

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

**PLEDGE OF ALLEGIANCE****MOMENT OF SILENCE**

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

**AGENDA APPROVAL:** City Manager Greg Doyon noted the requested action for Agenda Item 10 is to vacate the public hearing. No changes were proposed by the City Manager or City Commission. The agenda was approved as submitted.

**PROCLAMATIONS:** Mayor Winters read proclamations titled World Pancreatic Cancer Day and Extra Mile 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.**

**Kathy Gessaman**, NC 3, welcomed everyone to attend the meeting of Neighborhood Council 3 at Riverview School on November 5, 2015, to hear development updates on the Thaniel and West Ridge Additions and Phoenix Townhomes minor subdivision.

**CONSENT AGENDA.**

2. Minutes, October 20, 2015, Commission meeting.
3. Total expenditures of \$1,709,768 for the period of September 29, 2015, through October 21, 2015, to include claims over \$5,000, in the amount of \$1,528,504.
4. Contracts list.
5. Set public hearing for November 17, 2015, on Resolution 10125 to revise City of Great Falls Animal Shelter related fees and services.

**Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission approve the Consent Agenda as presented.**

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

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, referred to page 191 of the Minutes, Agenda Item 2, and commented that Montana Waste Systems has been a Montana company since 1946, rather than a multinational corporation as indicated.

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

Motion carried 5-0.

### **BOARDS & COMMISSIONS**

6. **APPOINTMENT, MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD.**

**Commissioner Kelly moved, seconded by Commissioner Jones, that the City Commission appoint Pamela Bennett to fill the remainder of a three-year term through December 31, 2016, to the Mansfield Center for the Performing Arts Advisory Board.**

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

Motion carried 5-0.

7. **APPOINTMENT, PARKING ADVISORY COMMISSION.**

**Commissioner Jones moved, seconded by Commissioners Burow and Kelly, that the City Commission appoint Kenny Volk to the Parking Advisory Commission to fill the remainder of a three-year term through April 30, 2016.**

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

Motion carried 5-0.

8. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.**

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

### **PUBLIC HEARINGS**

9. **RESOLUTION 10121 GOLF FEES.**

Park and Recreation Director Joseph Petrella commented that this item is to consider his recommendations to the golf course fee structure that will help the City begin the process of positioning the golf courses for future self-sustainability. Director Petrella reported that for the past few years the golf courses have operated without general fund support but have barely been

able to cover operational expenses, and still have not been able to address paying back the \$1 million dollars owed to the general fund accrued from previous years of budget shortfalls. In order to stay within budget, the golf courses have significantly delayed the replacement of golf carts, maintenance, equipment, repairs, landscaping and capital improvements such as the outdated irrigation systems at both courses. Wages for labor were also reduced during this timeframe as well as limiting the number of staff at each course. Thus, putting a strain on course playability and speed of play.

Funding the golf courses through user fees only requires the Park and Recreation Department to charge appropriate fees to meet operational expenses, as well as establish funding sources to replace outdated equipment and deteriorating facilities. The current fee structure does not allow this. In FY 2015 the net revenue from both course combined was \$56,000. The industry standard for one championship course such as Eagle Falls is approximately \$200,000.

Director Petrella reiterated the information provided during the October 20, 2015, Work Session, that season pass holders consume 60% of rounds yet only contribute to 32% of the revenue to fund operation, while greens fee users consume 38% of rounds and contribute 68% of the revenue. This variance creates a situation where greens fee users are substantially subsidizing the season pass holders. This will need to be addressed even further in the future.

The cyber card discount program was established in 2007 as a way to increase rounds and revenue. For the 2015 golf season there were 1,440 cyber cards sold for \$85,000 in revenue, but cyber card perks also provided approximately \$85,000 back in in-kind services to golfers. Purchasing the cyber card also entitled the golfer to a 25% discount on golf, golf carts, merchandise and range tokens throughout the year. During the 2015 golf season, the golf courses discounted approximately \$104,000 in fees, yet rounds and revenue have remained relatively stagnant. He further reported that since the inception of the program in 2007 the golf courses have discounted approximately \$650,000 in fees, but statistics have shown that rounds and revenue have not increased during those 10 years or improved the financial position of the golf courses. The cyber card discount has basically offset any fee increases as established in the past. Director Petrella further recommended ending the couple pass discount.

Moving forward the Park and Recreation staff will begin to work with the golfing community on developing a five year strategic plan to help address maintenance standards, pro shop standards, new initiatives, capital improvement projects, and establishment of user fees that will address the future sustainability of the golf courses.

Staff's recommendation is to increase by 6% joint season passes, Eagle Falls season passes, Eagle Falls green fees, cart fees, trail fees, and cart storage fees. Staff also recommends the elimination of the cyber card discount program and couples passes. Season passes and greens fees for Anaconda Hills will not be increased, and all junior fees will not be increased. Lastly, staff would like the ability to offer short term promotions up to a maximum of 25% discount for the purpose of marketing the golf course and encouraging increased usage during blocks of unused tee-times due to weather, holidays, shorter seasons, or special rate days.

On August 24, 2015, the Golf Advisory Board reviewed the proposed fees and recommended that the City Commission approve the fees as presented.

Mayor Winters declared the public hearing open.

Speaking in support of Resolution 10121 was:

**Jay Baumberger**, no address provided, commented he agreed with the rate increase, and that the cyber card has outlived its usefulness. Mr. Baumberger commented that the maintenance of the golf courses has been an area of concern for a lot of people. He suggested contacting the Men's Golf League and utilizing member volunteers. He urged the Commission to consider investing resources in the golf courses. Golf is a big part of the community and he would like to see it get stronger.

Speaking in opposition to Resolution 10121 was:

**Keith Ochs**, 1507 3<sup>rd</sup> West Hill Drive, suggested a town hall meeting to discuss the golf courses. He believes the golf courses are an asset to the City, and feels they are being disregarded and only looked at as a financial entity. Mr. Ochs inquired if there were verifiable statistics responsive to what was reported in the *Tribune* article, and what increases the Golf Advisory Board approved in August. Mr. Ochs commented that he doesn't believe the golf courses need to make money, and compared it to other amenities such as the pools, bike trails and the soccer complex.

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

**Commissioner Kelly moved, seconded by Commissioner Jones, that the City Commission approve Resolution 10121 Golf Fees.**

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

Manager Doyon reported that, unfortunately for the community, this is a serious financial matter. Everyone knows the City is working towards economic recovery. The challenges of the golf courses have been addressed during every budget presentation the past seven years as well as the golf fund being subsidized from the general fund with tax payer dollars. The subsidy amount is shown as a long term debt service that will be paid back to the general fund.

Pools are an enterprise that very unlikely will ever be self supporting just by the nature of the short season. The golf courses are in a better posture to be self sustaining with better management practices.

Director Petrella has performed a comprehensive review of the golf courses. He has been asked to move the courses towards self sustainability.

It's been argued for years that the City needs to better support its public safety, both fire and police, and the City is finally in a position to do that.

With regard to Mr. Ochs' inquiries, Director Petrella responded that the statistics were derived from tee-times made: two-thirds were utilized by season pass holders and one-third was utilized

by greens fees that pay a substantially more amount per round than a season pass holder. There are people that are golfing for less than \$10 per round. That verifiable statistic can be provided at the Park and Recreation Office.

With regard to town hall meetings, Director Petrella responded that during the next year the plan is to engage the golfers and have community meetings to start talking about where the courses need to be five years down the road. The last thing he wants to do is not do the right thing now and not sustain those courses for future use.

He further responded that the soccer complex is a leased facility. The City owns the property but the soccer complex is operated by the Great Falls Soccer Foundation.

The bike lanes were installed and are maintained by the Montana Department of Transportation utilizing CTEP funds. The trail system has been heavily subsidized the past 20-30 years by RTI. He pointed out that the one thing that is different between parks and a golf course is social equity. A park and a trail are open to everybody, but a golf course is open to only those that want to play golf and can afford it.

Mr. Ochs again suggested a town hall meeting.

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

Motion carried 4-1 (Mayor Winters dissenting).

10. **FAITH LUTHERAN CHURCH, ADDRESSED AS 1300 FERGUSON DRIVE. ACTION: VACATE OR NOT VACATE PUBLIC HEARING RELATED TO RESOLUTION 10123 TO ANNEX, ORDINANCE 3135 ASSIGNING CITY ZONING AND RESOLUTION 10124 FOR A CONDITIONAL USE PERMIT TO CONSTRUCT A WORSHIP FACILITY AND IMPROVEMENT AGREEMENT.**

Planning and Community Development Director Craig Raymond reported that this item is a request to vacate the public hearing that the Commission had set for tonight to consider Ordinance 3135, that would assign a zoning classification of R-3 Single-Family High Density District upon annexation, Resolution 10123 to annex and Resolution 10124 for a Conditional Use Permit to operate a worship facility. The property is addressed as 1300 Ferguson Drive. It is generally located west of Ferguson Drive and east of Flood Road, due north of Dixie Lane near the west edge of the City limits.

Very recently, the applicant has raised questions which need to be answered. Therefore, the terms of the annexation agreement cannot be confirmed and acted upon at this time.

**Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission vacate the public hearing related to Ordinance 3135, Resolution 10123 and 10124, and the Improvement Agreement.**

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

Manager Doyon clarified that the questions involved reimbursement for public infrastructure that was installed by another developer in the area.

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

Motion carried 5-0.

### **OLD BUSINESS**

### **NEW BUSINESS**

11. **CONSTRUCTION CONTRACT AWARD: RIVER DRIVE OVERLOOK/VETERANS MEMORIAL LANDSCAPING COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM (CTEP) OF 1681.**

Planning and Community Development Director Craig Raymond reported that this item is a request to award a contract in the amount of \$60,805 for the construction of a small overlook along River Drive at the current interpretive sign overlooking Black Eagle Dam, as well as to landscape a portion of the parking lot serving the Veterans Memorial and Centene Stadium.

The projects generally include a 10' x 11' concrete pad and reinforced footing, 30 feet of protective railing and two mounting frames for interpretive panels; and, approximately 490 lineal feet of integral concrete curb and gutter, about 30 cubic yards of topsoil, 4,800 square feet of sod, irrigation, and 12 trees.

A formal agreement with the Montana Department of Transportation (MDT) was executed on November 5, 2014. MDT authorized the project to begin on January 6, 2015, whereupon NCI Engineering, Inc. was contracted to perform engineering services.

When project design was complete and the project was authorized for construction, the engineer solicited responses to the project quote package from seven local construction companies and received written quotes from two: MRTE and Kuglin Construction. MRTE was the lowest responsive, responsible bidder, submitting a quote that was 1.7% less than the engineer's estimate.

On June 3, 2014, the City Commission approved the use of Community Transportation Enhancement Program (CTEP) funds for a number of projects, including the overlook and landscaping projects. For ease of administration, the two nearby projects were combined into one. The project is funded by the Federal-Aid Community Transportation Enhancement Program, with a roughly 13% match through the generosity of the Montana Veterans Memorial Inc. and Northwestern Energy. Ongoing maintenance of the landscaping will be performed by the Montana Veterans Memorial organization, and the overlook will require no maintenance other than occasional trash pickup, which will be performed by the Park & Recreation Department. The Montana Department of Transportation will maintain the parking lot portion of the overlook.

**Commissioner Kelly moved, seconded by Commissioner Jones, that the City Commission award a contract in the amount of \$60,805 to Missouri River Trucking & Excavating, Inc.**

**for the River Drive Overlook/Veterans Memorial Landscaping project and authorize the City Manager to execute the construction contract documents.**

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

Commissioner Bronson and Mayor Winters recused themselves from discussion and vote due to being committee members of the Montana Veterans Memorial.

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

Motion carried 3-0 (Mayor Winters and Commissioner Bronson abstaining).

12. **EXCEPTION REQUEST TO THE HOUSING LOAN PROGRAM POLICIES FOR THE MAXIMUM LOAN AMOUNT TO STEVE ALLEY, PROPERTY OWNER OF 316 CENTRAL AVENUE (Lots 4-5, Block 365, Great Falls Original), FOR A 0% INTEREST LOAN IN THE AMOUNT OF \$250,000.**

Planning and Community Development Director Craig Raymond reported that Steve Alley, owner of 316 Central Avenue, also known as the "Dunn-Brown Building," has applied for a loan of \$250,000 from the City's rental improvement loan program in order to continue to rehabilitate and renovate the Dunn-Brown Building.

Steve Alley currently has a \$156,000 loan with the City of Great Falls. He is looking to refinance the building with a private lender and pay back the City loan. That private lending institution will consolidate his debt and add \$300,000 to his new mortgage for a 'first position' total of \$800,000.

The added \$300,000 will help renovate the commercial space. In turn, the Housing Rehab Department will 'lend back' the \$156,000, along with \$75,000 which is being allocated from un-programmed CDBG Block grant funds and another \$19,000 from the Revolving Fund. The City's loan of \$250,000 will be the gap financing needed to secure the loan from the private lending institution.

The overall proposed financing package will finish the Dunn-Brown Building completely. That includes 100% fire suppression, 12 upper apartment rehabs and two street level commercial rehabs. Payments to the Revolving Loan Fund begin immediately upon project rehab completion. Obviously, the City's Housing Loan Program does not make money on 0% loans; the impact is a completely rehabbed building, fire safety and an increase in building value, which in turn increases the tax revenue.

**Commissioner Kelly moved, seconded by Commissioner Jones, that the City Commission approve a loan for \$250,000 at 0% interest to Steve Alley for a designated Fire Suppression line, Engineered Fire Suppression drawings and complete rehabilitation to the remaining 12 residential units for 316 Central Avenue – Dunn Brown Apartments.**

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

Commissioner Bronson noted that the Loan Committee report states that staff asked for approval only if the appraisal came in at \$1.2 million or greater. Commissioner Bronson inquired if the appraisal met that threshold.

Director Raymond responded he hasn't received the appraisal back yet. The Commission could add a contingency similar to the Loan Committee.

Commissioner Burow inquired if the \$250,000 loan would deplete the fund. Director Raymond responded that the Rental Improvement fund is designed specifically for loans for these types of projects. There are two other funds and other housing rehab funds.

Commissioner Burow inquired if approval would set precedent. Director Raymond responded that requests over \$100,000 are brought before the Commission for approval, as set forth in the policies of the program.

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission amend the main motion to provide that loan approval is subject to the appraisal coming in at least \$1.2 million dollars.**

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that the building is in a TIF District. It may increase in value but does not help public safety.

Director Raymond responded that there are things that can be done within the TIF District with TIF funds that could help address public safety needs such as infrastructure and facilities.

**Jolene Bach**, Great Falls Development Authority (GFDA), 300 Central Avenue, thanked the Commission for its commitment to growth and diversification in Great Falls. The GFDA is in support of this exception and the use of this tool for Steve Alley's building. She pointed out that TIF Districts do expire. The City is better off when TIF Districts are utilized to grow that value.

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

Main Motion, as amended, carried 5-0.

**13. COOPERATIVE GROUP PURCHASING AGREEMENT TO PURCHASE TWO NEW FIRE APPARATUS.**

Fire Chief Steve Hester reported that this item is a request for the City Commission to authorize the City Manager to participate in the Houston-Galveston Area Council (H-GAC) cooperative purchasing agreement to purchase fire apparatus for the City of Great Falls. Replacement of the 20+ year old fire apparatus and placing the 10 year old front line apparatus to reserve status is critical to providing reliable fire protection services to the community.

Participation in the program allows the City to get the best price on large equipment and vehicles based on the buying power of the H-GAC. The purchasing group is a government to government



cooperative purchasing program and is operated under local government authority Houston Galveston area council for 40 years. Montana's enabling legislation Mont. Code Annot. 18-4-420 allows H-GAC to act nationwide to procure fire apparatus. The cities of Portland, Seattle, Phoenix and Boise all use national purchasing groups to buy fire apparatus and have found it the best means of procuring apparatus. About \$8,000.00 per unit would be saved using a purchasing group to buy the new fire apparatus.

The City would also receive the exact equipment as specified from a manufacturer of their choice. This benefits Central Garage and its users because specification exceptions and alternatives will not be required under this program.

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission authorize the City Manager to authorize participation in the Houston Galveston Area Council (H-GAC) Cooperative Purchasing Program.**

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, inquired the factual basis of the \$8,000 savings.

Chief Hester responded that there is an \$8,000 per apparatus difference in the quotes he received from Pierce reflecting both using and not using H-GAC.

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

Motion carried 5-0.

### **ORDINANCES/RESOLUTIONS**

14. **ORDINANCE 3137, AMENDING TITLE 15, CHAPTER 50, SECTION 080 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO THE ADOPTED FIRE CODE.**

Fire Chief Steve Hester reported that staff recommends that the City Commission accept Ordinance 3137 on first reading and set a public hearing for November 17, 2015, to consider adoption of Ordinance 3137.

The City Commission adopted Ordinance 3112, amending Title 15, Chapter 50 of the Official Code of the City of Great Falls (OCCGF) on September 17, 2013. Said ordinance adopted the 2012 version of the International Fire Code (IFC) with certain exceptions. Adoption of Ordinance 3137 is a proactive approach that shall maintain and improve the integrity of commercial building fire alarm systems, thus protecting lives and property.

The fire alarm system serves two general purposes. First it warns occupants of a fire allowing safe evacuation from a building and, second, it sends a signal to the alarm company that notifies the Fire Department through the Dispatch Center.

In general, the purpose of the ordinance is to ensure that new communication technology provides the same capability and redundancy as it exists with current telecommunication systems.

Currently the NFPA fire alarm system standard requires that any failure of the communication path the system will send a signal notifying the occupants and a third party fire alarm company of the failure within five minutes. The 2013 revision of the NFPA fire alarm standard would allow 60 minutes to inform occupants and the alarm company of a failure unless prohibited by the authority having jurisdiction, the City's Fire Marshal, governing laws, codes and standards.

**Commissioner Kelly moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3137 on first reading and set a public hearing for November 17, 2015.**

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

Commissioner Burow inquired what the ramifications would be if the Commission didn't adopt this ordinance after public hearing.

Chief Hester responded that should there be a commercial building fire, it could be 60 minutes before the Fire Department is notified of a problem. That delay could cause a lot more property damage.

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

Motion carried 5-0.

### **PETITIONS AND COMMUNICATIONS**

#### **15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from members of the public.

### **CITY MANAGER**

#### **16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported that a Broadway show is scheduled in the Mansfield Theatre on June 7, 2016. The Commission didn't have any issues with this event being scheduled the same night as a Commission meeting.

Manager Doyon congratulated Bruce Haman for attaining certification as Building Official. He also expressed kudos to Public Works Traffic Supervisor Jerry McKinley for his professionalism, attitude and problem solving skills.

He also reminded everyone that City offices will be closed for Veterans Day.

**CITY COMMISSION**

**17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

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

**18. COMMISSION INITIATIVES.**

There were no Commission initiatives.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Kelly moved, seconded by Commissioner Bronson, to adjourn the regular meeting of November 3, 2015, at 8:07 p.m.**

Motion carried 5-0.

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Mayor Michael J. Winters

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City Clerk Lisa Kunz

Minutes Approved: November 17, 2015