

JOURNAL OF CITY COMMISSION WORK SESSION
August 17, 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 and Rick Tryon. Tracy Houck participated electronically via Skype. Commissioner Owen Robinson was excused.

STAFF PRESENT: City Manager Greg Doyon; Deputy City Attorney Jeff Hindoien; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Finance Deputy Director Kirsten Myre; and Finance Grant Administrator Tom Hazen; 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

Brett Doney, Great Falls Development Authority (GFDA), reported that GFDA has been operating Revolving Loan Funds in partnership with the City since 1996 and have closed over \$48 million in loans. Since January, 2021 GFDA has closed over \$9 million in loans and the demand for loans that GFDA provides has grown. The City will be receiving a written proposal from GFDA requesting loan capital.

Appearing telephonically via Zoom, **Shyla Patera** requested that accessibility be considered in all actions taken by the Commission.

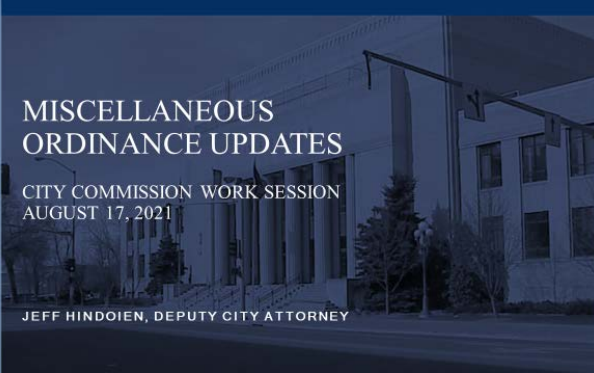
Fire Chief Jeremy Jones introduced Deputy Chief of Emergency Medical Services (EMS) Jeremy Virts and Community Risk Reduction Manager Katie Brewer.

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1. MISCELLANEOUS CODE REVISIONS.


Deputy City Attorney Jeff Hindoien reviewed and discussed the following PowerPoint slides:

	<p>PURPOSE</p> <ul style="list-style-type: none"> ➤ Updates to City Code <ul style="list-style-type: none"> ➤ Compliance with new legislation ➤ Public input for changes ➤ Departments' needs for enforcement
<p>PROPOSED UPDATES</p> <ul style="list-style-type: none"> ➤ Weapons <ul style="list-style-type: none"> ➤ OCCGF 9.8.020 ➤ Social Host <ul style="list-style-type: none"> ➤ OCCGF Title 9, Chapter 10 ➤ Fire Suppression Inspections, Testing, Maintenance and Records <ul style="list-style-type: none"> ➤ OCCGF 15.9.050 and 15.9.060 ➤ False Alarms <ul style="list-style-type: none"> ➤ OCCGF Title 5 ➤ Appeals of Street Openings/Excavation Denials <ul style="list-style-type: none"> ➤ OCCGF Title 12.4.030 	<p>PROPOSED CODE CHANGES</p> <ul style="list-style-type: none"> ➤ Weapons - OCCGF 9.8.020 <ul style="list-style-type: none"> ➤ Reason for proposed change – significant changes in firearms regulations <ul style="list-style-type: none"> ➤ Legislative Referendum 130 in the November 2020 general election ➤ 2021 Legislature House Bill 102 ➤ 9.8.020 modeled after now outdated language
<p>PROPOSED CODE STRUCTURE</p> <ul style="list-style-type: none"> ➤ Subsection (A) of OCCGF 9.8.020 conforms the City's existing weapons ordinance to new statutory changes <ul style="list-style-type: none"> ➤ restrictions on the carrying of <u>unpermitted concealed</u> weapons and unconcealed weapons; and ➤ the application restrictions only in a publicly owned <u>and occupied</u> building. <ul style="list-style-type: none"> ➤ i.e., a local government may no longer impose carry restrictions at public assemblies, parks or schools 	<p>PROPOSED CODE STRUCTURE</p> <ul style="list-style-type: none"> ➤ Subsection (B) of OCCGF 9.8.020 implements HB102 <ul style="list-style-type: none"> ➤ Authorizes the City to prohibit even <u>permitted concealed carry</u> in secure areas of the law enforcement facilities it owns and operates. ➤ Any restrictions in a courtroom and courthouse areas must be imposed pursuant to an order of a judge. <ul style="list-style-type: none"> ➤ Judge Bolstad has indicated that he will issue a <i>Standing Order</i> for the Civic Center

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<p style="text-align: center;">PROPOSED CODE STRUCTURE</p> <ul style="list-style-type: none"> ➤ Subsection (C) of OCCGF 9.8.020 <ul style="list-style-type: none"> ➤ Authorizes the City Manager <ul style="list-style-type: none"> ➤ to direct and implement screening measures and ➤ deny entry to City facilities by those not legally authorized to carry a weapon in City facilities <p style="text-align: right;">7</p>	<p style="text-align: center;">PROPOSED CODE STRUCTURE</p> <ul style="list-style-type: none"> ➤ Subsection (D) of OCCGF 9.8.020 <ul style="list-style-type: none"> ➤ Identifies relevant statutory exceptions to concealed carry restrictions ➤ As set forth in § 45-8-317 <p style="text-align: right;">8</p>
<p style="text-align: center;">PROPOSED CODE CHANGES</p> <ul style="list-style-type: none"> ➤ Social Host - OCCGF Title 9, Chapter 10 <ul style="list-style-type: none"> ➤ Reason for proposed change – significant changes in marijuana laws <ul style="list-style-type: none"> ➤ Initiative I-130 in the November 2020 general election ➤ 2021 Legislature House Bill 701 ➤ GFFPD <ul style="list-style-type: none"> ➤ Valuable enforcement tool ➤ Deterrent to underage parties with consumption of illegal substances by minors <p style="text-align: right;">9</p>	<p style="text-align: center;">PROPOSED CODE STRUCTURE</p> <ul style="list-style-type: none"> ➤ Current Social Host code applies only to alcohol <ul style="list-style-type: none"> ➤ Proposed amendments to broaden application to illegal substances ➤ NEW PROVISIONS to existing OCCGF Title 9 Social Host regulations: <ul style="list-style-type: none"> ➤ Add marijuana and marijuana-containing products ➤ Add other impairing or intoxicating substances <p style="text-align: right;">10</p>
<p style="text-align: center;">PROPOSED CODE CHANGES</p> <ul style="list-style-type: none"> ➤ Fire Suppression Inspections, Testing, Maintenance and Records - OCCGF 15.9.050 and 15.9.060 <ul style="list-style-type: none"> ➤ Reason for proposed change – GFFR issues <ul style="list-style-type: none"> ➤ Deficient systems in need of repair ➤ Service providers not obtaining City licensure ➤ Notification of work performed on systems ➤ GFFR recently contracted outside reporting partner <ul style="list-style-type: none"> ➤ Increasing ease, frequency and consistency of reporting <p style="text-align: right;">11</p>	<p style="text-align: center;">PROPOSED CODE STRUCTURE</p> <ul style="list-style-type: none"> ➤ Records of system inspections will be <ul style="list-style-type: none"> ➤ Made by qualified persons ➤ Consistent with International Fire Code; and ➤ Records will be maintained on premises for three years. ➤ Reporting of inspections timelines <ul style="list-style-type: none"> ➤ No deficiencies ➤ Deficiencies ➤ Critical issues ➤ FINES to be set by Commission Resolution ➤ Enforcement mechanisms enhanced <p style="text-align: right;">12</p>
<p style="text-align: center;">PROPOSED CODE CHANGES</p> <ul style="list-style-type: none"> ➤ False Alarms - OCCGF Title 5 <ul style="list-style-type: none"> ➤ Reason for proposed change – significant time expended by GFFR in responding to false alarms ➤ Code allows for GFFPD enforcement <ul style="list-style-type: none"> ➤ Valuable enforcement tool <p style="text-align: right;">13</p>	<p style="text-align: center;">PROPOSED CODE STRUCTURE</p> <ul style="list-style-type: none"> ➤ Broadens Title 5, Article 6 <ul style="list-style-type: none"> ➤ From unauthorized entries only to also fire or hazardous conditions ➤ From responses by GFFPD to also GFFR and ambulance services ➤ Enforcement mechanisms enhanced <p style="text-align: right;">14</p>


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<p style="color: #0056b3; font-weight: bold;">PROPOSED CODE CHANGES</p> <ul style="list-style-type: none"> ➤ Appeals of Street Openings/Excavation Denials – OCCGF 12.4.030 <ul style="list-style-type: none"> ➤ Reason for proposed change <ul style="list-style-type: none"> ➤ Consistency in appeals process ➤ Appeals to Board of Appeals versus City Commission 	<p style="font-size: 2em; font-weight: bold;">QUESTIONS?</p> 
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Commissioner Tryon received clarification that the purpose of the Board of Appeals (BOA) is to have a governing body that has specific knowledge and experience with regard to appeals regarding housing, building regulations and requests for variances with regard to the Title 17 of the Official Code of the City of Great Falls (OCCGF). The BOA also exists because of the International Building Codes.



2. AMERICAN RESCUE PLAN ACT (ARPA) FUNDING.

City Manager Greg Doyon, Finance Director Melissa Kinzler, Finance Deputy Director Kirsten Myre and Finance Grant Administrator Tom Hazen reviewed and discussed the following PowerPoint slides:

<p style="font-size: 1.5em; font-weight: bold;">AMERICAN RESCUE PLAN FUNDING</p>  <p>August 17, 2021</p>	<p style="font-weight: bold;">American Rescue Plan Funding</p> <ul style="list-style-type: none"> • Final allocation amount is \$19,472,737 <ul style="list-style-type: none"> • 50% already received in May 2021 - \$9,736,368.50 • 50% to be received in May 2022 - \$9,736,368.50 • Must be obligated by 12/31/2024 and expended by 12/31/2026 • Abundance of Guidelines, rigidly formed <ul style="list-style-type: none"> • Interim Final Rule • FAQ's • Reporting Requirements • Webinars • Conservative interpretation because of threat of claw back
<p><u>Eligible Use 1 of 4. Responding to the public health emergency and its negative economic impacts</u></p> <ul style="list-style-type: none"> • For expense to be eligible, a recipient must: <ol style="list-style-type: none"> 1. Identify a need or negative impact of the pandemic; and <ul style="list-style-type: none"> • Definition of a negative economic impact: an economic harm resulting from or exacerbated by the public health emergency. 2. Identify how program will respond to or address the issue. • The more directly a program responds to the current COVID-19 pandemic or acts to prevent future health emergencies the more likely to be found eligible. 	<p><u>Eligible Use 1 of 4. (continued) Responding to the public health emergency and its negative economic impacts.</u></p> <ul style="list-style-type: none"> • Eligible uses include, but not limited to: <ul style="list-style-type: none"> • COVID response and prevention • Investing in Tourism, Travel, and Hospitality Industries • Improvement of Design/Execution of Public Health Programs • Public health and safety staff to the extent time is spent mitigating or responding to the health emergency • Assistance to unemployed workers, small businesses, non-profits, households, and impacted industries • Building stronger communities through investments in housing and neighborhoods • Emphasis placed on mental health, substance abuse, behavioral issues, crime intervention practices • Encouraged to focus on low income and those disproportionately impacted by COVID

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 <p>Eligible Use 2 of 4. To provide premium pay to essential workers</p> <ul style="list-style-type: none"> • Definition of essential work: not performed while working from home and involves regular in-person interactions with patients, the public, or coworkers or regular handling of items handled by patients, the public, or coworkers • Including, but not limited to: <ul style="list-style-type: none"> • Nursing homes, hospitals, home-care, food production, grocery stores, restaurants, sanitation, truck drivers, childcare, educators, social services • Encouraged to prioritize lower income workers <p style="text-align: right;">5</p>	 <p>Eligible Use 3 of 4. To provide government services to the extent of government's revenue losses</p> <ul style="list-style-type: none"> • Total city-wide general revenue <ul style="list-style-type: none"> • Not on a fund-by-fund basis • Utility revenue not included • According to formula in the guidance, the City <u>did not</u> have any revenue loss through December 31, 2020 <ul style="list-style-type: none"> • Revenue loss can be recalculated annually until December 31, 2023 <p style="text-align: right;">6</p>
 <p>Eligible Use 4 of 4. To make necessary water, sewer, and broadband infrastructure improvements</p> <ul style="list-style-type: none"> • Water and sewer projects align with EPA's Clean Water State Revolving Fund and Drinking Water State Revolving Fund <ul style="list-style-type: none"> • Storm water is included • Same projects would be eligible under HB 632 • Broadband infrastructure to supply to underserved areas and low income with symmetrical 100 Mbps download and upload. <ul style="list-style-type: none"> • Great Falls is currently attracting a surge in Internet Service Provider (ISP) attention and activity. Private party installations are anticipated to provide faster access than the goals stated in the Interim Rule. <p style="text-align: right;">7</p>	 <p>Explicitly Ineligible Uses of ARPA Funds</p> <ul style="list-style-type: none"> • <u>States</u> may not use ARPA funding to offset a reduction in net tax revenue <ul style="list-style-type: none"> • Law does not explicitly grant eligibility to local governments • No recipient may make a deposit to a pension fund • Cannot be used to payoff debt • Cannot be used to pay legal settlements • Usage as matching funds depends on the language of the other grant. <p style="text-align: right;">8</p>
 <p>Initial Prioritization by City Staff</p> <ul style="list-style-type: none"> • Over 140 total project proposals received from all City Departments. • Numerous rounds of review and discussion occurred following release of new guidance and reporting requirements. • Many projects requested by Departments removed for ineligibility. <ul style="list-style-type: none"> • Majority of programs were determined to be ineligible due to indirect relationship to a need or negative impact of the COVI-19 pandemic. • Conservative approach yet \$111 million in requests still listed <p style="text-align: right;">9</p>	 <p>Suggested Guiding Principles for Use of Funds</p> <ul style="list-style-type: none"> • Funds are non-recurring so use should be applied primarily to non-recurring expenditures • Pay direct expenses related to COVID response • Funding use recognizes the impact to residents, families, and businesses • Helps meet future requirements • Special or unique opportunities • Meets Commission priorities • Prepares for future pandemic response and public safety • Leverage community partners with existing programs to execute new programs – technical assistance • Process will be public and transparent <p style="text-align: right;">10</p>
 <p>Next Steps</p> <ul style="list-style-type: none"> • Commission discussion on prioritization <p style="text-align: right;">11</p>	

City Manager Doyon reported that other communities have incorporated American Rescue Plan Act (ARPA) Funding into their annual budgets and have regretted doing so because of being subject to having to return the money if not used correctly.

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Finance Director Kinzler explained that ways to verify ARPA eligible uses include: inquiring from the Department of Treasury about resources that are immediately available; determining uses of spending the money; the Department of the Treasury Interim Final Rule; and the Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions (FAQ).

Mayor Kelly received clarification that the FAQ link will be available on th City's Website tomorrow.

Commissioner Moe received clarification that there are formulas in the guidance interim rules that determine retroactive pay going back to March 3, 2021 for lower income essential workers.

Commissioner Houck received clarification that the FAQ addresses calculating revenue loss.

Commissioner Tryon inquired how the City would determine which entities would be provided premium pay for its essential workers.

Manager Doyon responded that the determination would depend on the Commission's priorities and that a trusted entity would assist with administering the eligible use of funds.

Mayor Kelly commented that community input is important and requested that public participation include attending in person or providing public comment to the Commission or City Manager via email. He suggested that the Commission review the FAQ's, consider the initial prioritization by City staff and consult with constituents before determining use of funds for projects prior to the September 7, 2021 Work Session.

Commissioner Moe commented that both the Commission Chambers and Gibson Room are inadequate for conducting meetings during the pandemic and protecting public health. She commented that she feels a real urgency to make provisions that would allow the public to participate and observe Commission meetings without having them in an unsafe environment.

Commissioner Tryon inquired how extending water and sewer to the area of 33rd Avenue South, 23rd Street South and further south in accordance with master plan documents became an eligible ARPA project.

Manager Doyon responded that City staff believed that the project could be utilized for infrastructure and that the infrastructure approach would satisfy a substantial concern based on prior subsequent guidance.

Commissioner Tryon suggested that a criteria for the Commission to consider would be to determine the use of funds that would affect large and small groups in the community.

Finance Director Kinzler responded that City staff did not prioritize the Eligible ARPA Projects list.

Commissioner Houck expressed support of prioritizing meetings to accommodate public safety with regard to the pandemic; supply and food shortage/contamination; and community growth with infill.

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DISCUSSION OF POTENTIAL UPCOMING WORK SESSION TOPICS

City Manager Greg Doyon reported that ARPA Funding is scheduled for the September 7, 2021 Work Session.

ADJOURN

There being no further discussion, Mayor Kelly adjourned the informal work session of August 17, 2021 at 6:51 p.m.