

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Bob Jones, Bill Bronson, Tracy Houck and Fred Burow. Also present were City Manager Greg Doyon; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Fire Chief Steve Hester; Fiscal Services Director Melissa Kinzler; Assistant City Attorney Joe Cik and 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.

**PROCLAMATIONS:** Commissioner Jones read a proclamation for Red Ribbon Week and Commissioner Houck read a proclamation for SportsUnited – Special Olympics Unified Diplomacy Day.

**PRESENTATION:** Certificate of Appreciation to Sun River Sociable's Club for 50 years of volunteer service.

**FIREFIGHTER OATHS:** Mayor Kelly performed the swearing in ceremony for Fire Fighters Josh Fox and Adam Jordan.

**\*\* 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.**

**Daniel Hartzell**, 2325 18<sup>th</sup> Avenue South, commented that he is making connections in the community regarding creating a youth drum and bugle corps.

**Brett Doney**, Great Falls Development Authority (GFDA), 300 Central Avenue, commented that GFDA was honored with an Innovation Award from the Montana Economic Developers Association for its work in bringing ADF International to Great Falls. The award noted a key partner included the City of Great Falls.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed opposition to the school bond issue, taxes in general, as well as lack of fiscal responsibility and public official accountability.

**NEIGHBORHOOD COUNCILS****2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Kathy Gessaman, NC 3, reported that new sidewalks were installed at 36<sup>th</sup> Avenue NE. The council is still hoping for a four-way stop sign to calm traffic on 2<sup>nd</sup> Street NE.

### **BOARDS & COMMISSIONS**

#### **3. CITY-COUNTY HEALTH BOARD, BOARD MEMBER INTRODUCTIONS AND BOARD REPORT.**

City-County Health Board Chairman Bill Bronson introduced board members present: County Commissioner Jane Weber, Peter Gray and Ryan Burke. He also introduced Health Officer Tanya Houston. Also on the board, but not present are: Dr. Ray Geyer, Superintendent Tammy Lacey, and Dr. Matt Martin. Chairman Bronson reported that the City-County Health Board is an extension of the City and County Commission's and the State's authority to protect the public health. A concern of the board is preventing injury, disease or pre-mature mortality as it affects the general public. The board has a responsibility to be on guard against any other unusual emergencies, any public health needs, as well as undertake a lot of research in that regard.

Chairman Bronson explained state law with regard to a Board of Health and a Health Department. In March of 1975 the City and County Commissions entered into a formal agreement to have a joint City-County Health Board and a joint City-County Health Department.

Board member Jane Weber reported that the board has the authority to hire the Public Health Officer. The board is very happy with their hire Tanya Houston. She further reported that the board oversees prevention services, emergency preparedness, environmental health and family services, and she discussed certain services each division entailed.

The budget of the Cascade City-County Health Department is about \$4 million dollars. It breaks down to about 36% from taxes, 46% from grants and \$250,000 from the City Commission each year from general fund monies.

The board meetings are held the 1<sup>st</sup> Wednesday of each month at 11:30 in the conference room of the City-County Health Department and are open to the public.

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

Chairman Bronson concluded that the Health Department is currently going through a national accreditation process and will be getting that accreditation in the near future.

#### **4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.**

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

**CITY MANAGER**

**5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported that he attended the Montana League of Cities and Towns (MLCT) Conference in Missoula. At the conference, he submitted a resolution that essentially supports military operations in Montana. It increases awareness about the military assets that are located in the state and their importance and economic impact on all the communities. As issues come up before the legislature the MLCT executive director and others involved in lobbying will be able to use the resolution to advocate for issues that affect the military and the communities that they are in.

He is still looking through applications for the Deputy City Manager position. Interviews were conducted for the HR Director position. The one person he was interested in speaking to further about the position withdrew his application. The position will be readvertised and extended.

The Air Force community partnership groups from MAFB and MANG met last week to do an update on the initiatives and that process continues. The entities are collaborating with regard to emergency management and public safety.

He has been appointed by the governor to serve on the State Emergency Response Commission as the MLCT representative and will be attending his first meeting next week.

**CONSENT AGENDA.**

6. Minutes, October 4, 2016, Commission meeting.
7. Total expenditures of \$2,410,679 for the period of September 17, 2016 through October 5, 2016, to include claims over \$5,000 in the amount of \$2,086,947.
8. Contracts list.
9. Approve declaration of equipment as surplus.
10. Approve final payment for the 3<sup>rd</sup> Avenue South (40<sup>th</sup> Street South to Beth Drive) Handicap Ramps Phase I project in the amount of \$3,971.70 to David Kuglin Construction and \$40.12 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.

**OF 1697.1**

**Commissioner Bronson moved, seconded by Commissioner Houck, 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 5-0.

**PUBLIC HEARINGS****11. PASTA MONTANA UPDATED LEASE AGREEMENT (T20N R4E S5).**

City Attorney Sara Sexe reported that the proposed lease provides for the continued occupation of a portion of Veterans' Memorial Park, consisting of 5.222 acres, by Pasta Montana for its pasta plant and associated facilities. In July 1996, the City Commission approved a 20 year lease agreement with Pasta Montana LLC allowing the company to build its pasta manufacturing plant. The annual lease payments in that agreement were \$18,000 for the lease period and \$27,000 for extended lease periods.

But for a timing oversight regarding notification by Pasta Montana of its intent to extend the agreement, the prior lease agreement would have automatically extended. Because of the timing issue, City staff took the opportunity to evaluate whether or not the agreement was satisfactory for current purposes and obtained expert opinion that the lease amount was within the reasonable range. The substantial updates to the agreement are set forth in the agenda report.

Mayor Kelly declared the public hearing open.

Speaking in support of the Pasta Montana Updated Lease Agreement were:

**Brett Doney**, GFDA, 300 Central Avenue, applauded the continued partnership. He noted that Pasta Montana is a very important agricultural processor, primary sector manufacturing company in Great Falls. The partnership has benefitted the community in a variety of ways – manufacturing jobs, market opportunities that led to expansion of General Mills, tax base and utilization of wheat produced in the golden triangle.

**Dan Bateman**, 313 5<sup>th</sup> Street NW, Executive Vice-President and CFO of Pasta Montana, agreed with Mr. Doney's comments. He added that Pasta Montana employs 106 people in Great Falls with an annual payroll of \$5 million, and pays \$400,000 per year in property taxes. The company just spent \$6 million on infrastructure that will increase capacity by an additional 30 percent. Currently, they consume 60 million pounds of durum per year in the facility and that number does not include loss at the mill.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, supports Pasta Montana, noting that they pay their employees well, and it's great for the farmers.

Speaking in opposition to the Pasta Montana Updated Lease Agreement was:

**John Hubbard**, 615 7<sup>th</sup> Avenue South, inquired who owns Pasta Montana and was informed it is Nippn Flour Mills, a publicly traded Japanese company.

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 approve a lease agreement of City-owned property located in the Veterans' Memorial Park**

to Pasta Montana.

Mayor Kelly asked if there was any discussion amongst the Commissioners. He thanked Mr. Bateman, his employer and employees, noting that it is a good company and a great asset to Great Falls.

Mayor Kelly called for the vote.

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

**12. RESOLUTION 10162, REPEALING JOINT RESOLUTION 10149 TITLED "IN THE MATTER OF JOINT RESOLUTION OF SITE ADDRESSING AND ROAD NAMING POLICY AND PROCEDURE MANUAL."**

Fiscal Services Director Melissa Kinzler reported that agenda items 12 and 13 go together. Resolution 10162 repeals Joint Resolution 10149 adopted by the City Commission on July 5, 2016, due to Cascade County terminating the interlocal agreement with the City. Item 13 is a request to adopt the site addressing and road naming policies and procedures manual for the City of Great Falls.

**Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10162 repealing Joint Resolution 10149.**

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that the City and County should be cooperating instead of going separate ways.

Mayor Kelly noted that the County provided written notice to the City that it wanted to terminate the agreement.

Commissioner Jones added that this is a housekeeping matter. The City and County are both well aware of public safety and that it is a priority in dealing with this matter.

Commissioner Bronson commented that the separate E911 GIS Data Collection and Conveyance Agreement was attached to the agenda report that the City GIS Coordinator and County Public Works Director entered into indicating that staff will continue to cooperate on these various matters.

Commissioner Houck noted it's important for the City Commission to pay attention to make sure it's done correctly because the databases are critical and so detailed.

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

Motion carried 5-0.

13. **RESOLUTION 10163, ADOPTING THE SITE ADDRESSING AND ROAD NAMING POLICIES AND PROCEDURES MANUAL FOR THE CITY OF GREAT FALLS.**

Fiscal Services Director Melissa Kinzler reported that Resolution 10163 adopts the Site Addressing and Road Naming Policies and Procedures Manual for the City of Great Falls.

**Commissioner Houck moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 10163.**

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.

14. **ORDINANCE 3146, AMENDING TITLE 10, CHAPTER 39, SECTION 110 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO THE PENALTY FOR THE USE OF ELECTRONIC COMMUNICATION DEVICES WHILE OPERATING A MOTORIZED VEHICLE OR A BICYCLE.**

Assistant City Attorney Joe Cik reported that he will discuss more statistics and changes that were made with this policy subsequent to the in depth presentation at the work session. The statistics include:

- As of today, there have been 899 citations written for violation of driving while using electronic devices, as well as 69 warning citations.
- The Centers for Disease Control reports that each day in the United States over eight people are killed and 1,161 injured in crashes that are reported to involve a distracted driver.
- The National Center for Biotechnology Information reports that the reaction times of drivers were more than 40% longer in the distracted condition compared to baseline (not distracted).
- In 2006, Dr. David Strayer, a cognitive scientist at the University of Utah, conducted a simulated driving experiment using individuals distracted by the use of a cell phone and individuals driving with a blood alcohol content (BAC) of .08. He concluded that driving while distracted by the use of a cell phone was just as dangerous as driving with a BAC of .08. His conclusions are published in the Human Factors magazine and can be viewed at [distracted.gov](http://distracted.gov).
- The states of Idaho, North Dakota, South Dakota and Washington all have different variations of statewide bans of using electronic devices while driving. Washington has

the highest fine of \$124.

He discussed this matter with other prosecutors and members of City government to get their thoughts on these proposed changes to the penalty provision. The penalty for using an electronic device while driving in the cities of Bozeman and Billings is a civil infraction. Both of the prosecutors from those cities indicated that officers are not enforcing it anymore. The complications that come along with that as opposed to a criminal penalty make it so it is not worth it to stop someone for it. He also discussed the proposed penalty changes with the Municipal Court Judge who will be enforcing these citations and received his input as well.

The proposed changes to the penalty provision of Title 10, Chapter 39, Section 110 are:

- A first conviction for a violation of Section 10.39.110, shall be punishable by a fine not less than two hundred dollars (\$200.00) and not more than five hundred dollars (\$500.00).
- A second conviction, within 24 months after the first conviction, for a violation of Section 10.39.110, shall be punishable by a fine not less than three hundred dollars (\$300.00) and not more than five hundred dollars (\$500.00). The Defendant shall further participate in twenty (20) hours of Court approved community service to be completed within ninety (90) days of the date of the second conviction. The Defendant shall provide completion of community service to the Great Falls Municipal Court.
- A third or subsequent conviction, within 24 months after the first conviction, for a violation of Section 10.39.110, shall be punishable by a fine not less than four hundred dollars (\$400.00) and more than five hundred dollars (\$500.00). The Defendant shall further participate in forty (40) hours of community service to be completed within ninety (90) days of the date of conviction. Additional penalties may include forfeiture of license plates of the vehicle, driven at the time of the offense, or forfeiture of the Defendant's driver's license for a period not to exceed 180 days, or both.

The "may" provision on the forfeiture of license plates or driver's licenses gives the Court the ability to assess how often the Court is going to be able to implement those penalties and the practical handling of that property. The Court already has people forfeiting license plates for insurance violations and driver's licenses for improper registration.

Attorney Cik concluded that the proposed amendments address what was brought up by the Commission at the work session.

**Commissioner Bronson moved, seconded by Commissioners Burow and Jones, that the City Commission accept Ordinance 3146 on first reading and set public hearing for November 1, 2016.**

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

Commissioner Burow inquired if there is a way to track repeat offenders of those 899 tickets. Attorney Cik explained that, because this is not a state level offense, it doesn't go on an individual's driving record.

Commissioner Burow inquired how the second and third offenses were going to be tracked for penalty purposes.

Attorney Cik responded that when an individual appears for an initial appearance, the clerks and prosecutors will be able to view the history and dates of convictions to make the appropriate sentencing recommendation.

Commissioner Bronson expressed appreciation to Attorney Cik for his work on this matter and for following up with the Commission's concerns.

Commissioner Houck suggested promoting this via the media to educate the public and encouraged the public to attend the public hearing.

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented he is not in favor of distracted driving, nor is he in favor of people not crossing at crosswalks or intersections. He would like to see the violation statistics from the other first class cities in the agenda report for the November public hearing.

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

Motion carried 5-0.

### **CITY COMMISSION**

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

Commissioner Bronson announced that it was a great inauguration ceremony for Dr. Aretz, President of the University of Great Falls. Dr. Aretz is looking forward to a healthy relationship with City government and the expansion of the University.

Commissioner Houck announced that the leaf pick up schedule is on the City's website. She also noted that Paris Gibson Square is kicking off Red Ribbon Week with an incredible exhibit by local artists titled "The Bitter Pill." A free reception will be held October 25, and was made possible by the DEA.

Mayor Kelly reported that the Commission conducted the City Manager's annual review this afternoon, and that the Commission is very happy with Mr. Doyon's performance.

Mayor Kelly also encouraged the public to go onto the Library's website to see all of the activities going on there. The Commission will conduct its work session at the Library on November 15 to hear from the Library Board and Foundation members.

#### **16. COMMISSION INITIATIVES.**

There were no Commission initiatives.



**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Burow, to adjourn the regular meeting of October 18, 2016, at 8:26 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

Minutes Approved: November 1, 2016

DRAFT