

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 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; Grant Administrator Tom Hazen; Public Works Director Paul Skubinna; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herring; City Attorney Jeff Hindoien and Deputy City Attorney David Dennis; 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: NeighborWorks Week [June 4-11, 2022], Homeownership Month [June 2022], and the 32nd Annual Lewis and Clark Festival [June 17-19, 2022].

MILITARY UPDATES

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM THE MONTANA AIR NATIONAL GUARD (MANG).

Lt. Col. Benjamin Royer, Vice-Wing Commander of the 120th Airlift Wing, provided the following updates:

- Aviation and Maintenance personnel were recently deployed. He expressed appreciation to the community and the employers of guardsmen for supporting them and their families.
- Ninety-five members recently completed training for wildland incidents and can now augment state and federal firefighting efforts.
- A major accident response exercise was recently completed in conjunction with the 341st missile wing and several civic and community members.
- A Military Open House is scheduled for July 23-24, 2022. Entry is free and open to the public. The headline act is the USAF Thunderbirds. For additional information about all of the events, traffic flow or parking, contact the Public Affairs Office or visit greatfallsairshow.com.

PETITIONS AND COMMUNICATIONS

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

2. Based on recent emails, Mayor Kelly reminded folks that the Planning Advisory Board/Zoning Commission would first consider the First United Methodist Church's (FUMC) application for a Conditional Use Permit (CUP) at a public hearing on June 14, 2022 at 3:00 pm. in the Commission Chambers. That hearing is where their voices can be heard for or against it. The recommendation of the Planning Advisory Board/Zoning Commission will come before the Commission for consideration at a public hearing on July 19, 2022.

Cheryl Scheer, City resident, commented that allowing a campground in a City parking lot will set a very dangerous precedent, and she believes crime will escalate. She concluded that there is nothing compassionate about enabling people.

Josh Butterfly, City resident, commented that on May 10, 2021 he reported being under attack at the State Capitol by transgender lobbyists in regards to taking the Native platform back to address a Census fraud issue. He alleged the reservations were robbed of \$80 million dollars this Census cycle and, thereby, robbing Great Falls of funds that could have been used for the homeless problem.

Daniel Hartzell, City resident, discussed his personal court matters.

Anna Kelly, 415 Central Avenue, read a prepared statement pertaining to Facebook comments in response to the City's recent press release announcing a lawsuit against the FUMC. She urged the Commission to reconsider the City's actions against the church and to prioritize directing funds, particularly from the Covid relief programs, to services for the unhoused community inclusive of mental health and addiction services and an emergency shelter.

Karl Spitzmacher, 100 Central Avenue, commented that the homeless problem might end up in federal court.

Judith Mortensen, City resident, commented that the American society in general has not addressed the issue of drug addiction and mental illness that has put so many people on the street. The biggest problem is not only that these people are without housing, but are also without the ability to take care of themselves, which she believes is the duty of society in general and particularly governmental agencies. She suggested looking into the answers that Providence, Rhode Island has initiated in their treatment of trespassing, vagrancy and associated problems. She referred to an Arizona law that said it was illegal to house people in tents when it is 102 degrees, and she opined it is probably illegal to house people in tents when it is 40 degrees below zero. She urged community members to come together to see if there is a possibility of solving a problem rather than trying to enhance it.

Rev. Stephen Underwood, Pastor, Central Christian Church, read a prepared statement to address the City's declared course of action regarding the encampment of unhoused persons on the property of the FUMC. He alleged the City lied and has enabled lies about the unhoused and those who have been working to help them. He concluded that the City and its government must decide whether it prefers the comfort of a few over justice and the public good.

Barbara Friend, City resident, commented that she and her family moved to Great Falls three years ago by choice, and may choose to leave Great Falls. She had her young daughter at the

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

podium with her and noted that she is standing with the most vulnerable of our community right here. She commented that there has been a decline in Great Falls. She can no longer walk downtown with her kids and feel safe. She has witnessed vagrants assaulting service workers cleaning up the parks, and human and dog excrement on the sidewalk that never is cleaned up. Because of an assault incident that occurred at the FUMC, a meeting that she regularly attended there had to be moved to another location. She urged the City to make good decisions so people feel safe in their community.

Arvid Johnson, City resident, commented that years ago he was afraid for his wife's safety when she attended meetings at FUMC. He patronized Perkins Restaurant last evening and saw the vagrants and homeless people across the street. He suggested the church was enabling these folks not to be responsible for themselves. There is help in this community for people with mental health and addiction issues. Folks in that situation need to make a decision to do what they need to do to get out of it. The FUMC is a big building. He suggested the pastor allow the homeless inside the church. People have to be responsible. He is intending to be responsible in his community and be active in this matter. He does not want his community turning into Los Angeles, San Francisco, Seattle or Portland.

Kenton Miller, City resident, commented that he takes his kids to interact with the homeless at the FUMC. The homeless people are somebody's kids, siblings, or parents. They want to be treated with respect. The situation at the FUMC is not ideal; it is a work in progress. He understands everyone's frustration with the way it is. He would like to work with the City to come up with a plan that will work for the homeless.

Kevin Westie, City resident, commented that his recommendation is to send the homeless encampment to the outskirts of town.

Written comments were received from **Marilyn Christman, Carol Robinson, Karen Czech,** and **Steve Durkin**, City residents, expressing opposition to the First United Methodist Church Homeless Encampment and application for a Conditional Use Permit (CUP).

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. REAPPOINTMENT TO THE POLICE COMMISSION.

Commissioner Tryon moved, seconded by Commissioner Wolff, that the City Commission reappoint Tim Shanks to the Police Commission for a three-year term through June 30, 2023.

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

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

Mayor Kelly commented that Mr. Shanks was appointed to the Police Commission on July 1, 2019 to fill a three-year term and is eligible for a second term.

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

Motion carried 5-0.

5. **APPOINTMENT TO THE MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD.**

Mayor Kelly reported that in January 2021, board member Kyler Baker resigned. The City began advertising on the website. Carl Donovan submitted an application on March 28, 2022. He previously served on the Board from January 2013, through December 2018. He is eligible to serve again as there has been several years between terms.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission appoint Carl Donovan for the remainder of a three-year term through December 31, 2024.

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.

6. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

CITY MANAGER

7. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon updated the Commission on the following:

- Effective June 10 the State of Montana adopted the 2021 Building Codes. By statute, the City has 90 days to adopt those same codes.
- The Water Plant is fully staffed for the first time in several years.
- Public Works Director Paul Skubinna provided his notice of resignation effective July 8, 2022.
- Great Falls Fire Rescue and City Engineering met with an architect and mechanical engineer to develop a scope of work for potential bidding costs for the Tier 1 ARPA projects.
- Great Falls Fire Rescue conducted 16 EMS patient transports in May, the highest volume to date.
- June 3-5, 2022, Great Falls Fire Rescue facilitated the first City, County, State and Federal Rural Municipal Fire Academy at the City's Training Center.

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

- First United Methodist Church has filed an application for a Conditional Use Permit (CUP) to operate an emergency shelter on its property. He will no longer be giving the Commission updates on the First United Methodist Church homeless encampment as this matter is now pending litigation.
- Budget review is well underway. Unfortunately, the City is seeing the impact of not taking the inflationary factor for the last couple of years. He will not only be requesting to use fund balance, but to use some Cares and ARPA money to support some of the operational needs of the City.
- He and Deputy City Manager Chuck Anderson attended the Great Open Spaces City Management Association (GOSCOMA) professional development training in South Dakota May 24-27, 2022. Topics of discussion included: housing, utilizing TIF funds as a development tool to facilitate a large-scale housing project, recruitment and retention, as well as working in difficult environments.

CONSENT AGENDA.

8. Minutes, May 17, 2022, City Commission Meeting.
9. Total Expenditures of \$4,257,642 for the period of May 1, 2022 through May 25, 2022, to include claims over \$25,000, in the amount of \$3,572,181.
10. Contracts List.
11. Approve the cancellation of Outstanding and Unpaid Payroll Checks over a year old for a total amount of \$515.23.
12. Approve the purchase and installation of Sports Court Game Tiles for Lions Park Tennis Court from Sports Court of Montana through Sourcewell, a government purchasing service cooperative, in the amount of \$55,643.20. **OF 1740.8**
13. Approve a Professional Services Agreement in the amount not to exceed \$260,586 to Morrison Maierle, for design phase services for the Wastewater Treatment Plant Westside Pump Station Improvements and Bar Screen Replacement project, and authorize the City Manager to execute the agreement documents. **OF 1633.8**
14. Set the public hearing for July 5, 2022 on Resolution 10458 for the request of a Conditional Use Permit for a “Two-Family Residence” land use upon the property addressed as 3125 8th Avenue North.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission approve the Consent Agenda as presented or remove items for separate discussion and/or vote by any Commission member.

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

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

Jeni Dodd, City resident, referred to Item 14 and OCCGF 17.20.7.060 and commented that the garage space and the accessory garage that is proposed for the project is more than the allowable cumulative area for the lot size.

She continued that the applicant has used a parking lot of a City park to park his business equipment and vehicles. Several complaints were made before the City took action. She inquired why the applicant could ignore City Code, unlike everyone else.

Joe McMillan, City resident, commented that he is the owner of the property and applicant of Item 14. He has been working with Planning and Community Development staff in putting this project together. He believes he has the proper size structure for the garage on the oversized lot. He requested that the Commission set the public hearing.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Tryon clarified that the Commission will have an opportunity to hear more details about Item 14 at the public hearing. What the Commission is voting on tonight is simply to go forward with setting the public hearing.

Mayor Kelly called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

15. **RESOLUTION 10459, A RESOLUTION ANNEXING TRACT A OF CERTIFICATE OF SURVEY 2248 AND A PORTION OF DIVISION ROAD.**

ORDINANCE 3243, AN ORDINANCE ASSIGNING C-2 ZONING TO TRACT A AND THE EASTERN HALF OF THE SUBJECT PORTION OF DIVISION ROAD, AND ASSIGNING R-6 ZONING TO THE WESTERN HALF OF THE SUBJECT PORTION OF DIVISION ROAD.

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

Planning and Community Development Director Craig Raymond reported that Ordinance 3243 came about as a result of 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. The net result of these actions is that the property associated with this annexation and zoning request became a wholly surrounded unincorporated enclave. The developed use of properties to the east and west both currently receive city water and sewer service.

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

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

Planning and Community Development Director Craig Raymond reported that Ordinance 3243 came about as a result of 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. The net result of these actions is that the property associated with this annexation and zoning request became a wholly surrounded 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) owned property to the east of the centerline of Division Road. At this time, MDT has no immediate plans to change the current use of the property so 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 is already zoned R-6. That designation would be appropriate for those areas west of the centerline of Division Road.

On April 12, 2022, the Planning Advisory Board & Zoning Commission recommended that the City Commission approve the annexation and application of zoning as proposed in the agenda report.

Mayor Kelly asked if the Commission members had any questions of staff.

Commissioner Tryon inquired if this item was presented to the Neighborhood Council.

Director Raymond responded that staff sent the information to the Neighborhood Council, but he does not know if there was a formal presentation or vote taken.

Commissioner McKenney requested that C-2 zoning be explained and what would be permitted in that district.

Director Raymond responded that C-2 zoning is a general commercial zoning district – such as restaurants, retail establishments, car washes, mattress stores and banks.

Mayor Kelly asked if there were any comments from the public in favor of Resolution 10459 and Ordinance 3243.

Jim Wingerter, City resident, Great Falls District Administrator for the Department of Transportation (MDT), commented that MDT supports the requested actions.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10459 and Ordinance 3243.

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

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10459 to annex the subject property and adjoining right-of-way, as legally described in the staff report, and the accompanying Findings of Fact, 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 Commissioner Tryon, that the City Commission adopt Ordinance 3243 establishing C-2 zoning for Tract A of COS 2248 and the eastern thirty (30) feet of the subject portion of Division Road; and, R-6 zoning for the western thirty (30) feet of the subject portion of Division Road, subject to the accompanying Findings of Fact/Basis of Decision.

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

Mayor Kelly inquired how long this property was left out of the City's boundaries.

Director Raymond explained that it happened on two different occasions. The most recent being the property annexed to the west of Division Road for the apartment project. He noted that sometimes these details get lost in the legal descriptions. Staff will pay more attention to legal descriptions and be more careful in preparing documents.

Mayor Kelly called for the vote.

Motion carried 5-0.

OLD BUSINESS

16. WATER TREATMENT PLANT SOLIDS MITIGATION PROJECT (OF 1698.1).

Public Works Director Paul Skubinna reported that this item is a request to consider awarding a contract to Sletten Construction for preconstruction General Contractor Construction Manager (GCCM) services in the amount of \$54,000. The project related to this contract is to install a new process segment at the Water Treatment Plant to enable the City to better manage its solids treatment residuals. Currently, these solids are being handled multiple times which is costly and inefficient. This is listed as old business because this is an ongoing project that the Commission has taken multiple actions on already. In September 2021 the Commission approved an agreement to bring an engineer on-board; in November 2021, the Commission was presented the alternative project delivery method at a work session; on January 4, 2022 the Commission adopted Resolution 10438 documenting detailed findings that this project met the statutory requirements to be eligible for GCCM.

During that January 4, 2022 Commission meeting, there was interest by the Commission in ensuring the process was open, objective, did not limit participation or competition, was fair and

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

that the selection process would be well documented. Montana Code Annotated also requires the selection process to be well documented.

On March 28, 2022, a Request for Qualifications and Request for Proposals for GCCM services for this project was published. The alternative delivery methodology did not hamper participation in the process. Four quality proposals were submitted.

The review team consisted of three City staff members, a hired engineer representative, and one member of the City Commission. During late April and May the review team scored proposals and reviewed and scored a live presentation from three of the four respondents. The scoring criteria were rigorous and are detailed on page 78 of the agenda packet. The criteria included:

- History and experience with similar projects
- Financial health, resource availability and commitment
- Personnel and office locations
- Project approach mechanics including administration, value engineering, plan review, scheduling, estimating, subcontracting and change order avoidance
- Project costs for preconstruction phase services, GCCM fee and General Condition Expenses

Page 81 of the agenda packet is the start of the scoring summary sheets for written proposals and page 83 of the agenda packet is the scoring sheet for the in person presentations by respondents. Each one of these score sheets was completed by the review committee members with supporting notes for each respondent.

The competition was fierce and fair. Out of 150 total points, five points was the spread between the #1 proposal and #3 proposal, with Sletten Construction achieving the highest aggregate score of 131.8 points.

The selection process has met statutory requirements of state law and the guidelines laid down by the Commission at the January 4, 2022 meeting. Staff recommends awarding the preconstruction phase GCCM services contract to Sletten Construction Inc.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission award a GCCM contract to Sletten Construction Company for Phase One Preconstruction Services in the amount of \$54,000 for the Water Treatment Plant Solids Mitigation Project, and approve the stated reasons documented in the Agenda Report for that contract award.

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 commented it was her honor and a privilege to work with the City Engineering Department, AE2S and the contractors that presented with their teams. It was a very stringent and documented process.

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

Commissioner McKenney referred to the Phase One Preconstruction Services Contract and read paragraph 2 - Term of Agreement. He inquired if there had to be cause for termination.

Director Skubinna responded that the language in paragraph 2 is standard, boilerplate language in all of the contracts.

City Attorney Jeff Hindoien explained that it is a standard termination for convenience clause in a professional services-type of agreement.

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

Motion carried 5-0.

NEW BUSINESS

17. **AMENDMENT TO THE 1975 AGREEMENT ESTABLISHING CITY-COUNTY HEALTH DEPARTMENT TO DESIGNATE HB 121 “GOVERNING BODY” ENTITY.**

City Attorney Jeff Hindoien reported that the Cascade County Board of Commissioners and the City Commission met in a joint meeting on July 28, 2021 to discuss the impacts of HB 121 on the long-standing governance structure of the Board of Health (BOH) and Cascade City-County Health Department (CCHD). The City of Great Falls and Cascade County entered into an *Agreement* in 1975 to “unite in the organization of a City-County Health Department [CCHD]” to be administered by a City-County Board of Health [BOH]. That BOH structure was set up under a framework passed by the Montana Legislature in the 1960s.

In 2021, however, the Legislature passed HB 121, which amended the statutory provisions regarding local boards of health to require the creation of a new entity to be known as the “governing body.” The role of the new “governing body” entity is limited to (1) directly employing the local public health officer upon the recommendation of the already existing BOH; (2) adopting public health regulations as recommended by the existing BOH, and (3) reviewing (and potentially amending or rescinding) public health declarations or orders issued under the auspices of an actual declared public health emergency. The statute, as enacted by the Legislature at the last session, was clear in terms of the governing body entity:

- For a BOH operated solely by a county, HB 121 designates the Board of County Commissioners as the “governing body” entity.
- For a BOH operated solely by a city, HB 121 designates “the elected governing body of the city” as the “governing body” entity.
- In the case of a joint city-county BOH structure, HB 121 provides that the “governing body” will be “the entity identified as the governing body as established in the bylaws, interlocal agreement, or memorandum of understanding creating a city-county local board of health.”

In the wake of the discussion of the July 28, 2021 joint meeting, the City and County exchanged proposals for the possible designation of the “governing body” entity. The County proposed that the Board of County Commissioners simply fill that role (with no representative from the City)

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

and the City proposed an entity that included a member of the City Commission along with the County Commissioners.

The parties were unable to reach an agreement on the composition of a new permanent “governing body” entity based, at least in part, on the County’s position at that time that a member of the City Commission cannot legally serve as a member of the “governing body” entity. The parties subsequently agreed in early 2022 to enter into a temporary agreement to designate an interim entity to serve as the HB 121 “governing body” while the parties resolve whatever legal impediments remain to reaching an agreement for a permanent designation of a “governing body” entity. The City has also filed a lawsuit against the County in District Court seeking a declaration from the Court that neither HB 121 nor any other legal principle prohibits the Board of County Commissioners from agreeing to the inclusion of one or more members of the City Commission to serve on the “governing body” entity.

In the meantime, Commissioner McKenney has engaged in conversations with the individual members of the Board of County Commissioners regarding the possibility of simply reaching an agreement that would have representatives from both the City and the County serving on the “governing body” entity. Those conversations have been based on the practical reality that three other similar joint board of health structures around Montana (Missoula, Helena and Bozeman) have all agreed in principle to a “governing body” entity that includes representatives from both the City Commission and the County Commission.

City Attorney Hindoien concluded that the requested action is that the City Commission approve a formal amendment to the 1975 Agreement that would stand up this governing body entity as required by the new legislation, and then make a request of the Cascade County Board of Commissioners that they, likewise, approve that formal amendment.

Commissioner McKenney moved, seconded by Commissioner Hinebauch, that the City Commission approve the proposed Amendment to the 1975 Agreement establishing the City-County Health Department to designate a HB 121 “Governing Body” entity and request that the Board of County Commissioners take action to also formally approve the proposed Amendment.

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

Commissioner McKenney inquired if there was any relationship between the governing body entity and the City-County Health Department concerning funding.

City Attorney Hindoien responded that this new particular requirement of HB 121 does not have anything to do with a funding component. The City is operating under a 1975 agreement. A more modern interlocal agreement between the City of Great Falls and Cascade County for the operation of the BOH will need to be prepared, and the funding component as well as some other structural pieces would be a part of that new agreement.

Commissioner McKenney commented that in January he was asked to reach out to the County Commissioners to see if some headway could be made. He performed research, watched videos

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

of the house hearings, read the bill, and contacted the bill's sponsor. He reiterated when it is a joint agreement the governing body entity could be City Commissioners, County Commissioners and, according to the bill's sponsor, any elected official in Cascade County. He reached out to County Commissioner Briggs to discuss the intent of the bill and what would make the most sense. Current joint agreements were also brought up. There was some discussion that all of the joint agreements should be taken care of in one fell swoop. Ultimately, they did not come to agreement to put it all together. He also met individually to update the other County Commissioners. It was indicated to him that it would be a good idea if the City Commission put something on the table, vote on it, and send it to the County Commission to discuss it and make a decision.

Mayor Kelly underscored that the directive of HB 121 to establish a governing body entity was agreed to by the City and County in an interim agreement that expires in June 2022. This action tonight gives the County an opportunity to establish that governing body entity to fulfill their obligations within the law, and the funding discussions can come after that. HB 121 did not talk about revamping financial arrangements as the new governing body was established.

Commissioner McKenney concluded that once the City and County put this governing body agreement behind them, it would be a good idea to bring up the other joint agreements to look at with fresh eyes to see what adjustments could be made.

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

Motion carried 5-0.

18. **MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
AMERICA RESCUE PLAN ACT GRANT AGREEMENT (OF 1758.0).**

Grant Administrator Tom Hazen reported that, similar to Item 16, this item is also some new, old business. The requested action is ratification of one of the ARPA grants that the City has been awarded in the amount of \$2 million dollars. This money has been awarded to the City from the \$249 million dollars allocated by the State through HB 632 to the competitive grant program. This award came out of the first round of applications that were due in July 2021. The winning application was for the Lift Station 1 and Sewer Force Main River Crossing project that is currently under design. This project is well on its way to completion, and is why he referred to this item as new old business.

The project consists of updates to Lift Station #1, also known as the 6th Street pump station, as well as installation of another new sewer river crossing to the wastewater treatment plant. Lift Station #1 pumps about one-third, or roughly three million gallons per day, of sewage from the old downtown area to the wastewater plant. The current forcemain servicing that lift station is 43 years old and represents a point in the City's collection system that, should it fail, could result in significant ramifications including, but not limited to, the discharge of raw sewage into the river. The forcemain under the river currently in service was installed in 1979, following a failure of an installation from 1959. It appears to staff we are on about 20 years of borrowed time.

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

Public Works started scoping this project when it first showed up on the Capital Improvement Program (CIP) in 2017 and 2018. Since that time a feasibility study and an alternatives analysis has been completed using the unbiased paired comparison decision-making methodology, and the project is currently under design. This project is expected to be out to bid in 2023 with construction to follow. In summary, Public Works is more than confident and well positioned to meet the grant performance period of December 2026.

The original Lift Station 1 application requested \$5,587,825 and committed the City to a dollar for dollar match. The City Commission approved the submission of the original application on July 20, 2021. After ranking all Round 1 applications, the State Infrastructure Advisory Committee decided to cap awards at \$2 million in order to award a larger number of programs. Public Works had to adjust the proposed Lift Station 1 project budget to reflect this limitation and inflation amounts. The budget ultimately reflected an award of \$2 million and a match amount of \$10,387,922. This updated match amount was submitted and approved during the February 15th, 2022 City Commission meeting, Item 7A. Public Works plans to cash flow the remainder of the project without incurring any additional debt.

Finally, the “Concurrences” section of the agenda report should include Veolia who has been closely involved in the development of this project.

Commissioner Tryon moved, seconded by Commissioner Wolff, that the City Commission approve ratification of the Montana Department of Natural Resources and Conservation Grant Agreement to fund the City of Great Falls Lift Station Number 1 Facility Improvements and Supplemental Forcemain Project with \$2 Million Dollars of American Rescue Plan Act (ARPA) funding distributed by the State of Montana through House Bill 632.

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.

19. **SOUTHWEST SIDE STREET RECONSTRUCTION PROJECT (OF 1432.2).**

Public Works Director Paul Skubinna reported that this agenda item is consideration of an award of a construction contract to United Materials for the Southwest Side Street Reconstruction project. This item is directly linked to the water main replacement project completed last construction season.

This project is located south along 2nd Avenue SW and 3rd Avenue SW on the south side of Central West and east of 6th Street SW, and includes reconstructing four blocks of street that has deteriorated to the point it is no longer savable with other treatments, like mill and overlay. The project brings the reconstructed area into compliance with Americans with Disability Act providing pedestrian connectivity from the neighborhood to 6th Street SW, in addition to new streets.

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

This action is also new, old business because the Commission has taken two other actions on this project at large, the contract for the water main replacement and the contract for the tree removal. As previously discussed, the City did everything it could to save as many of the mature elm trees as possible and staff worked closely with Neighborhood Council 2 in scoping and developing this project.

The street reconstruct could not exist without the water main project. With the current inflation staff expects the street reconstruction project to be \$275,000 - \$300,000 per block. By combining the projects, the water main work lowered the cost of reconstruction, as the bid came in at \$250,000 per block for an estimated savings between \$100,000 - \$175,000, ultimately allowing the project to go forward with available funding. The funding for this project is 95% Bridge and Road Safety and Accountability Act (BaRSAA). Without leveraging the water main project with BaRSAA funding, affording this project would be a challenge, as the City's entire BaRSAA allocation for 2022 was \$1.2 million.

Staff recommends approval of the construction contract to United Materials in the amount of \$1,028,930 and to authorize the City Manager to execute the contract documents.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission award a contract in the amount of \$1,028,930 to United Materials, Inc., for the Southwest Side Street Reconstruction, and authorize the City Manager to execute the necessary contract documents.

Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners. With regard to removal of the elm trees, Mayor Kelly expressed appreciation for the department's consideration and sensitivity of the neighborhood concerns.

Mayor Kelly called for the vote.

Motion carried 5-0.

20. **SOUTHWEST SIDE WATER MAIN REPLACEMENT – PHASE III (OF 1432.4).**

Public Works Director Paul Skubinna reported that this agenda item is consideration of an award of a contract to Geranios Enterprises, Inc. for construction of Phase 3 of Southwest Side Water Main Replacement project. This is a sibling project to the water main project completed last summer that is being capped by the street reconstruct as discussed in agenda item 19. Staff is working their way through this area with the annual programmed water main replacement program.

This project replaces water main originally installed in 1956, 1913 and 1892. This project has floated to the top due to the escalating frequency of watermain breaks.

As with any watermain project, residents and businesses will be placed on temporary water and there will be some disruption in traffic in the area. The City will make all attempts to minimize those impacts. It is also worth noting that the Commission and the public have also recently received some communication from the City regarding DEQ's new lead and copper service line

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

rule. Lead or galvanized service lines that are encountered will be logged into their inventory. The City will replace those service lines up to the curb stop and property owners will be notified of the department's findings.

The Public Works' budget includes an annual line item for the water main replacement program. Staff has been tracking costs and the trend of costs to plan for the future.

Bids were opened on February 16, 2022 for a project that included 13 blocks of watermain. The cost of that project was \$153,186 per block. Bids were opened on May 25, 2022 for these nine blocks of watermain project. The low bid was \$182,451 per block. In that three month window, inflation caused the following :

1. pipe costs went up 32%
2. Fitting went up 270%
3. Cost for service connections went up 23%
4. Valves went up 31%
5. Gravel went up 89%
6. Asphalt went up 43%

Looking back to bids in 2019, just prior to the pandemic, 6" and 8" pipe has doubled, 12" pipe has almost tripled, and gravel and asphalt have doubled in cost. This has a significant impact on budgets. He asked the Commission to remember these stats as the Public Works' budget is transmitted and during discussions pertaining to water and sewer rates.

Staff recommends approval of the construction contract to Geranios Enterprises, Inc. in the amount of \$1,642,063.50 and to authorize the City Manager to execute the contract documents.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission award a contract in the amount of \$1,642,063.50 to Geranios Enterprises Inc., for the Southwest Side Water Main Replacement – Phase III, and authorize the City Manager to execute the necessary contract documents.

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

Josh Butterfly, City resident, inquired how he could obtain blue prints of the drainage system from 1101 7th Street South [Boston's Restaurant] where a chemical spill took place, and was informed to contact Public Works.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

21. **ORDINANCE 3244, TO REPEAL TITLE 2, CHAPTER 12, SECTIONS 010-050 OF THE OCCGF, DISSOLVING THE GOLF ADVISORY BOARD.**

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

Park and Recreation Director Steve Herrig reported that CourseCo, Inc. d/b/a Great Falls Golf, LLC, has managed the City's golf courses since December 18, 2018. Since that time, CourseCo, Inc. has provided numerous opportunities for cost savings, generated new revenues in many areas, made several improvements to the courses, and has returned significant revenue to the City annually.

The future of the Golf Board was discussed during the board's February and March meetings and the Golf Advisory Board voted unanimously to dissolve the Golf Advisory Board. In addition, management for CourseCo supports the dissolution of the Golf Advisory Board. The Board was encouraged to continue to provide feedback to the manager of the courses.

Because the City is no longer operating and managing the municipal courses, the original intent, purpose and need for the Golf Advisory Board has been eliminated. The City Commission will still be required to adopt fees and CourseCo will provide an annual update to the Commission at a work session.

Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission adopt Ordinance 3244.

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 commented that the Board did a great job over the years, had many great ideas, and were a committed group. It speaks volumes to CourseCo that there has been such an amicable dissolution of the Board.

Commissioner Tryon referred to the concurrences and that the Golf Advisory Board voted unanimously to dissolve the Golf Advisory Board.

Commissioner McKenney noted that he remembers the City Manager, many times, reporting about the negative effect the golf courses had on the budget. Previous City Commissioners have resolved this issue in a very positive manner.

Motion carried 5-0.

CITY COMMISSION

22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Hinebauch expressed appreciation to Director Herrig for acting so quickly to repair the Chowen Springs Basketball Courts when he brought it to his attention that constituents had reached out about kids not having a place to play basketball.

23. COMMISSION INITIATIVES.

None.

JOURNAL OF COMMISSION PROCEEDINGS

June 7, 2022

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of June 7, 2022, at 8:53 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: June 21, 2022