

JOURNAL OF COMMISSION PROCEEDINGS

Virtual Meeting by Zoom

September 21, 2021

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members participated electronically via Zoom Webinar: Bob Kelly, Tracy Houck, Mary Sheehy Moe, Owen Robinson and Rick Tryon. City staff participated electronically via Zoom Webinar: City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herrig; Planning and Community Development Director Craig Raymond; Public Works Director Paul Skubinna; City Attorney Sara Sexe and Deputy City Attorney Jeff Hindoen; and, Police Chief Jeff Newton. City Clerk Lisa Kunz was present in the Commission Chambers.

Due to the COVID-19 health concerns, the format of the City Commission meeting was held in a virtual video-conferencing environment. In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), modifications have also been made for public participation. To attend and participate in the virtual meeting utilizing Zoom, attendees must register in advance for the Commission Meeting at: https://us02web.zoom.us/webinar/register/WN_Idl2L1D7QOip7AnlppHcHg

For all other participation options, please see **Public Participation Guide for City Commission Meetings**.

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

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PROCLAMATIONS: Vets4Vets Month (September 2021)

COMMUNITY HEALTH INITIATIVES

1. **UPDATE FROM THE CITY-COUNTY HEALTH OFFICER.**
(* Due to technical difficulties, Health Officer Gardner presented after Agenda Item 12.)

City County Health Officer Trisha Gardner provided the following updates:

- Covid-19 positivity rate is 14.33%
- Daily average case rate is about 90%, and she assumes it will be at 100 per 100,000 people tomorrow when it is reported
- The vaccination rate for Montana is 52%
- The vaccination rate for Cascade County is 48%
- Hospitals are at or over capacity
- Student population rates are at or above the number at this time last year

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- Montana and Cascade County is experiencing a very high spread of Covid
- Vaccinations are encouraged, as well as masking around others and staying home when sick
- The FDA recently recommended booster shots for people aged 65 and over, and individuals at higher risk of developing severe Covid or people that may be at higher risk for contracting Covid
- The Advisory Council on Immunization Practices is meeting this week to look over those recommendations. If approved, the booster shots will be made available in the community
- The bulk of the cases showing up right now are in the 40 and younger age group

Commissioner Robinson reported that, despite being vaccinated, two of his friends in their 40's were very sick with Covid, and their unvaccinated high-school aged son had less severe Covid symptoms.

Health Officer Gardner responded that they are seeing some people that get severe illness. The majority of people that are vaccinated and get Covid the symptoms are not as severe, they don't require hospitalization, and they are not seeing very many deaths associated with individuals that were vaccinated and had a break through case.

Commissioner Tryon inquired if the Cascade County Health Department is officially recommending that there be no indoor public gatherings or events of any kind and the metrics or criteria used to determine when that recommendation will or will not be in place.

Health Officer Gardner responded that, with the level of transmission being seen in the community right now, it is the Board of Health's recommendation that individuals mask at indoor meetings, distancing be adhered to as much as possible, continue to have good hygiene and sanitation practices in place, and to stay home if feeling ill. They do encourage everybody to offer, such as the City Commission is with this Zoom meeting, an alternative for people to be able to attend gatherings virtually.

PETITIONS AND COMMUNICATION

2. Participating via Zoom were:

Jeni Dodd, City resident, inquired if any member of City staff or City Commission have a financial interest in current or proposed storage facilities for recreational vehicles, if any member of City staff or City Commission are involved in talks with the Maclean Animal Adoption Center, and how many of the 75 Afghan refugees that are coming to Montana will be settling in Great Falls. She also opined Mayor Kelly gave himself accolades for the Tourism Office move to the Overlook Park building, when he was involved in their move to downtown.

Brett Doney, Great Falls Development Authority (GFDA), in response to the prior commenter Mr. Doney clarified that he served on the Tourism board when the decision was made to move. It was a difficult business decision and was not for lack of cooperation from the City. It was solely a decision of the Tourism organizations. They are excited to be moving the offices to Overlook

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Drive. It was not the offices of Tourism that were on Flag Hill, it was the Visitors Center. They are now able to put together the money to renovate the space.

Written comments were submitted by:

Sally Myhre, 1420 9th Avenue South, urging the Commission to make fireworks illegal to set off in Great Falls, or designate areas where fireworks are allowed and illegal in neighborhoods.

Linda Metzger, 32 Windy Ridge Lane, requesting an update on what the City is doing vis-à-vis the Animal Foundation/Maclean-Cameron Animal Adoption Center, and whether the City is or isn't accepting donations for the HUG project.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Deputy City Manager Chuck Anderson updated the Commission on the following:

- Great Falls Fire Rescue is hosting a car seat clinic at Fire Station #1 on September 25, 2021 from 1:00-4:00 pm.
- A retirement celebration for City Attorney Sara Sexe will be held in the Gibson Room on September 30, 2021 from 2:00-4:00 pm.
- City Attorney recruitment is underway. Four applications were received for the position. Three applicants were interviewed. The other person took another position at another location.
- The bond sale has been completed for the Aim High Big Sky Recreation & Indoor Pool Facility (OF 1770). The interest cost to the City is 2.21%, which leaves approximately \$880,000 each year in the Park Maintenance District #1 available for ongoing park maintenance projects.
- Park and Recreation Director Steve Herrig officiated the ground breaking ceremony for the new Aim High Big Sky Recreation & Indoor Pool Facility (OF 1770) on September 15 at Lions Park. Mayor Kelly and representatives from Malmstrom and MANG provided comments.

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- Progress is being monitored on the Civic Center façade project. Concerns related to the rehabilitation include severe cracking, deterioration and structural issues that were not previously known.
- In the legal department, Robin Beatty obtained her paralegal certification from the Montana State University of Billings, and recent graduate of the University of Montana School of Law Jake Walmsley, who has been practicing in Municipal Court under the student practice rule, recently passed the bar exam and anticipates being sworn in as a member of the Montana Bar Association on September 28, 2021.
- Public comments pertaining to the Crime Task Force should be directed to kartis@greatfallsmt.net and not to the City Commission.

In response to a written comment, Deputy Manager Anderson clarified the delay in hiring the Animal Shelter Manager was due to the job announcement being posted externally after an internal candidate no longer wished to be considered for the position.

CONSENT AGENDA.

6. Minutes, September 7, 2021, City Commission Meeting.
7. Minutes, September 7, 2021, Special City Commission Meeting.
8. Total Expenditures of \$1,659,107 for the period of August 17, 2021 through September 8, 2021, to include claims over \$25,000, in the amount of \$966,674.
9. Contracts List.
10. Grants List.
11. Set a public hearing for October 5, 2021 on the lease of City-owned property located at 600 1st Avenue SW with the Boys and Girls Club of Cascade County.

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

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

Motion carried 5-0.

PUBLIC HEARINGS

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12. RESOLUTION 10425, DECLARING CERTAIN PROPERTY LOCATED AT 1915 6TH AVENUE NORTH, LOT 11, BLOCK 147, GREAT FALLS 3RD A NUISANCE, ORDER THE NUISANCE BE ABATED AND AUTHORIZE CITY STAFF TO FORCE ABATEMENT IF NECESSARY.

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

Planning and Community Development Director Craig Raymond reported that, beginning in June 2020 and continuing through May 2021, the Planning and Community Development Department received multiple complaints about the condition of the property owned by Emily Moore located at 1915 6th Avenue North. Initial complaints began with property maintenance violations in June 2020 as well as additional complaints due to an extensive fire in January 2021. The Department made all efforts to work with Emily Moore to bring the property into compliance even prior to the fire. Violation and notice letters were mailed on June 26, 2020, August 6, 2020, August 20, 2020, and May 10, 2021, in hopes that the violations on the property would be corrected, but compliance never occurred.

Due to the owner's non-compliance with property maintenance issues before the home fire, a Municipal Court Complaint was filed in January 2021 against Emily Moore for maintaining a public nuisance. Following the submission to Municipal Court, the Department made several attempts to work with Emily Moore again with an in office visit, telephone calls, and a site visit but were unsuccessful each time.

Shortly after the fire in January 2021, the Building Safety Division requested entry into the home to assess damage but was denied, at least initially. Ms. Moore eventually allowed the Building Safety Division entry on March 11, 2021. At that time, the Building Official deemed the home a complete loss and notified the owner it would have to be razed for safety purposes. The owner assured City staff that the deferred maintenance of the property would be brought into compliance and the dilapidated and unsafe structure due to the recent fire would be addressed.

Based on the observations from the public right-of-way and onsite visit, violations were shown to exist consistent with the history of complaints. As of June 9, 2021, the violations were still present. The property maintenance violations on the property include, but are not limited to:

1. Persons occupying a recreational vehicle on the property not located in the required zoning district which allows "camping";
2. Inoperable red and silver suburban with no visible license plate and illegally parked on the property;
3. Exterior storage/salvage materials between the residence and garage/shed, near the alley, and front/side yards and public boulevard including, but not limited to, multiple lawn mowers, pallets, trash, tires, etc.; and

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4. Residential structure and foundation severely dilapidated and in unsafe condition due to the recent fire and deferred maintenance.

Based on these continued deficiencies and clear and obvious code violations, staff concludes that the subject property constitutes a Nuisance as defined by OCCGF Title 8, Chapter 49, and should be subject to forced abatement. Many efforts have been made and clearly plenty of time has been granted in order to give the owner the opportunity to resolve these issues to no avail.

Staff recommends that the City Commission conduct the public hearing and adopt Resolution 10425.

Mayor Kelly asked if the Commission members had any questions.

Commissioner Tryon inquired the possibility of legal action against the City if the Commission adopted the resolution.

City Attorney Sara Sexe responded the owner has been provided due process. The likelihood of any successful action to be taken against the City is not very high.

Mayor Kelly asked if there were any comments from the public in support of Resolution 10425.

Written comments were submitted by **Dann Young**, 1913 6th Avenue North, expressing support of the abatement and appreciation for anything the City can do to help.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10425.

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 Resolution 10425, declaring certain property located at 1915 6th Avenue North, Lot 11, Block 147, Great Falls 3rd, Cascade County, Montana, a nuisance, order the nuisance be abated and authorize City staff to force abatement if necessary.

City Attorney Sexe alerted Mayor Kelly to a Zoom participant's hand raised. Mayor Kelly reopened the public hearing.

Appearing via Zoom were:

Emily Moore, property owner, 1915 6th Avenue North, commented that she is the victim of a fire that occurred on January 8th. She does not think it is right for the City of Great Falls to pay someone else to tear the place down. She does not have the money to do so, but she and her boys are trying their best to clean up the mess and are paying to have it hauled away. Ms. Moore alleged being harassed by City staff for the past six years. Ms. Moore requested additional time to haul away her items.

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Shannon Kelley, property owner's son, 1913 6th Avenue North, commented that his mom lost everything of 35 years in the fire. His mom does not deserve someone coming in and taking her stuff away.

Mayor Kelly inquired if the applicant wanted to respond.

Director Raymond commented that it is an unfortunate situation. City staff has given the owner a lot of time to help resolve the situation. Staff directed the owner to resources to assist her with the demolition and clean up of the property. Staff has worked with the owner many, many months and feels it is unlikely the property owner will be able to resolve this in a reasonable amount of time. He requested that the Commission move forward with adoption of the resolution.

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

Mayor Kelly commented that the motion on the floor authorizes City staff to force abatement, if necessary, that indicates to him there is a last chance opportunity for the owner of the property to follow through with the things she mentioned herein.

Director Raymond responded it does give the property owner additional time to perform, at the Commission's order as opposed to staff's order. It is only if they fail to rectify the situation that staff will be forced to complete the abatement.

Commissioner Tryon would like to see this resolved by the property owners within 30-days.

Mayor Kelly inquired the owner's progress made, if any.

Director Raymond responded there has not been sufficient progress made to give City staff any hope that it will be completed. Staff has been dealing with this property over six years. Because of the fire, it is a dangerous situation at this point. It really is more than just a nuisance, it is unsafe.

Emily Moore added that they have made progress in the back and front yards. The neighbors need to realize when they haul items out of the house it needs to sit in the yard until she can clean it up or have it hauled away. Consideration should be given for cold weather, she has had engine problems and has not had transportation, and that she was the victim of arson. She reported that no one has been living in the house. She has been staying at a friend's house since the fire. Her son stays in the back yard in a trailer because she has memories and items in there worth money.

Mayor Kelly would rather the motion be to table this matter until the second meeting in October to see if Ms. Moore and Mr. Kelley are sincere in their efforts to make progress, have staff re-evaluate and if it's not been adequate to proceed with another public hearing.

Commissioner Moe reiterated the motion on the floor was made by Commissioner Houck and seconded by Commissioner Robinson to adopt Resolution 10425.

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Commissioner Houck commented that she lives in the vicinity of this property. The photos depict an extremely dangerous property and the Commission learned this evening that someone is living in a camper on the property. If this is pushed back another 30-days they could be dealing with bad weather. She expressed concern about another accident happening on this block because of the unsafe conditions. Staff has been working with the owner for years. Allowing this nuisance property to exist is not in the best interest of the neighborhood.

Jeni Dodd, City resident, commented that she understands this has been going on for years, but due to Covid the last two years it will be difficult for the owners if they want to hire help. She inquired if the City had Covid money that could help fund people in these types of situations.

Mayor Kelly asked if there was any further discussion amongst the Commissioners regarding the motion to adopt Resolution 10425.

Commissioner Robinson commented that it is a dangerous situation and he supports the motion.

Commissioner Tryon expressed support for a motion to table to extend the timeframe for the owner to make this right.

Mayor Kelly called for the vote on the motion declaring certain property located at 1915 6th Avenue North, Lot 11, Block 147, Great Falls 3rd, Cascade County, Montana, a nuisance, order the nuisance be abated and authorize City staff to force abatement if necessary.

Motion carried 3-2 (Mayor Kelly and Commissioner Tryon dissenting).

Mayor Kelly encouraged Ms. Moore and Mr. Kelley to approach various agencies to see if funds are available, such as United Way, NeighborWorks or Opportunities, Inc.

13. RESOLUTION 10427, ESTABLISHING PLANNING AND COMMUNITY DEVELOPMENT ENGINEERING FEES.

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

Planning and Community Development Director Craig Raymond reported that, as early as November 2019, the City was preparing to transfer plan review, construction oversight and project management duties from the Engineering Division of Public Works to Planning and Community Development. As part of the transfer of duties, a different funding strategy and budget was developed to finance the full-time employees (FTE's) along with related operational costs such as rent, IT and Human Resource expenses. Once the revenue source and budget parameters were known, staff then relied on feedback received as a result of numerous interviews and discussions conducted by Deputy City Manager Chuck Anderson. While the focus of the discussions and interviews was on the development review process in a broader context, dissatisfaction with how and when infrastructure permit review and inspection fees were charged was a recurring theme. The fee system in place at the time was based on charging by the hour at the then current rate. The dissatisfaction with this system centered on the following concerns:

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1. The inability of City staff to determine the total billing cost for development projects prior to completion;
2. Inconsistent billing periods; and
3. A lack of detail and transparency on the invoices to itemize what work had been completed during that billing period.

The requested outcome was a fee process that was fair, predictable, consistent and transparent. Planning and Engineering staff began working through different approaches to achieve these specific goals. While multiple possibilities were identified, the preferred proposal at that time was a flat percentage based on total construction cost of the public infrastructure being built under the permit.

A development community working group was created with broad but targeted experience that included developers, engineers, architects and commercial builders. The purpose of the working group was to present the fee proposal and to receive feedback. Ultimately, the consensus of the group was that the flat percentage fee proposal was not acceptable. Beyond that, however, consensus on what was acceptable was not clear. It became apparent to staff that different members of the group had differing priorities and different viewpoints on what was the fairest system. It was during these working group discussions that the idea of a hybrid proposal began to rise to the surface for consideration as a viable compromise. This is also when the idea of a “sliding scale” plan review fee was born. The hybrid proposal takes advantage of the three basic elements of the subdivision and infrastructure review process: plan review, engineer construction oversight and construction inspection services. The “sliding scale” plan review fee that is being proposed is intended to pay for the plan review and engineer construction oversight process. The construction inspection services are proposed to be billed monthly on an hourly basis for inspectable work during construction. Coincidentally, a sliding scale is the same basic method that traditional building permits have been charged for at least 20 years and has largely been accepted as a fair, predictable and transparent system.

The hourly rate represented in Resolution 10427 is proposed to be used for construction management services and other unanticipated miscellaneous billable activities. The proposed plan review fee outlined in Resolution 10427 was developed by City staff through research of public infrastructure costs from 15 development projects that were constructed in Great Falls during the past 10 years. The proposed sliding scale fee approach accomplishes the following: (1) reduces the plan review fee percentage slightly for larger projects in comparison to a flat percentage fee; (2) compensates staff fairly for review time; and (3) can be calculated upfront so developers can better understand this particular “soft cost” component when developing project budgets.

Despite which method is ultimately selected as the adopted fee, time and monitoring will be required to determine if this new fee and process ultimately achieves the original goals and meets the budget parameters.

Mayor Kelly asked if the Commission members had any questions. No one responded.

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Mayor Kelly asked if there were any comments from the public in support of Resolution 10427.

Participating via Zoom were:

Brett Doney, Great Falls Development Authority, commented that the City has made good progress in making things predictable and flow easier while still covering the cost of timely review. Businesses and developers want certainty and speed in the process and that requires adequate staffing. He knows the City will never come up with a fee system that will please everyone, but he thinks this is well thought out and the intentions are good.

Spencer Woith, concurred that predictability was a consensus of the working group. Staff has been great to work with to find solutions, and he has seen dramatic increases in efficiency of plan review. That being said, the model being used is based on data created under the old way of doing things. If Resolution 10427 is adopted, he requested that the model continue to be evaluated.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10427.

Participating via Zoom was:

Sherrie Arey, City resident, commented that she appreciated the City being a good role model and holding these meetings virtually to be able to participate and not put anyone at risk. She agreed with the comments made in support of Resolution 10427, but she would like to see the fees massaged a little more, or a set fee for larger, million dollar projects. She discussed the Meriwether Crossing project as an example. She inquired when other data points would be added, and if it would be updated annually or on some sort of consistent basis. She expressed concern that there are not more funding sources for the engineering positions. She concluded that it is not as fair as she would want it to be for large projects.

Mayor Kelly asked Director Raymond if he wanted to respond to any of the comments.

Director Raymond responded that staff would continue to monitor performance. There are a lot of dynamics moving functions from one department to another and revenue sources are certainly coming into play here. They have done their best to meet the budgeted amount.

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 Resolution 10427.

Mayor Kelly expressed appreciation for the flexibility provided the community this department serves.

Commissioner Moe noted she had some of the same concerns that Ms. Arey articulated. Like her, she has been very impressed with the diligence and sincerity of the process. All involved know that it will require some tweaking along the way.

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Motion carried 5-0.

14. RESOLUTION 10431, ESTABLISHING FEES FOR THE ENGINEERING DIVISION OF THE PUBLIC WORKS DEPARTMENT.

Public Works Director Paul Skubinna reported that this item is a request to conduct a public hearing and consider taking action on Resolution 10431. Resolution 10431 (1) updates hourly rates charged for field staff in the Engineering Division, and (2) updates permit fees for permits implemented and inspected by Public Works Engineering Division.

In 2003, the City Commission established a fee for City Engineering Division staff to inspect the construction of public infrastructure installed by private developers and their contractors. The purpose of this approach was to ensure that water, sewer, storm, streets and other infrastructures that would ultimately be owned, operated and maintained by the City, was installed in accordance with the engineered plans and City standards. This practice has served the City well over the years.

Recently the Public Works Directors from the large seven cities resumed semi-annual meetings wherein directors discuss different issues that face their city and the different ways issues are approached in each community. In July at the Director's meeting, we were discussing our various strategies and approaches to inspection of installation of public infrastructure. I found that Great Falls is relatively unique amongst the large Cities in Montana in that we are the only City that operates under a model where City staff are the primary inspectors on jobs installing City infrastructure. During our discussion, I heard multiple other Directors around the table lament that they wished they followed an inspection model more like Great Falls as they have felt the maintenance and cost impact of inheriting substandard infrastructure that was not installed or constructed in accordance with standards.

In addition to the citizens receiving the benefit of quality infrastructure, staff believes having the City provide these inspection services is also a benefit to our Developers and Contractors. DEQ requires that installation of all water and sewer infrastructure that is part of a public system such as ours be inspected and certified by a licensed engineer that infrastructure was installed in accordance with the plans and applicable standards. So this inspection needs to be done whether the City does it or not. The value to the Developer and Contractor is that staff believes the rates are significantly lower than if the Developer or Contractor had to go out and hire a third party engineer/inspector.

The engineering inspection staff hourly rates established in 2003 have been updated various times over the years in response to inflation and economic downturn. More recently, as staff has been working through revamping the development review process, staff discovered the hourly rates or permit fees have not been updated since 2014, making these rates ripe for adjustment.

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Staff is proposing an increase to the hourly rate proposed under part A of the resolution that constitutes about a 2% increase to each hourly rate across a seven-year timeframe. Staff believes inflationary factors across that seven years from 2014 to today are probably greater than 2% for these types of services depending on which index you look at, providing further value to Contractors and Developers as proposed.

Staff is also proposing a \$5 permit fee increase for each permit implemented and inspected by Public Works Engineering Division. Because the permit fee amounts vary, this ranges from less than 2% to 3.6% increase from the current fee across the seven years from 2014 to 2021. This is modest and reasonable to help the City cover its costs to implements these permits. No changes are proposed to plan printing and duplicating fees.

Mayor Kelly asked if the Commission members had any questions. No one responded.

Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10427.

Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10431.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

OLD BUSINESS

15. SEPTEMBER 7, 2021 SPECIAL COMMISSION MEETING FOLLOW-UP TO CITY MANAGER'S EMPLOYMENT AGREEMENT, SECTION B. SALARY.

Mayor Kelly reported that Manager Doyon is in year two of a three-year contract. At his February 25th performance review, Manager Doyon recommended that the Commission defer conversation about salary due to Covid and budget uncertainty. The Commission convened on September 7, 2021 to discuss salary based on his earlier favorable review. Human Resources Director Gaye McInerney provided current wages of other City Managers around the state. After discussion amongst the Commission, the amount of \$166,000 was recommended and agreed upon. It is important to keep in touch with the market, and to keep the talent that the City has for the chief executive's position.

The Commission recently approved funding for the Human Resources Department to conduct a third-party study on compensation of City Managers, Deputy City Managers and Department Heads. As a public employee, the City Manager is under the scrutiny of the population that he serves. Those that work closest with him, Department Heads and Commission members, understand the amount of work this job entails and the level to which it is being performed.

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Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission amend Section B. Salary, of the Employment Agreement with the City Manager, to read:

A salary increase which equates to a base annual wage of \$166,000, payable in accordance with normal City policy and practices effective March 24, 2021. Salary consideration during the remainder of the contract term shall be considered annually based on merit and/or market adjustment.

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

Mayor Kelly expressed appreciation to Manager Doyon, noting his performance is above and beyond.

Mayor Kelly called for the vote.

Motion carried 5-0.

NEW BUSINESS

16. EXTENSION OF ANACONDA HILLS GOLF COURSE AND EAGLE FALLS GOLF CLUB MANAGEMENT AGREEMENT WITH COURSECO, INC., D/B/A GREAT FALLS GOLF, LLC.

Park and Recreation Director Steve Herrig reported that this item is a request to approve a Management Agreement extension with CourseCo, Inc., for a term of February 1, 2022, through January 31, 2025, and authorize the City Manager to sign the agreement.

The City originally entered into an agreement with CourseCo in December 2018, for a three-year term beginning February 1, 2019 and ending January 31, 2022, with an optional three-year extension. It has been a great relationship with CourseCo the past two and one-half years, including a lot of upgrades to the golf courses and a new tap house at Eagle Falls. In addition, CourseCo has returned about \$674,000 back to the City, with one more installment coming in January.

CourseCo General Manager of Eagle Falls and Anaconda Hills Golf Courses Jeff Stange reported that play has increased the last couple of years: 47,000 rounds were played as of June 30, 2021, compared to the previous year of 42,000 rounds. Revenue is up about \$400,000 during that same period. The courses are operating in the black, which puts them in a great position to be completely solvent and self-sufficient going forward and continue to be an asset for the City. They can purchase the capital equipment needed to maintain the properties and other improvements to improve the overall guest experience.

Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission approve the Extension of Anaconda Hills Golf Course and Eagle Falls Golf Club Management Agreement with CourseCo, Inc., d/b/a Great Falls Golf, LLC for the term February 1, 2022 through January 31, 2025.

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

Participating via Zoom was:

Jeni Dodd, City resident, commented this is good news.

Participating telephonically was **John Hubbard**, City resident, to comment on Item 15, and other matters not related to this agenda item.

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

Mayor Kelly noted that CourseCo's business model prefers five-year contracts.

Director Herrig responded that a three-year extension was written into the original agreement. They will be working with CourseCo to negotiate a longer-term agreement.

Commissioner Houck noted this was quite a gamble for everyone involved. She expressed appreciation to Director Herrig, Course Manager Stange and his team. She hears nothing but wonderful things about the operations at both golf courses.

Commissioner Tryon noted the City could focus on its core functions with the golf courses being managed, and this could be used as a model going forward in other areas.

Mayor Kelly called for the vote.

Motion carried 5-0.

17. PARKING OPERATIONS & MANAGEMENT CONTRACT WITH SP+, INC.

Planning and Community Development Director Craig Raymond reported that the City of Great Falls has utilized a contractor to provide day-to-day operations and management support for the downtown parking program for many years. SP+ or its affiliated parent company has served the City of Great Falls for most of that time.

City staff recommended a one-year contract extension when the previous contract had expired. The purpose of the shorter than usual extension was intended to give staff time to develop a RFP that would potentially reshape the entire Downtown Parking Program. The intent was to look at the feasibility of essentially turning over the parking enterprise to the private sector while still holding ownership of the facilities and Commission control and discretion over the most essential elements of the program, such as rates.

Covid 19 delayed publishing the Request for Proposals (RFP). In response to a clear need to support a reeling downtown community, enforcement of meter fees and time violations was suspended for roughly a year. While the need to take these measures was obvious, the very thing that the parking program was designed to do, support the businesses and activities in the downtown, also became its financial downfall due to a lack of revenue ordinarily obtained through

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meter fees and violation fines. Staff believes this may not be the best time to push for privatizing the parking system, as private businesses are not likely to want to invest in a system that is still in recovery. With some time, stability and resiliency will improve the outcome of any call for proposals, similar to what the City has experienced with the golf course program.

In October 2020, Planning and Community Development published a Request for Proposals for a three-year Parking Operations and Management Services contract. Four qualified proposals were received, reviewed and scored. Subsequent to the review, scoring and interview process, the Parking Advisory Commission voted to recommend that the City Commission approve a three-year contract with SP+, Inc.

In general, the services and terms of the proposed contract are very similar to previous contracts. Hours attributed to certain tasks have been revised to reflect changing technology and operational needs of the program. For example, some elements of enforcement require less time, while other areas require more because of old, outdated equipment and technology. In addition to technology considerations, activities such as collecting cash from meters and pay stations require two staff people to complete due to cash accountability and security best practices. Additional hours have been shifted into maintenance of facilities in order to help improve the facilities and customer experience and safety.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission approve the new three-year contract for parking operations and management services with SP+, Inc.

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 why the contract had a three-year term rather than one year.

Director Raymond responded that a three-year contract is typical. The prior contract term with SP+ was one-year for the purpose of developing and publishing the RFP. Stability is the best option at this point.

Commissioner Tryon commented he would reluctantly support the motion, noting the public is not happy with the parking situation and parking has been a thorn of contention for quite a while.

Director Raymond noted there is an opt-out clause in the contract.

Commissioner Moe commented that she has been the City's liaison on the Parking Advisory Commission and you cannot find a better group than the people on that Commission. They hear all the complaints, continually try to find solutions, and they supported this motion.

Commissioner Houck discussed having lunch downtown with people from Texas. They could not believe how cheap parking was and that they could park so close to the restaurant. She is glad SP+ provides the service for the City and looks forward to improvements the next couple of years.

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Mayor Kelly called for the vote.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

18. RESOLUTION 10413, TO LEVY AND ASSESS PROPERTIES WITHIN THE BUSINESS IMPROVEMENT DISTRICT (BID).

Finance Director Melissa Kinzler reported that the initial creation of the BID was in 1989. It was renewed in 1999, 2009, and 2019, each for periods of ten-years by petition of the property owners within the District.

The BID's overall purpose is to utilize assessment dollars through the BID to improve and revitalize the downtown area. The BID has not changed the areas of the district boundaries since its origination date.

On July 20, 2021, the BID presented a proposed Work Plan and Budget and recommended a method of levying an assessment on the properties within the district. Following the public hearing held on July 20, 2021, the City Commission adopted the BID's FY 2022 Work Plan and Budget.

The actual assessment for 2021/2022 based on the assessment formula will generate approximately \$247,000 in assessment revenue. The decrease in this year's assessment revenue can be attributed to a condo master parcel being inactivated by the Department of Revenue and the re-evaluation cycle resulting in a decreased total market valuation of properties within the district.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10413.

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

Participating via Zoom was:

Joan Redeen, Business Improvement District Community Director, expressed appreciation of the City's support of the BID.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

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19. RESOLUTION 10414, TO LEVY AND ASSESS PROPERTIES WITHIN THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID).

Finance Director Melissa Kinzler reported that the initial creation of the TBID was in 2008. On February 6, 2018, the City Commission adopted Resolution 10222 re-creating said TBID for a duration of 10-years. The TBID's overall purpose is to promote tourism, conventions, trade shows, and travel to the City of Great Falls through the use of assessment revenue.

On July 20, 2021, the TBID presented a proposed Work Plan and Budget and recommended a method of levying an assessment on the properties within the district. The assessment will be a flat fee of two dollars per occupied room night for establishments with 31 or more rooms and a flat fee of one dollar per occupied room night for establishments with 1-30.

The assessment amount requested by the TBID through their Work Plan and Budget was approximately \$511,000. The actual assessment for Fiscal Year 2021/2022 based on the assessment formula will generate \$589,000 in assessment revenue. Last year, the total assessment billed was \$635,453. The decrease of \$46,449 over last year's assessment is attributed to a decrease in lodging during the COVID-19 pandemic for the assessment period that ended June 30, 2021.

Commissioner Robinson moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10414.

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

Participating via Zoom was:

Rebecca Engum, Great Falls Montana Tourism, commented that the TBID trustees adopted an assessment policy in 2020 to more efficiently manage the assessment reporting process. The new policy allows for those being assessed based on a delinquent report the ability to appeal to the TBID trustees with the submission of a quarterly report. Since the assessments are paid in November and May, the TBID trustees have approved a budget amendment of the assessment funds that are over what was originally budgeted for, and have been placed for use in leasehold improvements for 15 Overlook Drive. She will be presenting an amended budget closer to construction being completed at 15 Overlook Drive and after seeing what assessment funds do come in.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

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20. RESOLUTION 10428, APPROVING A REQUEST FROM THE GREAT FALLS BUSINESS IMPROVEMENT DISTRICT TO USE DOWNTOWN URBAN RENEWAL DISTRICT TAX INCREMENT FINANCING (TIF) FUNDS FOR THE COST OF MANUFACTURING AND INSTALLATION OF WAYFINDING SIGNS WITHIN OR DIRECTING TRAFFIC TOWARDS THE DOWNTOWN URBAN RENEWAL DISTRICT.

Planning and Community Development Director Craig Raymond reported that a Wayfinding Plan is essential to connect people traveling to Great Falls to the historic downtown and to the surrounding cultural, natural and recreational amenities. By having access to prominent, appealing signage, many who would otherwise simply travel through Great Falls or those who are not familiar with the area, will learn about the services, destinations and points of interest that are available.

On April 6, 2021, the Great Falls City Commission formally adopted the City of Great Falls Wayfinding Plan. The estimated cost for the implementation of the wayfinding plan is \$220,000. A broad spectrum of committed downtown groups have pledged funding for the construction and installation of the signage in the amount of \$117,984. There are a total of 39 motorist signs and 20 pedestrian signs that are eligible to be funded with funds from the Downtown Tax Increment Financing District. The estimated price per motorist sign is \$3,050. The estimated price per pedestrian sign is \$700. The amount requested (\$128,950), coupled with the \$117,984 committed from other entities, will cover the implementation of signs eligible for funding from the Downtown TIF District, as well as account for any contingencies there may be in the installation process. The BID has requested that the requested funds be potentially reimbursed in phases as work is completed.

This particular request is separate from and not intended to be reimbursed out of any of the three new downtown TIF programs. Those specific programs were budgeted \$500,000 specifically for those programs that preserved additional funding for other TIF district priorities and projects such as this. Staff has completed a review of the Commission's review criteria as well as statutory eligibility requirements and finds that this request is eligible for approval and staff supports the request.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission set Resolution 10428 for public hearing on October 19, 2021.

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.

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21. RESOLUTION 10429, APPROVING A REQUEST FROM THE GREAT FALLS BUSINESS IMPROVEMENT DISTRICT TO USE WEST BANK URBAN RENEWAL DISTRICT TAX INCREMENT FINANCING (TIF) FUNDS FOR THE COST OF MANUFACTURING AND INSTALLATION OF WAYFINDING SIGNS WITHIN OR DIRECTING TRAFFIC TOWARDS THE WEST BANK URBAN RENEWAL DISTRICT.

Planning and Community Development Director Craig Raymond highlighted the differences between this agenda item and agenda item 20. The over-all project is the same. However, the TIF districts are separate and distinct districts and the number of proposed signs and amount of TIF funds sought are also different from the downtown TIF request set forth in agenda item 20.

This specific request is seeking to fund two motorist signs for a total of \$6,820 out of the West Bank TIF district.

Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission set Resolution 10429 for public hearing on October 19, 2021.

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.

22. RESOLUTION 10433, RELATING TO \$10,000,000 SPECIAL PARK DISTRICT BONDS, SERIES 2021 (TAXABLE); AUTHORIZING THE SALE AND PRESCRIBING THE FORMS AND TERMS THEREOF AND THE SECURITY THEREFOR.

Finance Director Melissa Kinzler reported that earlier this year adoption of Resolution 10406 established the terms, conditions and documentation for a private, negotiated sale of up to \$10,000,000 in Special Park District Bonds.

The City Manager and Finance Director along with Dorsey & Whitney, LLP, the City's bond counsel, worked to establish the appropriate terms, conditions, and documentation for the sale of the Bonds. The purchase price, redemption features, and interest rate on the Bonds were subject to the following conditions and limitations:

- (1) the aggregate principal amount of the Series 2021 Bonds shall not exceed \$10,000,000.
- (2) the maximum true interest cost on the Series 2021 Bonds shall not exceed 4.00%
- (3) the purchase price of the Series 2021 Bonds shall not be less than 99.4% of the principal amount thereof, exclusive of original issue premium or discount; and

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- (4) the final maturity of the Series 2021 Bonds shall not be later than 17 years from their date of issuance.

Resolution 10433 determines the form and details, authorizing the sale and delivery for the payment for a private, negotiated sale of \$10,000,000 City of Great Falls, Montana, Special Park District Bonds, Series 2021 Taxable. The True Interest Cost of the bonds are 2.21%, which is well below the 4% set forth in Resolution 10406. These bonds are for the design, construction, and furnishing of a recreation and aquatic facility.

The fiscal impact of issuing \$10,000,000 of revenue bonds is below the estimated average debt service of approximately \$722,000 to \$729,000 projected earlier. The range of annual debt service will be from approximately \$700,000 to \$704,000 per year paid by the Park District. This leaves approximately \$800,000 available on an annual basis for other Park District projects. All bond proceeds will be deposited into the construction account to maximize bonding capacity towards construction. The cost of issuing the bonds (\$159,700) will be paid from the City's undesignated General Fund balance or other available recreation funds and not from the Park District.

The bonds are taxable bonds due to the extensive control over the facility pursuant to the Office of Economic Adjustments terms and conditions.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10433.

Mayor Kelly asked if there were any comments from the public.
Participating via Zoom was:

Brett Doney, Great Falls Development Authority, urged the City to continue moving forward on making this wonderful project happen.

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

Mayor Kelly reiterated that the debt service is coming in at about \$20,000 to \$25,000 less per year than originally budgeted. That is a present value savings of over \$400,000 to stay in the Park Maintenance District fund.

Mayor Kelly called for the vote.

Motion carried 5-0.

CITY COMMISSION

23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Moe encouraged Commission member participation in the upcoming Montana League of Cities and Towns Conference to be held via Zoom.

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City Attorney Sara Sexe announced that she is now the proud grandmother of two beautiful granddaughters.

24. COMMISSION INITIATIVES.

None.

25. DISCUSSION ON FUTURE COMMISSION MEETING FORMAT.

Commissioner Tryon expressed concern that the Commission have some sort of objective standard on when the Commission will be conducting Zoom or live meetings. He suggested that the Commission should define with specificity under what conditions meetings will be held in a virtual video-conferencing environment, and not be based on a majority of the City Commission feeling that it is not safe for others. He requested that the Commission define for the public the metrics to be used for when the Commission will be having all virtual meetings and when it will not, and that the metrics be based on science and not on the whim of the Commission.

Commissioner Moe commented that, due to legislative changes, the Commission can no longer require people, that enter the Civic Center to attend meetings that they have every right to believe is safe, to wear masks and social distance. The Commission must rely on the governor to make that determination and so far, he has not done that. It leaves the Commission with no alternative. She makes her own choice to attend other committee meetings knowing she is immune compromised with people that may or may not wear a mask. She is not in charge of those meetings. The only meetings she has a say in are the Commission meetings. She feels she has an obligation to the public to assure them that the Commission will provide safe conditions for them to attend a meeting, and a meeting where everyone can participate on a level playing field.

Commissioner Houck commented that it is not so much about her own public safety or her own choices, but it is about everyone that enters the Civic Center. There are break through Covid cases at this point in time. The hybrid meeting approach did not work for Commission meetings. The Commission has since been in proximity of staff that tested positive at meetings. It is a dangerous slope. To provide public notice she suggested the Commission pick a date and determine at that time if the level of Covid is at an acceptable amount to return to in person meetings. Due to legislative changes and the Commission not being able to require social distancing and masking puts people at risk. At this point in time, she suggested the Commission stay in this format until the Covid numbers go down.

Commissioner Robinson commented that he does not have a problem going out to restaurants, for example, without a mask. However, what he wants to do is respect everyone else. He does not know who is and isn't immune compromised. With the new Delta variant coming out, the Covid cases in Montana and Cascade County have been getting worse. Last year he chaired the Board of Health Zoom meeting wherein the decision was made to allow restaurants to go from 50% occupancy to 100% occupancy and no masking when the Covid case rate was 20 per 100,000 per week. The current case rate is at 85. He does not know what number the Commission would come up with that would respect everybody that is immune compromised. He suggested playing it by ear. No one will be compromised by attending Commission meetings via Zoom.

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Mayor Kelly commented that the headlines get worse and worse. Five Montana cities: Billings, Helena, Butte, Missoula and Bozeman have requested the National Guard's help in their hospitals. A *Tribune* headline read hospitals are begging people to vaccinate and wear masks. The healthcare workers are overwhelmed. In the last two weeks, Montana had the highest case rate per capita in the country. St. Peters Hospital in Helena reported the ICU is full, the advanced medical unit is full, and the morgue is full. Because of the laws that have been put into place, Health Officer Trisha Gardner was unable to use words like "mandate" during her report this evening. The term she now has to use is "recommend." She is not recommending canceling all indoor events. However, she recommended for indoor events that people mask, social distance and do proper hygiene. With regard to at what point does the Commission meetings revert from Zoom to in person meetings like the Commission did before, Mayor Kelly thinks that answer lies at the same place it did before, with the Public Health Officer. When that person is not recommending that people mask at indoor gatherings, like the Commission meetings, then the Commission should figure that out. The metric he is looking to is the County Health Officer's recommendation when masking is not proscribed or preferred at indoor meetings.

Commissioner Tryon responded it was not true that the legislature or governor put us in a corner and there is nothing the Commission can do. This Commission decides. He doesn't believe that the citizens of this community need this City Commission to make the decision for them on whether they are going to be safe at a public meeting or not. He, again, suggested specific criteria be used to determine when the meetings will be held in person.

Commissioner Houck responded to comments made and summarized that her preference is to pick the thing that is least dangerous to the most amount of people in the community.

Mayor Kelly summarized the Commission will continue with Zoom meetings, assist with access, and the metric used is when the Health Officer makes the recommendation that it is safe to gather at indoor meetings without masking.

Commissioner Tryon reiterated Mayor Kelly's summarization.

Commissioner Robinson clarified that the Board of Health, made up of seven professionals and elected City and County representatives, make that call, not Health Officer Trisha Gardner.

Mayor Kelly suggested if Commission members want this topic on a City Commission agenda, to send their recommendations individually to City Manager Doyon. However, this is a decision the Commission can make and is within the Commission's capabilities.

Commissioner Moe reminded the Commission of the metric to be aware of, which is three Commission members saying they are exercising this judgment that is the best way to go. It sounds as though there are at least three Commission members who have exercised that judgment and do it with the best interest of the community at heart.

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ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Commissioner Robinson, to adjourn the regular meeting of September 21, 2021, at 9:57 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: October 5, 2021