

**JOURNAL OF COMMISSION PROCEEDINGS**  
**March 1, 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 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; Park and Recreation Director Steve Herrig; Fire Chief Jeremy Jones; City Attorney Jeff Hindoen; 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:** Community Week of Compassion and Fast (March 6-12, 2022).

Mayor Kelly displayed a painting of the City of Kiev gifted to the City of Great Falls from Ukraine delegates that the Advisory Commission on International Relationships hosted in 2017. He reflected on the war going on right now with the country of Ukraine. As the Pledge of Allegiance is recited, he asked everyone to think about how fortunate we are to live in a true democracy and never take it for granted because, up until several days ago, the Country of Ukraine was a solid democracy and now they are struggling for it.

**MILITARY UPDATES**

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

**Colonel Dan Voorhies**, Malmstrom Air Force Base, provided the following updates:

- Today in 1962, the 12<sup>th</sup> Missile Squadron stood up with equipment and a building, but no people. The missile was placed in front of Building 1191 in March 1962. Boeing was given the contract for the new Minuteman 2 missile in March of 1962, before Minuteman 1 had even been installed.
- During the month of February the defenders, maintainers and operators continued to provide world-class nuclear deterrence for the nation. A big exercise took place during February. The MAFB Fire Department and EOD continued to support civil community partners.
- Tech Sergeant Mason from the 341<sup>st</sup> Munitions Squadron was the Nuclear Deterrence Operations Non-Commissioned Officer (NCO) of the year; the Security Forces Training Group was the Nuclear Deterrence Operations (NDO) professional team of the year; and

## JOURNAL OF COMMISSION PROCEEDINGS

March 1, 2022

the Force Support Squadron, Child and Youth Services, and Airmen and Readiness Flight all received Air Force Global Strike Command awards.

- Events scheduled for Women's History Month include a 5K run on March 4, all female alert tour on March 9, and a women's leadership forum March 10-11. Keynote speaker for March 10<sup>th</sup> is Brigadier General Stacy Huser

### PETITIONS AND COMMUNICATIONS

2. **Daniel Hartzel**, 609 Central Avenue, read a letter of personal support from a downtown business, and he discussed personal legal matters.

### NEIGHBORHOOD COUNCILS

3. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

### BOARDS AND COMMISSIONS

4. **REAPPOINTMENTS TO THE PARKING ADVISORY COMMISSION.**

Mayor Kelly reported that the Commission is being asked to reappoint three members to the Parking Advisory Commission (PAC). The PAC met on February 17, 2022 and recommended reappointing Barbara Nutter, Kellie Pierce and Katie Hanning. They are interested in and eligible to serve another three-year term.

**Commissioner Wolff moved, seconded by Commissioners Hinebauch and McKenney, that the City Commission reappoint Barbara Nutter, Kellie Pierce and Katie Hanning to the Parking Advisory Commission for three-year terms through April 30, 2025.**

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

On behalf of the Commission, Mayor Kelly expressed appreciation to Barbara, Kellie and Katie for their service. It is not an easy job.

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

Motion carried 5-0.

5. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Wolff made the following announcements pertaining to the Great Falls Public Library (GFPL):

## JOURNAL OF COMMISSION PROCEEDINGS

March 1, 2022

- The Montana Public Library's report on the GFPL is eight-pages
- GFPL has 237,178 items in circulation
- GFPL has embarked on a master plan to bring the library into a 21<sup>st</sup> century library. GFPL is working with Rethinking Libraries, an organization that was chosen after issuing a Request for Proposals. There will be focus groups and public forums for input during the master planning process
- GFPL is working on a Story Walk that will go from the Library to Gibson Park to encourage more people to read and use those resources
- GFPL is seeking volunteers to help with collecting and sorting the books for the annual book sale that will take place in May

### CITY MANAGER

#### 6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon requested that Police Chief Jeff Newton provide a crime update with regard to enforcement efforts in the downtown. In response to comments that were implied during the last meeting that no enforcement activity whatsoever was taking place, Chief Newton provided the following update specific to the area surrounding the First United Methodist Church and Alluvion:

- GFPD's direct enforcement team, including one police officer, is assigned to the downtown area. The officer has been tasked with identifying the homeless individuals. There truly are some homeless individuals, but they have also found out that there are individuals drawn to that area to create problems that are actually city residents. That identification process is ongoing.
- From January 4, 2021 to February 21, 2022 GFPD responded to calls for service at First United Methodist Church 102 times and issued 39 citations and/or arrests. During the same time frame for Alluvion, there were 82 calls for service, not including medical calls, and 51 citations issued and/or arrests made. The bulk of the criminal activity in that area includes open containers, criminal trespass to property, disorderly conduct, and assaults.
- He has heard and received some feedback that the Police Department is "cracking down" or targeting certain individuals. He assured the Commission that is not the case. GFPD fully adheres to individuals' constitutional rights, and he clarified that GFPD is not the "move along" police.
- Probable cause is required for GFPD to issue citations or make arrests. Some of the challenges, that essentially removes GFPD's probable cause to cite and/or arrest, are (1) individuals report an occurrence, but say they do not want to get involved or they will not provide a witness statement, or (2) the officer was not there to witness it himself.
- Captain Schaffer and two patrol lieutenants hope to implement a program this spring that comes down to enforcement, education, a treatment option, and community collaboration.

## **JOURNAL OF COMMISSION PROCEEDINGS**

**March 1, 2022**

- GFPD is working to partner with Indian Family Health Clinic, Center for Mental Health, and have been working with Alluvion to provide individuals, many of whom are suffering from mental health issues or some abuse issues, resources to try to get them into treatment. However, it is their choice to do that.
- They are also working with Judge Bolstad on sentencing options to force treatment through the municipal court system.

Chief Newton concluded that this is a community issue. As law enforcement, GFPD is trying to mitigate this as best they can, but cannot enforce their way out of this problem. That is why they are working with other entities to collaborate and try to come up with other solutions other than just writing tickets and arresting people.

Mayor Kelly asked if there were any questions for Chief Newton.

Commissioner Tryon inquired the number of actual unhoused individuals.

Chief Newton responded that is an ongoing process. GFPD has reached out to other entities to help identify the unhoused. He will bring that information back to the Commission.

Manager Doyon reported:

- The Public Works Environmental Division recently submitted the City's Municipal Separate Storm Sewer System (MS4) annual report. The City's MS4 contains six program elements that are dedicated to preventing potential negative water quality impacts associated with the City's storm water discharges for the many 81 discharge points into the Missouri River. The annual report document and accompanying data is about 200 pages. Calendar year 2021 was the last of a five-year permit cycle. The new five-year MS4 permit with new and increased program requirements goes into effect April 1, 2022. The annual report is available on the Public Works Environmental Division webpage along with other information and documentation regarding their programs.
- A new emerging leaders program began last week. The program is designed to engage employees that are not at the supervisory level yet, but are showing potential. Department heads chose eleven participants. The program will be for one year. The participants will learn about all the different departments, how policy is developed, how the budget is developed, and to get to know their own strengths and areas that they could work on if they take that next step into a supervisory role.
- He will be attending the Executive Forum in Choteau the next couple of days, and then to Washington DC to attend the Association of Defense Communities Annual Summit.
- He congratulated the Great Falls Homeschool Lady Bulldogs for their undefeated season and winning the MCAA basketball championship.

Commissioner Tryon requested that Manager Doyon summarize what the City is doing in terms of dealing with the property complaints and issues surrounding the First United Methodist Church.

## JOURNAL OF COMMISSION PROCEEDINGS

March 1, 2022

Manager Doyon responded that, based on concerns generated from the community, neighborhood councils and businesses, code compliance is under review.

### CONSENT AGENDA.

7. Minutes, February 15, 2022, City Commission Meeting.
8. Total Expenditures of \$2,436,560 for the period of February 1, 2022 through February 16, 2022, to include claims over \$25,000, in the amount of \$1,978,484.
9. Contracts List.
10. Approve a Professional Services Agreement in the amount not to exceed \$244,463 to Advanced Engineering and Environmental Services, Inc. (AE2S), for design phase services on the Wastewater Treatment Plant Secondary Clarifier Rehabilitation and Return Activated Sludge Bypass Piping project, and authorize the City Manager to execute the agreement documents.  
**OF 1731.3**
11. Vacate a public hearing on Resolution 10437, for a Conditional Use Permit for a “Two-family residence” land use upon the property addressed as 1700 1st Avenue North and reset the public hearing for March 15, 2022.
12. Set public hearing for March 15, 2022 on Resolution 10445, Budget Amendment Resolution.
13. Set a public hearing for March 15, 2022 on Resolution 10450, Establishing the Rates, Fees and Penalties Associated with Title 10 Pertaining to the City’s Parking System.” [Establishing a fine structure for violations of OCCGF 10.9.310 prohibiting the long-term parking and/or storage of recreational vehicles, utility trailers or vessels in residential districts, and superseding Resolution 10420.]

**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**

14. **GREAT FALLS PUBLIC SCHOOL DISTRICT REQUEST TO REZONE PROPERTIES AND VACATE CITY RIGHT-OF-WAY IN THE VICINITY OF GREAT FALLS HIGH SCHOOL AND KRANZ PARK.**

## JOURNAL OF COMMISSION PROCEEDINGS

March 1, 2022

14.
  - I. Resolution 10442 to vacate 17<sup>th</sup> Street South between 3<sup>rd</sup> Avenue South and 4<sup>th</sup> Avenue South, as well as the portion of 4<sup>th</sup> Alley South abutting Lots 5-10, Block 736.
  - II. Ordinance 3241 to Rezone the properties legally described as Lots 5-10, Block 736, of the Tenth Addition to Great Falls Townsite, including those portions of the vacated 17<sup>th</sup> Street and 4<sup>th</sup> Alley South right-of-way from Parks and Open Space to Public Lands and Institutional.
  - III. Amended Plat aggregating the parcels.

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

Planning and Community Development Director Craig Raymond reported that, on January 19, 2021, the City Commission approved a land swap agreement between the City and the School District wherein the City swapped a portion of Kranz Park to the School District. At that time, the School District had thoughts on how they might be able to utilize the land. The School District successfully completed numerous construction projects as part of a \$99 million dollar levy. The Great Falls High HUB addition and school remodel was one of those major projects.

While a final design has not been submitted, this current project is really a continuation of a bigger plan that will provide additional parking and shifting of athletic field locations. The items on tonight's agenda are necessary in order to accomplish the desired outcome. The existing 17<sup>th</sup> Street South right-of-way needs to be vacated and the street deconstructed to make way for the new facilities. Additionally, there is a portion of a platted alley right-of-way that was never built upon that is also proposed to be vacated. In order to accommodate the new facilities, an existing sewer main will need to be abandoned. The City Public Works and Engineering Department have been directly involved with this proposal and have approved the abandonment proposal. Additional utility easements will likely be necessary as the final design of the project is completed.

At the February 1, 2022 City Commission meeting, a member of the Neighborhood Council spoke of some concerns regarding traffic flow between 3<sup>rd</sup> and 4<sup>th</sup> Avenues South, as well as concerns about loss of pedestrian access along 17<sup>th</sup> Street South. One suggestion that was raised was to re-dedicate that portion of 18<sup>th</sup> Street South that had been vacated many years ago. Upon consideration, staff felt this was not a feasible option under the circumstances. The planned improvements by the City Park & Recreation Department, pedestrian access and circulation will be adequately addressed.

The Great Falls Public School District is requesting a zone change for the acquired Kranz Park lots and adjoining rights-of-way from Parks and Open Space to Public Lands and Institutional. The PLI zoning district would unify the school's property under one zoning district, as well as give the school the ability to use the property to its full potential in the future. In the short term, the district's proposal to expand the school's parking, as well as extend the practice fields, complies with the property's current PLI zoning.

Mayor Kelly asked if the Commission members had any questions.

## JOURNAL OF COMMISSION PROCEEDINGS

March 1, 2022

Commissioner Tryon requested clarification about when Public Works review of the proposal for the dedication of any necessary easements would take place.

Director Raymond responded that utility or access easements would be determined once the department receives the final design for construction and renovation of the property.

Commissioner Wolff noted that at a prior meeting a person talked about wanting a sidewalk to make it easier for people to access the park area and be able to continue to use that as a walking area.

Director Raymond responded that specifics about the sidewalks that will exist once the project is complete are set forth on page 3 of the agenda report.

Mayor Kelly asked if there were any comments from the public in favor of Resolution 10442, Ordinance 3241 and the Amended Plat.

**Barney Danishefsky**, Chairman of Neighborhood Council 9, commented that he was the one that raised concerns that Commissioner Wolff noted. He is happy to report that, after conversations with Superintendent Moore, the council is more than satisfied with what the School District has decided to do. They are putting in two gates on the north and south sides that will allow a path for pedestrian traffic through the practice field rather than going around the practice field. The sidewalk along the west edge of the new parking lot will also aid in pedestrian traffic.

**Jana Cooper**, TD&H Engineering, 1800 River Drive North, representing the School District, reported that TD&H and Superintendent Moore met with Neighborhood Council 9 at their last council meeting. The School District agreed to add an extra gate and a sidewalk to that gate from each of the north and south sides for pedestrians to get through the practice field. The Park and Recreation Department is planning to install some playground equipment. With regard to the council's suggestion of opening 18<sup>th</sup> Street North, she reported that the transportation planner at the Planning Department did not feel that would be the safest alternative.

With regard to easements, Ms. Cooper reported TD&H has been working with the Public Works department and have submitted plans. All of those easements will be included on the plats before recording.

Additionally, plans have been submitted to the Planning Department that are under review, and a bid opening is scheduled tomorrow on this project.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10442, Ordinance 3241 and the Amended Plat.

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

**Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10442 vacating 17<sup>th</sup> Street South between 3<sup>rd</sup> Avenue South and 4<sup>th</sup> Avenue South, and a portion of 4<sup>th</sup> Alley South.**

**JOURNAL OF COMMISSION PROCEEDINGS**  
**March 1, 2022**

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

**Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission adopt Ordinance 3241 rezoning the subject properties and vacated right-of-way from Parks and Open Space to Public Lands and Institutional and the accompanying Findings of Fact/Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicant.**

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

**Commissioner Hinebauch moved, seconded by Commissioners Tryon and Wolff, that the City Commission approve the amended plat aggregating the parcels as legally described in the staff report, and the accompanying Findings of Fact/Basis of Decision, subject to the Conditions of Approval being fulfilled by the applicant.**

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

Commissioner McKenney inquired who/what started this process.

Director Raymond and Deputy City Manager Anderson responded that the School District approached the City and discussions ensued about the School District's project that was going on at the high school and best future use.

Commissioner McKenney asked what property the City got in the land swap.

Park and Recreation Director Steve Herrig responded that the City obtained 10-acres from the School District located on the south side of the soccer complex on 57<sup>th</sup> Street.

Commissioner McKenney inquired if the land acquired by the School District was going to be used for parking.

Superintendent Tom Moore clarified that the original plan several years ago was to work with the City to enhance parking around Great Falls High School. It was one of the identified problematic aspects of having a large comprehensive high school in the middle of town and not having adequate parking. Kranz Park has always been one of those areas that seemed to be of interest to the School District for a variety of different things. A traffic study conducted several years ago indicated that the School District needed to acquire 200-300 additional spaces to remedy the problems there.



## **JOURNAL OF COMMISSION PROCEEDINGS**

**March 1, 2022**

As the bond project was completed at Great Falls High School and the School District looked at what they had to do to meet the requirements for new parking or enhanced parking places around the high school, they were not getting the number needed.

When the City approached the School District to talk about the land by the soccer complex, the City knew that the School District would want to talk about Kranz Park.

Initially the School District was looking at putting a parking lot in Kranz Park. The suggestion was made to build the parking lot next to and adjacent to Memorial Stadium and move the practice field across to what is now 17<sup>th</sup> Street and into Kranz Park to maintain green space. That particular notion gained momentum as the School District pursued the idea and presented it to the Neighborhood Council.

The School District has worked collaboratively with the City, neighbors around Great Falls High School and Kranz Park, and have come to a solution that benefits both the residents in that area as well as the School District and does not put a parking lot in what was once a park.

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

Motion carried 5-0.

### **15. RESOLUTION 10443 GOLF FEES.**

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

Park and Recreation Director Steve Herrig reported that this item is a public hearing for consideration of Resolution 10443 to set the golf fees. Adoption of this resolution would repeal Resolution 10384 and set the new fee structure in place. As the Commission heard from Mike Sharp, CEO of CourseCo and Jeff Stange, Manager of both golf courses, during tonight's work session, the fee adjustments are a modest 2.5% to 2.8%. Adoption of the resolution will help keep the courses at the current operational level, but allow for increased costs for materials and labor.

Director Herrig noted a correction to page 3 of the agenda report. The golf board concurred with the proposed golf fees at its February 23, 2022 meeting.

Mayor Kelly asked if the Commission members had any questions.

Commissioner McKenney received clarification that the fee increase was due to inflationary price increases and to keep the maintenance of the courses at the current level and was not for expanded services.

Commissioner Tryon asked what would happen if the Commission did not adopt the resolution.

## JOURNAL OF COMMISSION PROCEEDINGS

March 1, 2022

Director Herrig and CourseCo Golf Management President and CEO Michael Sharp explained that adoption of the resolution would allow management to continue what it started three years ago - continued pursuit of improvement, enhancing the course conditions, improving the hospitality, and expanding programs for the community. The last couple of years they have been able to see an increase in participation and activity at the golf courses. They need to continue to reinvest, and continue to buy the equipment to continue this momentum. What could happen if fees are not increased is a drop off in participation and in revenues, and they would inevitably have to make some cuts in hours of operations, not buying the equipment, and reducing the overall quality of the course conditions. They think that the guests playing the courses and eating at the facilities understand that the modest increases allow management to continue to enhance what they started.

Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10443.

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

**Commissioner McKenney moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10443 - Golf Fees.**

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

Mayor Kelly commented that it is remarkable that the increase is minimal, is under the current inflationary rate, and the absence of opposition is a sign that the golfing community is appreciative of the work that CourseCo has done.

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

Motion carried 5-0.

16. **RESOLUTION 10444 REVISING FEE SCHEDULE FOR GREAT FALLS FIRE RESCUE (GFFR) [ESTABLISHING FEES FOR PATIENT TRANSPORT COST RECOVERY] AND SUPERSEDING RESOLUTION 10436.**

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

Fire Chief Jeremy Jones reported that this item is a request to adopt Resolution 10444 revising the fee schedule for Great Falls Fire Rescue. On January 18, 2022, GFFR presented a cost recovery mechanism that would allow for GFFR to recoup 911 EMS transport costs. GFFR currently does not have any type of mechanism in place to recuperate costs for providing this service to the public.

## JOURNAL OF COMMISSION PROCEEDINGS

March 1, 2022

This service typically happens when there is a surge event within the system, which is defined as more calls than what is available to transport, when the private vendor is unable to meet the need. In 2015, GFFR conducted approximately five EMS transports. As of last year, GFFR was up to 74 transports. The need is ever growing. Adoption of the fees would help offset the purchase of a second ambulance so GFFR is not supplementing the purchase through other portions of their budget.

Mayor Kelly asked if the Commission members had any questions.

Commissioner McKenney commented that, now that GFFR has cost recovery, there is potential for competition with the private sector. He inquired if the City would have a subordinate position, meaning the private sector would be called first and, if there is a surge, then the City would step in.

Chief Jones responded in the affirmative. He added that GFFR is not in the 911 rotation. Meaning, when someone dials 911, GFFR is not sent out in a transport component. The only time that GFFR would upgrade to that is when the private vendor has no ambulances available to the system within our community. When that happens, GFFR does enter the rotation during the demand when no other units are available to transport patients.

Commissioner Tryon inquired if it was correct that the costs would be covered 100% or up to a good percent by the customer's insurance or Medicare and was responded to in the affirmative. There are all kinds of different pay vendor components. If the resolution is adopted, GFFR will be bringing a proposal forward for a third party vendor to perform the billing to the customer. The City does not have the expertise in the field of Medicare, Medicaid and insurance billing to be able to provide that service internally, let alone by the Fire Department. GFFR's recommendation will be to contract that out and then pay a certain fee based on the cost recovery of what they garnered back.

Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10444.

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

**Commissioner Tryon moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10444 revising the fee schedule for Great Falls Fire Rescue.**

Mayor Kelly asked if there was any discussion amongst the Commissioners. He expressed appreciation to Chief Jones for his work on the cost recovery needed to make GFFR work better and more efficiently.

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

Motion carried 5-0.

**JOURNAL OF COMMISSION PROCEEDINGS**

**March 1, 2022**

**OLD BUSINESS**

**17. CHANGE ORDER NO. 1 TO SWANK ENTERPRISES FOR THE INDOOR AQUATICS AND RECREATION CENTER. OF 1770.0**

Park and Recreation Director Steve Herrig reported that staff is recommending that the City Commission approve Change Order No. 1 in the amount of \$244,655 in deductions to Swank Enterprises for the Indoor Aquatics and Recreation Center and authorize the City Manager to execute that change order.

On November 2, 2021, the Commission awarded a construction contract to Swank in the amount of \$18,349,000 that included the base bid and alternate 19 (the large slide) for the recreation center. At that time, it was also said that staff would go back to the subs to see if there was any value engineering that could get the City back closer to budget. Staff worked with the subs to see what they could come forth with. Some of the items were not endorsed by the expert consultants Water Technology, Nagle Sports, and Morrison-Maierly of Missoula. The project is still about \$102,000 over budget for a waterline relocation, Tribune ads, DEQ permits, NorthWestern Energy moving power, and the internal engineering fees. Staff will be continuing to look elsewhere for other dollars to add back. The list of items is the bare bones that could be done without disturbing the integrity of the building. All of the consultants are on board with the list of deductions.

**Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission approve Change Order No. 1 to Swank Enterprises in the amount of \$244,655 deduction for the Indoor Aquatics and Recreation Center, and authorize the City Manager to execute the change order 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 Wolff inquired if the City will be looking at increased maintenance costs down the road due to those changes. She also inquired if energy savings in the design and/or changes were considered.

Director Herrig responded that the consultants did not feel that these proposed changes were going to change the integrity of the building. The changes are in the different types of systems that would be going into the facility and are still very adequate as far as operating the facility itself. He also explained that \$37,000 was an add on for a better roof system.

**Timothy Peterson**, President of LPW Architecture, 15 5<sup>th</sup> Street South, added that one of the largest roofing companies in the United States that is now starting to do work in Montana suggested that the DensDeck might degrade over time and suggested this new system to completely incase the pool and won't degrade over time. There were deducts proposed for pump changes, but the consultants suggested staying with the original specifications. The building will not look any different than the renderings. He concluded that it is standard practice to go through this process. He is really happy with Swank and the subcontractors for holding their prices as long as they have.

**JOURNAL OF COMMISSION PROCEEDINGS**

**March 1, 2022**

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

Motion carried 5-0.

**NEW BUSINESS**

**18. PROFESSIONAL SERVICES AGREEMENT: SPONSORSHIP/FUNDRAISING SERVICES (OF 1770.0).**

Park and Recreation Director Steve Herrig reported that staff is recommending Commission approval of this Professional Service Agreement with Bannack Group, LLC, of Bozeman, for sponsorship/fundraising services.

In December, staff issued a Request for Proposals (RFP). Three responses were received from Great Plains Sponsorships out of Sioux Falls, South Dakota, Bannack out of Bozeman, and the Superlative Group out of Cleveland, Ohio.

A committee reviewed and rated each response to the RFP. Bannack was at the top of everyone's list. Bannack has some familiarity with the area and understands the dynamics of Great Falls. Bannack works off of a flat rate of \$7,500 per month versus the other two companies that work off of percentages. Staff used the baseline of \$1 million dollars to compare pricing. If the goal of \$1 million dollars was met in a year, Bannack would be paid \$90,000. Great Plains would have been paid approximately \$300,000 and the Superlative Group had options of \$225,000 or \$257,000.

Bannack is a local company and understands our economy. They are excited to work with us and will help this project get back within budget. The hope is to be able to pull several items from the alternatives list. Award of this agreement will provide for logos on certain items, scoreboards, diving platforms, and the facility itself. There are no guarantees. Great Plains and Bannack both felt that the timing was right and that the City should not have any issues when it comes to these efforts.

The list of 21 remaining alternates was attached to the agenda report. The top 12 were also submitted for CARES and ARPA funds. The top 12 alternates amount to approximately \$923,000. They are still waiting on a firm answer with regard to the military training equipment. The military will be able to do their basic training in the facility and the facility will be prepped for this enhanced equipment if they decide to come up with the funding for that purchase.

**Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission approve a Professional Services Agreement with Bannack Group, LLC for Sponsorship/Fundraising Services for the Indoor Aquatics and Recreation Facility, and authorize the City Manager to execute the agreement.**

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 if the training equipment could be provided by the military.

## **JOURNAL OF COMMISSION PROCEEDINGS**

**March 1, 2022**

Director Herrig responded that the project liaison at Malmstrom has been informed that, unless the fundraising really goes overboard, the amount for the military training equipment will be their responsibility.

Commissioner Tryon inquired what Director Herrig meant by “other operational needs” of the Park and Recreation Department.

Director Herrig responded that his goal is to work within this fundraising project a scholarship program so that every community member that would like to use the facility has that ability.

Commissioner Tryon asked if there were any benchmarks in fundraising that Bannack would have to reach per month or per quarter set forth in the terms of the agreement.

Director Herrig commented that he will be meeting with Bannack fairly quickly and will set forth the goals that staff wants Bannack to achieve. If staff is not seeing results, the City can get out of the month-to-month agreement with Bannack. Director Herrig will provide a follow up report to the Commission.

Director Herrig also explained that the funding would come from the Park Trust or from the sale of the City’s land to Pasta Montana. He is confident that the payback will cover the amount that will be paid to Bannack in a short term.

Mayor Kelly received clarification that the tax-deductible donations will go through the People’s Park and Recreation Foundation.

Commissioner McKenney inquired how the additional expenses, including travel, submitted for payment would be monitored.

Director Herrig clarified that any travel expenses, marketing, etc., has to have prior approval by him.

Commissioner McKenney also reiterated that, if Bannack is not performing at any time, the City could provide a 60-day notice to cancel the agreement. Director Herrig added that the automatic one-year extension would have to be approved as well.

Manager Doyon pointed out that on page 3 of 15 it sets forth that the Bannack Group will report on progress toward goal at least monthly. In addition, the Bannack Group shall maintain a “gift tracker” which details contributions and pledges in support of the goal.

Commissioner Wolff added that she has had some experience working with some of these people from fundraising activities at Montana State University, and they do achieve results.

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

Motion carried 5-0.

**JOURNAL OF COMMISSION PROCEEDINGS**

**March 1, 2022**

**19. SOUTHSIDE WATER MAIN REPLACEMENTS – PHASE II (OF 1648.1).**

Public Works Director Paul Skubinna reported that this agenda item is consideration of awarding a construction contract for the Southside Water Main Replacements – Phase II to United Materials in the amount of \$1,991,450.00. This project will replace 13 blocks of water main at a total length of just over a mile along 1<sup>st</sup> Avenue South, from 9<sup>th</sup> Street to 13<sup>th</sup> Street, 2<sup>nd</sup> Avenue South from 9<sup>th</sup> Street to 15<sup>th</sup> Street, and 12<sup>th</sup> Street from 4<sup>th</sup> Avenue South to 1<sup>st</sup> Avenue South. For the 10-year period from 2002 thru 2011, the City had five water main breaks in this service area. During the subsequent 10-year period from 2012 thru 2021, the City had 14 water main breaks in this service area with three of them happening in 2021. The escalating water main breaks have caused private property damage, interrupted traffic and water service to residents and businesses. Based on our records the water mains being replaced were installed in 1891, 1903 and 1919.

Considering the geography of this project there will be some impacts to the local area during construction. 1<sup>st</sup> and 2<sup>nd</sup> Avenues South are important transportation routes. To try and minimize inconveniences, restrictions have been placed on the contractor that will decrease the length and duration of detours and closures. Along with that, the contractor is required to maintain at least one open lane at 1<sup>st</sup> Avenue South and 9<sup>th</sup> Street to make sure emergency operations are not hampered.

This project has been prioritized, programmed and budgeted as part of the capital improvement program. United Materials provided the lowest responsive bid and there is a definite operational need to go forward with the project.

**Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission award a contract in the amount of \$1,991,450 to United Materials of Great Falls, Inc. for the Southside Water Main Replacements – Phase II, and authorize the City Manager to execute the contract 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.

Mayor Kelly inquired if there was a plan in place to take inventory of connectors during this project.

Director Skubinna responded that any time they are doing a water main project inventorying connectors has been a practice. As a general rule, when lead or galvanized service lines are discovered, as part of the project those lines will be replaced up to the curb stop.

Mayor Kelly inquired if there was a coordinated effort with the County and State pertaining to street projects.

Director Skubinna responded that staff meets quarterly with the Montana Department of Transportation and they have resumed meetings with Cascade County to discuss projects on the docket so that coordination is taking place.

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

**JOURNAL OF COMMISSION PROCEEDINGS**

**March 1, 2022**

Motion carried 5-0.

**20. GREAT FALLS INTERNATIONAL AIRPORT FUNDING COMMITMENT – SMALL COMMUNITY AIR SERVICE DEVELOPMENT GRANT (SCASD).**

Mayor Bob Kelly reported that this item would be the second time for the Commission to consider designating ARPA funds. At the last meeting, due to a grant proposal deadline, the Commission approved having matching funds available for a Historic Preservation grant that was being submitted to do work in the Civic Center Theater for seats and the ceiling.

Tonight, the Commission is in the same situation. Great Falls is in dire need of getting more airlines here so that the businesses that are coming to Great Falls will be able to access the community in a timely and efficient way. To that point, there is a grant application due by March 15<sup>th</sup>.

He asked for this item to be put on the agenda so that the Commission could come to a decision after having a discussion in public whether to allocate some ARPA funds to be applied to this low cost airfare initiative.

**John Faulkner**, Airport Director at the Great Falls International Airport, reported that the flying industry and in particular, the small community flying industry, is experiencing a significant pilot shortage. There was a pilot shortage going into Covid. In order to help with cash flow issues many of the airlines allowed some early retirements on the onset of Covid that has further frustrated that issue. In addition, the 50-seat jet, which is the majority of the airplanes seen in Great Falls for several decades, is quickly retiring and will be completely out of the fleet in the next 10 to 15 years.

Oil is surging towards \$100 a barrel again, which is further making the 50 seat jets less efficient, more costly to operate and markets like Great Falls less profitable. This unique threat in the industry, coupled with Great Falls' stagnant population growth for 30 years, means the airport had roughly 500 seats of demand for that 30-year period.

Realistically, GFIA has to transition into the 737 airbus sized airplanes, which is around 180 seats. This means GFIA is more likely to have one airline and several flights a day in the future, if everything remains static.

Forty communities have lost all of their air service in the last 10 years as the regional jets have retired. Since the onset of Covid, about 80 markets have lost at least one route. Great Falls lost Minneapolis. Helena also lost Minneapolis. Watertown, South Dakota lost all their air service just two years ago at the onset of Covid. The next 10 years will be pivotal for communities like Great Falls as to whether or not we will continue to have air service.

GFIA has worked hard the last 10 years with the Great Falls Area Chamber of Commerce to put together the first low cost airfare initiative. Initially, it brought in Frontier Airlines that brought airfares down significantly. The airport saw its busiest four years while Frontier was here. GFIA was successful with that first incentive program. With the money remaining, GFIA wrote a



## JOURNAL OF COMMISSION PROCEEDINGS

March 1, 2022

SCASD grant at the end of the Frontier service, which brought in Chicago flights. Those Chicago flights over the course of four years were very successful.

GFIA finds itself back at the time again where they need to incentivize the market. They have a plan going ahead, and it is going to involve bringing in an additional airline. They need to diversify the air market that will help with fares, and will begin to draw back many of those passengers that are leaking out of our community into other Montana communities to fly. They are doing that because of fares or the opportunity to have a direct flight to a community that they are trying to get to.

During Covid, Canada lost a lot of its service. Lethbridge lost Air Canada. As the border normalizes, there will be an opportunity to draw even more of that Canadian traffic to our community.

The Small Community Air Service Development (SCASD) grant program will allow GFIA to more or less double that money. It is a competitive grant. He cannot say exactly how much might be awarded, but he is confident that the need is for about \$600,000 in air service incentives over the next couple of years.

Airport Director Faulkner further commented that it is essential to bring in one, two, or maybe even three low cost carriers over the next couple of years to begin to lower the cost of airfare and create leisure travel opportunities.

Bringing those low cost services into Great Falls combined with the additional carriers is going to bolster our tourism numbers. What he has seen throughout the remainder of Montana is that the keystone for a lot of growth was due to American Airlines being brought in to those communities.

The air service market in Montana has had a massive shakeup in the last several years. The largest airport by far right now is Bozeman, Kalispell is number two, and Missoula is number three. Those are the airports that have been most aggressive with their air service incentives. Realistically, there are no communities getting new air service without an incentive.

Director Faulkner concluded that realistically this is the wind in their sails that is going to keep air service in the community for the next 10 to 20 years.

**Shane Etwiler**, President and CEO of the Great Falls Area Chamber of Commerce, explained the Chamber's role in this process. This first initiative started in 2011. FAA rules prohibit the airport from any fundraising activities. The Great Falls Chamber Foundation is under the Chamber umbrella and is the fundraising vehicle used to accept checks or fundraising monies. When an airline or a route is targeted, he works closely with Airport Director Faulkner to work on a contract. In the past, the SCASD grant has been a two for one match. For example, if GFIA had to pay \$50,000, SCASD funds in the amount of \$100,000 would be added if that is what was owed at the end of the season.

**Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission allocate \$150,000 of ARPA Funds to the Great Falls International Airport Low Cost Airfare Initiative SCASD grant.**

## **JOURNAL OF COMMISSION PROCEEDINGS**

**March 1, 2022**

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 asked Chamber President Etwiler to explain the Chamber's process in the community to raise funds to get to a critical number.

Chamber President Etwiler explained that they work with an airport consultant to prepare the competitive grant. This \$150,000 allocation would help them meet their baseline goal. That information will be given to the consultant so he can finish writing the grant. They have a lot more community support this time that includes about 60 businesses and nine individuals. Showing the City is also supporting this effort speaks well to the grant application that will be submitted.

Mayor Kelly commented that this allocation would take them to approximately \$450,000, or mid-range between their \$400,000 - \$500,000 goal. He inquired if the Chamber could raise more funds to get to that half million dollar critical number.

Chamber President Etwiler responded there are a few companies that were waiting that will be contacted. Other communities are raising \$1,000,000+ dollars. He commented that we need to start having a mindset of prosperity instead of a mindset of scarcity. This allocation gets them closer towards the goal of where they really need to be.

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

Commissioner McKenney inquired how hard it was to get a provider to come back.

Airport Director Faulkner responded once they go, they almost never come back.

Commissioner McKenney inquired once GFIA attains its goal, how long does Airport Director Faulkner expect the grant money to last.

Airport Director Faulkner responded that he is confident that they can make this money last for about a 10-year period in order to get them through the SCASD grant and potentially beyond that with one or two more of the low cost carriers at the tail end of that SCASD grant.

Commissioner McKenney inquired if Great Falls was not being proactive in addressing this issue, would Great Falls be in real danger of spiraling down to a place we do not want to be when it comes to air service and was responded to in the affirmative. Airport Director Faulkner added that if Great Falls has only that same demand of 500 seats, they would likely have to consolidate down to a hub or two and three flights a day. Without growth, without incentivizing the market, and without trying to build, it is likely Great Falls would be down to one carrier a day.

Commissioner Tryon commented that the information contained in the agenda report is kind of depressing and eye opening with regard to the stagnant growth of Great Falls. He inquired how the tourist industry would affect the statistics as set forth in the agenda report.

## **JOURNAL OF COMMISSION PROCEEDINGS**

**March 1, 2022**

Airport Director Faulkner responded that airlines know what to program in our community. They have known what to program for a long time and they know where the prices have to be. What he knows is Great Falls is not getting a second look from those airlines right now. Bozeman is a great example. Ten years ago, Bozeman was about a third of where they are now in air traffic. That airport will enplane over a million people this year and with that is a tremendous amount of local spending. Great Falls rental cars is a \$50 million dollar a year market.

One of the targeted carriers indicated it was confident that this hub we're bringing to your community will fill the plane. It is going to be all inbound folks trying to get to Montana from this hub. That is the power of this flight. Every single plane that comes in brings in 90 people. When that is running three days a week for 10 weeks, thousands of new people are being flown into our community that also creates an economic impact in our community. That is really what will make the difference. We have to build that tourism industry. We have to catch the same wave that the rest of the state has caught and build that tourism industry here using imported money into our community to help support our restaurants and retail businesses.

Commissioner Tryon requested clarification about the City's proposed allocation and the grant match.

Airport Director Faulkner explained that as the SCASD program has progressed, it has become more competitive. As a community, we have to say what we are willing to offer and pick what match we are asking for. They evaluate the entire proposal to see what the best proposals are. The consultant is confident that GFIA can ask for 50/50.

Commissioner Tryon inquired how GFIA expends that money to get the low cost airfares.

Airport Director Faulkner responded that, if successful with the grant award, he would be contacting the targeted airlines. GFIA would enter into a direct contract with the target airline for a profit guarantee. The funds cannot be used for administrative expenses.

Commissioner Tryon inquired if the City's allocation is approved tonight and GFIA is not successful in obtaining the grant, would the City get its money back.

Airport Director Faulkner responded that, likely, GFIA would still use the money for the same purpose.

Mayor Kelly and Commissioner Wolff disclosed that when GFIA sent a request out to the community for funds they both sent checks to GFIA. Both recused themselves from voting on this matter.

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

Motion carried 3-0-2 (Mayor Kelly and Commissioner Wolff abstaining).

### **ORDINANCES/RESOLUTIONS**

**JOURNAL OF COMMISSION PROCEEDINGS**

**March 1, 2022**

**21. RESOLUTION 10449, REQUESTING SUPPORT AND RESOURCES FROM MONTANA'S CONGRESSIONAL DELEGATION TO ADDRESS RECOMMENDATIONS AND ACTION ITEMS FROM THE 2021 GREAT FALLS CRIME TASK FORCE.**

City Manager Greg Doyon reported that this resolution is a formal community request to Montana's congressional delegation. The Crime Task Force received a multitude of briefings from the Violent Crime Task Force, HIDTA, Probation and Parole, and federal law enforcement including DEA. The one clear driver for most of the crime in the community is the illicit drug activity. Not only does the use of drugs have an impact on the person and their loved ones, but the theft that's associated with sustaining the addiction that comes with it. There is physical violence, use of weapons, and all kinds of things that go into this cycle driven by drugs.

Manager Doyon commented that we have to be realistic about what the Great Falls Police Department's capabilities are. They cannot take on Mexican drug cartels and they have a very limited ability to prevent drugs from entering the city.

In fact, during the Great Falls Crime Task Force presentations we all heard about how much illicit drugs come in through regular mail and specialized mail services. Obviously, there is a lot of drug activity currently flowing over the border. Adoption of the resolution is asking our congressional delegation to hear our concerns, not only about our community but really the entire state. The DEA agent articulated about the penetration of the cartels into the Native American reservations, and that it is clear that a lot of drug activity comes into Great Falls and also into the smaller communities.

The request is for our congressional delegation to take a more aggressive position when they are arguing for budget or for law enforcement. The DEA agent indicated during a Crime Task Force presentation that more agents are needed here. Unfortunately, the national focus tends to be on the borders in larger urban areas where there is more drug activity.

The resolution includes specific requests and ideas for our congressional delegation. Hopefully, they would see it prudent to hear our concerns. Doing it in this formal way really requires a response from them.

**Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10449.**

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 commented this is a good first step. He reminded the Commission and the community that Great Falls needs a long-term plan to address more local law enforcement, and the domino effect for more judges, prosecutors and support staff, and available jail space for repeat and violent offenders. Another item to address is the root cause of most crime, alcohol and drug addiction. Community resources will need to be supported that do the treatment, counseling and rehabilitation. It needs to be talked about and will require funding of some sort.

**JOURNAL OF COMMISSION PROCEEDINGS**  
**March 1, 2022**

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

Motion carried 5-0.

**CITY COMMISSION**

**22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**23. COMMISSION INITIATIVES.**

None.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Commissioner Hinebauch, to adjourn the regular meeting of March 1, 2022, at 9:22 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

**Minutes Approved: March 15, 2022**