

JOURNAL OF COMMISSION PROCEEDINGS

May 3, 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; City Attorney Jeff Hindoien and Deputy City Attorney David Dennis; Fire Chief Jeremy Jones; 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: Police Week (May 11-17, 2022)/Peace Officers' Memorial Day (May 15, 2022) and National Preservation Month (May 2022).

MILITARY UPDATES

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

Colonel Anita Fuegate Opperman, Malmstrom Air Force Base, provided the following updates:

- Admiral Richard, US Strategic Command Commander, will present the Omaha Trophy for the Best Missile Squadron in the United States Air Force (USAF) to the 12th Missile Squadron on May 6, 2022.
- MAFB received additional awards for the best environmental program, small fire department, ICBM organization, Airmen Leadership School (ALS) and legal office. A MAFB non-commissioned officer, civilian, and a company grade officer were also identified as winners of the Nuclear Deterrence Operations Award.
- Events are scheduled for Military Spouse Appreciation Day on Friday, May 6, 2022.
- MAFB will be recognizing National Police Week May 15-21, 2022, with a series of activities.
- A local response exercise is scheduled for May 12, 2022.
- The YWCA recently recognized a MAFB staff sergeant for her outstanding leadership.

PETITIONS AND COMMUNICATIONS

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- Daniel Hartzell**, City resident, commented that he has contributed to downtown by cleaning windows and painting fire hydrants. He suggested the lighting globes be replaced on Central Avenue.

Kevin Crawford, City resident, commented that he runs a church on 6th Street South. In the past year, he has helped six homeless people get off the streets and obtain jobs. The church has been helping them learn how to read, how to fill out applications, and to understand how society works. He suggested a small classroom with volunteers to teach mechanics and painting for contractors. Their biggest fear is they do not know how to address employment when they cannot read or write. Mr. Crawford fears the wave of people, as seen in other bigger cities, that use the “homeless” word to get what they want and that will make Great Falls look bad.

Kevin Westie, 602 35th Street North, suggested the use of mutual aid agreements if the Fire Department is unable to meet the four-minute response time in certain areas of the City.

Ruth Wardell, City resident, commented she is against any funding to build homeless shelters. Money would be better allocated to training and treatment programs to help the homeless become stable, earn a paycheck, and get on their own feet again. She recommended that the Commission look into the Honor Guardianship program in New Mexico. Ms. Wardell also commented she is totally against establishment of a National Heritage Area.

Jane Weber, City resident, Chair of Big Sky Country National Heritage Area, Inc., commented that the non-profit’s mission is to honor the stories of our past and the people who have had a hand in making Central Montana the special place under the Big Sky. Ms. Weber commented that Ruth Wardell misrepresented to the Commission at the April 19th meeting her comments made at the Historic Preservation Advisory Commission meeting the previous week, and reiterated the comments she made for clarification. Ms. Weber concluded that National Heritage Areas cannot impact private property rights, nor can they influence local, tribal, state or federal laws or regulations.

Karl Spitzmacher, 100 Central Avenue, suggested the City should host a homeless summit to listen to the homeless and the community, discuss options and address the big picture.

Marci Marceau, City resident, discussed concerns about the homelessness topic. She learned about the homeless environment when she found her homeless son in Phoenix. There is a lot of violent anarchy and a lot of the homeless like that lifestyle. She is all for giving a hand up. If the City funds their lifestyle, they will network and many homeless people will come here. She referred to the Baatz building project across from the Rescue Mission and commented that providing services without accountability is a bad idea and downtown will be decimated.

Michael Yeagerlehner, 313 2nd Avenue North, commented that he had dinner with the homeless people downtown and it was quite pleasant. There are some “hot mess” people downtown. There are also horrible human beings all over this city and a lot of things happening behind closed doors. His job security as a counselor is made by the stuff that is happening behind the closed doors and not the homeless. As a counselor and volunteer, he refers people to programs such as

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Opportunities, Inc. and Center for Mental Health. It is hard to engage in those services if you do not have a home.

Written comments were submitted by **Benjamin Thompson**, City resident, opposing the City's ordinance prohibiting use of land within the City of Great Falls that is in violation of federal, state or local law, that he opines is contrary to the state marijuana laws and the vote of the people.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that staff continues to work on developing the FY 23 budget. Initial budget work sessions will be held May 9 and 10, 2022, in the Civic Center and are open to the public. Staff is also continuing to gather costs for the Tier 1 ARPA projects that the Commission agreed to allow staff to explore further. A detailed update will be provided to the Commission during an upcoming work session.

Manager Doyon announced that the Great Falls Public Library would be honoring the memory of longtime staff member Kathy Wight by renaming the Kids' Place play area Kathy's Corner. The Kathy's Corner ribbon cutting ceremony will be held on May 10, 2022, at 10:00. Comfortable new furniture and improvements have been made possible by generous donations in Kathy's honor, as well as by support from the Great Falls Public Library Foundation.

CONSENT AGENDA.

6. Minutes, April 19, 2022, Special City Commission Meeting.
7. Minutes, April 19, 2022, City Commission Meeting.
8. Total Expenditures of \$2,440,622 for the period of March 29, 2022 through April 20, 2022, to include claims over \$25,000, in the amount of \$1,807,816.
9. Contracts List.
10. Declare Refuse Unit #924, a 2012 Mack LEU613 sanitation truck, as Surplus Property and approve the purchase of one new 2023 Heil Autocar ACX64 tandem axle truck with a Heil Durapack Rapid Rail 28 yard automated sideloader from Kois Brothers Equipment Company Inc. of Great Falls for a total of \$362,310, including shipping.

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Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission approve the Consent Agenda as presented.

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 received clarification that Item 10 was on the consent agenda because the item was scheduled on the Equipment Revolving Schedule and was talked about during the budget.

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

Motion carried 5-0.

PUBLIC HEARINGS

11. CABLE SYSTEM FRANCHISE AGREEMENT BETWEEN TDS METROCOM, LLC AND THE CITY OF GREAT FALLS (OF 1784.0.)

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

Deputy City Manager Chuck Anderson reported that TDS Metrocom, LLC (“TDS”) is a Madison, WI-based cable television service provider (“cable operator”) that has requested a non-exclusive franchise agreement for the provision of cable television services. TDS plans to build and provide broadband (Internet), video and digital voice services in the City of Great Falls.

Under the Federal Communications Act, as amended, cable operators are required to secure a franchise agreement with local governments granting it permission to use the public right-of-way to provide cable services. The Federal Communications Act also authorizes local governments to receive payment in the form of a “franchise fee” of up to five percent (5%) of gross revenues from said cable service providers.

City staff has utilized the services of a consultant to assist in negotiating the terms and structure of the proposed *Franchise Agreement*, which is modeled closely to the terms and structure of the *Franchise Agreement* approved by the City Commission in February of 2020 with the City’s only other cable system franchise holder, Spectrum Pacific West, LLC (“Spectrum”).

TDS will be the first new wireline cable operator to enter the Great Falls area and provide a cable television market since Spectrum’s predecessors first arrived in Great Falls in the 1970’s.

Approval of the proposed Franchise Agreement and a subsequent deployment of its proposed cable system by TDS will eventually yield annual franchise fee revenues for the City. For comparison purposes, the incumbent cable operator (Spectrum) or its predecessors have been in the market since the 1970’s and its five percent (5%) annual franchise fee is generally in the neighborhood of \$600,000, which is allocated to the General Fund.

Staff recommends that the City Commission conduct a public hearing and approve the proposed Franchise Agreement with TDS Metrocom.

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Mayor Kelly asked if the Commission members had any questions.

Deputy City Manager Anderson responded to a series of Commissioner McKenney's inquiries that:

- Telephone and gas companies do not pay franchise fees. Those entities would submit applications pertaining to when they would be providing services in the right-of-way. Those applications would be reviewed by City staff before permits would be granted.
- Cable system operators are required to pay franchise fees pursuant to the Cable Act. For said fee, cable system operators get to use the City's right-of-way in order to install aerial or underground cable television services.
- TDS is having a kick-off meeting for the community on May 24, 2022 at 9:00 AM at the Hilton Garden Inn. A part of that presentation will be their proposed rollout, types of services to the community, and possibly monetary information about what the services could cost.

Public Works Director Paul Skubinna added that he is expecting a two to three year roll-out and construction period based upon their start up work in other communities such as Billings.

Commissioner Tryon commented that it is exciting TDS will also be offering cable television and high speed broadband.

Deputy City Manager Anderson clarified that under the Federal Communications Act the only franchise fee that can be recouped by the City has to do with cable television services that are provided. The broadband internet service is not subject to the gross 5% franchise fee.

Commissioner Tryon discussed programs of the former Cable 7 operation that received funding from the cable franchise fees.

Deputy City Manager Anderson clarified that Cable 7 is now City 190, a government access channel. He reported that TDS would provide money for startup costs for equipment to be used to broadcast a City channel on the TDS fiber optic network for cable services. He will get back to the Commission on when the equipment money will be expected.

Mayor Kelly commented that TDS will be a competitor to Spectrum in the community and competition is usually good for the consumer.

Mayor Kelly asked if there were any comments from the public in favor of or in opposition to the granting of a Franchise Agreement to TDS Metrocom, LLC.

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

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission approve the proposed Cable System Franchise Agreement between TDS Metrocom, LLC and the City of Great Falls.

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

Commissioner McKenney appreciates competition that usually leads to better services and better prices.

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

Motion carried 5-0.

12. RESOLUTION 10456, NEW OR EXPANDING INDUSTRY TAX BENEFIT FOR CALUMET REFINING, LLC. LOCATED AT 1900 10TH STREET NE.

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

Planning and Community Development Director Craig Raymond reported that Calumet Refining, LLC has launched a project to convert a portion of its Great Falls plant to allow for the production of renewable fuels. When the investments in the project are completed, the renewable fuel production output is anticipated to be between 10,000 to 15,000 barrels per day while its conventional fuel production will be reduced by an equivalent output.

The applicant estimates that the totality of the investment needed to fully implement the renewable fuel conversion project will be approximately \$300 million. The applicant is working with the State of Montana Department of Revenue to obtain a permanent Montana State Air or Water Pollution Control and Carbon Capture Equipment Abatement on approximately \$250 million of this investment. The decision on that request is strictly the purview of the State of Montana and is anticipated to occur at the end of the 2022 calendar year. The applicant is basing its New or Expanding Industry Tax Abatement request on approximately \$50 million of investment that is not captured by the State's abatement. The new and expanding industry abatement is a distinct abatement program that comes with its own unique qualification rules and performance standards. The abatement is also unique in that it extends the total abatement period from five years to 10 years. In the first five years, the new investment is taxed at 50% of its taxable value. In years five through 10, the tax gradually increases until it reaches 100% of the normal taxes owed.

Staff's procedure for processing this abatement is essentially the same as other abatement types. However, this process will be longer due to the timeframe it takes to get accurate data from the State Department of Revenue for industrial type projects. The appraisal and estimate is far more complicated.

The total cost to the City general fund for this request is estimated to be about \$2.8 million over a 10-year period.

Staff finds that the project meets State statutory requirements and appears to be an approvable request considering the criteria in Resolution 10119. The total cost of nearly \$2.8 million dollars should be weighed carefully against increasing needs and pressures of the general fund.

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Ron Colwell, Applicant and General Manager of Calumet Montana Refining and Montana Renewables, commented that the project is exciting and interesting and puts Great Falls on the map in regards to renewable energy. This project is continuing the legacy that Calumet has brought to this refinery and to this community. To make room for renewable feedstock barrels that will come from farms and ranches, Calumet will scale back but continue to make conventional fuels and asphalt for the roads in Montana. Calumet will be able to process oil seeds to rendered animal fats.

Applicant Colwell reported that Calumet is also working with the Great Falls Development Authority to identify other companies that will come in and build oil seed crushing facilities that will open this up to an add on economy for the ag communities in the Golden Triangle. He also noted that the Environmental Protection Agency (EPA) has started its ruling process for canola as a pathway to renewable diesel.

Calumet's application is based on the desire to be a part of the Great Falls community and the Great Falls community to be a part of this renewable project. Depending on how the Montana Department of Revenue and Department of Environmental Quality (DEQ) rule, it may affect the tax base of the City in the approximate amount of \$2.8 million dollars. He pointed out that the project has already impacted employment at the refinery. Calumet hired 30 new hourly operators that make a great wage, and intend to hire more hourly employees as well as professionals. He expects Calumet's employment numbers to grow to 40 – 50 new employees. Additional spinoff from this renewable effort includes employment opportunities for the ag community to be able to open up a new stable market for ag products that are grown locally.

Applicant Colwell commented that this project fits in with the City's growth policy. It will help strengthen and diversify the City's economic base, ensuring growth and quality development and employment opportunities. It strengthens and expands the City's existing economic base and attracts new businesses and supports the expansion of existing businesses. Calumet wants to grow environmentally by incentivizing this additional renewable fuels projects. Calumet employees are learning this process and see the potential for future projects. One of those projects being a strong local demand for sustainable aviation fuel.

Applicant Colwell urged the Commission's adoption of Resolution 10456.

Mayor Kelly asked if the Commission members had any questions.

Commissioner Wolff requested that Applicant Colwell address when Calumet expects to receive Montana products rather than crops coming in from the Dakotas or the Midwest.

Applicant Colwell explained that as this project develops the initial feedstock will be what is called clean feedstock. Clean feedstock means that it has been cleaned, bleached, deodorized, and made very pure for Calumet's process. That clean feedstock will be sourced out of state. Calumet is in the process of building a feedstock pre-treatment unit, which will be able to bring in raw feedstock and perform the purification process. When that process is in play, it will open the door for Montana producers and crops, such as camelina and canola, to participate when the EPA approves that pathway for their renewable fuels standard. The target date for Calumet's pre-treatment process is by the end of 2022.

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Commissioner Hinebauch inquired the expected timeline for the EPA ruling on the pathway for canola.

Applicant Colwell responded that he knows the EPA has started the process and that there is a public comment period. He does not know the EPA's exact timeframe.

Commissioner Hinebauch inquired if canola was the best fit for this region.

Applicant Colwell responded that camelina is actually preferred. The best feedstock for Calumet's process is the feedstock that does not compete with food, but canola will be one of the primary starter feedstocks.

Commissioner Tryon inquired the percentage of the 400 contractors over the 14-month construction period that would be local contractors.

Applicant Colwell responded that the majority of the contractors for this project are from out of state that specialize in this type of construction at this magnitude. Calumet's Engineering, Procurement and Construction contractor is Burns and McDonnell. Their construction arm, Ref-Chem, hire local contractors when it makes sense.

Commissioner Tryon inquired if there was a way to quantify the annual emergency services the City provides to Calumet.

Applicant Colwell responded that Calumet has its own fire brigade, as well as emergency response personnel that are very well trained. They conduct a lot of training exercises with Great Falls Fire Rescue. Great Falls Fire Rescue does respond to emergency events and the fire brigade assists as trained to do pursuant to the Emergency Response Plan.

City Manager Doyon added that it would be very difficult to specifically quantify what Commissioner Tryon is asking. There is an impact in the community for an industry this size for those types of services.

Fire Chief Jeremy Jones also added that Calumet is part of GFFR's service delivery area. Calumet's fire brigade are seasoned experts on that type of facility. GFFR is Calumet's backup and they work together to establish a unified command. He would not be able to provide a cost associated with it. Calumet is inspected just like every other business.

Director Raymond responded in the affirmative to Commissioner McKenney's comment that Calumet's current property taxes will go forward as always, and the abatement is 50% on the increase of the newly taxable value.

Applicant Colwell responded to a series of Commissioner McKenney's inquiries that:

- Other than North Dakota, there has not been a refinery built in the United States since mid-1970.

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- Calumet's expansion in 2016 was \$450 million dollars; and, including this project, three-quarters of a billion dollars in investments in the past six years.
- After the expansion is completed, Calumet expects to employ about 220 people.
- The average starting salary is \$60,000-\$70,000/yr.
- The abatement is being requested now due to the language set forth in Resolution 10119, wherein the application to the City has to occur prior to the commencement of major construction.

In response to Mayor Kelly's inquiry, Applicant Colwell reported that when Calumet started this project they advertised for workers starting at about \$29/hour.

Mayor Kelly asked if there were any comments from the public in support of Resolution 10456.

Jolene Schalper, Great Falls Development Authority (GFDA), commented that Calumet and this project was the talk amongst attendees at the Advanced Bioeconomy Leadership Conference in Washington, DC. GFDA understands the strong agriculture base in our region, and also understands that it is not good enough to ship our commodities out raw and non-value added. More advanced bioeconomy is needed here in the Golden Triangle of Montana.

With regard to the merits of this request, Ms. Schalper commented that putting together capital stocks for a \$450 million dollar project like this is tricky. Many other communities are competing for these assets. We need to make sure we are helping support Calumet as they move forward. The tax abatement tool was created to do just that – support economic development and diversification projects.

She further commented that GFDA put one of its team members full-time on working with Calumet to attract a crushing plant. A crushing plant would add additional tax base to the local economy, add additional high wage jobs when they build, and will give local farmers a place to drop off camelina. There are groups helping farmers increase camelina production as a feedstock. She pointed out that Calumet's cost for this conversion is higher than it would be if they had made this conversion in another community that had feedstock readily available. The tax abatement will help Calumet with those margins as they get off the ground the first few years.

Wayne Leiker, Calumet Montana Refining Co, commented that this year the refinery is 100 years old. The decision that was made by the company to move to the direction they are is different from others that are moving this way for renewable fuels in the oil industry. Others are shutting down a large part of their refineries and then only scalping out the piece that makes renewable fuels. Calumet has made the choice to keep the company running and keep over half of their people employed. Calumet has put over 100 people to work in Great Falls between these two projects. Other tax money not being talked about is the 600 people in town for 18 months, living and spending their per diem accounts, going to restaurants, grocery stores, etc.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10456.

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Karl Spitzmacher, 100 Central Avenue, suggested the Commission look into TIF funds. When money is invested into a company, the company pays it back to the TIF fund to invest with other companies to come into the community.

Michael Yeagerlehner, 313 2nd Avenue North, opposed his tax dollars going to a private, for profit company and the tax burden going to the people of Great Falls.

There being no one further to address the Commission, Mayor Kelly asked if the Applicant wished to respond to public comment.

Applicant Colwell responded that approximately 20% of the City's revenue comes from property taxes, and about 38% comes from charges for services. He pointed out that the lack of potential increase in property tax revenues of \$2.8 million dollars will be largely offset by the revenue that the City gets from City services that are provided to the individuals that are supported by the refinery. The economic impact of this refinery is on the order of \$1 billion dollars per year and over 1000 individuals employed as a direct result of the existence of the refinery.

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 10456.

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

Commissioner Tryon discussed Calumet's previous tax abatement request that was not granted and Calumet's objection to the valuation of its property resulting in the City's general fund lacking money. He hopes that does not occur again.

Commissioner McKenney referred to the Westgate property and inquired about Calumet's plans for future expansion.

Applicant Colwell explained that everything that they are doing today is within their industrial fence line, zoned for heavy industrial. The Westgate area is not zoned for heavy industrial, which means if Calumet did want to expand into that area, Calumet would have to come to the City for approval to rezone the property. Calumet does not see any benefit to doing that. They would have to cross a public road to access that piece of property. He does not see a future where Calumet is building anything heavy industrial on that piece of property.

Commissioner Wolff commented that she intends to vote in favor based on the investment that Calumet has and is bringing to the community, and future growth in our ag community. She noted that the military is moving towards renewable fuels. She concluded that Calumet is already investing in the community in a variety of ways, but also encouraged Calumet to look at other ways to benefit the community.

Commissioner Hinebauch stepped out of the meeting at 8:40 PM and returned at 8:41 PM.

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Mayor Kelly commented that Calumet is the largest taxpayer in the City. The expanding industry tax benefits are an incentive for people to do business here. It is one of the few tools the Commission has to offer to industry. It is a high profile project and he appreciates that it is happening in our community.

Mayor Kelly concluded that the reason these applications come before an elected body is to strike that balance between the benefit to the community and the employer, and the cost to the community. When any entity protests its taxes and has evaluations redone, it causes great consternation in a revenue source for the City. Calumet is a good employer with high paying jobs.

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

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

13. ANNUAL AUDIT CONTRACT FOR FISCAL YEARS 2022 THROUGH 2024.

Finance Director Melissa Kinzler reported that the City of Great Falls issued a request for proposals (RFP) for audit services for fiscal years 2022, 2023 and 2024. The City received two responses to the RFP from Junkermier, Clark, Campanella and Stevens, PC (JCCS), and Anderson ZurMuehlen & Co., PC (AZ).

The Audit Selection Committee met on April 4, 2022, to review and evaluate the audit proposals. The Audit Committee met on April 19, 2022 to review the recommendations of the Audit Selection Committee.

The Selection Committee and the Audit Committee recommend AZ be awarded the audit contract for several reasons: AZ had more municipal auditing experience than JCCS based on the references provided, and AZ's cost proposal was more attractive than the other proposal.

The audit contract is between the City of Great Falls, AZ, and the State of Montana. The total cost of the three-year contact will be \$159,000.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission award a three-year contract for audit services with Anderson ZurMuehlen & Co., P.C. (AZ) at a cost of \$52,000 for Fiscal Year 2022, \$53,000 for Fiscal Year 2023, and \$54,000 for Fiscal Year 2024.

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 that he served on the Audit Selection Committee and the Audit Committee. Both companies were qualified to provide the services. AZ scored slightly

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higher on qualifications and experience, and there was a bigger cost savings on the proposal amount.

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

Motion carried 5-0.

14. CONSTRUCTION CONTRACT FOR 33RD STREET SOUTH ADA UPDRADES (OF 1788.0.)

Public Works Director Paul Skubinna reported that this project would provide an Americans with Disabilities Act (ADA) compliant route of travel to connect citizens to each other and larger arterial routes for travel to various public and private amenities. The area has been prioritized by the Public Right of Way ADA Transition Plan due to a mill and overlay project scheduled for 33rd Street South. These routes improve the functional and aesthetic properties of the area and will provide ADA compliant routes by installing curb ramps and alley aprons from the intersection at 33rd Street South and 11th Avenue South to the north side of the intersection at 33rd Street South and 15th Avenue South.

The ADA improvements will also serve to support the connectivity of the pedestrian route system in the area by providing an accessible route to a State maintained ADA compliant pedestrian corridor along 10th Avenue South. The location's priority has also been established as well above average by public stakeholders and ADA federally mandated characteristics using metrics established and monitored in the Public Works ADA Transition Plan.

The construction activity will require temporary lane closures of 33rd Street South from the intersections of 11th through 15th Avenues. Access to residences and businesses adjacent to the construction zones will be maintained.

The project consists of installing approximately 1,200 Lineal Feet of integral concrete curb and gutter; 1,300 Square Feet of four (4)-inch concrete sidewalk; 4,200 Square Feet of six (6)-inch reinforced concrete; 18 truncated domes, 1,100 Square Feet of sod placement, 2 type 1 curb inlets, and installing/removing and replacing 3 areas of retaining wall.

The project has been selected and prioritized, and executed in accordance with the Public Works Capital Improvement Program, the City of Great Falls ADA Transition Plan, and budgeted in the Street enterprise fund. The project will result in an Americans with Disabilities Act (ADA) compliant route of travel to connect citizens to each other and larger arterial routes for travel to various public and private amenities.

For the larger pavement preservation project the Street Department will be doing the mill and overlay and the Engineering Division the design bidding, construction management and inspection for the ADA project. By providing these services in-house he estimates the entire project, including the ADA upgrades, will cost the City approximately half of what it would be if hired out.

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The specifications were advertised two times in the Great Falls Tribune. One bid was received on April 20, 2022, by MRTE Inc., in the amount of \$217,845.00, which was less than the engineer's estimate for construction of the ADA portion of the project.

Commissioner Tryon moved, seconded by Commissioner Wolff, that the City Commission award a contract in the amount of \$217,845 to MRTE Inc., for the 33rd Street South ADA Upgrades, and authorize the City Manager to execute the necessary documents.

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

Karl Spitzmacher, 100 Central Avenue, was informed the location of the project is in the area of Super 1 Foods.

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

Commissioner Wolff expressed support and quoted Shyla Patera as always looking at mobility access where it is needed.

Mayor Kelly called for the vote.

Motion carried 5-0.

15. **REFURBISH THREE 2004 PIERCE ENFORCER ENGINES UTILIZING ARPA FUNDING.**

Fire Chief Jeremy Jones reported that this item is consideration of a contract for the refurbishment of three fire engines and the use of ARPA funds in the amount of \$1,299,337. At the April 5, 2022 work session, the City Commission approved the collection of proposals and bids for certain ARPA qualifying projects.

In 2004, the City of Great Falls purchased three 2004 Pierce Enforcer Engines from Hughes Fire Equipment in the approximate amount of \$330,000 each. The engines are still in use today. Pursuant to NFPA 17.10, the engines are well outside their service life of frontline service.

GFFR researched an agreement with Hughes to have the engines refurbished. Refurbishment will take the engines down to the frame and rebuild the engines using existing parts that are good and replacing parts that are bad. This process will have no impact on GFFR service delivery while the engines are in the refurbishment stage, as GFFR will only be sending one engine at a time back to the factory.

The purpose of refurbishing these trucks is to extend their service life. When the refurbishment process is complete, it is estimated to add 10-15 years of service life to each engine. By performing a refurbishment of these three (3) engines, the City will save approximately \$1,000,000 versus having to buy new. Purchase of the same engine today would be \$750,000 each.

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Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission approve the contract with Hughes Fire Equipment and the related use of \$1,299,337 of ARPA funds for the coordination of repairs and refurbishment of three (3) Pierce Enforcer fire engines to be provided at the Pierce Manufacturing Service Center.

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 noted the entire cost of refurbishing the fire trucks would be covered through the ARPA funds. No local match is required for the project. This alleviates a significant future capital equipment expense for GFFR. He thinks this is the kind of expenditure that ARPA funds will go a long way in helping the City and the various departments that are eligible for these funds. He hopes to see a lot more of these agreements coming up with the use of ARPA funds.

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

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

16. **ORDINANCE 3243, TO ASSIGN C-2 GENERAL COMMERCIAL ZONING TO THE PROPERTY LEGALLY DESCRIBED AS TRACT A OF CERTIFICATE OF SURVEY 2248 AS WELL AS THE EASTERN HALF OF THE ADJOINING DIVISION ROAD RIGHT OF WAY; AND ASSIGNE R-6 MULTI-FAMILY HIGH DENSITY ZONING TO THE WESTERN HALF OF THE ADJOINING DIVISION ROAD RIGHT OF WAY.**

Planning and Community Development Director Craig Raymond reported that Ordinance 3243 is a staff initiated annexation request. Some time ago, when the adjacent property to the east was annexed, a portion of the property was improperly left out of the annexation and the rights-of-way of Division Road were not included in the annexation of property to the east of Division Road, resulting in unincorporated enclave. The developed use of properties to the east and west both currently receive City water and sewer service.

Staff recommends that C-2 zoning be applied to the Montana Department of Transportation (MDT) property to the east of the centerline of Division Road. MDT has no immediate plans to change the current use of the property. No other special land use determinations or processes need to be considered as part of this annexation and zoning request. The property to the west of Division Road is already zoned R-6. That designation would be appropriate for those areas west of the centerline of Division Road.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission accept Ordinance 3243 on first reading and set the public hearing for June 7, 2022.

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

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Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

CITY COMMISSION

17. APPOINTMENTS, GREAT FALLS CITIZEN'S COUNCIL.

Mayor Kelly moved, seconded by Commissioner Hinebauch, that the City Commission appoint Commissioner McKenney and Commissioner Tryon to serve on the Great Falls Citizen's Council also known as Council of Councils for the May 24, 2022 meeting.

Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners. Commissioner Wolff noted that she was available if a conflict comes up with another commissioner.

Motion carried 5-0.

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Wolff congratulated Susie McIntyre for her recognition at the YWCA Salute to Women gala.

She also expressed appreciation to the City and all of the people downtown for the wayfinding signage.

19. COMMISSION INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of May 3, 2022, at 9:07 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: May 17, 2022