

# JOURNAL OF COMMISSION PROCEEDINGS

April 20, 2021

Regular City Commission Meeting

Mayor Kelly presiding

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

Civic Center Gibson Room 212

## PLEDGE OF ALLEGIANCE

Due to the COVID-19 health concerns, the format of the City Commission Meeting was held in a virtual video-conferencing environment.

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members participated electronically via Zoom Webinar: Bob Kelly, Owen Robinson, Rick Tryon, Mary Sheehy Moe and Tracy Houck. City Staff participating electronically were: Finance Director Melissa Kinzler, Planning and Community Development Director Craig Raymond, and City Attorney Sara Sexe. City Manager Greg Doyon, Deputy City Manager Chuck Anderson, Park and Recreation Director Steve Herrig, Senior Transportation Planner Andrew Finch, Fire Chief Jeremy Jones, and Interim Police Chief Rob Moccasin were present in the Gibson Room, and Deputy City Clerk Darcy Dea was present in the Commission Chambers.

To honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), modifications have also been made for public participation as follows:

- Attend in person. The City will be following the Cascade County Board of Health and the Public Health Officer Orders. Masks will be required and social distancing will be enforced. Public following these directives may view and participate in the meeting from the Gibson Room. Please refrain from attending in person if you are not feeling well.
- Attend the virtual meeting utilizing Zoom Webinar. Attendees must register in advance for the Commission Meeting: [https://us02web.zoom.us/webinar/register/WN\\_mCMuHSQ-STy-uHOso0dV\\_Q](https://us02web.zoom.us/webinar/register/WN_mCMuHSQ-STy-uHOso0dV_Q). After registering, you will receive a confirmation email containing information about joining the webinar by Zoom.
- Participate by phone. Attendees must register in advance for the Commission Meeting using the link above. After registering, you will receive a confirmation email containing information about joining the webinar by phone. If you do not have internet access, you may contact the Great Falls Public Library by 5:30 p.m. the day of the meeting at 453-9706 and they can assist with registration.
- Provide public comments in writing. Submit comments via mail addressed to City Clerk's Office, PO Box 5021, Great Falls, MT 59403 or by email to: [commission@greatfallsmt.net](mailto:commission@greatfallsmt.net) by 12:00 PM the day of the meeting.
- The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on cable channel 190, or online at <https://greatfallsmt.net/livestream>.

**AGENDA APPROVAL:** There were no proposed changes to the agenda by the City Manager or City Commission. The agenda was approved as presented.

**CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS:** None.

**PROCLAMATIONS:** Arbor Day (April 30, 2021) and Earth Day (April 22, 2021).

# JOURNAL OF COMMISSION PROCEEDINGS

April 20, 2021

## COMMUNITY HEALTH INITIATIVES

### 1. COMMUNITY HEALTH INITIATIVES.

Great Falls Public Schools Superintendent Tom Moore reviewed and discussed PowerPoint slides: Great Falls Public Schools, COVID-19 Overview, Great Falls City Commissioners, communication and collaboration, time-lines and highlights.

Appreciation was expressed to Superintendent Moore for his leadership, and to teachers, staff and the board for all of their efforts during this pandemic.

## PETITIONS AND COMMUNICATIONS/NEIGHBORHOOD COUNCILS/ BOARDS AND COMMISSIONS

### 2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

**John Hubbard**, City resident, expressed frustration with his Zoom experience, as well as with his family's experience with cops.

**Brett Doney**, Great Falls Development Authority (GFDA), appearing via Zoom encouraged the Commission during the budget process to adequately staff the Planning and Community Development Department so that upcoming projects can be expedited.

## CITY MANAGER

### 3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon announced that Great Falls was named a 2021 Class of Great American Defense Community and highlighted in a video.

Manager Doyon provided updates on the following:

#### 1. Aim High Big Sky Recreation Center

- Project continues to go through design refinements based on comments from Park & Recreation staff, public, and consultants.
  - Final design completion is scheduled for May 2.
  - 70-75% to construction design.
- Tonight the Commission will consider setting a public hearing for a Conditional Use Permit for the facility.
- Staff will do its best to respond to concerns about traffic, parking, impact on area businesses, and facility impacts on the park and surrounding neighborhood.
- Project staff will continue to meet with outside groups and consultants to incorporate as many suggestions and to address concerns as is possible within the scope of the grant and within the scope of the budget.

## JOURNAL OF COMMISSION PROCEEDINGS

April 20, 2021

**2. Great Falls Fire Rescue** worked three fires in the last week, that displaced 30 residents. No injuries resulted to civilians or fire department staff.

**3. SERC** – Cascade County was successful in a Homeland Security Grant for a Central Montana Mobile Command/Dispatch Center - \$572,251.

### **4. Chief of Police Selection Process**

- **Five internal candidates** were interviewed by the City Manager and Deputy City Managr.
- **Three candidates were advanced** to a peer/community interview process.
- The candidates interviewed with the department head team, the Neighborhood Council Chairpersons, and a focused community panel.
- Commissioner Tryon participated on the panel with the Neighborhood Councils. Commissioner Moe participated on the focused community panel.
  - Members of the Community Panel included: Shane Etwiler, Rob Lewis, Sheriff Jessie Slaughter, Mary Lynne Billy, Wes Old Coyote, and Major Rashida Brown from Malmstrom Air Force Base.
- The finalists then interviewed again with the City Manager and Deputy City Manager. Additional background on the candidates is being conducted. He will consider and deliberate on all the information that has been gathered through the process.
- An announcement is anticipated next week.

### **5. Great Falls Crime Task Force**

- A list of recommended members for the Task Force is forthcoming at the next meeting, two of which will be the Chief of Police and a representative from the City Attorney's Office.
- There have been suggestions to include the Sheriff, a Neighborhood Council representative, a representative from the judiciary, a business representative, legislative member, and probation/parole, mental health experts, and social service workers amongst others.
- The reality is that he won't be able to recommend, nor will the Commission be able to confirm, all of the people and/or organization that are interested in serving on the Task Force.
  - He will recommend to the Task Force (early in the process) that they identify Task Force Ambassadors – that is: those agency representatives who would complement the work of the Task Force.
  - Also, the meetings will be public, so anyone could attend and provide public comment.
  - The Resolution is specific to the credentials:
    - Background, training, education, and experiences in social science related to crime.
  - The Task Force is slated to meet either Tuesday or Thursday afternoons – sometime between 1-4 PM.

## JOURNAL OF COMMISSION PROCEEDINGS

April 20, 2021

- Manager Doyon is developing a suggested outline to help the Task Force get off on the right foot, including:
  - Participate in a facilitated session to talk about Task Force organization, operating procedures, and desired outcomes.
  - Be briefed to the same level, if not in more depth, about current crime trends in Great Falls, briefing from across the law enforcement continuum, and also a public safety budget presentation.

**6. Street Light Locator/Map** is now live on the City's website to help citizens determine which organization is responsible for repairing the street light and to direct them in how to report it.

### **7. CARES Act/America Rescue Plan**

- First meeting today of a working group that includes the GFDA, GFIA, School District, Chamber, Congressional Representatives designed to coordinate/collaborate on use of the CARES Act or America Rescue Plan Funds.
  - Manager Doyon assured the Commission he is not committing the City Commission to anything. He is trying to make sure efforts are complementary and result in the highest and best use of funding for the community.
  - The City still does not have federal guidance on use of the ARP funds.

### **CONSENT AGENDA.**

4. Minutes, April 6, 2021, City Commission Meeting.
5. Total Expenditures of \$1,650,043 for the period of March 17, 2021 through April 7, 2021, to include claims over \$25,000, in the amount of \$1,193,138.
6. Contracts List.
7. Set a public hearing for May 4, 2021, to receive public comment on the needs within the community related to the use of CDBG and HOME funds.
8. Set a public hearing for May 4, 2021, to consider Resolution 10398, a request from STSA Partners to use Downtown Urban Renewal District Tax Increment Financing (TIF) funds for the cost of construction of temporary sidewalk and reconstruction a public sidewalk and curb of The Newberry Event & Concert Hall for the building addressed as 420 Central Avenue; as well as consideration of Alternative Resolution 10398, which reflects the applicant's full request.
9. Set a public hearing for May 18, 2021, to consider Resolution 10399, a request from the Great Falls Airport Authority for a Tax Increment Financing project.

**JOURNAL OF COMMISSION PROCEEDINGS**

**April 20, 2021**

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

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

**PUBLIC HEARINGS**

**10. RESOLUTION 10390, APPROVING A REQUEST FROM THE GREAT FALLS BUSINESS IMPROVEMENT DISTRICT (BID) TO USE DOWNTOWN URBAN RENEWAL DISTRICT TAX INCREMENT FINANCING (TIF) FUNDS FOR THE COST OF TRIMMING, MAINTAINING, AND REPLACING BOULEVARD TREES IN THE DOWNTOWN URBAN RENEWAL DISTRICT.**

Mayor Kelly declared the public hearing open and asked for presentation of the staff report.

Planning and Community Development Director Craig Raymond reported that City Code requires that property owners be responsible for the maintenance of the boulevard area trees, grass and sidewalks. For some time the Great Falls BID has been budgeting for and maintaining the downtown boulevard trees within the BID boundary. At this time, the BID is requesting TIF funding for these tasks and to expand the project area in order to benefit the greater Downtown Urban Renewal Area.

The City has partnered with the BID and the Montana Department of Transportation to design and install a streetscape system within the downtown area. There has already been significant City tax and BID investment as well as CTEP grant funds invested in this infrastructure improvement. Approval of the request will continue to support the Downtown Urban Renewal Area in this fashion.

The specific TIF request is for a total of \$125,000 spread over a 5-year period or \$25,000 per year. The funds will be utilized to trim existing trees, replace unhealthy or dead trees and replace sidewalk tree grates as may be necessary. The BID will be responsible to seek quotes for services, hire a licensed and bonded contractor and submit invoices to the City for reimbursement after the work is complete. Once costs have been reviewed by City staff and certified as appropriate, and in compliance with TIF requirements, a check will be sent to the BID.

Since the boulevard trees are located in the public rights-of-way and benefit the greater public, the request is allowed under state TIF statutes and City Downtown Urban Renewal Plan guidelines.

Mayor Kelly asked if the applicant wished to present additional information.

## JOURNAL OF COMMISSION PROCEEDINGS

April 20, 2021

**Joan Redeen**, Business Improvement District Community Director, 318 Central Avenue, added that this request is not setting precedent. In 2009 the BID received TIF monies to fund tree work downtown.

Mayor Kelly asked if the Commission members had any clarifying questions.

Commissioner Moe noted her concern about City liability for contracting out work that is ordinarily that of the BID.

Director Raymond commented that it is not ordinarily City staff that would maintain the trees as this is not in the normal boulevard tree district that the City maintains.

City Attorney Sara Sexe added that an indemnification clause could be added in the agreement if the Commission was so inclined.

Commissioner Tryon inquired if the BID has a vendor in mind, or if the BID was receiving bids for the project.

BID Community Director Redeen responded that there will be a public bidding process, and the BID will work with the City Forester on that process. She also noted that the BID will require the vendor to be licensed, insured and bonded to work in the public right-of-way.

Speaking in support of Resolution 10390 was **John Hubbard**, City resident, commenting that he likes trees; and **Kevin Westie**, 602 35<sup>th</sup> Street North, inquired and was informed that this item pertains only to trees in the Downtown Urban Renewal area.

Appearing via Zoom and speaking in support of Resolution 10390 were:

**Brett Doney**, Great Falls Development Authority and Downtown Development Partnership, commented that it has been proven that trees rank at the top for changing the development and character of the downtown.

**Sherrie Arey**, BID board member and Executive Director of a downtown business, complimented Joan Redeen for all her work for the betterment of the downtown community.

No one spoke in opposition to Resolution 10390.

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

**Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10390 and approve the Tax Increment Grant Agreement for boulevard tree maintenance, trimming and replacement.**

Mayor Kelly asked if there was any discussion amongst the Commission members.

Hearing none, Mayor Kelly called for the vote.

**JOURNAL OF COMMISSION PROCEEDINGS**

**April 20, 2021**

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**11. 2021/2022 COMMUNITY DEVELOPMENT BLOCK GRANT CITIZEN PARTICIPATION PLAN.**

Planning and Community Development Director Craig Raymond reported that the Citizen Participation Plan document outlines the program requirements for ensuring that the citizens of Great Falls are informed about all aspects of the CDBG and HOME programs. In particular, the Plan must provide for involvement of those citizens that will be most impacted by the program - low to moderate income citizens.

Additionally, the Plan requires the City to make every reasonable effort to consult with public, private and non-profit agencies that provide service to low to moderate income residents such as housing, health care, and social services. In particular, extra attention must be paid to outreach with agencies that focus services on the elderly, disabled community, and minority populations.

Other components of the Plan include: 1) notification requirements for hearings, 2) making sure all program information is readily accessible, 3) requirements for timely response to public requests, and 4) requirements for amendments to program documents.

This year, staff is not recommending many significant changes to either the Citizen Participation Plan or programmatic policies. Staff is, however, intending to be significantly aware and sensitive to the community's concerns related to meeting in large groups during this COVID era. Staff will continue to provide multiple avenues and opportunities to the public to express thoughts and ideas.

**Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission adopt the Citizen Participation Plan.**

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

Commissioner Moe agreed with Sheila Rice's written communication pertaining to the approach of having a random survey every couple of years contingent on funding.

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

Motion carried 5-0.

**ORDINANCES / RESOLUTIONS**

**12. ORDINANCE 3227, AMENDING TITLE 5, CHAPTER 2, SECTION 010 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO SAFETY INSPECTION CERTIFICATES.**

## JOURNAL OF COMMISSION PROCEEDINGS

April 20, 2021

City Attorney Sara Sexe reported that Great Falls Fire Rescue (GFFR) has identified a need to have a more efficient way of ensuring that the businesses in the community renew their Safety Inspection Certificates and have a more effective enforcement tool. The Fire Prevention Bureau (FPB) would like to have an additional enforcement tool for outstanding delinquent Safety Inspection Certificate (SIC) fees. The proposed changes include the addition of Section G., allowing the City to refer businesses to collections, and updated language to replace the reference to “Uniform Safety Codes.”

Fire Chief Jeremy Jones reported that the FPB is staffed by four personnel. Going back to 2017, delinquent money owed to the SIC program totals over \$33,000. Two-hundred seventy eight notices were filed, that involved over 87 man hours. What is being proposed is the same that is already being done in the City’s water billing department. If business owners do not renew the SIC the FPB would have a process to send the delinquent businesses to collections so that the FPB could continue to work on the business that needs to be conducted by the bureau.

Commissioner Robinson experienced technical difficulties and left the meeting at 8:20 p.m.

**Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission accept Ordinance 3227 on first reading and set a public hearing for May 4, 2021.**

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

13. **ORDINANCE 3228, ESTABLISHING AUTHORITY TO LEVY ASSESSMENTS TO PAY COSTS OF CITY OF GREAT FALLS PARK DISTRICT NUMBER 1.**

Finance Director Melissa Kinzler reported that Ordinance 3228 is an ordinance establishing authority to levy assessments to pay costs of City of Great Falls Park District Number 1 including revenue bonds for the design, construction, and furnishing of a recreation and aquatic facility.

At the June 16, 2020, work session, staff had presented to the City Commission on the submission of a proposal that would allow the City to receive matching funds from the Office of Economic Adjustment for a \$20,000,000 indoor recreation and aquatic facility. The City would receive \$10,000,000 toward the recreation and aquatic facility. The City Commission was informed at that meeting that the City would hear back on the proposal in August and would need to submit the grant application in a short timeframe, if successful. The City was short-listed and submitted the grant application on August 26, 2020. At the September 15, 2020, City Commission meeting the City Commission authorized the City Manager to accept the DCIP grant, if awarded, in the amount of \$10,000,000 as a match for the new Aim High/Big Sky Recreation Facility. The City received notification on September 18, 2020, that the grant was awarded. On October 6, 2020, Resolution 10371 was adopted by the City Commission allowing the reimbursement by bond proceeds for costs that have occurred prior to the bond issuance.



## JOURNAL OF COMMISSION PROCEEDINGS

April 20, 2021

Ordinance 3228 is the next step in issuing the revenue bonds to cover the \$10,000,000 match for the new Aim High/Big Sky Recreation Facility. The ordinance establishes authority to levy assessments to pay costs of the City of Great Falls Park District Number 1 including revenue bonds for the design, construction, furnishing of a recreation and aquatic facility.

The resolution authorizing the issuance and fixing terms and conditions for the estimated \$10,000,000 improvements will be presented at the May 4, 2021, Commission meeting.

**Commissioner Tryon moved, seconded by Commissioner Tryon, that the City Commission accept Ordinance 3228 on first reading and set second reading for May 4, 2021.**

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

**John Hubbard**, City resident, spoke in opposition to any new taxes.

**Aaron Weissman**, appearing via Zoom, saluted the Commission for its leadership in bringing an indoor municipal swimming pool back to Great Falls for an avenue of health and wellness. It will also allow the City to be competitive for swim meets.

**Brett Doney**, Great Falls Development Authority, appearing via Zoom, noted that GFDA was a strong supporter of the park district and the park plan. He clarified that a pool was always part of the plan, albeit further down the road. He urged the Commission to move forward to improve the community for all residents.

**Dr. Susan Wolff**, appearing via Zoom, spoke in support of the aquatic and recreational center as well as the location that is needed for the youth in the community.

**Sherrie Arey**, City resident, appearing via Zoom, concurred with the positive comments. She added that this is a transformational opportunity for Great Falls. She commended Manager Doyon and staff for being aggressive during the process and believes they are doing the right thing for the community.

**Shane Etzweiler**, President/CEO of the Great Falls Area Chamber of Commerce, 100 1<sup>st</sup> Avenue North, appearing via Zoom, reported that the Chamber is a strong supporter of the aquatic/recreation center. This is a good use of part of the Park District funds.

**Michelle Fried**, appearing via Zoom, commented that after losing the Natatorium, there is definitely a big need for an indoor swimming pool. The recreational facility is needed and is important for swim meets for the school system.

**Tom Moore**, Superintendent Great Falls Public Schools, appearing via Zoom, noted that this is definitely going to be an asset to the students and children of this community to have a recreation center of this magnitude and quality. It will also be a tremendous opportunity for the airmen and women at the base. It will be nice to have another pool in town to host swim events. He encouraged the Commission to move forward with this project to the extent possible.

Mayor Kelly asked if there was any discussion amongst the Commission members.

## JOURNAL OF COMMISSION PROCEEDINGS

April 20, 2021

Commissioner Tryon requested that it be clarified that this action is not an additional tax assessment on residents above what is already being assessed for Park District No. 1.

Director Kinzler responded that, at this point, the Park District assessment does not need to be raised to pay for the debt service. Assessments come before the Commission for a public hearing on a yearly basis during the budget process.

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

Motion carried 4-0.

14. **RESOLUTION 10397, A REQUEST FROM WEST BANK LLC FOR THE REIMBURSEMENT OF \$1,175,380 OF WEST BANK TAX INCREMENT FINANCING FUNDS FOR REIMBURSEMENT OF CERTIFIED COSTS AT WEST BANK LANDING.**

Planning and Community Development Director Craig Raymond reported that West Bank Landing has been an ongoing development since 2016 that has included not only the attraction and construction of new businesses, but also demolition, remediation, and improvement throughout the entire site. The new development has included, so far, the construction of a hotel, office building, restaurant, new bank, and the remodel of a building for a health club. The applicant has had \$2,642,614 of TIF funds approved in the past to help cover the costs of the necessary improvements. In 2019, the City certified all of the eligible Tax Increment Financing costs. The improvements that were certified included work done on sewer and water lines, burying and extending power lines, expanding storm drains, environmental remediation, and improving accesses. So far, the City has paid West Bank LLC \$1,050,000 of his original request, and has the remaining \$1,592,614 financed with bonds.

The applicant, West Bank LLC, has submitted a new application requesting \$1,175,380 of West Bank TIF funds for the additional reimbursement of the certified, approved costs associated with the West Bank Landing development. These certified costs have already been determined by the Commission to meet all requirements and criteria needed for Tax Increment Financing. The original 2016 TIF application projected costs at \$2,642,614, but the actual certified costs by the City were \$3,817,994. The applicant is asking for the difference between the estimated and actual costs. Most of the difference in costs is due to the environmental cleanup that was required – the actual costs were higher than estimated, and the installation of utilities became more costly due to the materials needed because of contaminants.

The current cash balance of the West Bank Tax Increment Financing District is approximately \$770,000, and it has a debt service payment of about \$200,000. In May 2021, the district will receive another \$400,000 in revenue. The City Planning and Finance departments have determined that with the available money within the TIF, the City would split payments to the applicant into two equal parts of \$587,690. Dependent upon the approval of City Commission, the first payment would occur in June 2021, and the second in June 2022. This will also be dependent upon the tax increment collected within the district.

**Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10397, approve an Amendment of an Urban Renewal Project, and approve**

**JOURNAL OF COMMISSION PROCEEDINGS**

**April 20, 2021**

**Amendment No. 4 to Development Agreement with West Bank LLC to receive \$1,175,380 of West Bank Tax Increment Financing District funds for the reimbursement of certified costs at West Bank Landing.**

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

**Brad Talcott**, commented that the property is known at the state as the 3<sup>rd</sup> Street NW superfund site. It has been a high priority for redevelopment in the city for decades. People see the vertical development that is only allowed by the cleanup. It's these funds that have been used to rid the area of the point source of contamination that has been going on for decades and has allowed the development above ground. He thanked the City for its support.

**Kevin Westie**, 602 35<sup>th</sup> Street North, expressed appreciation to Mr. Talcott, noting the development has done a lot for the City.

**Brett Doney**, Great Falls Development Authority, appearing via Zoom, commented that this started before he was in Great Falls. It was one of the first projects of the Great Falls Development Authority working in partnership with the City. An EDA grant was obtained to start a master plan that eventually became the West Bank Urban Renewal area. It became clear early on that contamination was the biggest challenge for redevelopment. An EPA Brownfield Assessment grant was obtained and it became clear that the contamination was much worse than DEQ expected at the time and that it was moving. He noted that other projects are in the works, and reminded the Commission that most of the land hasn't been developed yet.

Commissioner Robinson returned to the meeting via Zoom at 8:53 p.m.

**Shane Etzweiler**, President/CEO of the Great Falls Area Chamber of Commerce, 100 1<sup>st</sup> Avenue North, appearing via Zoom, applauded the efforts of Brad Talcott and the other investors.

Mayor Kelly asked if there was any discussion amongst the Commission members.

Commissioner Moe echoed comments of the previous speakers and added this has been a transformational and remarkable project. She is grateful to all of the partners that made it happen.

Commissioner Tryon requested clarification for the public where the money and debt service is coming from.

Director Raymond responded that, if it weren't for the TIF, we wouldn't see the improvements and the development that has transpired over the last several years. When TIF districts are set up, there is a base line assessment of property in the area. As development occurs and improvements are made the value of the properties increase. Therefore, the property taxes received increases in kind. The difference between the base line assessment and the improvement amount gets set aside into the TIF District account. That money set aside is used for very specific things. When the TIF District expires the City will then enjoy not only the improvements but the increased taxes as well.

**JOURNAL OF COMMISSION PROCEEDINGS**

**April 20, 2021**

Commissioner Tryon noted that the current TIF fund balance is less than the amount requested. We are not going to another source to make up that difference. We are financing that and, even the debt service payment, is coming out of the TIF account.

Director Raymond agreed. There is multiple ways to structure the reimbursement, and the City has taken advantage of several legal means to do that.

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

Motion carried 5-0.

**15. AIM HIGH BIG SKY INDOOR AQUATIC AND RECREATION FACILITY – LIONS PARK (OF 1770).**

**I. Resolution 10400, Approve a conditional use permit to allow an “Indoor Sports and Recreation” land use in the Parks and Open Space (POS) zoning district at the property addressed as 900 29th Street South.**

**II. Resolution of Intent 10401, Intention to vacate 28th Street South between 8th Avenue South and 10th Avenue South, 9th Avenue South and 9th Alley South between 27th Street South and 29th Street South and 10th Alley South between 27th Street South and 28th Street South.**

Planning and Community Development Director Craig Raymond, Park and Recreation Director Steve Herring and Tim Peterson of LPw Architects, reviewed and discussed PowerPoint slides: Conditional Use Permit Requests, Site Plan, Findings of Fact/Basis of Decision, Rights-of-Way Vacation, Staff Recommendation, Project Background, Location, Project Parameters, Project Schedule, Overview, Considerations for Lion’s Site, and Floor Plan.

**Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission set a public hearing for May 18, 2021 to hear Resolution 10400 for a conditional use permit to allow an Indoor Sports and Recreation land use at the property addressed as 900 29<sup>th</sup> Street South.**

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

**John Hubbard**, City resident, inquired if the ground was checked to sustain a pool. City Manager Doyon responded in the affirmative. Mr. Hubbard commented that the Natatorium property was donated for a pool. Manager Doyon clarified that the land was donated for park purposes.

**Kevin Westie**, 602 35<sup>th</sup> Street North, commented that the building is gorgeous, and that he would have preferred a 50 meter pool.

**Scott Reasoner**, Chairman, Chamber of Commerce, requested that the Commission continue to support this project in every way. It is a great location right off 10<sup>th</sup> Avenue and is a tremendous asset for the community.

## JOURNAL OF COMMISSION PROCEEDINGS

April 20, 2021

**Andy Ferrin**, Chairman, Downtown Great Falls Association, 308 1<sup>st</sup> Avenue South, expressed support for the project, noting that it is a great community asset.

**Shane Etzweiler**, President/CEO of the Great Falls Area Chamber of Commerce, 100 1<sup>st</sup> Avenue North, appearing via Zoom, reported that the Chamber fully supports this project.

**Michelle Fried**, board member of the Downtown Great Falls Association and Great Falls Area Chamber of Commerce, appearing via Zoom, noted her full support of the project location at Lions Park. She urged the Commission's approval of setting the public hearing.

Written communication in support of Item 15 was received from: **Dr. Tony Aretz, Lt. Col., USAF Ret.**, and City residents and business owners **Courteney Ferrin** and **John Barnes**.

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

Commissioner Tryon inquired if staff was continuing to work with what was previously known as the Office of Economic Adjustment (OEA) and the Department of Defense on this project and whether there were any outstanding compliance issues. He doesn't want to move forward with this project if down the road there are issues and the City is stuck with costs.

Commissioner Houck noted a possible conflict of interested with regard to Commissioner Tryon's comments. She noted that the City did receive a complaint from Commissioner Tryon's employer.

Manager Doyon commented that he does believe Commissioner Tryon's comments were referring to a complaint that was filed by Phil Faccenda against the City's process for securing the project management and design of the facility. He clarified that, yes, staff is working in cooperation with the Office of Local Defense Community Cooperation (OLDCC) as the grant administrator, as well as the compliance officer.

On February 24, 2021, liaison Tim Robert made him aware of a complaint that was filed with his boss. He was advised that the DCIP program director received a call from Phil Faccenda regarding the City's procurement process claiming that an unfair preference was given to the firm that helped with the grant submittal. On March 1<sup>st</sup> he responded and included the documents that were utilized during that process. He received an email back from OLDCC that basically said we were all set. Until recently, he received some additional requests from Mr. Faccenda to demonstrate that the City was compliant with the federal acquisition process. City Attorney Sexe looked at it and opined that the City was compliant. Because she participated in the selection process there was a conflict. Because of Attorney Sexe's conflict, he retained the services of outside counsel, Jim Zadick. Attorney Zadick researched how the City conducted itself in comparison to the federal regulations and opined that the City satisfactorily met the conditions required by the grant. That opinion has been submitted to OLDCC. He will update the Commission upon receiving a response.

Commissioner Tryon concluded that he is looking forward to that response. He supports the project but doesn't want a situation like the CDBG repayment of monies a few years ago.

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

Motion carried 5-0.

**JOURNAL OF COMMISSION PROCEEDINGS**

**April 20, 2021**

**Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution of Intent 10401, and set a public hearing for May 18, 2021.**

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

**Barney Danishefsky**, Chairman, Neighborhood Council 9, reported that the last three NC 9 meetings have been regarding this project. There is overwhelming support for the project. The only negative comments were regarding traffic which is being addressed. Neighborhood Council 9 has unanimously voted to support this resolution as well as the project in general. The council's next meeting will cover the traffic study to get a baseline of what the current traffic is. He will report back to the Commission after that meeting.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

**16. RESOLUTION 10403, RESCINDING RESOLUTION 10341, AFFIRMING A LOCAL EMERGENCY AND ACKNOWLEDGING AND DEFINING THE CITY MANAGER'S POWER TO DECLARE AN EMERGENCY AND THE CITY MANAGER'S EXERCISE OF THAT AUTHORITY.**

City Attorney Sara Sexe reported that a state of emergency was declared in the incorporated City limits of Great Falls on March 19, 2020, by the City Manager as the principal executive officer for the City of Great Falls pursuant to Mont. Code Ann. 10-3-402. The City Commission adopted Resolution 10341 on March 23, 2020 authorizing the City Manager to waive enforcement of City Ordinances as necessary to effectively address the emergency. The City Manager issued Executive Orders, summarized as follows:

Executive Order 2020-1

Order suspending enforcement of Sections 10.9.030, 10.9.040 and 17.20.6.060, and related provisions of the Official Code of the City of Great Falls (OCCGF) pertaining to parking and residing in recreational vehicles.

Executive Order 2020-2

Order suspending general enforcement of sections of the Official Code of the City of Great Falls (OCCGF) which conflict with the Governor's Stay Home Directive, and suspending enforcement of OCCGF 8.2.220, 13.2.070, and related provisions pertaining to utility billing.

Executive Order 2020-3

Order suspending multi-animal permit and multiple animal hobby breeder permit inspections pursuant to the Official Code of the City of Great Falls (OCCGF) Section 6.1.090, and related provisions.

## **JOURNAL OF COMMISSION PROCEEDINGS**

**April 20, 2021**

### Executive Order 2020-4

Order enforcing the Governor's Directive Implementing Executive Orders 2-2020 And 3-2020 And Providing Guidance For The Phased Reopening Of Montana And Establishing Conditions For Phase One, suspend enforcement of any provisions of the Official Code of the City of Great Falls, (OCCGF) which are contrary to such Directive, and suspension of late fees for certificates and permits.

### Executive Order 2020-5

Order suspending general enforcement of portions of Resolution 10312, setting fees for the Mansfield Center for the Performing Arts, which consists of the Mansfield Theater, Mansfield Convention Center and meeting rooms by allowing a 25% reduction in room rental fees from June 1, 2020 through August 31, 2020.

### Executive Order 2020-6

Order amending Executive Order 2020-1 by reinstating enforcement of the Official Code of the City of Great Falls (OCCGF) § 10.9.030 and 10.9.040, and all other OCCGF provisions related to metered and timed parking spaces in the Downtown Parking District. All other provisions of Executive Order 2020-1 remain in effect.

The City Manager issued Administrative Orders 6-20, 7-20, 8-20 and 9-20 related to employee travel and quarantines that will also be rescinded. Summaries of these are:

### Administrative Order 6-20

Order limiting non-essential work related travel in/or out of state during the State of Emergency.

### Administrative Order 7-20

Order related to Montana Governor Steve Bullock's Directive Implementing Executive Orders 2-2020 and 3-2020 providing mandatory quarantine for certain travelers arriving from another state or country requirement to provide notification of travel to supervisor and department director.

### Administrative Order 8-20

Order Related to COVID-19 Phase One Reopening issued on April 24, 2020 regarding the mandatory self-quarantines and required notifications as set forth in Administrative Order 7-20 being relaxed.

### Administrative Order 9-20

Order removing mandatory self-quarantines and required notifications set forth in Administrative Orders 7-20 and 8-20 effective June 1, 2020.

On January 13, 2021, Montana Governor Gianforte rescinded Executive Orders declaring that a statewide emergency runs concurrent to the President of the United States' emergency declaration, and the Cascade City County Health Department also adopted Revised COVID-19 Control Measures on January 20, 2021. The need for the City Manager's immediate emergency powers under Resolution 10341 and §7-34-4101 appears to have been reduced, and the inability to convene a quorum of the City Commission has been diminished.

# JOURNAL OF COMMISSION PROCEEDINGS

April 20, 2021

City Manager Greg Doyon reported that this was an unprecedented experience for him and many City Managers across the country that had to declare an emergency of this nature, not only with the scope of the pandemic, but the duration of it. He used that authority to help the community get through the pandemic.

**Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10403.**

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

**John Hubbard**, City resident, commented that he won't listen to anyone that says not to wear a mask.

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

Mayor Kelly inquired if people were still allowed late payments on utilities.

City Attorney Sexe responded that is one of the executive orders that will be rescinded.

Mayor Kelly inquired how the public was going to be notified.

City Attorney Sexe responded that the communications department could provide information to the public that these executive orders have been rescinded.

City Manager Doyon added that public information will be issued and also included in the utility billing.

Commissioner Moe inquired about the prohibition of residing in recreational vehicles.

Manager Doyon responded if someone demonstrated to the City they had an emergent situation the City has some discretion if that were the case.

City Attorney Sexe added that the legal department works with code enforcement on issues of that nature to try to determine if there is mitigating factor to cause enforcement to be reduced.

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

Motion carried 5-0.

## **CITY COMMISSION**

### **17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS**

Mayor Kelly announced that in person Commission meetings will resume May 4, 2021, with physical distancing and masks required in the Chambers, as long as it is safe to do so. The public will have the capability to call in, the meeting will be live-streamed, broadcast on cable channel 190 and will be recorded. There will no longer be a Zoom presence.



**JOURNAL OF COMMISSION PROCEEDINGS**

**April 20, 2021**

Commissioner Robinson read a press release he authored announcing that he will not be running for re-election.

Commissioner Moe inquired if a response was received from Governor Gianforte to the Commission's request for an environmental impact study pertaining to Madison Food Park.

City Attorney Sexe responded that no response has been received.

Commissioner Houck requested that the Commission be made aware next week of any altered or extra meeting dates to the Commission's upcoming schedule.

**18. LEGISLATIVE INITIATIVES.**

None.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Commissioner Robinson, to adjourn the regular meeting of April 20, 2021, at 10:08 p.m.**

Motion carried 5-0.

---

Mayor Bob Kelly

---

Deputy City Clerk Darcy Dea

**Minutes Approved: May 4, 2021**