

JOURNAL OF COMMISSION PROCEEDINGS
January 4, 2022

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, Eric Hinebauch, Joe McKenney, and Susan Wolff. Commissioner Rick Tryon appeared telephonically. Also present were the City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Public Works Director Paul Skubinna; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Fire Chief Jeremy Jones; City Attorney Jeff Hindoien; Police Chief Jeff Newton; and, City Clerk Lisa Kunz.

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.

MILITARY UPDATES

1. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM MALMSTROM AIR FORCE BASE (MAFB).**

Colonel Anita Fuegate Opperman updated the Commission on the following:

- Due to the rise in Covid cases on base, mask use is mandatory on base effective today.
- Malmstrom recently won 10 awards as well as the Blanchard Trophy for the fourth time in a row.
- On December 23, 2021, Secretary of the Air Force Frank Kendall and Senator Steve Daines received an intelligence briefing and toured the MAFB wing operation center. Air Force Secretary Kendall also coined five of Malmstrom's outstanding airmen.
- MAFB will be celebrating Martin Luther King Day, Holocaust Remembrance Month, and will be recognizing some outstanding airmen during the quarterly award ceremony.

PETITIONS AND COMMUNICATIONS

2. None.

NEIGHBORHOOD COUNCILS

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

BOARDS AND COMMISSIONS

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4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that:

- As part of the capital improvement program, the Housing Authority started demolition on one of the six-plexes in Parkdale to modernize that facility, and will be replacing an elevator in Austin Hall.
- Great Falls Fire Rescue is working on a Community Risk Reduction Program that will be in the form of an on-line dashboard. Information is being collected for a community risk assessment that will provide specific data through visual data charts and statistics, and information will be shared with community partners to help identify risks in the community and to create a collaborative effort to implement strategies to decrease those risks across the City.

Fire Chief Jeremy Jones added that he would like to present a 15-minute overview of how to navigate the on-line dashboard at a future work session, in conjunction with the ISO review.

- Appreciation was expressed to City Plumbing Inspector Bob Skiba for his many years of service and wished him well in his retirement. Ray Cook was recently hired as the new Plumbing Inspector.
- The Aim High Big Sky Aquatics and Recreation Center project (OF 1770) is in the technical design phase of the facility. Responses to a Request for Proposal for sponsorships and fundraising are due tomorrow.
- During Commission Initiatives, Manager Doyon requested that the Commission consider a planning session after the January 26-27 training with Dan Clark, as well as a Special Work Session for a State of the City presentation, which is a prelude to budget discussions beginning in March.

CONSENT AGENDA.

6. Minutes, December 21, 2021, City Commission Meeting.
7. Total Expenditures of \$2,465,922 for the period of December 1, 2021 through December 22, 2021, to include claims over \$25,000, in the amount of \$1,958,160.
8. Contracts List.
9. Grants List.

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10. Approve the Community Based Policing Agreement between the Great Falls Police Department and Great Falls Housing Authority effective January 1, 2022 and authorize the City Manager to sign the Agreement.
11. Approve the Agreement with Malmstrom Air Force Base for Mutual Aid in Fire Protection and Hazardous Materials Incident Response and authorize the City Manager to execute the Agreement.
12. Set a public hearing on Resolution 10436, Revising Fee Schedule for Great Falls Fire Rescue Superseding Resolution 10311 for January 18, 2022.

Commissioner Wolff 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

OLD BUSINESS

NEW BUSINESS

13. **LIFT STATION NO. 1 REPAIRS AND SUPPLEMENTAL FORCE MAIN PROJECT. OF 1758.1**

Public Works Director Paul Skubinna reported that this facility is located at Sixth Street North and River Drive North. The lift station pumps wastewater underneath the river directly to the Wastewater Treatment Plant. This station services about one-third of the City's entire flow. In 2020, TD&H Engineering was selected through a competitive bid process to begin looking at a feasibility study. The existing lift station was constructed in 1979 and is the only river crossing for this section of the City's sewer collection system. This project will result in providing the necessary upgrades and improvements to the lift station and a redundant force main crossing from the lift station to the Wastewater Treatment Plant. It's about reliability and resilience for the City's critical infrastructure and positions the City better for future fluctuations in the flow or any new development in the area.

Approval of the Professional Services Agreement will provide for the design of a new river crossing, as well as some upgrades to the lift station. ARPA funding was approved for this project in the form of a \$2 million dollar grant. Due to the complexity of the project, Director Skubinna concluded that it is their hope this project pivots to use of the alternate project delivery method, General Contractor Construction Manager (GCCM).

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Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission approve a Professional Services Agreement in the amount of \$1,324,150 to TD&H Engineering Inc., for the Lift Station No. 1 Repairs and Supplemental Force Main, and authorize the City Manager to execute the agreement documents.

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 McKenney inquired the timeframe of project completion.

Director Skubinna noted he did not have the project schedule in front of him. However, the timeline meets the ARPA deadlines to have the money expended.

Mayor Kelly inquired if the State ARPA funding deadlines were the same as the federal funding deadlines; in other words, obligated by December 2024 and expended by December 2026.

Finance Director Melissa Kinzler responded that the State deadlines might be a little tighter but are along the same guidelines. The State will have recording requirements and will have to report its funding to the federal government.

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

Motion carried 5-0.

14. APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) THROUGH THE ASSISTANCE TO FIREFIGHTERS GRANT (AFG) IN THE AMOUNT OF \$1,350,000 FOR A NEW 107 FOOT QUINT AERIAL APPARATUS.

Fire Chief Jeremy Jones reported that the requested action is to approve the submission of an application for a new 107' Quint Aerial Apparatus for the Fire Department. The City of Great Falls currently has two aerial apparatus in its fleet of emergency response vehicles - a 2009 Pierce 100' Platform aerial apparatus and a 1996 HME 75' Quint straight stick. The 1996 apparatus has been troublesome for the Fire Department throughout its history and is reaching its 26th year of service. Pursuant to the National Fire Protection Association (NFPA) 1911, Annex D the recommended service life of apparatus is 25 years. The cost of the new apparatus with new equipment is \$1,350,000. The AFG grant through FEMA allows for a 10% match. The total cost to the City will be \$122,727.27.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission approve an application to the Federal Emergency Management Agency (FEMA) through the Assistance to Firefighters Grant (AFG) in the amount of \$1,350,000 for a new 107' Quint Aerial Apparatus.

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.

15. APPLICATION TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) THROUGH THE ASSISTANCE TO FIREFIGHTERS GRANT (AFG) FOR OPERATIONS AND SAFETY EQUIPMENT IN THE AMOUNT OF \$633,612.99.

Fire Chief Jeremy Jones reported that this is a request for approval of another AFG grant submission for new operations and safety equipment that Great Falls Fire Rescue is lacking. The tools to perform the work in emergency services has changed over the years. The grant in the amount of \$633,612.99 would be for fire hose, thermal imaging cameras, self-containing breathing apparatus and spare bottles, advanced life support equipment, and SCBA harnesses and equipment to monitor and/or repair SCBA brackets. GFFR is currently operating with hose that was placed in service in the 1970's. Approval of the grant submission will allow GFFR to update its lacking tools in one fell swoop.

Commissioner McKenney moved, seconded by Commissioner Wolff, that the City Commission approve an application to the Federal Emergency Management Agency (FEMA) through the Assistance to Firefighters Grant (AFG) for Operations and Safety Equipment.

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

Mayor Kelly inquired the timeline of AFG grants and when GFFR expects to hear a response.

Chief Jones responded that typically the grant process is announced the end of September or first part of October, open in mid-November and closes by the first of December. This year the application deadline was extended to the middle of this month. Unless the grant application is rejected early, he does not expect to hear if the grant is awarded until September/October.

Commissioner Tryon expressed appreciation to Chief Jones for staying on top of these grants, and to GFFR for the outstanding work they do.

Mayor Kelly called for the vote.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

16. ORDINANCE 3240 AMENDING ORDINANCE 3238 TO CORRECT THE LEGAL DESCRIPTION FOR PROPERTY LOCATED AT 1300 RIVER DRIVE NORTH.

Planning and Community Development Director Craig Raymond reported that, on November 2, 2021, the City Commission adopted Ordinance 3238 which approved a rezone of the subject property to Planned Unit Development.

Subsequent to Commission adoption of Ordinance 3238, the applicant completed and recorded a certificate of survey that retraced the subject properties. As a result of the retracement, the

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recorded document has a more accurate legal description. Ordinance 3240 is simply to reflect more accurately the legal description of the property, which is also consistent with the official recorded documents. The ordinance does not modify the previously approved rezone or have any effect on neighboring properties.

Commissioner Hinebauch moved, seconded by Commissioners McKenney and Tryon, that the City Commission approve Ordinance 3240 amending Ordinance 3238 to correct the legal description for property located at 1300 River Drive North.

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

Motion carried 5-0.

17. RESOLUTION 10438, ALTERNATIVE PROJECT DELIVERY CONTRACT FINDINGS FOR WATER TREATMENT PLANT (WTP) SOLIDS MITIGATION PROJECT. OF 1698.1.

Public Works Director Paul Skubinna reported that this item is a request to adopt Resolution 10438 approving the findings that this particular project meets the statutory requirements that provides access to the alternative delivery method for the General Contractor Construction Manager (GCCM). The background section of the agenda report contains a lot of information. This is one of the projects that Public Works will be submitting an application for next week for competitive ARPA funding. Director Skubinna highlighted the statutory criteria and the findings that qualifies this project for the alternative project delivery contract:

- CRITERIA: § 18-2-502(1)(a), MCA – Demonstrate that the governing body has or will have knowledgeable staff or consultants who have the capacity to manage an alternative project delivery contract.
 - The City has or will have knowledgeable staff and/or consultants who have the capacity to manage an alternative project delivery contract. In addition to Public Works and Legal Department staff, who have experience with and/or a working knowledge of the GCCM project delivery method and other construction and project management experience, the City has retained the services of Advanced Engineering and Environmental Services (AE2S, Nate Weisenburger, PE) Portage Building, 405 3rd St NW, Suite 205, Great Falls, MT to provide both design and construction administration services attendant to the project at issue. AE2S has direct experience in working with the GCCM procurement method in the context of water treatment facility projects.
- CRITERIA: § 18-2-502(1)(b), MCA – Clearly describe the manner in which: (i) the alternative project delivery contract award process will be conducted, and (ii) subcontractors and suppliers will be selected.

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- The alternative project delivery contract structure contemplated for this project will involve a GCCM contract as defined in § 18-2-501(5), MCA. The procurement and award process for that GCCM contract will follow the requirements of § 18-2-503, MCA and will involve the competitive solicitation of proposals from qualified GCCM providers through a combined RFQ & RFP process. Subcontractors and suppliers will then be selected through a competitive solicitation process conducted either (a) solely by the selected GCCM or (b) by the selected GCCM in conjunction with the City.
- CRITERIA: § 18-2-502(2), MCA - Determine that the proposal meets at least two of the three following criteria: (a) the project has significant schedule ramifications and using the alternative project delivery contract is necessary to meet critical deadlines by shortening the duration of construction, (b) the alternative delivery method design process will contribute to significant cost savings, and (c) the project presents significant technical complexities that necessitate the use of an alternative delivery project contract.
 - In accordance with § 18-2-502(2)(a), MCA, the City has determined that the timely completion of the contemplated construction has significant schedule ramifications in terms of completing the work with a minimum amount of disruption to the Water Treatment Plant operations, and avoiding (to the extent possible) the need to have to discharge residual solids directly into the sanitary sewer collection system. Maintaining complete operational functionality is of primary importance, whereas constructability input from the GCCM would assist in developing construction staging/sequencing to minimize downtime. The project schedule is aggressively set to achieve substantial completion prior to the winter of 2022, so as to minimize disturbance to plant operations and to reduce direct discharge loading on the wastewater treatment plant and sewer collection system appurtenances. Additionally, cost modeling conducted in 2017 indicated that the project will significantly reduce the current operations and maintenance costs by approximately 50%, or \$125,500 annually and a shortened duration of construction will expedite the realization of those savings.
 - In accordance with § 18-2-502(2)(b), MCA, the City has determined that engaging and utilizing the services of a GCCM during the design and pre-construction phases will provide a greater opportunity for significant cost savings in terms of value engineering, construction planning and building / construction systems analysis and comparison. The site will require the reclamation of areas used to store water treatment residuals, and a portion of the building structure, including underground basins of relatively significant depth, may need to be situated on the reclaimed area. Technical input from the GCCM on means, methods, and strategies to adequately prepare the site for the building, execute the relatively deep excavations and basin construction, and manage potential groundwater issues will greatly enhance the recommendations of the engineering design consultants.

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Additionally, GCCM input regarding the means and methods associated with the initial installation and potential need to remove and replace the equipment over the life cycle of the facility would be beneficial. The initial staging and permanent location of the relatively heavy equipment could be optimized without the need for costly temporary measures to ensure safely placing the equipment into position.

- CRITERIA: § 18-2-502(3), MCA - Demonstrate that using an alternative project delivery will not: (a) encourage favoritism or bias in awarding the contract, or (b) substantially diminish competition for the contract.
 - In accordance with § 18-2-502(3), MCA, the City hereby determines that the utilization of an alternative project delivery contract as described above will not either (a) encourage favoritism or bias in awarding the contract or (b) substantially diminish competition for the contract. The basis for that determination is as follows:
 - The procedures utilized for the competitive RFQ & RFP process will involve the same publication and solicitation processes that would otherwise be used to competitively solicit bids from a GC, i.e., publication in major state newspapers, utilization of plan exchanges, etc.;
 - The target pool of qualified GCCM entities will consist – at a minimum – of the same pool of qualified GC entities that would be likely participants in a competitive bid process for construction work only;
 - The criteria utilized to select the GCCM will be those set forth in § 18-2-503(2), MCA and any additional factors unique to the project, all of which are intended to avoid any favoritism or bias in the GCCM contract award process; and
 - At the conclusion of the GCCM selection process, the City will – as required by § 18-2-503(4), MCA – state and document in writing the reasons for selecting the successful GCCM candidate.

Commissioner Tryon moved, seconded by Commissioners Hinebauch and Wolff, that the City Commission adopt Resolution 10438 which provides written findings demonstrating that the statutory criteria are met for use of an alternative project delivery contract, GCCM, for the Water Treatment Plant Solids Mitigation Project, OF 1698.1.

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 McKenney inquired how the project pays money back to the City.

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Director Skubinna explained that the ponds with underdrains could not be operated in the wintertime. The waste material is currently discharged into the sanitary sewer and then flows to the Wastewater Treatment Plant where the City pays to get the dirt out of the water again. There will be an efficiency gained already on the wastewater treatment side. As far as the sedimentation ponds, in the springtime the frozen material is taken out of the sedimentation ponds and hauled/handled three or four times before Public Works is able to finally dispose of it permanently. This new one-step process will dewater the material; it will be loaded up and then hauled once to the disposal location.

Commissioner Tryon noted that he was skeptical of the GCCM process until Director Skubinna explained it during a work session. He inquired if the written findings had to be reviewed by the State or anyone else.

Director Skubinna responded that it is his understanding that once this governing body determines that the Resolution is accurate and the findings are appropriate, there is no further statutory review by the State or other higher power.

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

Motion carried 5-0.

CITY COMMISSION

18. APPOINTMENT, MAYOR PRO-TEMPORE.

Mayor Kelly reported that appointment of a mayor pro-tempore is to run the meetings and perform other duties in the mayor's absence or unavailability.

Article III, Section 3 of the City Charter sets forth that the Mayor Pro Tempore shall serve in the absence of the elected Mayor. The City Commissioners shall elect from among themselves a Mayor Pro Tempore no later than one month after taking office.

Mayor Kelly moved, seconded by Commissioner Hinebauch, that the City Commission appoint Susan Wolff to serve as Mayor Pro Tempore, effective immediately, for a two-year term or until the City Commission has held an election.

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

Motion carried 5-0.

19. APPOINTMENTS, GREAT FALLS CITIZEN'S COUNCIL.

After a brief discussion about availability, **Mayor Kelly moved, seconded by Commissioner Hinebauch, that the City Commission appoint Bob Kelly and Susan Wolff to serve on the Great Falls Citizen's Council, also known as Council of Councils, for the January 25, 2022 meeting.**

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

Motion carried 5-0.

Mayor Kelly requested that City Clerk Lisa Kunz bring this matter before the Commission again for consideration of appointments for the May 24, 2022 Council of Councils' meeting.

20. APPOINTMENT, AUDIT COMMITTEE.

Mayor Kelly moved, seconded by Commissioners Tryon and Wolff, that the City Commission appoint Commissioner Joe McKenney to the Audit Committee effective January 4, 2022.

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

Motion carried 5-0.

21. APPOINTMENT, CITY-COUNTY BOARD OF HEALTH.

Mayor Kelly reported that there are two positions now that are associated with the City-County Board of Health. He currently serves as the City Commission representative to the Interim Governing Body that has been established for six-months that is composed of three County Commissioners and one City Commission member. He will be resigning as the City Commission's representative on the Interim Governing Body and asked that it be placed on the next agenda for the Commission to appoint a new Commission member to the Interim Governing Body.

Mayor Kelly moved, seconded by Commissioner McKenney, that the City Commission appoint Bob Kelly to the City-County Board of Health as the Mayor's representative, effective January 4, 2022.

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

Motion carried 5-0.

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly discussed the upcoming training for the Commission members with Dan Clark of the MSU-Local Government Center.

City Manager Doyon discussed the upcoming webinar by Montana Municipal Interlocal Authority (MMIA), Montana League of Cities and Towns (MLCT) and MSU-Local Government Center pertaining to a general overview of services provided to municipal governments, as well as a more in-depth, on-line course offered by those entities.

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23. COMMISSION INITIATIVES.

There was a consensus of the Commission to the City Manager's suggestion of scheduling a State of the City presentation.

Manager Doyon noted that the budget will be presented a little different than what the Commission has seen in the past, and will provide opportunity for community input along the way.

Commissioner Tryon suggested use of \$1 million dollars of HOME-ARP funds and \$283,000 from the annual HOME funding for acquisition and development of non-congregate shelter units to help address homelessness in the City. He further suggested:

- building a homeless shelter or to purchase a building and lease it or donate it to provide shelter, other than what is provided by the Great Falls Rescue Mission. Examples that come to mind are the acquisition of an unused building, such as the Washington Elementary School, or design and put up shipping container housing or tiny houses at the Natatorium park.
- The foregoing would be conditioned upon (1) a one-time use of City funds, with no ongoing City funding and (2) partnerships with the faith and/or non-profit community to handle the ongoing costs and staffing.

Although there was not a consensus of the Commission for staff to research utilizing funds for that purpose, Mayor Kelly responded that there has been a lot of conversations with the downtown folks regarding homeless people and he will provide Commissioner Tryon with information to make sure he gets included in upcoming meetings. Discussions have included opportunities and potential to handle some operation going forward. The initial gathering of the building or facility is the easier, tangible part. It is the ongoing operation going forward for the shared responsibilities that are often the challenge.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Wolff moved, seconded by Mayor Kelly, to adjourn the regular meeting of January 4, 2022, at 8:11 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: January 18, 2022