

Regular City Commission Meeting

Mayor Kelly presiding

**CALL TO ORDER:** 7:00 PM

Commission Chambers Room 206

**PLEDGE OF ALLEGIANCE** – Lindsay Garpestad, Miss Rodeo Montana.

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Tracy Houck, Bob Jones, Bill Bronson and Fred Burow. Also present were City Manager Greg Doyon and Deputy City Manager Jennifer Reichelt; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Deputy Director Tom Micuda; Park and Recreation Director Joe Petrella; Library Director Kathy Mora; Fiscal Services Director Melissa Kinzler; City Attorney Sara Sexe; Assistant City Attorney Joe Cik; and Police Chief Dave Bowen.

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

**PRESENTATION:** Commissioner Jones presented Fiscal Services Director Melissa Kinzler with the Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association of the United States and Canada (GFOA).

**PROCLAMATIONS:** Commissioner Houck read a proclamation for Miss Rodeo Montana Lindsay Garpestad Day and Mayor Kelly read a proclamation for Earth Day.

Mayor Kelly read an email from Great Falls College MSU, Chief Student Affairs Officer Camille Consolvo, Ph.D. As part of No More Violence Week at the College, she commended the Great Falls Police Department for its great work of working with victims of domestic violence.

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

## **PETITIONS AND COMMUNICATIONS**

### **1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

- A. Richard Liebert**, 289 Boston Coulee Road, commended Mayor Kelly and the Commission for its support with the Homeless Veterans initiative. He extended an invitation to attend the Memorial Day Ceremony at the Veterans Memorial. Mr. Liebert also commented that the work of Judge Pinski in the Veterans Court is very uplifting and moving. Mr. Liebert further commented that the rail crossing at West Bank Park is a good issue to address at a future work session with all parties involved. He concluded that the 100<sup>th</sup> Anniversary of the Easter Irish Rebellion will be celebrated at the Celtic Cowboy on Sunday.
- B. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, submitted a hand out and discussed the cost savings of using LED light bulbs. Mr. Gessaman also suggested that Calumet employees use the pedestrian crossing from its private parking lot to Calumet.
- C. Brett Doney**, Great Falls Development Authority (GFDA), 300 Central Avenue, announced that

Greg Thayer of Montana Milling was named Montana Small Business Administration's Small Business Person of the Year and will be celebrated at a reception on Wednesday, April 27<sup>th</sup> at 5:00 pm at the Meadowlark Country Club. The second Downtown Showcase to try to attract more developers and entrepreneurs will be held at 9:00 a.m. on May 13<sup>th</sup> at the Dark Horse. Mr. Doney announced that a free workshop for non-profits regarding board governance is scheduled for May 29, 2016 at 2:30 pm at Heritage Hall, Great Falls College MSU. He also announced that a workforce summit is scheduled for June 29, 2016.

- D. **John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed diseases carried by mosquitoes and mice.

### **NEIGHBORHOOD COUNCILS**

2. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

There were no miscellaneous reports and announcements from Neighborhood Councils.

### **BOARDS & COMMISSIONS**

3. **REAPPOINTMENT, PARKING ADVISORY COMMISSION.**

**Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission reappoint Kenny Volk to the Parking Advisory Commission for a three-year term beginning May 1, 2016 through April 30, 2019.**

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 5-0.

4. **APPOINTMENT, BOARD OF ADJUSTMENT/APPEALS.**

**Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission appoint Kyle Palagi to the Board of Adjustment/Appeals for the remainder of a three-year term through September 30, 2017.**

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 5-0.

5. **APPOINTMENT, GOLF ADVISORY BOARD.**

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission appoint Jackie Lohman as the Women's Golf Association representative on the Golf Advisory Board for a three-year term beginning April 1, 2016 through March 31, 2019.**

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 5-0.

6. **ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS, BOARD MEMBER INTRODUCTIONS AND BOARD REPORT.**

Chairperson of the Advisory Commission on International Relationships Kathryn Kruithoff thanked the Commission for its progressiveness and support of the Advisory Commission on International Relationships (ACIR). She discussed the diversity that exists in Great Falls. Chairperson Kruithoff reported that ACIR will be hosting a delegation of Russians that will arrive on June 4, 2016. The focus will be wild land firefighting. Many businesses donated time and expertise for this event.

Board member Kay Silk reported that in 2015 several ACIR members attended the Naturalization Ceremony in U.S. District Court and welcomed 26 people from 16 different countries in August, and another 23 people from 18 different countries in November. She thanked City attorney Sara Sexe for her assistance with updating the ACIR bylaws. She also reported that ACIR was invited to Lethbridge on May 24 - 25, 2016, to discuss the possibility of becoming an International City site. The Board meets on the fourth Tuesday of every month at 7:00 p.m. in the Rainbow Room in the Civic Center.

Mayor Kelly noted that funding for the ACIR projects when hosting the delegates does not come from the City, but is funding ACIR secures from various sources.

The Commission presented the board members with certificates recognizing them for the work that they do and thanking them for their service.

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

There were no miscellaneous reports and announcements from members of boards and commissions.

**CITY MANAGER**

8. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon requested and received Commission approval for a band festival event to be held in the Civic Center on the same night as a Commission meeting on March 14, 2017. He thanked Mayor Kelly for the invite to the Mayor's Challenge. He noted that a paper drafted by the Association of Defense Communities (ADC) titled "The Base of the Future" will be going out in the Weekly Review. He also noted the importance of Malmstrom's mission and the asset it is to the community.

He further noted that the second report on the Civic Center columns and façade repairs will be posted on the City's website. The leaking roof and cracks in the columns should be addressed at

the same time.

Manager Doyon reminded everyone about the importance of not texting and driving.

**CONSENT AGENDA.**

9. Minutes, April 5, 2016, Commission meeting.
10. Minutes, April 5, 2016, Special Work Session meeting.
11. Total expenditures of \$2,245,177 for the period of March 17, 2016 through April 6, 2016, to include claims over \$5,000 in the amount of \$2,006,375.
12. Contracts list.
13. Award Construction Contract in the amount of \$1,454,910 to Williams Civil Division, Inc. for the 4<sup>th</sup> Avenue North Water Main Replacement and authorize the City Manager to execute the construction contract documents. **OF 1571.1**
14. Approve the purchase of Operations Management System software that includes 3 ½ year licensing and support in the amount of \$161,071.25 to Cartegraph Systems, Inc.

**Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as presented, with the exception of Items 12B, 12C, 12F, 12G and 14.**

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, referred to Item 11 and expressed concern as to the amount of money paid to Crowley Fleck. With regard to Item 12G he discussed run off problems on 36<sup>th</sup> Avenue NE due to the amount of moisture from a recent storm. Due to the amount of the software contract of Item 14, he suggested that it not be on the Consent Agenda.

With regard to Item 12G, City Attorney Sara Sexe clarified that there are two different activities with different areas of representation. Crowley Fleck is representing the City on the technical EPA Consent Decree and the software issues with the contract with Tyler Technology/New World.

There being no one further to address the Commission, Mayor Kelly called for the vote on the Consent Agenda with the exception of Items 12B, 12C, 12F, 12G and 14.

Motion carried 5-0.

With regard to Item 12B, Commissioner Burow inquired about the amount of money being spent for miscellaneous repairs at the Public Works Complex.

Public Works Director Jim Rearden responded that other issues were found in the review of the Public Works Complex that needed to be repaired and addressed and were added to the

Professional Services Agreement as an additional scope of work.

With regard to Item 12C, Commissioner Burow inquired about the cost of the Microchip Implantation program.

Deputy City Manager Jennifer Reichelt explained there is no cost to the Animal Shelter to utilize the company's database system as long as it continues using the microchip program.

Commissioner Burow inquired if there was a cost to terminate the agreement.

Deputy Manager Reichelt responded that there is no cost to terminate the agreement as long as microchips are being used. She further noted there is a huge benefit to using microchips.

With regard to Item 12F, Commissioner Burow inquired about the Addendum to the Professional Services Agreement.

Director Rearden explained that this addendum is for the North Great Falls Lift Station and force mains that will serve the Thaniel and Westridge Additions. Being added are DEQ fees and construction phase services that were not able to be done internally in Engineering.

With regard to Item 12G, Commissioner Burow inquired if the design of 36<sup>th</sup> Avenue NE and 11<sup>th</sup>, 12<sup>th</sup> and 14<sup>th</sup> Streets NE project were the cause of drainage problems.

Director Rearden explained DEQ fees were submitted and there were some minor design changes on the east end where it ties in to Bootlegger Trail, a modification for proper turn lanes and a small sewer main extension. There is current localized drainage problems along 36<sup>th</sup> that will be corrected when the new roadway goes in with curb and gutter and inlets.

With regard to Item 14, Commissioner Burow questioned if staff has been able to utilize and test the version of software on a trial basis to make sure that it will work.

Director Reardon responded that staff has used the Cartegraph System for about 13 years. The new upgrade is mapped based. He further noted that Cartegraph support has been good, and that legal has looked over the contract with Cartegraph as well.

**Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission approve Consent Agenda Items 12B, 12C, 12F, 12G and 14.**

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

Motion carried 5-0.

### **PUBLIC HEARINGS**

**15. AMERICAN LITTLE LEAGUE USE OF CITY PARK LAND KNOWN AS VETERANS' MEMORIAL PARK.**

Park and Recreation Director Joe Petrella reported that the Park and Recreation Department has

held an agreement with the American Little League Association to conduct a youth baseball program in Veterans' Memorial Park since the early 1980's. The proposed Use Agreement is for a term of four years and a fee of \$200 per year. The Association would be responsible for improvements, repairs and maintenance. The City would be responsible for water costs for irrigation, up to a maximum of \$3,000 per year.

Staff recommends that the City continue to provide land for youth sports organizations since the Department does not have the resources to operate and maintain those facilities. The Association has provided significant improvements to Veterans' Memorial Park including fencing, backstops, irrigation systems, turf, parking lots, buildings and restrooms.

Mayor Kelly declared the public hearing open.

No one spoke in support of or in opposition to the Use Agreement.

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

**Commissioner Burow moved, seconded by Commissioner Jones, that the City Commission approve the Use Agreement with American Little League for use of City owned property known as Veterans' Memorial Park.**

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

Commissioner Houck noted that her husband is an American Little League board member.

Commissioner Burow received clarification that this park was not part of the Multi Sports Complex.

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

Motion carried 4-0-1 (Commissioner Houck abstained).

**16. 2016/2017 HUD ANNUAL ACTION PLAN.**

Planning and Community Development Deputy Director Tom Micuda requested that the Commission conduct a public hearing regarding this year's Annual Action Plan for allocation of 2016/2017 CDBG and HOME funding. The Annual Action Plan is essentially what the City plans on funding with the CDBG allocation for the coming year. This year the City of Great Falls is expected to receive \$730,358 in federal CDBG funds. The Annual Action Plan is specific as to what projects the Community Development Council recommends the City Commission approve funding for. Staff requests that the City Commission take final action on the Annual Action Plan on May 3, 2016, after the 30-day comment period has expired. The request this evening is simply to conduct the public hearing and for the Commission to take into consideration public comments.

As required, public hearing notices were published in the *Great Falls Tribune* on March 20<sup>th</sup>, April 3<sup>rd</sup> and 17<sup>th</sup>, 2016. Specific funding recommendations were outlined in detail at the City

Commission work session held on March 1, 2016. The City Commission accepted those recommendations and scheduled this public hearing on March 15, 2016.

Mayor Kelly declared the public hearing open.

Speaking in support of the Annual Action Plan were:

**Sheila Rice**, NeighborWorks Great Falls, 509 1<sup>st</sup> Avenue South, commented that NeighborWorks supports housing as part of the Consolidated Action Plan, and that the support of the City with CDBG and HOME dollars are essential to the operations of NeighborWorks. She further noted that economic development is prompted by home construction.

**Brett Doney**, Great Falls Development Authority (GFDA), 300 Central Avenue, thanked the Community Development Council for its work. He reported that he attended a National Economic Development Council Conference and noted that HUD is cracking down on public service uses of CDBG funds that are repetitive. GFDA is pleased with the CDC's recommendation of \$40,000 for economic development. He noted that GFDA has not yet utilized the \$50,000 allocated last year. Per policy, GFDA will need to utilize all of the funding by the end of June or City staff could make proposals to the Commission to reallocate the funds among other CDBG eligible uses. There is a provision in the policy that the Commission can waive that requirement if there is a special public purpose. GFDA would argue that the special public purpose is the need for good jobs for the residents of Great Falls.

**Tammy Lacey**, Superintendent of Schools, 1100 4<sup>th</sup> Street South, announced the support of funding for the Neighborhood Housing Services Revolving Loan Fund set forth as project 3 of the Action Plan. She commented that the funding helps support the educational and community service opportunities for students as it funds the building of high school houses. Open houses for CMR and Great Falls High School houses will take place on May 26, 2016.

No one spoke in opposition of the Annual Action Plan.

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

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission schedule final action on the 2016/2017 Annual Action Plan for May 3, 2016.**

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

Commissioner Bronson noted that the Commission received a memorandum dated April 19, 2016 from Planning and Community Development Director Craig Raymond regarding the specific proposed allocations to the Natatorium. Commissioner Bronson inquired about reallocating funds and would like input from the Community Development Council (CDC).

Deputy Director Micuda responded that the Commission should move forward with the proposed Action Plan that is for the next fiscal year and, at a later date, address funding for the Natatorium.

Mayor Kelly read a portion of the memorandum. He also would like a recommendation from the Community Development Council (CDC).

CDBG Administrator Jolene Wetterau commented that she believed she could call a quorum of acting members of the CDC to get their input.

Mayor Kelly inquired about timing and waiving the obligation Mr. Doney discussed.

CDBG Administrator Jolene Wetterau responded that decision should be made by the end of the fiscal year which is June 30<sup>th</sup>.

Commissioner Burow inquired if it would have an impact on next year's economic development allocations.

CDBG Administrator Jolene Wetterau responded that decision would be determined by the Community Development Council (CDC).

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

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

17. **ORDINANCE 3140, CREATING TITLE 2, CHAPTER 49 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) ESTABLISHING THE GREAT FALLS PUBLIC LIBRARY.**

Commissioner Bill Bronson reported Ordinance 3140, as drafted, is the culmination of a City Commission initiative to update and revise the current city ordinance that, among other things, established the Great Falls Public Library and provided for a governing board of trustees. This initiative follows discussion of the library budget, and the Library Board of Trustees and their role in management of the Library, during Commission consideration of the City's 2015-2016 budget.

The first library in this community was established in 1890 by city pioneers Paris and Valeria Gibson, and Robert Vaughn. This library was privately funded, but was open to the general public. The City assumed operation of the library in 1892, and in accordance with an ordinance adopted by the Great Falls City Council in 1910 -- Ordinance 341 -- as well as state law, a free public library remains operational to this day.

Ordinance 341 is deficient in several particulars. The board of trustees established under that ordinance is not in keeping with current state law requirements adopted in 1967, or advisory board appointment practices adopted by the City Commission. Another provision, setting an age



threshold for female appointees, reflects society's now-antiquated view of women in the early 20<sup>th</sup> century, prior to approval in 1916 of the right of women to vote in Montana elections, and adoption of the Nineteenth Amendment to the United States Constitution in 1920 accomplishing the same outcome nationwide. The current provision is, at best, antiquated, and at worst, blatantly sexist, at least by today's standards. Perhaps more importantly, it is not legal. Furthermore, the provisions in the old ordinance concerning taxation are outdated in view of adoption of new state laws concerning local government budgeting and finance, as well as interpretations of that law by the Montana Attorney General.

Ordinance 341 has never been codified as part of the Official Code of the City of Great Falls (OCCGF), but it remains our only statutory statement as to the existence of the Library and its management structure. But for the office of the city clerk keeping track of the ordinance and any relevance it has to appointment practices, institutional knowledge of its provisions would be lost.

Current state law governing the establishment and operation of public libraries (adopted in 1967) contemplates that management is relatively independent of the local governing body. That has been true since 1910, and even before. Nevertheless, the need for independent management of the library must be balanced with the City Commission's authority under both state law and the City Charter to approve the budget and mill levy for the library. To accomplish that balance, there is a need to establish a structured relationship between the Board of Trustees and the City Commission.

At its November 17, 2015 regular meeting, the City Commission indicated a desire to revisit and update/amend as appropriate the text of Ordinance 341. Proposed Ordinance 3140 is based upon both a review of what some other Montana cities have done in response to upkeep of their library ordinances and resolutions, but for the most part, it is a revision of the prior City ordinance, brought up to date with reference to more current provisions of Montana state law governing libraries. Due consideration has been given to the City's status as a self-governing authority, operating under a charter, and a suggested structural arrangement between the City Commission and the Board of Trustees, in which the mayor, or one of the city commissioners, would be designated to sit on the Board as an ex officio, non-voting member. This structure establishes a link between the Board and the City Commission, and hopefully will invite fruitful dialogue between the two entities, and a better understanding of both the needs of a public library in this community, as well as the financial health of the City and the City Commission's role in budgeting and finance.

Further, this proposed ordinance is in keeping with the changes brought about by the Local Government Finance Act of 2001, and the 2012 interpretation of the Act and state library laws by the Montana attorney general. The ordinance also provides that the 1993 agreement between the City and the Library Board of Trustees, which outlines the relationship between each entity, the Library Board's management authority, and City authority in personnel matters, remains in effect.

The proposed ordinance also expresses a desire for continued support for the Library not just from city levies, but also other public bodies, including the State of Montana and Cascade County, in the operation of its public library, as well as contributions from private individuals and foundations.

**Commissioner Jones moved, seconded by Commissioner Burow, that the City Commission approve Ordinance 3140 on first reading and set the public hearing for May 3, 2016.**

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

**Richard Liebert**, 289 Boston Coulee Road, commended Commissioner Bronson for his diligent efforts with bringing this Ordinance into the 21<sup>st</sup> century and noted that the Library is an asset for homeless veterans and students. He suggested that this effort be shared with the County Commission and the State Library for additional feedback. He inquired if one needs to be a City resident in order to serve on the library board.

Library Director Kathy Mora responded that there is no residency requirement.

**Paul Stevens**, 820 3<sup>rd</sup> Avenue North, noted that he has been a vocal critic of the library policy since the 1990's. He discussed what he considered to be problems, the collections policy and the access to books.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, pointed out a clerical error and what he considers grammatical errors, and suggested different language for the Ordinance title. In conclusion, Mr. Gessaman noted the contributions made by Cascade County to the Library. He also suggested the yearly report be done on a fiscal year basis.

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

Motion carried 5-0.

### **CITY COMMISSION**

#### **18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Kelly announced that the Ice Breaker is this Sunday, April 24, 2016.

#### **19. COMMISSION INITIATIVES.**

Commissioner Bronson discussed the financing issues cities and towns have with infrastructure projects. The Montana League of Cities and Towns along with the Montana Association of Counties are working together to find action plans and present to the next Legislature. Many organizations are coming together to form the Infrastructure Coalition to work on getting infrastructure issues resolved. He further noted there is an interest from other cities and towns to join as associate members of this coalition with the idea of adding those names to the coalition will emphasize to the Legislature the importance of infrastructure. He concluded that funding is available for the City to join the coalition. He received the consensus of the Commission to proceed.

**ADJOURNMENT**

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Jones, to adjourn the regular meeting of April 19, 2016, at 8:50 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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Deputy City Clerk Darcy Dea

Minutes Approved: May 3, 2016

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