

JOURNAL OF CITY COMMISSION WORK SESSION
August 3, 2021

City Commission Work Session
Civic Center Gibson Room 212

Mayor Kelly presiding

CALL TO ORDER: 5:30 PM

CITY COMMISSION MEMBERS PRESENT: Bob Kelly, Mary Sheehy Moe, Rick Tryon, and Owen Robinson, and Tracy Houck.

STAFF PRESENT: City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Attorney Sara Sexe; Mansfield Center for the Performing Arts Manager Owen Grubenhoff; Police Chief Jeff Newton; Fire Chief Jeremy Jones; and, Deputy City Clerk Darcy Dea.

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 the day of the meeting 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; 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>.

PUBLIC COMMENT

None.

1. MANSFIELD THEATER FEES.

Great Falls Symphony Executive Director Hillary Rose Shepherd, reported that the Broadway series has been operating for approximately 20 years in Great Falls. On average, 1600 people attend Broadway shows, and over 25% are from out of town. The Broadway series is a huge driver for tourism and creates an impact on the local economy. The Great Falls Symphony is partners with Innovative Arts and Roberts Group.

Executive Director Shepherd provided and discussed a handout that included current and proposed fee incentives with regard to a Broadway single ticket structure.

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Mansfield Center for the Performing Arts Manager Owen Grubenhoff reviewed and discussed the following PowerPoint slides:

Broadway in Great Falls

Series

- The Broadway series averages 4-6 shows per year
- The Broadway series sells over 1300 tickets per show, the highest average attendance of any other season series in our facility

Budget Impact

- More than 7500 tickets were sold in 2018/19 season
- Total Mansfield revenues from the Broadway series were over \$45,000
- Broadway revenue represented 21% of Theater revenue and 14% of total Mansfield revenues

Local Economy Impact

- Broadway shows bring in more out of town business than local shows and directly contribute to restaurant and hotel income

The Mansfield
Center for the Performing Arts

Fee Proposal

- We are proposing to create a new fee that will be routed directly to any promoter who meets the eligibility requirements.
- To be eligible, any promoter must be presenting 4 or more shows in a fiscal year.
- The fee will be decided by the promoter on a per show basis with a maximum cap of \$8.00 per ticket amount.
- Any show utilizing this fee must meet the show maximum rental cap, which is currently set at \$4335.00.
- If ticket sales are not great enough then the Mansfield Center will retain a portion of the fee in order to meet the cap.

The Mansfield
Center for the Performing Arts

Mayor Kelly inquired about the maximum rental cap.

Mansfield Center Manager Grubenhoff responded that eight percent of ticket sales go to the Mansfield Center for the Performing Arts and the promoter receives the remaining amount. He further reported that the ticket fee proposal would not affect the consumer or the Mansfield Center's budget. Manager Grubenhoff commented that he would like to have the convenience fee a separate fee because currently the consumer can avoid a convenience fee if they purchase tickets in person. The Broadway series and Great Falls Community Concerts averages four to six shows per year and the Director of the Great Falls Community Concert Association is in favor of the fee proposal.

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Commissioner Tryon received clarification that the ticket fee proposal benefits the Mansfield Center, ensures that the promoter will not take a loss and the Broadway show has a built in ticket price requirement that requires a minimum ticket price.

Commissioner Moe received clarification that promoters could determine a fee on a per show basis, and that the Fairgrounds and Helena Civic Center have the same amount of flexibility depending on the show.

It was the consensus of the Commission to consider Resolution 10426, establishing fees for the Mansfield Center for the Performing Arts, at the August 17, 2021 City Commission Meeting.

2. UPDATE ON DRAFT INTERIM AGREEMENT REGARDING CITY-COUNTY HEALTH DEPARTMENT.

City Manager Greg Doyon explained that the 2021 Legislature made changes to governance of the City-County Health Department (CCHD). Class-one cities in the state of Montana are required to have a Health Department or they can choose to enter into an agreement with the County that has a Health Department and to provide those services that are required under the statutes. Manager Doyon received an email on June 2, 2021 from Cascade County Commissioner Joe Briggs, summarizing the recent legislative changes effecting the CCHD. Commissioner Briggs also provided a Draft Memorandum of Understanding (MOU). A Joint City-County Commission Meeting was held on July 28, 2021 to discuss the Draft MOU and legislative changes.

City Attorney Sara Sexe reported that the Legal Department incorporated some of the changes that the City thought it heard at the July 28, 2021 Joint City-County Commission Meeting. There have been additional comments that have not been incorporated into the Draft MOU because City staff wanted to hear what the consensus of the Commission was with regard to those changes.

City Attorney Sexe provided and discussed a Draft MOU with the City's proposed language (in red), to provide back to the County.

Commissioner Moe commented that it is urgent to clearly identify who the interim governing body is. She further suggested naming the Board of Cascade County Commissioners separately and that the Board consist of three Cascade County Commissioners and a City Commissioner. Commissioner Moe expressed support with regard to the City's language in the Draft MOU with regard to any local governing body should be subject to all applicable requirements relating to open meetings, public notice and other requirements relating to public entities.

Mayor Kelly commented that page 3, paragraph 2 of the Draft MOU, would be deemed modified to the limited extent necessary for the CCHD and Board of Health (BOH) to operate in compliance with the requirements of HB 121 and HB 257 and the remaining terms and conditions of the Agreement remain in full force and effect.

Commissioner Robinson expressed concern that HB 121 and HB 257 takes the final decision making out of the hands of the health professionals and gives it to the politicians. He commented that establishing an interim local governing body for the City-County Board of Health is only a temporary solution.

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Commissioner Tryon received clarification that September 1, 2021 is the anticipated date to have an executed MOU in order for the City-County Health Department to have guidance as to the designation of an interim governing body. He commented that it is important to establish what the appeal process would be with regard to establishing an interim local governing body for the City-County Board of Health. He suggested that the interim committee should be comprised of two City Commissioners and two County Commissioners, with equal voting on both sides.

City Attorney Sexe responded that at the July 28, 2021 Joint City-County Commission Meeting, Cascade County Commissioner Briggs indicated he had an Attorney General opinion contrary to that; however, she is not aware of such an opinion. The Attorney General could also provide letters of guidance that are less formal than an opinion. An Attorney General opinion would stand until Courts of Law change them.

Commissioner Moe expressed concern about the length of time with regard to receiving an Attorney General opinion. She commented that citizens are seriously affected by the operations of the City-County Health Department and she wouldn't want to jeopardize the well-being of the citizens by engaging in a lengthy decision making process during a critical period in the nation.

Commissioner Houck commented that the City has a duty to provide a safe community. The City and County need to work together establishing an interim local governing body and a long-term solution after a working group is established. She expressed concern with regard to partisan, elected officials having control over matters pertaining to the prevention of disease and public health decisions, as well as giving up local control.

City Attorney Sexe responded that the 2021 legislative changes addresses declared state of emergency issues that last longer than seven days and not interfere with the general operation of the BOH as a whole.

Mayor Kelly commented that 2021 legislation changes limits the BOH ability to make an enforceable decision and mandate it. He explained that the City is not in agreement with the County's Draft MOU; however, the City and County need to work in unison.

Commissioner Moe explained that the legislative changes have had a local impact on the BOH's decision-making. The BOH relies on the Governor, who enforces the most stringent standard, to meet the needs across the state. Referring to the proposed edits to the MOU from the City, Commissioner Moe commented that the Cascade County Commission would have the decision-making authority and the City Commissioner serving would be a full member of the City-County BOH.

It was the consensus of the Commission that City Attorney Sexe proceed with submitting a finalize MOU back to the County for its review and to advise the Commission before sending it out, if there is new data.

City Attorney Sexe noted that she would change the language of the governing body to an Interim Oversight Council and correct two clerical errors in the Draft MOU.

City Manager Doyon added that there would be availability at the August 17, 2021 City Commission Meeting to address any potential revisions the County may have.

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Mayor Kelly announced that at the February 25, 2021 City Manager's Annual Performance Evaluation Meeting, City Manager Doyon stated that in light of City budget concerns (related to COVID-19 expenses and potential legislative actions), he would prefer to defer any conversation about a merit increase until the full budget situation is known by its adoption in July. Mayor Kelly commented that he would like a meeting scheduled in the near future to discuss City Manager Doyon's possible merit increase.

DISCUSSION OF POTENTIAL UPCOMING WORK SESSION TOPICS

City Manager Greg Doyon reported that ARPA/Cares Act funding is scheduled for the August 17, 2021 Work Session. He explained that City staff have been looking at all of the suggested uses for eligible projects and will be prioritizing those projects. The Commission's input with regard to prioritizing projects would be taken into consideration as well.

ADJOURN

There being no further discussion, Mayor Kelly adjourned the informal work session of August 3, 2021 at 6:45 p.m.