

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

ROLL CALL: City Commissioners present: Michael Winters, Bob Jones, Bill Bronson, Fred Burow and Bob Kelly. Also present were the City Manager and Deputy City Manager; City Attorney; Directors of Fiscal Services, Park and Recreation, Planning and Community Development, and Public Works; Human Resources Manager; Fire Chief; Police Chief; and the City Clerk.

PROCLAMATIONS: Commissioner Jones read a proclamation for Child Abuse Prevention Month; Mayor Winters read proclamations for Fabry Disease Awareness Month and Fight Childhood Hunger Week; Commissioner Kelly read a proclamation for Fair Housing Month; and, Commissioner Bronson read proclamations for National Service Recognition Day and Public Radio Appreciation Week.

**** Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of this meeting for additional detail. ****

NEIGHBORHOOD COUNCILS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports or announcements from representatives of Neighborhood Councils.

CONSENT AGENDA

2. Minutes, March 18, 2014, Commission meeting.
3. Total expenditures of \$1,863,311 for the period of March 8 to 26, 2014, to include claims over \$5,000, in the amount of \$1,628,075.
4. Contracts list.
5. Grants list.
6. Set public hearing for April 15, 2014, on Resolution 10067, Establishing Fees for the City of Great Falls Mapping & Addressing Division.
7. Set public hearing for April 15, 2014, on Resolution 10070, Revising Fee Schedule for Great Falls Fire Rescue, superseding Resolution No. 9946.
8. Set public hearing for April 15, 2014, on Resolution 10071, Establishing Fees for the Mansfield Center for the Performing Arts at the Civic Center, Superseding Fees Set Forth in the Attached Exhibits to Resolution No. 10053.

9. Set public hearing for April 15, 2014, on Resolution 10072, Establishing Time Limits and Protocol for Conduct During Public Meetings.
10. Approve Professional Services Contract Amendment No. 2 with HDR Engineering, Inc. for engineering services for the Wastewater Treatment Plant Permit Required Upgrades (Wastewater EPA Consent Decree Services) for a fee not to exceed \$70,856. **OF 1633**
11. Approve the 2014 Update to the Long Range Transportation Plan and direct its representative on the Policy Coordinating Committee to vote accordingly. **Of 1662**
12. Award bid for one new 2014 Case 821 front-end loader 4WD to Titan Machinery of Great Falls in the amount of \$174,435 with trade-in.

Commissioner Kelly moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as presented.

Mayor Winters asked if there were any comments from the public.

Richard Liebert, 289 Boston Coulee Road, referred to item 9 and suggested the language in the resolution be changed from podium to rostrum, that vulgar and profane be defined, and that the public be allowed to use AV equipment.

Kathy Gessaman, 1006 36th Avenue NE, suggested that Item 9 be tabled.

Ron Gessaman, 1006 36th Avenue NE, referred to the last paragraph of the agenda report for Item 7 and suggested the parameters used to invoice for services be identified. With regard to Item 9, Mr. Gessaman disagreed with the use of the word “podium” in the resolution, and opposed the resolution moving forward.

John Hubbard, 615 7th Avenue South, spoke in opposition to Item 9.

Mike Witsoe, 510 11th Street South, spoke in opposition to Item 9.

There being no one further to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

BOARDS & COMMISSIONS

13. APPOINTMENT, GOLF ADVISORY BOARD.

Commissioner Kelly moved, seconded by Commissioner Jones, that the City Commission appoint Kelly Gilligan as the Men’s Golf Association representative for a three-year term beginning April 1, 2014, through March 31, 2017.

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

Commissioner Burow noted a different recommendation by the Golf Advisory Board.

Mayor Winters asked if there were any comments from the public.

Roy Aafedt, 1916 Cherry Drive, commented that he has served as the Men's Golf Association representative on the Golf Advisory Board for one year and three months. His understanding was that he needed to represent the interests of the association, but didn't have to be a member of that association to vote.

Kelly Gilligan, 626 8th Avenue South #1, commented that he believes he can represent the Golf Advisory Board and the Men's Golf Association, which he is a member of, well.

Jason Lehman, 2800 4th Avenue South, submitted a written recommendation for applicant, Kelly Gilligan.

There being no one further to address the Commission, Mayor Winters called for the vote.

Motion carried 4-1 (Commissioner Burow dissenting).

14. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from representatives of Boards and Commissions.

PUBLIC HEARINGS

15. **RESOLUTION 10063, TO ESTABLISH LAND DEVELOPMENT FEES APPLICATION FEES.**

Planning and Community Development Director Craig Raymond reported that this is the public hearing to consider a new fee schedule for land use applications and other miscellaneous permits. Land use development fees have not been reviewed and adjusted since 2008, while operational costs have continued to climb. Director Raymond requested that the City Commission adopt Resolution 10063 for the Planning and Community Development fund balance to remain healthy without additional burden to the general fund, and in order for the department to continue to provide a high level of service to the community.

Mayor Winters declared the public hearing open.

No one spoke in support of Resolution 10063.

Speaking in opposition to Resolution 10063 were:

Ron Gessaman, 1006 36th Avenue NE, commented that the legal notice cost was already recently shifted to the applicant. He referred to the table attached to the agenda report and commented that the proposed fees will be higher than other cities' fees.

Katie Hanning, Home Builders Association, 327 2nd Street South, commented that the Home Builders Association has conducted a survey across the state of Montana and has found that the environment to build in Great Falls is above all other cities. If the impact fee were instituted here as they are in other cities it would stop the building community. Architects have also conducted

a study on commercial building across the state and Great Falls rated highest. Same with the builders. It is easier and cheaper to build in the City of Great Falls than anywhere else in the state.

Mike Witsoe, 510 11th Street South, commented that the fees kill and are scaring people away.

There being no one else to address the Commission, Mayor Winters closed the public hearing and asked the will of the Commission.

Commissioner Bronson moved, seconded by Commissioners Jones and Kelly, that the City Commission adopt Resolution 10063 establishing land development application fees in the City of Great Falls.

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

Commissioner Burow echoed Ms. Hanning that Great Falls doesn't have impact fees like other cities have. These services need to pay for themselves rather than receive support from the general fund.

Commissioner Jones commented that he has looked at the fee schedules and how they were implemented. Many times the City didn't take an aggressive approach when it probably should have in order to maintain and cover the costs. Waiting many years before having a fee increase is wrong. Though unpopular, he believes the Commission's responsibility is to bring that deficit to an end and to increase fees responsibly and in a timely manner.

Commissioner Bronson echoed Ms. Hanning. He recognized Director Raymond and staff for working with representatives in the development community to come up with a proposal that addresses their concerns, but at the same time meets the public interests.

Mayor Winters commented that after listening to Director Raymond's explanation, he agrees with the need to increase fees, but also realizes that departments of local government have to occasionally tighten their belts.

Manager Doyon explained that, at a recent retreat with the Commission, it was discussed that many of the fees haven't been raised in years. There is a cost of doing business and providing services. Some of those services can be covered with property taxes. Others are more unique. Fees should be and will be reviewed annually in the future. The general fund can't continue to support some of those departments and its services.

Motion carried 5-0.

16. RESOLUTION 10064, TO ESTABLISH RATES RELATING TO PERMIT FEES AND PLAN REVIEW FEES FOR BUILDING, PLUMBING, MECHANICAL, ELECTRICAL AND SIGN PERMITS.

Planning and Community Development Director Craig Raymond reported that this is the public hearing to consider Resolution 10064 which primarily provides for adjusting plan review fees that are associated with most building permits. It also slightly adjusts the electrical permit fee

schedule by adjusting the annual option permit where contractors can purchase a yearly permit which covers all commercial projects for a one year period which have a total value of less than \$300.

At the February 4, 2014, City Commission Work Session, Director Raymond outlined his research which indicated that the Building Safety Division fund balance at the end of April last fiscal year had reached an all time low of approximately \$7,000. It was also noted that although building permit fees were increased in 2011 and annually since then, the plan review fees were not adjusted at that time.

Plan review fees are basically intended to cover the costs associated with having professional staff review plans for minimum code compliance, meet with architects, contractors and the general public in order to assist them in making sure their projects are a success to the extent that we can control.

Mayor Winters declared the public hearing open.

Speaking in support of Resolution 10064 was:

Rick Tryon, 2709 1st Avenue North, Government Affairs Director for the Great Falls Association of Realtors, read a letter not opposing the proposed fee increases, and offering the use of a task force made up of architects, engineers, builders, realtors and concerned citizens, as an informal advisory council for Community Development. The letter was signed by L'Heureaux Page Werner PC, Great Falls Association of Realtors, Great Falls Area Chamber of Commerce, Faccenda Architects & Planners, Oswood Construction, Catalyst Commercial Real Estate, Home Builders Association of Great Falls, Nelson Architects and TD&H Engineering.

Speaking in opposition to Resolution 10064 was:

John Hubbard, 615 7th Avenue South, opposed increases stating fees or taxes never go down.

There being no one further to address the Commission, Mayor Winters closed the public hearing and asked the will of the Commission.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10064 establishing rates relating to permit fees and plan review fees for building, plumbing, mechanical, electrical and sign permits in the City of Great Falls.

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

Commissioner Burow commented in support of not reducing fees once the fund balance reached \$600,000.

Director Raymond also noted that sometimes fees do go down. They are limited by state statute to one year's operating expenses.

Manager Doyon added that Great Falls is a slow growth community. There were some permits in

the past that were high and built up the fund balance. But during downturns there needs to be a means to accommodate their operations.

Commissioner Kelly urged Director Raymond to continue the dialog with the building community. He values the input that was brought here tonight by Mr. Tryon.

Motion carried 5-0.

17. RESOLUTION 10065, REVISING FEE SCHEDULE FOR INFORMATION REQUESTS TO THE CITY ATTORNEY'S OFFICE, SUPERSEDING RESOLUTION 9503.

City Attorney Sara Sexe reported that Resolution 9503 was adopted in 2005 and set forth various fees for the services of the City Attorney's Office in responding to document and information requests. Because of technological changes, there is now outdated and antiquated language contained in Resolution 9503. Resolution 10065 updates the outdated language and allows for future technological changes. It also includes language regarding confidential accident reports in addition to confidential criminal justice information. There is no change to the fees for information requests.

Mayor Winters declared the public hearing open.

No one spoke in support of Resolution 10065.

Speaking in opposition to Resolution 10065 were:

Ron Gessaman, 1006 36th Avenue NE, inquired why the fee for copies was \$0.50 rather than other governmental agencies' fee of \$0.25.

John Hubbard, 615 7th Avenue South, commented that, as a tax payer, he feels charging this fee is "double dipping."

There being no one else to address the Commission, Mayor Winters closed the public hearing and asked the will of the Commission.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10065.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

18. PROPERTY LEGALLY DESCRIBED AS LOTS 1-6, BLOCK 3, STONE MEADOWS ADDITION, N½SE¼ OF SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY.

A. AMENDED PLAT.

B. ORDINANCE 3116, REZONE PROPERTY FROM R-3 SINGLE-FAMILY HIGH DENSITY TO PUD PLANNED UNIT DEVELOPMENT.

Planning and Community Development Director Craig Raymond reported that this is the public hearing to consider Ordinance 3116 which, if approved, will rezone certain property within a portion of Stone Meadows Addition, and also to consider an amended plat which will essentially create eight individual lots where there are currently only six lots.

The catalyst for these actions was the developers desire to continue with a similar development pattern of similar styled units to the south and along the west side of 9th Street NE. In this case the developer wishes to construct four 2-unit townhomes with a property line dividing the units along a common wall. The proposed PUD zoning designation will allow the developer to construct the desired density of units in a fashion which is consistent with existing construction in the area.

At a public hearing held on February 11, 2014, the Planning Advisory Board/Zoning Commission recommended that the City Commission rezone the subject properties to PUD and approve the amended plat.

Mayor Winters declared the public hearing open.

No one spoke in support of the amended plat and Ordinance 3116.

Speaking in opposition to the amended plat and Ordinance 3116 was:

Ron Gessaman, 1006 36th Avenue NE, pointed out that this unit of development is occurring in an area with only one access point on 9th Street NE.

There being no one further to address the Commission, Mayor Winters closed the public hearing and asked the will of the Commission.

Commissioner Bronson moved, seconded by Commissioner Kelly, that the City Commission approve the Amended Plats pertaining to property owned by Stone Meadows, Inc.

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

Commissioner Bronson asked Director Rearden to discuss the status of further road design and the development in that area.

Director Rearden reported that he had been waiting on the final profile and grade on 36th Avenue NE from the consultant. He now has the future grade of 36th Avenue NE set and they can now complete the design of 12th and 14th Streets. It is the intent to get those streets extended this year.

Motion carried 5-0.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission adopt Ordinance 3116.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

19. CITY MANAGER'S EMPLOYMENT AGREEMENT.

Mayor Winters reported that the City Manager's employment agreement expired. The City Commission performed an annual review and expressed interest in renewing the City Manager's contract for three years. The term of the contract is March 24, 2014, through March 24, 2017. In lieu of a merit wage increase and upon contract renewal the Commission would award an allocation of 80 additional vacation hours to be utilized during the upcoming contract year.

Commissioner Kelly moved, seconded by Commissioners Burow and Jones, that the City Commission approve the three-year City Manager employment agreement with Gregory T. Doyon.

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

Mayor Winters commented that Manager Doyon has "taken the bull by the horns" in several instances and he believes he is an excellent manager.

Mayor Winters asked if there were any comments from the public.

Ron Gessaman, 1006 36th Avenue NE, pointed out a typographical error in the agenda report.

Mike Witsoe, 510 11th Street South, asked if the City Manager received a cost of living increase or increase in contributions to his retirement accounts.

Richard Liebert, 289 Boston Coulee Road, recommended approval of the City Manager's contract for three years. He suggested when it comes to stepping up and doing the hard right over the easy wrong the City doesn't take the path it did with ECP.

Manager Doyon commented that he works at the will of the Commission and expressed appreciation for the allotment of vacation hours as an incentive. The contract sets forth that if other employees that are not part of a collective bargaining unit get a cost of living adjustment, then he would get the same cost of living adjustment. There is no additional monetary increase in terms of retirement that goes along with the contract. Manager Doyon further commented that it's a blessing to work with a great department head team and some amazing employees. He is excited to move this City forward, now that a difficult chapter has been closed.

Motion carried 5-0.

20. **LABOR AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS (IAFF), LOCAL 8.**

Human Resources Manager Linda Williams reported that this item is a request for the Commission to approve a one year labor agreement between the City and the IAFF, Local 8. The terms of the agreement are from July 1, 2013, through June 30, 2014. She reported that negotiations with Local 8 started over a year ago. After several sessions, negotiations reached an impasse. When agreement cannot be reached through negotiations, state statute outlines the process for fire fighters to reach a settlement. The first two non-binding processes are mediation and fact finding. If agreement is not reached after these two steps, the process moves to arbitration. The arbitrator's decision is final and binding.

Local 8's primary issue was their shift schedule. They proposed to change from their current shift of working two 10-hour day shifts followed by two 14-hour night shifts, followed by four days off, to working one 24-hour shift followed by 48-hours off, followed by one 24-hour shift, followed by 96-hours off.

The parties attempted mediation, but were not successful in reaching an agreement. A fact finder was selected and both parties presented their respective positions to the fact finder. The fact finder rendered his recommendation to implement a pilot program at one of the stations to try the 24-hour schedule. Neither party liked this recommendation and continued to negotiate.

On March 13th, the parties reached a tentative agreement. The fire fighters ratified the agreement on March 20th, and the Commission is now being asked to approve the labor agreement.

There are provisions in the agreement to monitor the effects of the 24-hour shift in areas such as safety, health, accidents, training hours and budget impacts. Data will be collected and shared with Local 8 and discussed quarterly with the City Manager. The City Manager will receive a final recommendation from the fire administration with input from Local 8. The City Manager will decide whether to accept the recommendation. If the parties are unable to agree to a final shift schedule, the parties may submit the issue to final and binding arbitration.

Commissioner Bronson moved, seconded by Commissioners Burow and Kelly, that the City Commission ratify the labor agreement between the City of Great Falls and the IAFF, Local 8.

Mayor Winters asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Winters asked if there were any comments from the public.

David Van Son, 2404 1st Avenue North, President of IAFF Local 8 and the lead negotiator for the union, thanked the negotiating team for a long but productive contract negotiation session. Mr. Van Son pointed out the concessions made by the union during the negotiating process and the reasons why the union presented its last best and final offer. The fire fighters' number one issue was going to a 24-hour work period. He discussed the primary reasons being safety and family time.

Mike Witsoe, 510 11th Street South, inquired if approval of the agreement would require the hiring of more fire fighters, whether reserves would be called in if there was a major fire, and if

the firemen carry pagers when off duty.

Fire Chief McCamley responded that this agreement doesn't include a request for additional fire fighters. The incident drives the manpower needs. Calling back off-duty fire fighters is standard operating procedure.

Manager Doyon explained the process of call backs.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

PETITIONS AND COMMUNICATIONS

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

- A. Tammy Lacey**, 1100 4th Street South, Superintendent of Schools, reported on the recent STEAM Expo sponsored by the Great Falls Public Schools, and thanked the City for participating in this event.
- B. Richard Liebert**, Chairman of Citizens for Clean Energy, 289 Boston Coulee Road, also reported on the Citizens for Clean Energy involvement with the STEAM event, as well as the Science Fair and Earth Day activities. Mr. Liebert reported that Tim Gregori is back in Montana working for Tongue River. He discussed attending the work session this evening and suggested that public comment on the agenda be at the end of the presentation, and that the public be permitted to use the AV equipment during the public comment period.
- Mr. Liebert discussed Commissioner Kelly recognizing Director Kinzler at the last Commission meeting for understanding the complexities of bonding. Commissioner Kelly noted that Mr. Liebert did bring up at a meeting that financing should be reviewed for potential refinancing and savings. Mr. Liebert suggested that the Commission identify citizens for providing good input.
- C. John Hubbard**, 615 7th Avenue South, discussed a 1906 *Tribune* article regarding his grandfather purchasing the town of Neihart for \$40. He also spoke in opposition to any proposed fee increases and he attributed City increases to ECP losses.
- D. Ron Gessaman**, 1006 36th Avenue NE, inquired why the temporary fix hasn't been done to the exterior of the Civic Center building as proposed by the architect. Mr. Gessaman also suggested public comment be added to the end of the agendas for the work session and agenda setting meetings.
- E. Michael Witsoe**, 510 5th Street South, discussed Russell Week activities, and a *Tribune* article about Melvin Deppmeier who recently passed away.

CITY MANAGER

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon discussed the lengthy negotiation process with the fire fighters. The shift schedule change will be monitored to determine how it affects operations. He also reported

that all collective bargaining agreements over the past year deferred an increase understanding the City's position.

Manager Doyon also noted that it is likely that the City will have to bond for Civic Center facility improvements. However, capacity needs to be built into the general fund to be able to accommodate debt service to do that. There will be difficult decisions to make when the Commission talks about prioritizing and re-aligning goals with regard to fund balances. With regard to comments about refinancing, Manager Doyon noted that the City was able to keep its credit rating after the ECP losses.

CITY COMMISSION

23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports and announcements from the City Commission.

24. COMMISSION INITIATIVES.

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Jones, to adjourn the regular meeting of April 1, 2014, at 9:13 p.m.**

Motion carried 5-0.

Mayor Michael J. Winters

City Clerk Lisa Kunz

Minutes Approved: April 15, 2014