

JOURNAL OF COMMISSION PROCEEDINGS

July 6, 2021

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, Tracy Houck, Owen Robinson and Rick Tryon. Commissioner Mary Sheehy Moe participated electronically via Skype. Also present were: City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Finance Director Melissa Kinzler; Planning and Community Development Director Craig Raymond; Public Works Director Paul Skubinna; Human Resources Director Gaye McInerney; Fire Chief Jeremy Jones; City Attorney Sara Sexe; and, Police Chief Jeff Newton.

Public participation is welcome as follows:

- Attend in person. Please refrain from attending in person if you are not feeling well.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, July 6, 2021, to: commission@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name and address of the commenter. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.
- Call-in. The public may call in during specific public comment periods at 406-761-4786. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. This is a pilot service to test the feasibility of expanded public participation by phone. We ask for your patience in the event there are technical difficulties.
- 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: City Manager Greg Doyon noted a typographical error on the agenda. The combined presentation is for the labor agreements under New Business, agenda items 38-43. He also noted that Schedule A of agenda item 43 was replaced. 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.

MILITARY UPDATES

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Colonel Anita Feugate Opperman, Malmstrom Air Force Base, provided the following update:

- Over 400 people participated in the Juneteenth celebration.

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- Ground Based Strategic Deterrent (GBSD) is in the beginning stages. Field surveys begin July 12, 2021 to include cultural, biological and wetland resources regarding areas to utilize in some manner during construction. The purpose of the survey is to gather information for future environmental impact statements.
- There will be a series of leadership changes in security forces, maintenance, and mission support, as well as several squadrons.
- Invitations will be going out for a combat dining out scheduled for July 23, 2021, and a career and education fair on July 22, 2021.
- Kick off to the bi-annual best missile competition global strike challenge begins next month. Malmstrom won the challenge three times in a row.
- MAFB had three Air Force level winners: the Air Force's key spouse non-military member that provides crucial support to family members on base, civilian supervisor in personnel programs, as well as commander support team of the year.
- Sixty-years ago this month the missile wing was re-designated as the 341st bombardment wing, which is what the wing's heritage was with bombers during WWII and it stood up as the 341st strategic missile wing bringing to MAFB the mission that they have now with ICBMs.

PETITIONS AND COMMUNICATIONS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Kevin Westie, 602 35th Street North, discussed his opposition to battery electric vehicles stating they are being made with child slave labor and cause environmental destruction. As part of the crime prevention effort, he suggested opening up more trails and roads for ATVs, side by sides and dirt bike use.

Joan Redeen, on behalf of the Business Improvement District, commented that the Downtown Safety Alliance has worked in partnership with the Great Falls Police Department since 2009. A downtown safety plan was formally adopted in 2012. They are in the process of updating that document. It will go before the Downtown Development Partnership for review on July 28, 2021, and then to the Great Falls Police Department.

Personally, she is working with a national organization on a bike camp to teach kids with special needs how to ride a two-wheel bike. The camp is open to anyone eight years of age or older with a diagnosed disability. The camp is scheduled for August 2-6, 2021 at the MAFB Fitness Center and volunteers are needed.

John Hubbard, City resident, commented that he lost 5 family members due to Covid. He also discussed opposition to Legislator and County Commission pay raises and corrupt judges.

Shyla Patera, Neighborhood Council 2 Chairperson, discussed concerns about theft/crime that occurred during the last month and a half in the neighborhood, including a relative that was a victim. She urged the Crime Task Force to work on the root causes of crime, such as housing and

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homelessness and striking a balance between civil rights and public safety.

Daniel Hartzell, 609 Central Avenue, commented that he has literature to share about Cascade County child abuse statistics.

Rae Grulkowski, Stockett, MT, presented and read a prepared statement opposing the Big Sky Country National Heritage Area (BSCNHA) that, in part, the impacts of a federal designation of private property must be properly vetted, there is overwhelming concern regarding the impacts, and there should be more options proposed in this endeavor.

Ken Mesaros, 2191 Millegan Road, Cascade, MT, urged the Commission to pass a resolution opposing the BSCNHA. He commented that their efforts are a direct assault on private property owners. As a rancher, he has zero to gain and everything to lose. Property owners are not provided an option to opt out or provide input on their actions.

Mayor Kelly explained the process of staff review and updating policies for Commission consideration.

Russell Miner, 1350 55th Avenue South, on behalf of Cascade County Farm Bureau, presented and read a prepared statement from John Youngberg, Executive Vice President of Montana Farm Bureau Federation, urging the Commission to take the concerns of the agricultural interests to heart when making a decision on the future of the BSCNHA.

Donna Anderson, 310 S. Eden Road, read a prepared statement in opposition to the BSCNHA that, in part, the people who are the most affected have been given the least input, and have been given no option or avenue to withdraw their property from this designation. She urged the Commission to oppose this heritage area.

Katie Hanning, reported that Home Builders Association members oppose the BSCNHA designation for many of the reasons expressed. She urged the Commission to stay neutral on this issue.

Janet Thayer, Belt, MT, encouraged the Commission to utilize independent thinking skills and not those of the BSCNHA non-profit seeking a tourist based economy. NHAs are supposed to be self-sustaining. Yet all of the 55 NHAs established years ago are still relying on federal funding. It is not a sound economic model and there are more on record opposing it than supporting it.

Jeni Dodd, City resident, commented that in 2013 this designation was not a project detailed in the City's growth plan. It was merely an idea of something that may be proposed. The BSCNHA non-profit organized in 2015 and only proposed a narrow corridor along the river. It has grown to a monstrosity that includes all of Cascade County and part of Chouteau County. The private, non-profit BSCNHA provided no notification to land owners and there is no option to opt out.

Written communication was received from **Pam Erickson Cornelius** requesting that the Commission oppose the BSCNHA designation and encourage the proponents to use their energy to support programs and regulations that already exist to promote the economy and preserve the history and heritage of this area.

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NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. APPOINTMENT OF A MEMBER TO THE ETHICS COMMITTEE.

City Attorney Sara Sexe reported that this item is Commission consideration of an appointment to the Ethics Committee. Robin Beatty resigned after being hired by the City Attorney's Office. Committee Member Justin Grohs chose to remain as the alternate member. The Ethics Committee met on June 9, 2021, and recommended that the Commission appoint Seana Westcarr-Gray.

Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission appoint Seana Westcarr-Gray to the Ethics Committee for the remainder of a three-year term through December 31, 2023.

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.

5. REAPPOINTMENT TO THE BUSINESS IMPROVEMENT DISTRICT BOARD OF TRUSTEES.

Commissioner Robinson moved, seconded by Commissioners Houck and Moe, that the City Commission reappoint Alison Fried to the Business Improvement District Board of Trustees to a four-year term expiring June 30, 2025.

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.

6. REAPPOINTMENTS TO THE TOURISM BUSINESS IMPROVEMENT DISTRICT BOARD OF TRUSTEES.

Commissioner Tryon moved, seconded by Commissioner Houck, that the City Commission reappoint Peggy O'Hare-Becker and David Buckingham to the Tourism Business Improvement District Board of Trustees for a four-year term through June 30, 2025.

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

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Motion carried 5-0.

7. REAPPOINTMENT TO THE POLICE COMMISSION.

Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission reappoint Morgan Kasuske to the Police Commission for a three-year term through June 30, 2024.

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.

8. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

9. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon updated the Commission on the following:

- Planning and Community Development Department will be holding a development partner town hall meeting from 4:00 – 6:00 pm on July 14, 2021. It's a continuation of efforts improve and streamline the development review and approval process. Specific discussion will focus on application submittals, checklists, and procedures, proposed public infrastructure plan review and inspection fees.
- Resident 911 calls over the Fourth of July holiday included 43 grass fires, 11 dumpster fires, 2 structure fires and 1 medical trauma related call. The Fire Department had a total of 139 calls. Great Falls Police Department had 45 fireworks related calls. He relayed that the Fire Marshal had fireworks thrown in front of his vehicle. Fireworks thrown at public safety officials who are out trying to keep the community safe may cause the governing body to contemplate how the Fourth of July is celebrated in this community.
- He publicly congratulated Maren Reilly, Great Falls Fire Rescue Firefighter for her promotion to Lieutenant. She is the first female to be promoted to an officer position at Great Falls Fire Rescue. He also reminded everyone that Great Falls Fire Rescue had the first paid female firefighter in Montana in 1982.
- With regard to the Big Sky Aim High Recreation Center (OF 1770), he has not received official word from the Office of Local Defense Community Cooperation (OLDCC) regarding the Phil Faccenda complaint. He is hoping to get an update during a scheduled call tomorrow. Design work on the facility is to be completed July 31st. He is expecting bids to go out for water main re-routing that goes through the park by August 26th. Final details are being made on the facility project.

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Planning and Community Development Director Craig Raymond discussed the extensive scaffolding around the Civic Center for the façade project. If interested, Commission members can schedule tours with the project manager.

Commissioner Robinson commented that discharging of fireworks ended at midnight on the 4th of July and are still going off.

Mayor Kelly noted that the majority of comments received are about the abuse of the fireworks rules in place.

CONSENT AGENDA.

10. Minutes, June 15, 2021, City Commission Meeting.
11. Total Expenditures of \$4,720,056 for the period of June 2, 2021 through June 23, 2021, to include claims over \$25,000, in the amount of \$3,881,575
12. Contracts List.
13. Grants List.
14. Approve the 2020/2021 Community Development Block Grant Agreement between the City of Great Falls and Great Falls Fire Rescue in the amount of \$355,042 for the purchase of a new fully equipped ambulance for Fire Station #1.
15. Approve the purchase of one 2020 E-450 Life Line Ambulance from Hughes Fire Equipment of Spokane, Washington, through H-GAC (Houston-Galveston Area Council) for \$288,668.
16. Approve the 2020/2021 Community Development Block Grant Agreement in the amount of \$85,000 for the City of Great Falls Public Works Department installation of new ADA compliant ramps and sidewalks at 1101 7th Ave S., Great Falls, MT (Longfellow Elementary).
17. Set the public hearing for July 20, 2021 to consider proposed amendments to the 2019/2020 Annual Action Plan identifying funding priorities for additional COVID-19 relief (CDBG-CV) funding.
18. Adopt Resolution 10409 and authorize the Public Works Director or his designee to request distribution of Bridge and Road Safety and Accountability Act (BaRSSA) program funds.
19. Award a contract in the amount of \$864,765 to Central Plumbing and Heating, Inc. for the Southwest Side Water Main Replacement – Phase II project, and authorize the City Manager to execute the contract documents. **OF 1432.1**
20. Approve a final payment for the Gibson Park and Elks Park Trail Restoration, in the amount of \$14,850.84 to Missouri River Trucking and Excavation, Inc. (MRTE) and \$150.01 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1737.2**

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21. Award a contract in the amount of \$176,915 to Missouri River Trucking and Excavation, Inc. (MRTE) for River Drive North Trail Improvements, and authorize the City Manager to execute the construction contract documents. **OF 1726.2**
22. Approve a construction agreement for the Library Roof Repair Project to CentiMark Corporation of Billings, MT in the amount of \$253,757 and authorize the City Manager to execute said agreement. **OF 1775**
23. Ratify the proposed agreements with Blue Cross Blue Shield of Montana, Sun Life Assurance, Benefit Harbor, Integrated Behavioral Health, Take Control, It Starts With Me, and Application Software, Inc. for the new health and benefit agreements for the employees of the City of Great Falls effective July 1, 2021.
24. Set a public hearing on Resolution 10420, amending section (1)B of Resolution 10392 establishing the rates, fees and penalties associated with title 10 of the Official Code of the City of Great Falls (OCCGF) pertaining to the City's parking system for July 20, 2021.
25. Set a public hearing for Business Improvement District (BID) FY 2022 Budget and Work Plan for July 20, 2021.
26. Set a public hearing for Tourism Business Improvement District (TBID) 2021/2022 Budget and Work Plan for July 20, 2021.
27. Set a public budget hearing on Resolution 10411, the Annual Budget Resolution, for July 20, 2021.
28. Set a public hearing for Resolution 10415 to Levy and Assess the General Boulevard Maintenance District No. 3570 for August 3, 2021.
29. Set a public hearing for Resolution 10416 to Levy and Assess Great Falls Park District No. 1 for August 3, 2021.
30. Set a public hearing for Resolution 10417 to Levy and Assess Properties within Special Improvement Lighting Districts for August 3, 2021.
31. Set a public hearing for Resolution 10418 to Levy and Assess the Portage Meadows Maintenance District No.1195 for August 3, 2021.
32. Set a public hearing for Resolution 10419 to Levy and Assess the Street Maintenance District for August 3, 2021.

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

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

Shyla Patera, 1013 7th Avenue NW, commented that Neighborhood Council 2 is appreciative of the work beginning on the Southwest Water Main project. On behalf of North Central Independent Living Services, she expressed appreciation for awarding ADA sidewalk projects, and considering ARP and CDBG community needs.

John Hubbard, City resident, commented that “levy and assess” means more taxes.

Jeni Dodd, City resident, referred to Item 17 and inquired about a grant to Great Falls Development Authority.

Mayor Kelly responded, at this time the action is to set the public hearing for July 20, 2021, when the amendments to the 2019/2020 Annual Action Plan will be discussed in detail.

Commissioner Tryon clarified that items on the consent agenda are to set public hearings for vetting the details later or are items already accounted for.

Mayor Kelly added that the consent agenda is for day-to-day items that require Commission action. However, any Commission member may pull items from the list for separate discussion.

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

Motion carried 5-0.

PUBLIC HEARINGS

33. WEST RIDGE ADDITION PHASE IX, LEGALLY DESCRIBED AS PERETTI ADDITION TRACT 2, LOCATED IN THE SE1/4, SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, PMM, CASCADE COUNTY, MT.

I. PRELIMINARY PLAT OF WEST RIDGE ADDITION PHASE IX AND ACCOMPANYING FINDINGS OF FACT SUBJECT TO FULFILLMENT OF CONDITIONS STIPULATED BY THE PLANNING ADVISORY BOARD.

II. SUPPLEMENT TO IMPROVEMENT AGREEMENT.

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

Planning and Community Development Director Craig Raymond reported that this is a request to conduct a public hearing on the Preliminary Plat of West Ridge Phase IX. The subject property is approximately 7.69 acres and is located between 2nd Street Northeast and 4th Street Northeast, and will be a continuation of Choteau Avenue Northeast. Tonight’s preliminary plat is specifically for Phase IX of a development that is intended to be developed in 11 total phases. The City Commission approved the annexation of the entire property, assigning R-3 single-family high density zoning on August 18, 2015. At the request of the applicant, the Commission further approved the rezone of the property to Planned Unit Development on February 21, 2017 to give the applicant the ability to construct 2-unit townhomes.

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Since West Ridge, Phase VIII was approved by the City Commission in 2018, further platting of the development halted due to issues related to storm water management. The original 2015 annexation agreement stipulated that the City, the West Ridge development, and the adjacent Thaniel Addition development partner on the funding and installation of a regional storm water facility on a nearby property northwest of the two developments. However, the developers have concerns regarding the cost of such a facility and eventually made the decision to propose a private, on-site facility in lieu of previously agreed to participation in the construction of a regional storm water facility. The attached Improvement Agreement Supplement reflects this change in strategy on how to deal with storm water management. The new plan is not the preferred plan as it falls short in proactively planning for future growth but it is acceptable provided the developer designs and constructs all facilities in accordance with local, state and federal regulations.

The improvement agreement still stipulates that the developer is responsible to design and construct all other public improvements to support the development and the resulting impact of development in the area including transportation improvements. Traffic has been a significant neighborhood concern during previous phases of Westridge as well as other neighboring residential developments. As part of the 2015 agreement, the owner paid a proportionate share of the cost of the North End Transportation Study that is in review at this time in final draft form. Future phases of Westridge will be required to continue to construct improvements to the transportation network including the construction of 43rd Avenue NE.

With Phase IX of West Ridge Addition, the applicant is proposing townhomes, as well as single family homes. This proposed phase would create 28 new lots. The lots on the preliminary plat range from 10,656 – 10,662 square feet on the western portion, and 8,420 – 8,446 square feet on the eastern portion. The proposed lot standards are consistent with R-3 zoning district requirements as well as the PUD zoning designation that was applied to the development in 2017 to provide greater flexibility in housing choices.

Mayor Kelly asked if the Commission members had any questions.

Commissioner Tryon inquired if the previously agreed upon construction of a regional storm water facility has been abandoned.

Director Raymond responded that he is not aware of any current effort to construct the facility now.

Commissioner Tryon inquired about the \$130,000 contributed towards the construction of the facility in 2015.

Director Raymond explained that they have been building and using temporary facilities, as agreed to in 2015. Given their preference now not to participate in a regional facility, they will have to convert the temporary facilities to permanent facilities. As the development grows so will the size of the storm water facilities contained on their own properties.

Commissioner Tryon inquired the status of the Thaniel Addition storm water solution.

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Director Raymond responded he is not aware of new phases of Thaniel at this point in time, and storm water will be discussed when new phases are proposed.

Commissioner Moe requested clarification on whether this item was put before the Neighborhood Council for approval or if it was merely a discussion.

After reaching out to staff, Director Raymond commented that the Neighborhood Council did affirm and support the project.

Mayor Kelly asked if there were any comments from the public in support of the West Ridge Addition Phase IX Preliminary Plat, Findings of Fact, and the Supplement to Improvement Agreement.

Brett Doney, Great Falls Development Authority, commented that the regional storm water system is a great idea, but either one of two things need to happen. The City needs to grow faster to attract developers at scale or work together to come up with some kind of funding mechanism because it is not possible for a subdivision developer or homebuilder to come up with the upfront costs.

Katie Hanning, Home Builders Association, commented that infrastructure is super expensive. The EPA and DEQ make it overwhelming for developers. They are working on coming up with ideas, and Public Works staff is doing everything they can to work this out with developers.

Shyla Patera, City resident, would like to see neighborhood growth in that area with sidewalks and storm water infrastructure and plans for future development.

Mayor Kelly asked if there were any comments from the public in opposition to the West Ridge Addition Phase IX Preliminary Plat, Findings of Fact, or the Supplement to Improvement Agreement. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Houck moved, seconded by Commissioner Tryon, that the City Commission approve the Preliminary Plat of West Ridge Addition Phase IX and accompanying Findings of Fact, subject to fulfillment of conditions stipulated by the Planning Advisory Board.

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

Mayor Kelly commented that as development goes on, he hopes the original plans for the Thaniel Addition can continue.

Motion carried 5-0.

Commissioner Robinson moved, seconded by Commissioners Houck and Moe, that the City Commission approve the Supplement to the Improvement Agreement.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

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Motion carried 5-0.

34. **ORDINANCE 3229, APPROVING THE FAÇADE PROGRAM, THE LIFE SAFETY/CODE COMPLIANCE PROGRAM, AND THE ENVIRONMENTAL SAFETY PROGRAM; AMENDING THE DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL DISTRICT IN ORDER TO AUTHORIZE, APPROVE AND INCORPORATE THEREUNDER SUCH PROGRAMS; AND AUTHORIZING THE GREAT FALLS OFFICE OF PLANNING & COMMUNITY DEVELOPMENT TO PROVIDE FOR THE ADMINISTRATION OF SUCH PROGRAMS AS SET FORTH THEREIN.**

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

Planning and Community Development Director Craig Raymond reported that this is a request to conduct a public hearing on Ordinance 3229, which amends the Downtown Urban Renewal Plan (DURP) by introducing three distinct new programs to the DURP.

The City Commission recently approved of another DURP amendment, which specifically targeted the inclusion of the Civic Center Façade renovation project as an eligible activity under the plan. During the course of that amendment, it became clear that the downtown community was interested in further expanding the eligible activities in the urban renewal area similar to what other Montana communities currently offer. Specific activities discussed have included Crime Prevention through Environmental Design, an ADA compliance life safety improvement program and a façade renovation program.

The Downtown Master Plan identifies the desire for preserving, restoring, and reusing downtown's historic buildings and sites as an objective to meet the goal of enhancing downtown aesthetics. The proposed Downtown Urban Renewal Area Façade Program opens up tax increment financing (TIF) to potentially assist in the financing of many more façade renovation efforts. The program provides for up to a \$50,000 reimbursement per project for eligible façade renovation activities.

The Life Safety Code Compliance Program is designed to stimulate increased public safety and handicap accessibility improvement projects. Due to the historic nature of the downtown building inventory, many buildings are rife with building and fire code violations as well as features that impede the use and enjoyment of services and activities for those with physical and mobility impairments. The total reimbursement available for each requested project under the Life Safety Code Compliance Program is \$25,000.

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The Environmental Safety Program works toward the elimination of blight based upon the principles of Crime Prevention Through Environmental Design (Environmental Safety) and other safety and security design principles. Environmental Safety is a set of design principles used to discourage crime and promote building security. It can also be used to create inviting and safe public spaces where people can gather and socialize. The total reimbursement benefit for each project is \$5,000.

At the initiation of the programs, the total annual TIF request to fund the programs is \$500,000. Depending on the success of the program and TIF fund balance health, it could conceivably be possible that a request could be made to the City Commission in the future to either increase or decrease the total program budget. It should also be noted that applicants may apply through all three programs at one time for a total possible allocation of TIF funds in the amount of \$80,000 under the program. Each property would be eligible for such consideration once every 15 years. Funding applications, which fall within the program funding caps, will be processed by City staff and final funding decisions will also be made by the Director of Planning & Community Development or the Deputy Director.

One more important element of the program is that from time to time, unique high impact opportunities present themselves that may need funding beyond the prescribed funding caps. In these cases, applicants may indeed submit an application that staff will present to the City Commission for consideration. This process preserves the City Commissions discretion to grant funds in excess of the caps for special circumstances.

On May 25, 2021, the Planning Advisory Board found that the proposed plan amendments are consistent with the Growth Policy, and on May 26, 2021, the Downtown Development Partnership voted unanimously to recommend that the City Commission approve of the proposed plan amendment.

Mayor Kelly asked if the Commission members had any questions of staff.

Commissioner Tryon received affirmation that the primary reason for Director Raymond or his deputy approving of the applications is to expedite the process.

Commissioner Tryon noted that applications would be considered on a first come first served basis. He inquired if staff anticipated a rush of applicants.

Director Raymond responded that he is aware of a few projects that are waiting for the ordinance effective date.

It was clarified that if the program funds ran out, applicants would have to wait until the following year to apply.

Mayor Kelly asked if there were any comments from the public in support of Ordinance 3229.

Shyla Patera, City resident, commented that she is excited about the Life Safety Code Compliance Program. She suggested that staff look at options for neighborhoods as well to help revive areas of the community.

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Joan Redeen, Business Improvement District, commented that the BID is in support of all three programs and urged the Commission to adopt the programs.

Brett Doney, Great Falls Development Authority, echoed prior comments, and added it is exciting to see what is happening downtown with new businesses. The City's support of downtown revitalization is working. An open house is scheduled for the Northern Lofts on Friday and Saturday.

Kellie Pierce, Downtown Great Falls Association, submitted written communication in full support of the amendment to the Downtown Urban Renewal Plan and implementation of the TIF Programs.

Mayor Kelly asked if there were any comments from the public in opposition to Ordinance 3229. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Ordinance 3229.

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

Commissioner Houck relayed recent positive expressions about the growth of Great Falls.

Director Raymond commented that Deputy City Attorney Jeff Hindoien brought up an interesting situation stating: The concept of *Principles of Crime Prevention Through Environmental Design* was identified to the Crime Task Force at its meeting yesterday afternoon by Bryan Lockerby of DCI as something the community can look to as a no-or-low cost mechanism for helping to reduce crime in communities.

Motion carried 5-0.

35. **PROGRAM YEAR 2021 ANNUAL ACTION PLAN PUBLIC HEARING.**

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

Planning and Community Development Director Craig Raymond reported that this is a request to conduct a public hearing on the City's CDBG/HOME program that is funded by the federal government to help fund local community development. The primary goal is to assist the low to moderate-income individuals in the community.

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Because of the size and demographic profile, Great Falls is considered an entitlement city and is eligible to receive funding on an annual basis. Every year the amount changes slightly but this year the City will receive approximately \$810,605 in CDBG funds, and an award of \$283,494 in HOME Funds. This is not taking into account the specific Covid funds that the City has been allocated and which staff is still actively seeking to put to beneficial use. The Commission scheduled a public hearing to hear testimony regarding an amendment to the previous action plan relating to the Covid allocation.

Last year the Commission adopted the Program's 2020-2024 Consolidated Plan that provides policy guidance for funding priorities that are required to be incorporated into each year's Annual Action Plan. The Annual Action Plan implements the Consolidated Plan by focusing on the following programs to be implemented through the use of CDBG and HOME funds: 1) Public Services, 2) Affordable Housing, 3) Housing Rehabilitation, 4) Fair Housing, 5) Economic Development, and 6) Public Facilities and Improvements. Additionally, the Action Plan estimates the allocation of CDBG and HOME funds for each of these program categories as well as the number of individuals that may be assisted by each program.

Staff spent a considerable amount of time and effort in seeking community input through a number of means including direct contact with community partners, Neighborhood Council meetings and a Public Needs Hearing. To address the input provided during the process, the following provisions have been included in the proposed Action Plan:

- The Plan specifically identifies youth services and substance abuse services as priority goals under the Public Service program category, and
- The Plan identifies that both HOME funds and CDBG funds can be used to support affordable housing efforts. Specifically, the Action Plan proposes to use CDBG funds for slum and blight removal in association with affordable housing projects. For new affordable housing construction, staff notes that the City has approximately \$800,000 of unspent HOME funds from prior funding cycles available for eligible projects. Additionally, the City will be receiving approximately \$1 million of HOME funds later this year in association with the recently approved American Rescue Plan (ARP) Act. These HOME funds represent a significant opportunity to add new affordable housing stock into the Great Falls community.

Mayor Kelly asked if the ARP and additional HOME funds fall under the same categorization priorities in existence or are those funds available for different areas.

CDBG Administrator Tonya Shumaker responded that the HOME and ARP funds would require an amendment to the plan being considered for approval tonight. Guidance on use of the funds is expected to come out in October. At that time, staff will identify the priorities for those funds and bring an amendment for Commission consideration.

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Mayor Kelly asked if there were any comments from the public in support of the Program Year 2021 Annual Action Plan.

Shyla Patera, City resident, commented that the plan would impact housing and infrastructure in Great Falls. She hopes lower income services and connections can be made through housing, infrastructure and transit. An idea she had was building accessible tiny homes.

Due to timing of Great Falls Transit, Ms. Patera commented that she has to leave. On behalf of Northcentral Independent Living Services, she noted for the record support of agenda item 36, Carter Commons Affordable Housing proposal.

Brett Doney, Great Falls Development Authority, discussed workforce and average wage statistics. Great Falls was ranked by Heartland Forward as the 11th best metro area in the country for average annual wage growth from 2013-2017.

Mayor Kelly asked if there were any comments from the public in opposition to the Program Year 2021 Annual Action Plan. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission adopt the Program Year 2021 Annual Action Plan.

Mayor Kelly asked if there was any discussion amongst the Commissioners. He expressed appreciation to Planning staff for their work on this program and for the process. He looks forward to the final directives on the ARP funds.

Motion carried 5-0.

36. CARTER COMMONS AFFORDABLE HOUSING PROPOSAL.

Mayor Kelly reported that a record of this public hearing would be forwarded to the Department of Commerce and the Board of Housing. He declared the public hearing open and asked for presentation of the agenda report.

Alex Burkhalter, Housing Solutions, LLC, reviewed and discussed the Carter Commons Affordable Senior Living PowerPoint presentation:

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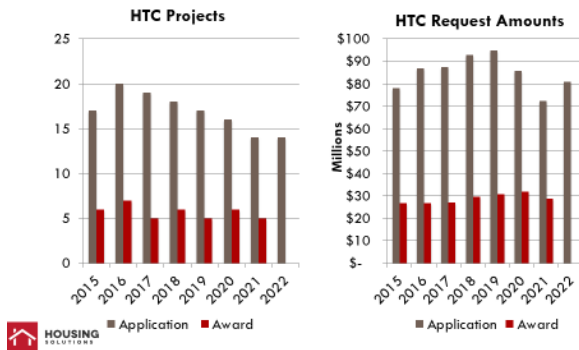
July 6, 2021

<div style="text-align: center;"> <h3>CARTER COMMONS</h3> <p>Affordable Senior Living</p>  </div> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 10px;">  <div style="text-align: center;"> <p>HOUSING SOLUTIONS</p> <p>Great Falls, Montana</p> </div>  </div>	<div style="text-align: center; margin-bottom: 10px;"> <h3>Introduction</h3> </div> <ul style="list-style-type: none"> □ Housing Solutions LLC <ul style="list-style-type: none"> ■ Formed in 2012 ■ 7 Properties Completed & 2 Underway ■ 3 States <ul style="list-style-type: none"> ■ Montana - Kalispell, Missoula, Glendive, Polson ■ North Dakota – Dickinson ■ Wyoming – Casper, Cody, Evanston □ Alex Burkhalter <ul style="list-style-type: none"> ■ 18 Years Experience ■ 21 Properties ■ 801 Apartment Homes ■ Montana, North Dakota, Wyoming
<div style="text-align: center; margin-bottom: 10px;"> <h3>Senior Projects</h3> </div> <div style="display: flex; justify-content: space-around; align-items: center;">    </div> <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <p>Aspen Place, Missoula, MT</p> <p>Meadowlark Vista, Casper, WY</p> <p>Depot Place, Kalispell, MT</p> </div> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 10px;">   </div>	<div style="text-align: center; margin-bottom: 10px;"> <h3>Housing Tax Credits</h3> </div> <ul style="list-style-type: none"> □ Federal Program, enacted 1986 □ 90% of New Affordable Rental Housing created with HTC's □ Administered by Individual States □ Success comes from Public/Private Partnership □ Assistance with Construction and Development Costs <ul style="list-style-type: none"> ■ By creating tax incentive for investors, equity is increased, and debt is lowered. ■ Lower debt servicing allows lower rents. ■ No rental or operating assistance <div style="text-align: right; margin-top: 10px;"> <h4>Debt/Equity Structure Conventional vs. Tax Credit</h4>  </div>
<div style="text-align: center; margin-bottom: 10px;"> <h3>HTC's – Who Do They Serve?</h3> </div> <ul style="list-style-type: none"> □ For Households at or below 60% AMI - Figures Published by HUD Annually <ul style="list-style-type: none"> ■ Cascade County Income Limit @ 60% AMI 4 people - \$42,600 ■ Cascade County Income 100% AMI 4 People \$64,900 □ Some units targeted deeper <ul style="list-style-type: none"> ■ 40% and 50% □ Typical resident is in entry level position <ul style="list-style-type: none"> ■ Retailers, Hotel's, Quick Service Food □ Elderly on fixed income <div style="text-align: right; margin-top: 10px;">  </div>	<div style="text-align: center; margin-bottom: 10px;"> <h3>Montana Housing</h3> </div> <ul style="list-style-type: none"> □ State Agency (a division of the Department of Commerce) designated by the IRS to administer the the program □ 7-person board – appointed by Governor □ Monitors projects under development and throughout operations □ Enforcement of remedies against non-compliant projects □ Tasked with awarding the Housing Tax Credits annually □ Publish the Qualified Allocation Plan □ <i>Very strong demand for this valuable resource</i> <div style="display: flex; justify-content: space-between; align-items: center; margin-top: 10px;">   </div>

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Housing Tax Credits in Montana



Senior Projects



2022 Round Letter's of Intent

Name	City	Units	Request
Carter Commons	Great Falls	36	\$6,491,250
Riverview Apts	Big Sky	25	\$6,491,250
Hardin Senior Housing	Hardin	24	\$4,438,010
Junegrass Place	Kalispell	24	\$4,780,000
Bicentennial Apts	Dillon	58	\$5,598,932
Cabinet Aff Housing	Libby	24	\$6,491,000
Beatz Perm Supp Apts	Great Falls	24	\$6,100,000
Tapestry Apts	Billings	34	\$6,435,000
Total Requested			\$46,825,442



A PROJECT FOR GREAT FALLS? Affordable Senior Living



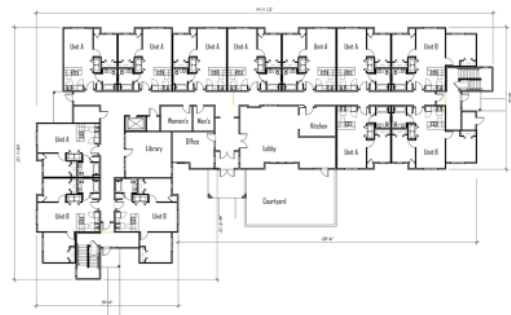
Great Falls, Montana

Project Highlights

- **36 Homes**
 - For age 55+
 - 1 & 2 bed homes
 - New construction
 - Rents from \$510-\$900
- **Community**
 - Onsite Manager's Office
 - Community Room with Kitchen
 - Outdoor Patio
 - Crafting/multipurpose space
 - Card and Billiards room
 - Elevator Service
 - Secured Building Entry
- **Energy & Green**
 - LED Exterior Lighting
 - Motion sensing, dimmable switches
 - Energy Star Appliances
 - Low VOC paints and adhesives
 - Formaldehyde free laminates
 - Water efficient Landscaping
 - Smoke Free Policy
 - Project Location, walkable!
 - Redevelopment site



Building Concept



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<h3 align="center">Unit Floor Plan</h3> <p align="center">HOUSING SOLUTIONS</p>	<h3 align="center">Location</h3> <p align="center">HOUSING SOLUTIONS</p>																											
<h3 align="center">Location</h3> <p align="center">HOUSING SOLUTIONS</p>	<h3 align="center">Affordability</h3> <p>Rental Rates 90% of the homes are here</p> <table border="1"> <thead> <tr> <th>AMI</th> <th>40%</th> <th>50%</th> <th>60%</th> <th>Market Rents</th> </tr> </thead> <tbody> <tr> <td>1 Bed</td> <td>\$510</td> <td>\$635</td> <td>\$775</td> <td>\$1,090</td> </tr> <tr> <td>2 Bed</td> <td>\$610</td> <td>\$765</td> <td>\$900</td> <td>\$1,220</td> </tr> </tbody> </table> <p><small>Carter Commons rents include all utilities!</small></p> <p>Resident Income Limits</p> <table border="1"> <thead> <tr> <th>Size</th> <th>40%</th> <th>50%</th> <th>60%</th> </tr> </thead> <tbody> <tr> <td>1 Person</td> <td>\$19,880</td> <td>\$24,850</td> <td>\$29,820</td> </tr> <tr> <td>2 Person</td> <td>\$22,720</td> <td>\$28,400</td> <td>\$34,080</td> </tr> </tbody> </table> <p>Monthly Rental Rates</p> <p align="center">HOUSING SOLUTIONS</p>	AMI	40%	50%	60%	Market Rents	1 Bed	\$510	\$635	\$775	\$1,090	2 Bed	\$610	\$765	\$900	\$1,220	Size	40%	50%	60%	1 Person	\$19,880	\$24,850	\$29,820	2 Person	\$22,720	\$28,400	\$34,080
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<h3 align="center">Preliminary Market Study</h3> <ul style="list-style-type: none"> □ Senior Homes Needed! <ul style="list-style-type: none"> □ 317 new SENIOR homes needed! □ Low capture rate of 11% □ 3rd largest city in Montana <ul style="list-style-type: none"> ■ Last senior development, Cascade Ridge, was funded in 2015! <p align="center">HOUSING SOLUTIONS</p>	<h3 align="center">Development Timeline</h3> <ul style="list-style-type: none"> □ Application and Award <ul style="list-style-type: none"> □ Letter of Intent – April 12th □ Invitation to Apply – May 25th July 6th □ Complete Application Due – August 2nd □ Projects Selected for Awards – October 18th □ Development <ul style="list-style-type: none"> □ Complete Plans & Construction Start – June 2022 □ Construction Complete – June 2023 <p align="center">HOUSING SOLUTIONS</p>																											

Mr. Burkhalter concluded that the Commission is not approving the project. This public hearing is a mechanism for Housing Solutions LLC to transmit any Commission and public comments to the Board of Housing to go in with the housing credit application.

Mayor Kelly asked if there were any questions of the presenter.

Commissioner Houck inquired if the 55 years of age and over restricted children.

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Mr. Burkhalter responded that at least one tenant of the apartment has to be 55 years of age or older.

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

Kevin Westie, 602 35th Street North, inquired the maintenance requirements for Carter Commons so that it doesn't depreciate and become a blighted area.

Brett Doney, Great Falls Development Authority, reported that GFDA believes this is an extremely important project. The developer is a high quality developer with a good reputation, and it is in their own interest to maintain the property. This type of tax credit properties seem to be well maintained over the life of the property. He believes the final market study will show that the need for these units is much higher than the developer is projecting. This is an infill development and serviced by police, fire and transit. It is an underutilized property right now. This type of infill development is not only great for the residents but it puts less fiscal burden on the City.

Kimberliegh Thiel-Schaaf, Director, Cascade County Aging Services, submitted written correspondence in support on this urgently needed project, and addresses a critical need in Great Falls for additional affordable housing for seniors as well as the need to ensure that their housing is safe, well maintained, and provides for their independence.

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

In response to Mr. Westie, Mr. Burkhalter commented that one thing that is unique with the public-private partnership is the housing tax credits are a subsidy and they go towards the construction of the building, but they do not have any rental subsidy. It is in his interest to keep the building desirable, attractive and have people want to live there because, whether he has residents living there and paying rent or not, he is still responsible for a mortgage and utility costs. Even though he is the owner, he will hire a management company that will be well watched over because he wants them to succeed and continue to do well. He has not had any projects fall into financial straits. They take great pride in what they do and believes the community will be happy with the project in year one and year twenty.

Mayor Kelly inquired if Mr. Burkhalter was applying for the 4% or 9% discounts.

Mr. Burkhalter responded that he is competing for the 9% housing credits.

Mayor Kelly wished him good luck and noted that Great Falls needs this type of project. The location is fantastic, will bring community to that part of town, and the park is underused.

Commissioner Houck commented that she loves the fact that it is an infill project. Giving seniors a place to downsize and live also frees up additional homes in the community. She applauds the accessibility design and makes it affordable for people to move in. Very often people are moving out of their own homes because they cannot afford the renovations to make it accessible to their current lifestyle.

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Mayor Kelly concluded that there is a community housing need in Great Falls and he urged the Board of Housing to be generous in their consideration of this proposal.

OLD BUSINESS

37. **DEDICATION OF 29TH STREET SOUTHWEST DESCRIBED AS THE EAST 60 FEET OF LOT 2A, BLOCK 1 OF FLYING J TRAVEL PLAZA ADDITION LOCATED IN THE SE 1/4 OF SECTION 21, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA PURSUANT TO THE IMPROVEMENT AGREEMENT WITH TURBO TRANSPORTATION GROUP, LLC APPROVED ON OCTOBER 6, 2020.**

Planning and Community Development Director Craig Raymond reported that this item is a request to approve the dedication to the public use and enjoyment 29th Street SW that is part of a previously approved project.

At the conclusion of a public hearing held on October 6, 2020, the City Commission approved Resolution 10372 to annex Tract 1B of Certificate of Survey No. 5077 and the adjoining right-of-way of Jasper Road. The City Commission also approved the minor subdivision to create Lots 1-4 of Double T Estates with establishment of C-3 Highway Commercial zoning for Lots 1-3 and R-2 Single-family Medium Density zoning for Lot 4 of the proposed Double T Estates subdivision.

Pursuant to the approved Improvement Agreement, the Owner was required to first dedicate and then construct 29th Street Southwest from 38th Avenue Southwest to the proposed Poplar Drive extension. This will allow the annexed 40.77-acre property to be accessed from existing City streets to the west and facilitate the first phase of development on Lot 1. Public infrastructure plans are currently under review for improvements to 29th Street Southwest and Poplar Drive along Lot 1 of the proposed Double T Estates.

Additionally, a building permit is under review for the planned truck wash located on Lot 1 of the proposed Double T Estates. It is anticipated that both public infrastructure improvements and development of Lot 1 will begin when all prerequisite items, such as this dedication and reimbursements, have been completed. Design and installation of the utilities and roadway improvements for the project are required to be consistent with City standards and the submitted plans shall be approved by the City of Great Falls before construction begins.

Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission approve the dedication of 29th Street Southwest described as the east 60 feet of Lot 2A, Block 1 of Flying J Travel Plaza as legally described in the staff report.

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

Commissioner Houck stepped out of the meeting at 9:15 pm and returned at 9:16 pm.

Hearing none, Mayor Kelly called for the vote.

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Motion carried 5-0.

Mayor Kelly called a recess at 9:16 pm and called the meeting back to order at 9:22 pm.

NEW BUSINESS

- 38 LABOR AGREEMENTS BETWEEN THE CITY OF GREAT FALLS AND THE MONTANA FEDERATION OF PUBLIC EMPLOYEES (MFPE), LOCAL #7796, GREAT FALLS POLICE PROTECTIVE ASSOCIATION (GFPPA), INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL #8, PLUMBERS AND PIPEFITTERS LOCAL NO. 41, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW), LOCAL #233, AND THE City OF GREAT FALLS PUBLIC EMPLOYEES CRAFTS COUNCIL.**

Human Resources Director Gaye McInerney reported that this report consolidates items 38-43. Two years ago, during the ratification of the 2019 collective bargaining agreements, there was a brief discussion regarding the double digit rising costs related to the City’s health insurance plan, which was previously provided by MMIA. The Commission provided direction to bid the health insurance plan for a new vendor and to change the employer/employee cost sharing split, which was Employer 90 percent, and Employee 10 percent in 2019. Since cost sharing is a bargained benefit in each of the collective bargaining agreements, 2021 was the next opportunity to bargain this item.

The health insurance plan was bid in March of this year, and the Commission is aware, the City made the move to BCBS-MT effective July 1, 2021. Collective bargaining began on April 26, 2021 and was completed on June 17, 2021 with successfully bargaining six contracts in nine weeks. Bargaining came down primarily to two items – cost-sharing percentages for health insurance and wage increases with the term of all the collective bargaining agreements as two years. All six collectively bargained memberships have ratified a new health insurance aggregate cost sharing percentage of Employer 85 percent and Employee 15 percent. The shift to an 85/15 split is estimated to save the City approximately \$576,000 in FY22.

Director McInerney highlighted the negotiated items for agenda items 38-43, and noted that each item will need to be voted on individually by the Commission.

Item #	Union	FY22	FY23	Financial Impact
38	MFPE	4.0%	4.0%	\$327,000
	MFPE – ECC	4.5%	4.0%	
39	GFPPA	4.0%	2.75%	\$658,532
40	IAFF, Local #8	3.5%	3.25%	\$473,000
41	Plumbers	3.5%	3.5%	\$33,513
42	IBEW	3.5%	3.25%	\$38,237

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43	CRAFTS	\$0.85/hr	\$0.70/hr	\$287,000
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Mayor Kelly inquired the potential savings to the City for the change in health insurance to BCBS and the 85/15 split with City employees.

Director McInerney responded in FY22, Finance Director Kinzler has indicated a \$576,000 savings with that 5% shift.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission approve the labor agreement between the City of Great Falls and the Montana Federation of Public Employees (MFPE), Local #7796.

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

Commissioner Tryon inquired if management felt this was a fair and equitable negotiation for each of the entities and both sides well served.

City Manager Greg Doyon responded the negotiation process was fair. Both sides had to give a little and leave a little on the table in the process. He opined the union negotiating teams might argue they are getting the minimum amount that they can live with when they go back to sell it to their memberships and vote on it because they know the City has a limited amount of funds. That is communicated to each of the unions during negotiations. Each side ultimately came to agreement.

Commissioner Robinson commented the new health insurance provider and the employees paying an extra 5% resulted in a big savings for the City. He thinks it is fair that the employees make a good salary and benefits. He is pleased with the outcomes.

Deputy City Manager Chuck Anderson recognized the department heads as the negotiating team.

Commissioner Houck expressed appreciation for having all of the contracts vetted and presented on time.

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

Motion carried 5-0.

Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission approve the labor agreement between the City of Great Falls and the Great Falls Police Protective Association (GFPPA).

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly ask if there was any further discussion amongst the Commissioners. Mayor Kelly recognized each individual on the union negotiating team.

Mayor Kelly called for the vote.

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Motion carried 5-0.

Commissioner Houck moved, seconded by Commissioner Tryon, that the City Commission approve the labor agreement between the City of Great Falls and the International Association of Fire Fighters (IAFF), Local #8.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly ask if there was any further discussion amongst the Commissioners. Mayor Kelly recognized each individual on the union negotiating team.

Mayor Kelly called for the vote.

Motion carried 5-0.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission approve the labor agreement between the City of Great Falls and the Plumbers and Pipefitters Local No. 41.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly ask if there was any further discussion amongst the Commissioners. Mayor Kelly recognized each individual on the union negotiating team.

Mayor Kelly called for the vote.

Motion carried 5-0.

Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission approve the labor agreement between the City of Great Falls and the International Brotherhood of Electrical Workers (IBEW), Local #233.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly ask if there was any further discussion amongst the Commissioners. Mayor Kelly recognized each individual on the union negotiating team.

Mayor Kelly called for the vote.

Motion carried 5-0.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission approve the labor agreement between the City of Great Falls and the City of Great Falls Public Employees Crafts Council.

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly ask if there was any further discussion amongst the Commissioners. Mayor Kelly recognized each individual on the union negotiating team.

Mayor Kelly called for the vote.

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Motion carried 5-0.

ORDINANCES/RESOLUTIONS

44. RESOLUTION 10421, TO AMEND RESOLUTION 10096 (CONDITIONAL USE PERMIT (CUP)) TO ALLOW HELENA AGRI-ENTERPRISES, LLC, PERIODIC STORAGE OF ANHYDROUS AMMONIA (NH₃) ONSITE AT 6201 18TH AVENUE NORTH IN ORDER TO MANUFACTURE AMMONIUM POLYPHOSPHATE (APP).

Planning and Community Development Director Craig Raymond reported that this item is a request to set a public hearing to consider Resolution 10421 amending Resolution 10096 which granted a Conditional Use Permit to Helena Chemical to construct and operate a business that handles hazardous substances on property addressed as 6201 & 6301 18th Avenue North.

The applicant, Helena Agri-Enterprises, LLC (Helena Chemical), is a national fertilizer company, which has been in operation since 1957 and has been established in Great Falls at AgriTech Park on Lot 3A since 2016. Helena Agri-Enterprises, LLC receives large quantities of dry and liquid fertilizer from rail and truck, then will mix, blend, repackage, store, and redistribute large quantities of fertilizer to farmers across Montana. The type of product redistributed depends on the specific need from each individual farmer.

During the 2015-CUP review process, staff identified two chemicals as not being permitted to be brought into the facility, ammonium nitrate and anhydrous ammonia. The caution at the time was related to the flammable nature of these chemicals. However, staff has recently been contacted by the applicant requesting that the CUP be modified to allow anhydrous ammonia because of the need to supply ammonium polyphosphate to local farmers. The amendment requested will allow Helena Chemical to periodically store anhydrous ammonia onsite in order to manufacture ammonium polyphosphate. The storage proposed will require rail cars or trucks to be staged on the existing rail line or facility for approximately two weeks. A truck mounted blending unit will be utilized to process the estimated 180,000 gallons of finished ammonium polyphosphate and will use all the anhydrous ammonia stored in the rail cars or trucks in approximately twenty-four hours. The rail cars or trucks will be connected to the vessels and attached to the blending unit by hose. The ammonia will be discharged from the unit by hose to existing plumbing and tanks. Helena Chemical anticipates the blending operation will be needed two times per calendar year. The anhydrous ammonia will be transported by four rail cars and involve usage of approximately 60,000 gallons of water.

Staff from various departments, including Fire Rescue staff, have reviewed the proposal and find that this amendment is a reasonable modification of the 2015 CUP. The Staff recommendation is based on the ongoing efforts that Helena Agri-Enterprises, LLC has taken over the years to ensure safety in their chemical handling processes. Additionally, the specific process proposed minimizes risk because the anhydrous ammonia is connected directly from its transport container to the on-site mixing tank.

Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission set Resolution 10421 for a public hearing on August 3, 2021.

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

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Brett Doney, Great Falls Development Authority, commented that GFDA is the developer of the Agri-Tech Park. Helena Chemical has proven to be an excellent partner at the park. GFDA has some new prospects for the park and most likely will be asking the Commission to endorse grant applications to the Economic Development Administration (EDA) to make improvements to 67th Street, including paving, water and sewer. Approval of an EDA grant will be less of a tax burden on the financing district and residents.

Mayor Kelly inquired if there has been trepidation expressed by the other tenants.

Mr. Doney responded the reason for an industrial park is to keep industrial uses away from residential areas. One concern is liability from spills. Each tenant needs to buy enough land to retain all of its runoff on its own lot. If it were not for the long history that Helena Chemical has and the experience he has had the last seven years working with them, then GFDA would have cause for concern because it could impact future lot sales.

Because it is a gas, Mayor Kelly noted that retention ponds do not come into play if there is an issue.

Director Raymond noted there is very little to no actual construction to take place to accommodate this request. They will be using closed, portable systems to some extent.

For the public hearing, Mayor Kelly requested additional information about Helena Chemical's safety record, the process, the risk profile, and whether it is normal under these circumstances to ask for some type of bond to be issued for the increased risk.

Director Raymond responded that Helena Chemical representatives would be present to answer questions.

Mr. Doney added that he would ask BNSF executives to be here as well.

Commissioner Tryon requested information also be provided regarding the danger of anhydrous ammonia being a target for methamphetamine producers.

Commissioner Houck inquired if this requested change has been discussed with Neighborhood Council 4.

Mr. Doney responded the council approved the change before the Planning Advisory Board meeting.

Commissioner Robinson would also like to know other places this chemical has been manufactured and if there were any safety issues.

Commissioner Houck inquired if Malmstrom had any concerns.

Director Raymond responded that Malmstrom has been notified and as of this date have not weighed in.

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Commissioner Moe would also like more information about this particular method of transport and delivery via train and to understand more the risk the City is taking on.

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

Motion carried 5-0.

CITY COMMISSION

45. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly announced that a ceremony is being arranged tomorrow evening to commemorate the people that died from Covid over the past year at that the Municipal Band Shell in Gibson Park.

Commissioner Houck expressed condolences to Mr. Hubbard and his family. She also commented that fireworks are over and hopes that the Great Falls Police Department continues to enforce the ordinance. She was horrified to hear the amount of firework related calls.

Fire Chief Jeremy Jones announced that this afternoon the County went into Stage 1 restrictions, which is no open burning, and fires only in approved fire pits. Stage 2 restrictions will be implemented if the drought and weather continues. He added that GFFR is hearing about firework related fires that weren't reported. Although the firework related numbers that Manager Doyon reported are high, it isn't an accurate reflection of what happens in the community and it is hard to have a proactive approach to try to enforce the rules of no fireworks on sidewalks, streets and parking lots.

46. COMMISSION INITIATIVES.

Mayor Kelly requested that Crime Task Force Chairperson Sandra Guynn be invited to provide an update to the Commission and community.

Commissioner Tryon requested the Legal Department staff advise the Commission on the process of adopting a resolution stating the City of Great Falls takes a neutral position in relation to the BSCNHA. BSCNHA agenda proposes a heritage area for all of Cascade County and part of Chouteau County and goes well beyond Great Falls' jurisdiction.

City Attorney Sara Sexe responded such a resolution would go through the normal Commission agenda process and vetting by the public.

Commissioner Tryon added that it would entail amending the 2013 Growth Policy and the various boards appointed by the City to also remain neutral and not advocate the goals of the BSCNHA.

Commissioner Houck noted that the entire conversation perplexes her. The Commission is here to make sure the community flourishes, and is always looking for additional resources and collaboration with other people and organizations. She was on the founding board to look at the tourism aspect of it for a designation on the map to help people find us. She was recently approached at an outdoor event by a paid lobbyist opposed to the BSCNHA. If the Commission

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is going to have an open dialog she suggested that both parties be invited, as well as a state tourism representative.

Commissioner Tryon clarified that his point was to determine whether it was appropriate for the City to be advocating for a project that goes well beyond the City's jurisdictional boundaries, and using resources and the platforms of advisory committees to promote it when it goes beyond the City's jurisdiction.

Commissioner Houck suggested that would be a good conversation for the Commission members to have with Dan Clark.

Commissioner Moe commented that she continues to stumble upon documents that are supposed to be revised every now and then. With regard to the NHA discussion, the real issue is that the Commission should be having a community-wide conversation about how we want to see this community grow and in what manner. It's important to continually have those conversations and to get the growth plan into the next decade.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Commissioner Robinson, to adjourn the regular meeting of July 6, 2021, at 10:17 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: July 20, 2021