

JOURNAL OF COMMISSION PROCEEDINGS
December 17, 2019

Regular City Commission Meeting

Mayor Bob 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, Bill Bronson, Mary Sheehy Moe, Owen Robinson, and Tracy Houck. Also present were the City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Fire Chief Steve Hester; Assistant City Attorney Joe Cik; and, Police Chief Dave Bowen.

Mayor Kelly expressed appreciation to all of the public safety officials for their response and teamwork with regard to a recent shooting incident in the community.

AGENDA APPROVAL: There were no changes proposed by the City Manager or City Commission. The agenda was approved as submitted. City Manager Greg Doyon mentioned that a draft Memorandum of Understanding (MOU) between the Great Falls Development Authority and the City for Item 15 was submitted after the original posting of the Agenda.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: Commissioner Bronson announced that he would be abstaining from the vote on Item #15.

PETITIONS AND COMMUNICATIONS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Shane Etzweiler, President/CEO Great Falls Area Chamber of Commerce, 100 1st Avenue North, presented Commissioner Bronson with a certification of appreciation in recognition for his valuable contribution to the City, as well as the Chamber of Commerce.

Referring to the sustainability plan from Citizens for Clean Energy and Climate Resiliency, **Kevin Westie**, 602 35th Street North, expressed concern with regard to the language from a handout about climate change resilience. Mr. Westie commented that the sustainability plan is a state issue, and suggested that the Commission focus on City issues.

Brett Doney, Great Falls Development Authority, 405 3rd Street Northwest, commented that Neighborhood Councils (NC) 5 and 6 have passed resolutions with regard to the Madison Food Park. Mr. Doney expressed concern that the resolution from NC 5 pre-judges the impacts on development projects, and urged other NC's to consider the resolution from NC 6.

John Hubbard, 615 7th Avenue South, expressed concern with regard to the quality of the drinking water.

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NEIGHBORHOOD COUNCILS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS & COMMISSIONS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.

Commissioner Robinson reported that the Complete Count Committee for the Census 2020 is continuing to hire part-time employees at \$19.50 hour and that citizens can apply on the website at 2020census.gov/jobs.

CITY MANAGER

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported on the following:

- The Mansfield Center will be showing the Polar Express movie on December 21, 2019 at 2:00 p.m.
- The City won the 2019 American Council of Engineering Companies (ACEC) Water Resources Honor Award for the AE2S project.
- The Park and Recreation Department will receive a \$264,000 grant from the Missouri-Madison River fund for the River's Edge Trail project and NorthWestern Energy will be providing \$16,300 towards the project.
- A Reasonable Suspicion Training was held on December 10th for employees in supervisory positions. An amendment was made to the drug testing policy, which included random drug testing for employees in safety sensitive positions. The City has filed a Declaratory action in District Court for a grievance that was filed by Collective Bargaining groups.
- City Manager Doyon and Mayor Kelly attended the Great Falls Area Lodging Association Annual Meeting on December 10, 2019.
- The Planning and Community Development Department had a meeting for the 2020- 2024 Community Development Block Grant (CDBG) Consolidated Plan.

City Manager Doyon extended appreciation to Commissioner Bronson for his institutional knowledge and balanced approach with regard to discussions dealing with complex issues.

CONSENT AGENDA.

5. Minutes, December 3, 2019, Commission Meeting.

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6. Total Expenditures of \$2,255,428 for the period of November 21, 2019, through December 4, 2019, to include claims over \$5000, in the amount of \$2,066,717.
7. Contracts List.
8. Approve the Great Falls Housing Authority Community Based Policing Agreement effective January 1, 2020 and authorize the City Manager to sign the Agreement.
9. Approve the Franchise Agreement between Spectrum Pacific West, LLC and the City of Great Falls.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission approve the Consent Agenda as presented.

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

Motion carried 5-0.

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

10. **COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) AND AUDIT REPORT, FY 2018-2019.**

Finance Director Melissa Kinzler reported that the City's Audit Committee met on December 10, 2019. The Audit Committee received a copy of the FY 2019 Comprehensive Annual Financial Report (CAFR), the Independent Auditor's report, and a brief summary of the FY 2019 audit. The Required Client Communication Letter was reviewed by the audit committee.

The Required Client Communication Letter comments on any internal control recommendations related to the operations of the City that would adversely affect the City's ability to record, process, summarize, and report financial data. The auditors have one recommendation for FY 2019, and there were no prior year comments from FY 2018.

This is the first year of a three-year audit contract with Anderson ZurMuehlen & Co., P.C. (AZ). The audit contract is between AZ, the City of Great Falls, and the Montana Department of Administration, Local Government Services Bureau.

Referring to the County Option Tax Fund, **Sarah Stanger**, Anderson ZurMuehlen & Co., P.C., 21 10th Street South, explained the City is a sub-recipient of the Option Tax Funds, and that tracking those funds is difficult since it is not a constant revenue source. She further explained that the City continued to receive other Local Option Tax Funds that remained constant. Ms. Stanger stated that there is no way of tracking the County Local Option Tax Funds.

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Ms. Stanger reported that CAFR is required to be submitted to the Government Finance Officers Association's (GFOA) Certificate of Achievement Program for review, and she noted that the City has received the Certificate of Achievement for Excellence in Financial Reporting every year since FY 1993-1994.

She explained the four sections of the CAFR, which included: the Introductory, Financial, Statistical, and Single Audit.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission accept the FY 2018-2019 CAFR, the Required Client Communication Letter and the City's response to the Required Client Communication Letter, and authorize staff to submit the related reports to other government agencies and financial institutions as necessary.

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.

Jeni Dodd, 3245 8th Avenue North, expressed concern with regard to the County not being able to report to the City about the Local Option Tax Funds.

Mayor Kelly replied that there are several funds that are coming directly from the County and that the County is the collection agency for the Local Option Tax.

John Hubbard, 615 7th Avenue South, opined that past Commissions were responsible for losing City money.

Commissioner Houck expressed appreciation to the Finance Department's efforts with regard to compiling information for the CAFR.

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

Motion carried 5-0.

11. FIRE STATION PLUMBING UPGRADES AT STATIONS 1, 2 AND 4 (OF 1727.5).

Fire Chief Steve Hester reported that in late 2017, City personnel discussed moving forward on several fire station building improvements. As a result of these discussions, various fire station kitchen and restroom remodels were planned. During the initial stages of these planned remodels, it was discovered that the sewer pipes under the floor drains had deteriorated and failed at Fire Stations one, two and four. These discoveries prompted an investigation of the sewer drainage plumbing at all of the Fire Stations and additional problems were found. The primary objective of the project is to restore under floor sewer drains to proper function. Once the project is complete, other anticipated restroom and kitchen remodels can begin.

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission award the construction contract in the amount of \$149,750 to Copper Creek Construction

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for the Fire Station Plumbing Upgrades total base bid amount, and authorize the City Manager to execute the construction contract documents.

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.

Commissioner Robinson inquired about alternate bids that had been dismissed. He commented that he was surprised that the bid was so low with the extent of the damage at the Fire Stations.

City Manager Doyon responded that he would look into the alternate bid and report back to the Commission. He explained that the Fire Stations were all built around the same time and all have similar issues that need to be addressed.

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

Motion carried 5-0.

12. CONSTRUCTION CONTRACT AWARD: CENTRAL MONTANA AGRICULTURE AND TECHNOLOGY PARK (CMATP) TIF PHASE III STORM DRAIN PROJECT (OF 1658.1).

Public Works Director Jim Rearden reported that the agenda item is to award a construction contract to MRTE, Inc. to install approximately 4,500 lineal feet of 12 inch to 54 inch diameter storm drain piping to serve the Central Montana Agriculture and Technology Park (CMATP). The industrial area is located north of the City and has been developing since approximately 2005. The industrial park currently has several businesses including the MaltEurop malting facility and ADF International. A Tax Increment District was created in 2005 and has previously been utilized to construct and pave Great Bear Avenue.

The project provides a storm drain system to serve the businesses in the area and will also mitigate some downstream erosion which has occurred over the years. Each of the businesses have their own on-site storm drain detention facilities, which will be connected to the new piping system.

The project and a subsequent phase 2 will be funded from the current Tax Increment Finance (TIF) balance and will be supplemented by money borrowed against the TIF. The current TIF district is set to expire in May, 2020; however, will be extended for the length of the loan placed against the TIF.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission award a contract in the amount of \$1,366,871 to MRTE, Inc., for the Central Montana Agriculture and Technology Park (CMATP) TIF Phase III Storm Drain project, and authorize the City Manager to execute the construction contract documents.

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.

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Brett Doney, Great Falls Development Authority, 405 3rd Street Northwest, expressed appreciation to the Commission, past and present, as well as City staff, for the efforts that have been put into the North Industrial area.

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

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

13. **RESOLUTION 10325 RELATING TO A CENTRAL MONTANA AGRICULTURE AND TECHNOLOGY PARK (CMATP) TIF FUNDING APPLICATION FROM THE CITY OF GREAT FALLS PUBLIC WORKS DEPARTMENT FOR \$1,100,000; AND RESOLUTION 10318, A RESOLUTION RELATING TO AN ADDITIONAL REQUEST FOR \$1,500,000 OF TAX INCREMENT INDUSTRIAL INFRASTRUCTURE REVENUE BONDS FROM THE DNRC WATER POLLUTION CONTROL STATE REVOLVING LOAN PROGRAM, SERIES 2020; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.**

Planning and Community Development Director Craig Raymond reported that the agenda item is a request to approve a funding package for a major storm water project that will benefit the Central Montana Agriculture and Technology Park. The project is designed to protect properties from damage as a result of unmitigated storm water drainage and to serve future development within the TIF district and beyond as industrial development continues to expand in the vicinity.

This project is part of an ongoing multiple phase infrastructure project where the storm water elements will be bid and constructed in multiple phases. The total funding request of \$2.6 million is intended to fund the project and the next phase of the project, which will include channel restoration, as well as other storm drain improvements to be awarded under separate action in the near future.

The Central Montana Agriculture and Technology Park Tax Increment Financing District was adopted by the Great Falls City Commission in 2005 and expanded in 2007 to encompass property east of US Highway 87 and west of Black Eagle Road. The boundary of the TIF District includes Lots, 1A, 2, 3 and 5, Block 1 of the International Malting Company LLC Addition. Within the district is the Malteurop Barley Malting facility, ADF International Steel Fabrication, T&K Performance LLC, and Cargill research laboratories. The purpose of creating the CMATP TIF district was to provide needed infrastructure to attract and encourage the location of secondary value-added industries to strengthen and diversify the community's existing economic base. The Public Works Department has applied for TIF funds in this district in the past, including projects improving roadway paving, sewer mains, and storm drains.

As part of the Capital Improvement Plan for the TIF District, the City has been working with the local engineering firm, Thomas Dean & Hoskins, Inc. to complete the final design and contract documents to construct a storm drainage network across the Industrial Park. On November 12,

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2019, the Planning Advisory Board adopted a motion to recommend that the City Commission approve the \$1,100,000 of TIF funds.

The City Commission is being asked to consider a request for \$1,500,000 of Tax Increment Industrial Infrastructure Revenue Bonds from the DNRC Water Pollution Control State Revolving Loan Program. Because the estimated total project cost is approximately \$2,600,000, it is necessary for the City to utilize both local TIF funds as well as the State's Loan Program to execute the project. Additionally, if the Commission chooses to not adopt Resolution 10318, which authorizes the requested debt issuance, the TIF district will expire in May 2020. The CMATP TIF District receives sufficient annual funding to support debt financing through the State's Program.

Commissioner Bronson moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10325.

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

Motion carried 5-0.

Commissioner Moe moved, seconded by Commissioners Robinson and Houck, that the City Commission adopt Resolution 10318.

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

Motion carried 5-0.

14. RESOLUTION 10323, A RESOLUTION DECLARING THE GREAT FALLS PLANNING ADVISORY BOARD AND ZONING COMMISSION SHALL CONSIST OF SEVEN MEMBERS.

Assistant City Attorney Joe Cik reported that on multiple occasions over the last several years, the Great Falls Planning Advisory Board and Zoning Commission (the Board) has had problems convening a quorum of its current membership. Additionally, one member has recently resigned from the Board, and an additional member will term off the Board at the end of 2019.

To address these issues, and to provide flexibility when it comes to Board membership, the City Commission adopted Ordinance 3205 on October 1, 2019. Ordinance 3205 amended the Official Code of the City of Great Falls (OCCGF) § 17.12.1.040 pertaining to the Board's membership.

Previously, OCCGF § 17.12.1.040 provided that the Board would consist of nine members. With the adoption of Ordinance 3205, the Board now may consist of between seven and nine members. The number of members cannot be lower than seven to be consistent with State law. The Resolution under consideration would set the number of Board members at seven.

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At its regularly scheduled meeting December 10, 2019, the Board voted to recommend that the City Commission adopt the resolution under consideration. If adopted, Resolution 10323 will become effective January 1, 2020.

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10323.

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.

Commissioners Bronson and Moe concurred that there needs to be a stronger commitment to attendance and a stronger expectation of the board with regard to attendance.

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

Motion carried 5-0.

15. **RESOLUTION 10326, RELATED TO THE GREAT FALLS DEVELOPMENT AUTHORITY APPLICATION TO THE BIG SKY ECONOMIC DEVELOPMENT TRUST FUND PROGRAM, MONTANA DEPARTMENT OF COMMERCE, FOR A PLANNING GRANT, TO ASSIST PLANNING EFFORTS BY THE BIG SKY COUNTRY NATIONAL HERITAGE AREA, INC.**

Commissioner Bill Bronson reported that in January 2015, the City-County Historic Preservation Advisory Commission helped sponsor a two-day program promoting the concept of heritage tourism and economic development in Great Falls. Based on a presentation at that event by a representative of the Yuma Crossing National Heritage Area, a group of local citizens embarked on a plan to seek a National Heritage Area (NHA) designation from Congress, to promote heritage-related tourism and economic development in north-central Montana. The group formed a non-profit corporation, now known as Big Sky Country National Heritage Area, Inc., (BSCNHA) to pursue these goals. BSCNHA is a 501(c)(3) tax-exempt organization.

Over the past four years, BSCNHA has raised funds from private sources to finance a feasibility study, to ascertain the appropriateness of an NHA designation for the region consisting of Cascade County and a small portion of Chouteau County bounded by the Missouri River, through Fort Benton to Loma. The study will be reviewed by the National Park Service, and the agency's recommendation will be passed on to Congress. Major funding for the study was obtained from Northwestern Energy and British Petroleum/ARCO. The study will be completed in early January 2020.

BSCNHA representatives have been engaging with the Park Service and with the Montana Congressional delegation in advance of what is expected to be a favorable recommendation from the Park Service. Although Congressional action is likely another two years in the making, BSCNHA has been advised to consider developing the next step in the process, which is essentially a business plan for management of projects in the designated area.

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BSCNHA was advised by the Great Falls Development Authority (GFDA) that the corporation may be eligible for a Big Sky Trust Fund grant, from the Montana Department of Commerce, for partial funding of the management plan. GFDA has offered to prepare the application and administer the grant, if the application is accepted.

The process being pursued is similar to that involved with past applications to the Department of Commerce, including the First Call Resolution (FCR) grant application approved by the City Commission in 2016. Department of Commerce policy requires a local government to approve the grant request, even though the City will not be involved in administration. If Resolution 10326 is approved, the City and GFDA would enter into a separate, but related Memorandum of Understanding (MOU) that would clarify that GFDA will manage the grant and that City is under no financial obligation.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10326.

Written correspondence expressing support of Resolution 10326 was received from the **River's Edge Trail organization** (via December 17, 2019 email), **John Taillie**, Montana Fish, Wildlife & Parks Regional Park Manager, Region 4 (via December 16, 2019 email), **Murry Moore**, Mayor of the Town of Cascade (via December 13, 2019 email), **Charlene Porsild, PhD**, President/CEO of the Montana History Fundation (via December 17, 2019 email), and **Gayle Fisher**, Executive Director of the Central Montana Tourism Region (via December 17, 2019 email).

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners.

Jane Weber, BSCNHA Board Member, 701 4th Avenue North, expressed appreciation to the Commission for its consideration of sponsoring the grant request application and to GFDA for bringing the grant forward. Ms. Weber explained that the BSCNHA functions on donated funds from major corporations, private citizens, and BSCNHA board members. She commented that the Feasibility Study has been a major effort that has involved all communities around Cascade County and that the community had hosted several public meetings. Ms. Weber concluded that the goal of the BSCNHA is to bring economic development and additional tourism to the community.

Richard Ecke, City-County Historic Preservation Advisory Commission Chairman, 301 3rd Avenue North, expressed support of the concept of the National Heritage Area. Mr. Ecke commented that the grant would provide the opportunity to accomplish projects.

Ken Robison, BSCNHA Board Member, 315 Lamplighter Lane, commented that there are four National Historic Landmarks between Chouteau and Cascade County, and that having a NHA would tie the two counties together.

Jeni Dodd, 3245 8th Avenue North, read from a prepared statement in opposition to Resolution 10326. She opined that the proposed NHA poses a threat of private property rights, is not an economic development entity, and is not self-sufficient. Ms. Dodd inquired if the Commission met privately with regard to language in Resolution 10326.

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Brett Doney, Great Falls Development Authority, 405 3rd Street Northwest, commented that if there were any administrative fees for the grant, GFDA would donate the money back to BSCNHA. Mr. Doney commented that NHA's promote cultural tourism and that there is legislative prohibition with regard to private property rights.

Keith Ochs, 1507 3rd West Hill Drive, received clarification that the cost of the grant would be approximately \$20,000 and that the grant money is through the Montana Department of Commerce. Mr. Ochs expressed concern with regard to taxpayers paying for the grant, and to violating farmers and ranchers private property rights. Mr. Ochs further expressed concern with regard to the cost of maintaining the River's Edge Trail.

Referring to a previous speakers inquiry, Mayor Kelly responded that the Commission did not meet privately with regard to Resolution 10326, and that the BSCNHA's meetings have been advertised.

Commissioner Houck explained that she is not currently a BSCNHA Board Member, the BSCNHA meetings were advertised, and that NHA's do not jeopardize private property rights.

Commissioner Bronson commented that Congress prohibits NHA's to interfere with property rights. He reported that both NorthWestern and British Petroleum support the project, and see it as an opportunity to participate in economic development and heritage tourism.

Commissioner Moe expressed concern with regard to paragraphs six and nine of the draft MOU.

Referring to paragraph six of the draft MOU, Assistant City Attorney Joe Cik responded that both the City and GFDA would mutually work together in order to satisfy the responsibilities of the grant; however, GFDA would be the managing entity. Referring to paragraph nine, he explained that a 30-day written notice to terminate or amend the agreement, is standard language for all contracts. Assistant City Attorney Cik concluded that Resolution 10326 relates to the grant application, and not the MOU.

Brett Doney, Great Falls Development Authority, 405 3rd Street Northwest, explained that the draft MOU is not required to submit the grant application, and that the MOU could be customized, if there is an actual grant award contract. Mr. Doney further explained that the grant application is due on December 18th and that the application does not require an MOU to be signed with GFDA at this time.

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

Motion carried 4-0-1 (Commissioner Bronson abstaining).

CITY COMMISSION

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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Kevin Westie, 602 35th Street North, expressed appreciation to Commissioner Bronson for his long-time service.

Jane Weber, 701 4th Avenue North, commented that she and Commissioner Bronson have been involved with several projects in the community over the years, and that it was a pleasure working with him. Ms. Weber added that Commissioner Bronson sacrificed his personal time, and offered pro bono of legal counsel to organizations in the community.

Bruce Pollington, 3217 8th Avenue South, commented that many developments in the community were fostered with the efforts of Commissioner Bronson. Mr. Pollington added that both Commissioner Bronson, and his wife, contribute greatly to the community.

Ken Robison, 315 Lamplighter Lane, expressed appreciation to Commissioner Bronson for serving the community with great distinction and for his thoughtful and factual comments at Commission meetings.

Mayor Kelly presented Commissioner Bronson with a plaque expressing appreciation for his service and betterment of our community.

The Commission expressed its appreciation to Commissioner Bronson for his experience, knowledge, and years of service to the community.

Commissioner Bronson commented that he has enjoyed serving the community for 20 years; however, it is time to pursue his other passions in life. Commissioner Bronson requested that the Commission do three things for him: display the Little Shell Tribe flag in the Commission Chambers; continue to fight the Legislature for more local control over decisions; and pass an ordinance requiring two lines at coffee establishments.

17. COMMISSION INITIATIVES.

None.

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ADJOURNMENT

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Moe, to adjourn the regular meeting of December 17, 2019, at 9:00 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: January 7, 2020