENUE AND FINANCE

Chapter 6 SALE OF UNCLAIMED PERSONAL PROPERTY

Sections:

3.06.010 City to sell.

3.06.020 Notice of sale.

3.06.010 City to sell.

- A. All unclaimed, non-evidentiary personal property of a value more than twenty dollars (\$20.00) in the possession of the Great Falls Police Department (GFPD) and unclaimed by the owner thereof for a period of at least ~~six (6)~~ three (3) months, may be sold by the City at public auction for cash to the highest bidder or disposed of in any appropriate manner not in conflict with any federal, state, or local laws or regulations.**
- B. The GFPD shall attempt to notify the legal owner of unclaimed property by publishing a list of unclaimed property in its custody the first week of January, April, July, and October of each calendar year on the Great Falls City website.**
- C. A properly documented finder of unclaimed property that has been held in GFPD custody may take lawful possession of the property, in a manner not in conflict with any federal, state, or local laws and regulations, if the property remains unclaimed for a period of at least three (3) months.**

(Ord. 3186, 2018; Ord. 2731, 1997; Ord. 2652 (part), 1993; Prior code §6-7-1).

3.06.020 Notice of sale.

- A. If the subject property is to be sold at public auction or disposed of in any appropriate manner not in conflict with any federal, state, or local laws and regulations, notice of the time and place of the sale public auction or disposal shall be published not less than ten (10) calendar days prior to the date of the sale public auction or disposal.**
- B. Notice pursuant to this section shall be published in a newspaper of general circulation in the incorporated City limits, on the Great Falls Civic Center posting board, and on the Great Falls City website.**

(Ord. 3186, 2018; Ord. 2652 (part), 1993; Prior code §6-7-2).

Title 3 REVENUE AND FINANCE

Chapter 6 SALE OF UNCLAIMED PERSONAL PROPERTY

Sections:

3.6.010 City to sell or dispose.

3.6.020 Notice of sale or disposal.

3.6.010 City to sell or dispose.

- A. All unclaimed, non-evidentiary personal property of a value more than twenty dollars (\$20.00), in possession of the Great Falls Police Department, for a period of at least three (3) months, may be sold by the City at public auction for cash to the highest bidder or disposed of in any appropriate manner not in conflict with any federal, state, or local laws and regulations.
- B. The GFPD shall attempt to notify the legal owner of unclaimed property by publishing a list of unclaimed property in its custody the first week of January, April, July, and October of each calendar year on the Great Falls City website.
- C. A properly documented finder of unclaimed property that has been held in GFPD custody may take lawful possession of the property, in a manner not in conflict with any federal, state, or local laws and regulations, if the property remains unclaimed for a period of at least three (3) months.

(Ord. 3186, 2018; Ord. 2731, 1997; Ord. 2652 (part), 1993; Prior code §6-7-1).

3.6.020 Notice of sale.

- A. If the subject property is to be sold at public auction or disposed of in any appropriate manner not in conflict with any federal, state, or local laws and regulations, notice of the time and place of the public auction or disposal shall be published not less than ten (10) calendar days prior to the date of the public auction or disposal.
- B. Notice pursuant to this section shall be published in a newspaper of general circulation in the incorporated City limits, on the Great Falls Civic Center posting board, and on the Great Falls City website.

(Ord. 3186, 2018; Ord. 2652 (part), 1993; Prior code §6-7-2).