

**JOURNAL OF COMMISSION PROCEEDINGS**  
**January 18, 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, Rick Tryon and Susan Wolff. Also present were the City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Fire Marshal Mike McIntosh; 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.

**PROCLAMATIONS:** National Catholic Schools Week (January 30-February 5, 2022).

**COMMUNITY HEALTH INITIATIVES**

**1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM THE CITY-COUNTY HEALTH DEPARTMENT.**

Bowen Trystianson, Interim Public Health Officer, provided the following Covid update:

- In the past seven days there have been 632 new cases
- 799 active cases
- Average daily case rate is 111
- 2 new deaths as of today
- Positivity rate is at 22.4%
- Omicron appears to be the primary variant of concern at this time
- Covid patients are not needing the same intensity of care when admitted to the hospital
- There are a number of hospital employees out with Covid
- Influenza and the RSV virus are also going around right now
- Testing is widely-available at Alluvion's drive through clinic, Montana State Public Health Lab, Benefis and Great Falls Clinic

Mayor Kelly inquired if Mr. Trystianson had details about the home testing kits available from the federal government.

Mr. Trystianson responded that he does not know the details of that program, but does know that rapid tests are becoming scarcer.

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Mayor Kelly inquired if there were any projections with regard to anticipated Omicron spikes in the next several weeks.

Mr. Trystianson responded that he hopes to see the peak of this variant in two weeks and then see the numbers start to come down.

### PETITIONS AND COMMUNICATIONS

2. **Daniel Hartzel**, 609 Central Avenue, commented that older people are finding the parking meter stations too complex. He also discussed court matters he's involved in.

**Rose Waldenberg**, City resident, provided and read excerpts from an article titled "The Housing First Approach Has Failed: Time to Reform Federal Policy and Make it Work for Homeless Americans" as an opposing opinion to the Housing First approach that has been suggested for use of funding for the homeless.

**Ken Palisin**, 1200 32<sup>nd</sup> St S, suggested that the City and other quasi-governmental entities seek to employ tools that can lead to conservation and clean energy in any way possible.

Appearing telephonically were:

**Jeni Dodd**, City resident, would like to see the use of ARPA funds first and foremost for City needs that benefit all, including public safety and infrastructure, that would otherwise cost the taxpayers more money, rather than funding community partners.

**John Hubbard**, City resident, discussed his shocking gas bill and opposition to deregulation. He also noted delivering papers to the City Manager's Office pertaining to the plan to depopulate 95% of the world's population by the United Nations and 200 world leaders.

Mayor Kelly noted that everyone was surprised by their gas bill last month. He inquired if there was assistance available to people to pay their bills.

Finance Director Melissa Kinzler responded that Opportunities, Inc., provides assistance, as well as the City for water, sewer and sanitation rates. Rental and utility assistance can be applied for through the State.

### NEIGHBORHOOD COUNCILS

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

### BOARDS AND COMMISSIONS

4. **REAPPOINTMENTS TO THE GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION.**

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**Mayor Kelly moved, seconded by Commissioner Tryon, that the City Commission reappoint Dave Bertelsen, Samantha Shinaberger and Kelly Buschmeyer to the Great Falls Planning Advisory Board/Zoning Commission for three-year terms through December 31, 2024.**

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

Mayor Kelly referred to the agenda report noting that Dave Bertelsen was appointed on August 15, 2017 to fill the remainder of a three-year term, and was reappointed for his first full three-year term on December 18, 2018. According to Resolution 10235, he is eligible to serve a second full term. Kelly Buschmeyer and Samantha Shinaberger were appointed to three-year terms from January 1, 2019 through December 31, 2021. They are both eligible for second terms.

The Planning Advisory Board/Zoning Commission recommended reappointment. The Commission has their applications from when they first applied and all three are highly qualified to be on this board.

Commissioner Tryon appreciated that the original applications were included in the packet for the reappointments.

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

Motion carried 5-0.

## 5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

**CITY MANAGER**

## 6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that:

- Deputy City Manager Chuck Anderson worked with Planning and Community Development to transfer Civic Center custodial and maintenance staff over to Events staff. The new configuration will provide for cross-utilization of personnel and reduce the need for on-call staff for Events.
- He requested that the Commission provide him with any topics they want included in the training with Dan Clark on January 27<sup>th</sup>.

Manager Doyon paid tribute to former Police Chief and City Commissioner Bob Jones who recently passed away. He was a seasoned law enforcement administrator, knew city government well, and possessed a deep knowledge of the community. He approached the role with common sense, practicality and humility. He admired Bob Jones' ability to make the complex simple and his wit to demonstrate a point. When Bob was sworn into office he entered at a difficult time for the City. Those in leadership had to make some extremely difficult decisions that would affect

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the community for years. Bob Jones was instrumental in extricating the City from Southern Montana and Electric City Power. Key to that was Bob Jones' drive and personality in helping with the dynamics of that situation. He was able to be heard around the boardroom table, cultivate key alliances and cut through the noise on several issues. He fought for the best possible outcome for the City and its residents. Bob's heart was for the community and the organization he served for decades.

Manager Doyon continued that he loves the fact that there is another Chief Jones serving the City today. Jeremy is his own person for sure, but he thinks there is a lot of his dad's public service spirit and, he too, will serve the City with distinction.

Manager Doyon concluded that his heart goes out to Jiggs and all of the Jones family, and thoughts and prayers are with all of them during this time. He is very thankful for Bob's service to Great Falls and the time that we all had with him as Police Chief and as City Commissioner. We are all better for it.

Police Chief Jeff Newton expressed sincere condolences on behalf of the Great Falls Police Department to the family of Bob Jones. Bob Jones was the Chief of Police for 20 years from 1986 to 2006 which is almost unheard of in today's climate. Bob was a pillar in our community in his character, integrity, pride, thoughtfulness, and his knowledge benefitted everyone around him. He was frequently the voice of reason and his professional and personal experiences helped the City and community during many challenging times. Bob will be sorely missed. However, his legacy will continue to live on and we are all truly blessed to have been a part of his life.

A public memorial service will be held in the Mansfield Theater on Saturday, January 22, 2022 at 11:00 a.m., with a reception following in the Missouri Room in the Civic Center.

### **CONSENT AGENDA.**

7. Minutes, January 4, 2022, City Commission Meeting.
8. Total Expenditures of \$4,601,742 for the period of December 16, 2021 through January 5, 2022, to include claims over \$25,000, in the amount of \$3,363,284.
9. Contracts List.
10. Approve final payment for the Oddfellows Park Restroom Improvements, in the amount of \$6,348.15 to Kuglin Construction and \$64.13 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1740.4**
11. Set a public hearing on Resolution 10440, A request from Foothills Christian School for a Conditional Use Permit to allow a "Community center" land use in the R-3 Single-family High Density zoning district for 4.25 acres addressed as 3400 Flood Road for February 15, 2022.

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**Commissioner Tryon moved, seconded by Commissioner Wolff, 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**

**12. RESOLUTION NO. 10436 REVISING FEE SCHEDULE FOR GREAT FALLS FIRE RESCUE (GFFR) SUPERSEDING RESOLUTION 10311.**

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

Fire Marshal Mike McIntosh reported that an ordinance was recently adopted that allowed GFFR to assess fees for repeated violations of false alarms and fire code violations. GFFR operates under the Safety Inspection Certificate (SIC) program. GFFR performs life safety inspections yearly for businesses. If GFFR finds a violation within a building or within a business, they have to repeatedly go back to make sure the violation is taken care of. This process, many times, can be drawn out for months. Fees are set forth in Resolution 10436 as follows:

- First inspection is covered by the cost of the issuance or renewal of the SIC
- First reinspection is covered by the cost of the issuance or renewal of the SIC
- Second reinspection is a \$200 fee charged by GFFR
- Third reinspection is a \$300 fee charged by GFFR
- Fourth reinspection, if fire code violation is not corrected, the business is turned over to the City Attorney's Office to pursue the remedies set forth in OCCGF 15.9.050

Mayor Kelly asked if the Commission members had any questions.

Commissioner Tryon inquired if the landlord of a building that contains several businesses would be the responsible party for violations and subsequent reinspections.

Fire Marshal McIntosh clarified that it is up to the individual businesses, not the landlord. The business may have a landlord/tenant agreement regarding who is responsible for taking care of certain things, but that is for the business to work out with their landlord.

Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10436.

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

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**Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10436 revising the fee schedule for Great Falls Fire Rescue and superseding Resolution 10311.**

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

Commissioner McKenney discussed many aspects of being a small or micro business owner. He inquired if GFFR had any wiggle room to cover situations such as the owner being forgetful or overwhelmed, rather than an automatic fine.

Fire Marshal McIntosh responded that GFFR spends most of its time educating the public and building relationships with the business owners. If a business owner is flat out refusing or makes no attempt to correct a life safety violation, GFFR would now have the availability to issue a fee to try to get them to come into compliance. GFFR has the availability to work with business owners on an individual basis, and to develop a plan of correction with the business after the annual inspection to achieve compliance.

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

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

**CITY COMMISSION**

**13. APPOINTMENT OF MEMBER OF CITY COMMISSION TO SERVE AS EX OFFICIO NON-VOTING MEMBER OF HB 121 “GOVERNING BODY” ENTITY.**

**Mayor Kelly moved, seconded by Commissioner Tryon, that the City Commission appoint Commissioner Joe McKenney to serve as the *ex officio* non-voting member of interim HB 121 “Governing Body” entity for the Cascade City-County Board of Health.**

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 noted that he took over Commissioner Robinson’s position on the Board of Health, and it’s appropriate to appoint a different Commissioner to represent the Commission in the governing meetings going on with Cascade County. Commissioner McKenney has a good background working with people at the legislature and he volunteered for this appointment.

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

Motion carried 5-0.

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### 14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly also paid respects to Bob Jones. Bob was incredibly intelligent, a critical thinker, and came up with some incredible alternatives. He was honest. His integrity was unquestioned. He was always informed. He was really generous, and funny. He has never met anybody in Great Falls that loved his community more. He loved his colleagues just as much and he treasured his family. He was a great model for all of us and we will all miss him.

### 15. COMMISSION INITIATIVES.

Commissioner Tryon proposed, and no one objected, to implementing the following Crime Task Force recommendations beginning in February, 2022:

#### Communication and Education

K. We recommend that the City Commission make public safety, as it relates to crime and the local criminal justice system, a top priority and agenda item for City Commission meetings and business in order to regularly reinforce that the City of Great Falls considers public safety its number one priority. We recommend the following actions in order to carry this out:

- a. Once monthly crime/safety updates from GFPD or CCSO at City Commission meetings.
- b. Once a month designate at least a portion of City Commission work sessions to collaborating, communicating and planning coordinated crime prevention strategies with partners like NPOs, local legislators, judges, State and County LE, DEA etc.

Commissioner McKenney received clarification that adding monthly crime/safety updates to the Commission agenda would be similar to the Community Health update on this evening's agenda.

Commissioner Tryon commented that K.b. doesn't have to be once per month, but several times a year as a work session agenda item. He added that the Crime Task Force talked about some of the things legislators do at the State Legislature that effects local government directly. He suggested getting together with them to plot out strategy to try to lobby for some of the changes discussed by the Crime Task Force.

Commissioner Tryon discussed community concerns pertaining to what is called the "United Methodist Church Homeless Camp." He inquired the will of the Commission to:

- Enforce the City's public nuisance ordinances – OCCGF § 8.50.010, 8.50.020 and 8.50.050.

He pointed out that the community has been very patient, there is real concern now that the City has allowed this to go on, and it's time to apply City ordinances as they relate to this issue. The United Methodist Church can carry out its mission without creating a

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public nuisance and/or public safety issues. If the Church wanted to, it could work with the many non-profits in town to solve some of these issues, or the Pastor could work with his own congregation to invite the homeless inside his building or make other arrangements with volunteers. A homeless camp and/or gathering place for homeless or indigent people in a parking lot on a busy street downtown creating a public nuisance isn't necessary and it shouldn't be tolerated or allowed to further establish a precedent of ignoring our public nuisance ordinances.

Mayor Kelly noted that Reverend Wakeley has called community partners together to his church this evening to discuss this very topic.

Mayor Kelly inquired staff's capacity to enforce this issue going forward if the Commission provides that direction.

City Manager Doyon responded that the reason it hasn't been done yet is because he knew there were members of the Commission involved with community organizations to try to provide a long-term solution to the problem. City staff has the capacity to enforce it and it would be done just like any other nuisance property.

Commissioner Tryon received clarification that any fines would be against the property owner, not the homeless people.

Mayor Kelly commented that he didn't disagree with Commissioner Tryon's comments, but would like to give Reverend Wakeley more time to understand the potential that the community partners have to help alleviate that situation in a better way. He requested that this matter be revisited in a couple of weeks.

Commissioner Wolff concurred with Commissioner Tryon noting that the other businesses and the residents in that area have been adversely affected. Right now, none of the businesses can afford to have anything else burden them. Also, another congregation is experiencing people not wanting to go to that church because they are fearful. She also agreed to revisiting the matter in a couple of weeks.

Mayor Kelly reported that the Chamber of Commerce is sponsoring a trip to the West Alabama Chamber of Commerce, located in Tuscaloosa. Tuscaloosa has an incredible workforce model that many communities around the country are trying to embrace what those folks are doing to create an organic source for their workforce. Commissioner Wolff has volunteered to go on this trip and report back to the Commission. After a brief discussion, it was the consensus of the Commission that Commissioner Wolff's travel expenses estimated at \$1,200 be reimbursed to her out of the Commission's travel budget.

Commissioner Wolff noted that the trip is scheduled March 8-11, 2022. Currently, members of the School District, Great Falls College, Chamber of Commerce, ADF International, Great Falls Clinic, and Great Falls Pre-Release will be going.



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**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of January 18, 2022, at 8:28 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

**Minutes Approved: February 1, 2022**