

JOURNAL OF COMMISSION PROCEEDINGS

June 21, 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; Grant Administrator Tom Hazen; 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; Police Chief Jeff Newton; and, City Clerk Lisa Kunz.

AGENDA APPROVAL: Mayor Kelly announced that Sheriff Jesse Slaughter is attending a conference in Missoula and is unable to present this evening. Additionally, the First United Methodist Church requested that Item 14, which would have set a public hearing on the First United Methodist Church's application for an "Emergency Shelter" Conditional Use Permit, be pulled at this time to afford additional time to edit their CUP request.

City Attorney Jeff Hindoien added that he has been in contact with the Church's counsel. The Church is withdrawing its CUP application that went before the Planning Advisory Board/Zoning Commission last week. Their plan is to revise the application and submit a new application for a CUP. There won't be a hearing conducted by the City Commission until the Planning Advisory Board/Zoning Commission conducts a public hearing on the new CUP application. Their intention is to make an application for a CUP for the operation of an emergency shelter land use structure, and will not include the placement of tents, etc. They are taking steps to address what is currently there which is the basis for the zoning enforcement lawsuit.

There were no additional proposed changes to the agenda by the City Manager or City Commission. The agenda was approved as amended.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

LOCAL CRIME/CRIMINAL JUSTICE SYSTEM UPDATES

1. UPDATE FROM CASCADE COUNTY SHERIFF'S OFFICE – SHERIFF JESSE SLAUGHTER.

Due to a scheduling conflict, Sheriff Jesse Slaughter was unable to attend to provide an update.

PETITIONS AND COMMUNICATIONS

2. None.

NEIGHBORHOOD COUNCILS

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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 thanked the Commission for their attentiveness at the budget work session. He is available to answer any questions they may have. The documents on the proposed budget will be posted on the City's website for the public to review. He also thanked staff for their involvement in the proposed budget.

CONSENT AGENDA.

6. Minutes, June 7, 2022, City Commission Meeting.
7. Total Expenditures of \$2,748,254 for the period of May 17, 2022 through June 8, 2022, to include claims over \$25,000, in the amount of \$1,587,021.
8. Contracts List.
9. Grants List.
10. Accept the low bid from Ergon Asphalt & Emulsions, Inc., of Butte and authorize the purchase of Liquid Asphalt CRS-2P in the amount of \$899 per ton, for a total of \$224,750 for FY 2022/23.
11. Accept the low bid from Thatcher Company of Montana, Inc. and authorize the purchase of liquid chlorine in the amount of \$2,178.00 per ton, up to the maximum amount of 80 tons, for a total of \$174,240, for FY 2022/23.
12. Accept the low bid from Thatcher Company of Montana, Inc. and authorize the purchase of liquid aluminum sulfate in the amount of \$595.72 per ton, up to the maximum amount of 800 dry tons, for a total of \$476,576 for FY 2022/23.
13. Set the public hearing on the 2021/2022 Tourism Business Improvement District Budget Amendment for July 5, 2022.
14. ~~Set a public hearing on an "Emergency Shelter" Conditional Use Permit for First United Methodist Church located at 610, 618 & 622 2nd Ave N for July 18, 2022.~~

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

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

Commissioner Wolff referred to Item 8A, ratification of a Consecutive System Agreement with the Highwoods Mobile Home Park, and noted that she learned from Public Works Director Paul Skubinna that a consecutive system meant that there is a single service point where the water goes into the mobile home park. The city provides water to that point and the rest of it is managed by the mobile home park.

Mayor Kelly noted that inflation is real and the City is reacting to it the best it can. He referred to Item 11, purchase of liquid chlorine in the amount of \$2,178.00 per ton, and noted the price last year was \$595 per ton.

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

Motion carried 5-0.

PUBLIC HEARINGS

OLD BUSINESS

15. **CDBG & HOME GRANT ANNUAL ACTION PLAN AND AMENDED CONSOLIDATED PLAN.**

Planning and Community Development Director Craig Raymond reported that the City's CDBG/HOME program is funded by the federal government to help fund local community development. The primary goal is to assist the low to moderate income individuals in the community.

Because of our size and demographic profile, Great Falls is considered an entitlement city and is eligible to receive funding on an annual basis. Every year the amount changes slightly. This year the City will receive approximately \$764,295 in CDBG funds, and \$319,759 in HOME funds. These amounts do not take into account the specific Covid funds that the City has been allocated and which staff is still actively seeking to put to beneficial use. In this year's CDBG Annual Action Plan, staff will be placing a higher interest and priority on homelessness services through the "Public Services" category.

Last year, the City Commission adopted the Program's 2020-2024 Consolidated Plan that provides policy guidance for funding priorities that are required to be incorporated into each year's Annual Action Plan. The proposed amendment to the 5-year Consolidate Plan is the addition of activities specifically intended to target affordable housing opportunities and elimination of blight in the community.

Finally, although this item would typically be placed on the consent agenda as the primary requested action is simply to set a future public hearing, staff has requested that this item be

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placed on the agenda as Old Business for additional visibility to the plan documents and provide for additional public comment.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission set a public hearing for July 5, 2022, to consider the Program Year 2022 Annual Action Plan and the Amended 2020-2024 Consolidated Plan related to the use of CDBG and HOME funds.

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.

NEW BUSINESS

16. **RATIFY THE PROFESSIONAL SERVICES AGREEMENT WITH SANDERSON STEWART FOR CIVIL ENGINEERING CONSULTING SERVICES.**

Planning and Community Development Director Craig Raymond reported that, since August of 2020, the City has been transitioning how engineering review of plans and projects related to new development and/or redevelopment is conducted. Planning and Community Development hired the first of what was originally intended to be two engineers. A second engineer was never hired for two essential reasons. Initially, it was inability to find the right fit for the organization. Eventually, it also became clear there wasn't enough development activity and project management work at the time to keep a second engineer busy enough to justify the position.

In April of 2022 the Planning and Community Development Engineer elected to pursue other opportunities. The Department has an abundance of project management work due to the influx of ARPA and CARES Act funds being put into projects. Due to the large amount of "in-house" work, significant amount of private development projects, together with the already significant workload of the Public Works Engineers on other City projects, it is necessary to contract with a third party engineering consulting firm to specifically review engineering plans related to new private development.

Although the City has been making efforts to recruit a new Planning and Community Development Engineer, a viable candidate has not been found to fill the position. Having an established relationship with a third party engineering firm gives the City the ability to not only keep up with current projects and keep the development review process as efficient as possible, but also provides additional capacity even after an in-house engineer is hired. It will give staff the ability to adjust to economic and development fluctuations and stay on top of projects without having to hire additional full-time permanent staff until he feels it is necessary or in the best interest of the City.

The highest priorities when going through the selection process included competent staff, non-local in order to alleviate any real or perceived conflicts of interest or anti-competitive behavior, and staff capacity for timely review. Frankly, there were not very many engineers in the region that could meet these priorities. The City has also done previous business with Sanderson Stewart

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related to the North Great Falls Transportation study. He feels good that Sanderson Stewart is the right selection for this important need.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission ratify the Professional Services Agreement with Sanderson Stewart for Civil Engineering Consulting Services.

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.

17. **PRICE PROPOSAL SUBMITTED BY SOFTWARE HOUSE INTERNATIONAL (SHI) INCORPORATED FOR SOPHOS NETWORK SECURITY SERVICES.**

Grant Administrator Tom Hazen reported that this item is a request for the Commission to ratify Software House International's proposed Master Services Agreement, to secure Managed Threat Response services from Sophos for the next five years. Further, this item requests total allocation of \$140,269.60, or \$28,053.92 annually, of ARPA funds to purchase these services.

Software House International, or SHI, is an IT solutions provider that negotiates the delivery of digital services developed by the technology sector to municipalities, businesses, and other entities. Sophos is one of the providers that SHI partners with to this end.

The City of Great Falls currently utilizes Sophos Endpoint Detection and Response, or EDR, software to secure the City's computer networks. EDR software automatically monitors computer systems for malware, ransomware, and vulnerability exploitation to secure Networks. This software is regularly updated to maintain safeguards against current techniques. Once a threat is detected the software notifies City staff who work with Sophos personnel to neutralize the impact. To date, EDR has provided the City networks with substantial security. However, acquisition of additional services would give the City a more comprehensive barrier against network threats.

Sophos' Managed Threat Response, or "MTR", is a network security service rather than a software. This service will provide 24/7 remote threat monitoring and response by certified threat analysts. These experts would also proactively "hunt" for system vulnerabilities and collaborate with City employees to establish appropriate threat response. With MTR, an identified threat would be dealt with immediately by Sophos according to these response guidelines. This proactive approach would bolster the in-place constancy of the EDR software to establish a comprehensive network security plan.

IT Manager Jon Legan vetted the proposed services with several other Montana local governments who use this service. Each community endorsed this business and is satisfied with the services received.

This item has the added benefit of saving considerable staffing costs. Depending on the source, the average annual salary for a cyber-security analyst in the State of Montana ranges from

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\$60,000 to \$90,000 dollars. In other areas of the country the average climbs to six figures. The proposed Master Service Agreement, or MSA, will allow the City to essentially outsource and reduce this cost to approximately \$28,000 annually.

This item was one of the “Tier One” projects identified as a priority in connection with the allocation of ARPA funds. This usage would be considered “eligible” under multiple allowable categories of the ARPA Final Rule. Additionally, this expenditure will align with Federal deadlines.

In conclusion, approval of this item is a proposed increase to the City of Great Falls’ network security secured at a discounted rate that is endorsed by our neighboring communities, while complying with Federal ARPA guidelines and furthering the priorities identified by this body.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission approve SHI’s Customer Resale MSA for Sophos MTR network threat monitoring services and to allocate American Rescue Plan Act (ARPA) funds in the amount of \$140,269.60 as payment for those services.

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 who would pay if a system crash, privacy leak or ransom to the City occurred.

City Manager Greg Doyon responded that the City has risk management coverage through MMIA. MMIA has a rider for cyber security. In the event the City had a breach or release of information then the City would activate that part of it. MMIA is having a hard time keeping that insurance either affordable or accessible to municipalities because of the cost. Anything that the City can do to minimize network threats is critical.

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

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

CITY COMMISSION

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly discussed the recent floods that devastated other communities in Montana. For those who want to help or contribute to those communities, he suggested contacting the Montana Red Cross, Greater Gallatin United Way, and the Red Lodge Area Community Foundation.

19. COMMISSION INITIATIVES.

Commissioner Wolff requested that a work session topic be added for the Commission to make a determination if it wants a study done as part of a potential public safety levy. Mayor Kelly

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requested it be added to the July 19th work session when Commissioner Hinebauch addresses the timing, etc., of a public safety levy. No one objected.

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 21, 2022, at 7:32 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: July 5, 2022