

JOURNAL OF COMMISSION PROCEEDINGS

August 2, 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 Interim City Engineer Jesse Patton; 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: 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.

MILITARY UPDATES

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

Colonel Trace Thomas, MANG, on behalf of the 120th Airlift Wing and 341st Missile Wing, expressed appreciation to everyone that made last week's Open House a huge success. During the 3-day event, there were approximately 45,000 participants.

The Aviation and Maintenance personnel on deployment will be returning to the country within a month, and Support personnel will be deployed this fall for four to six months.

Upcoming events include Family Day and Boss Lift.

2. **PETITIONS AND COMMUNICATIONS**

Rev. Dawn Skerritt, First United Methodist Church, commented that the encampment has been staged down and all of the individuals have dispersed without incident. Church members and volunteers are working on cleaning up the trash.

Shane Etwiler, Great Falls Area Chamber of Commerce, commented that the Chamber recognizes businesses, organizations or activities in Great Falls that are making an impact in our community. He announced that the Chamber awarded its August Chamber Member of the Month to the Electric City Water Park. He provided the following 2021 statistics about the Park and Recreation Department: opportunities, services and activities were offered to 1.4 million people, and 22,000 people enjoyed the Electric City Water Park.

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 commented that he would be moving forward with retaining the services of a project manager for the ARPA allocations, to oversee that the City is using those funds to the best of its ability, and coordinating and monitoring the schedules and project timelines.

The City's website has been updated with a new email subscription for news releases. People can also subscribe to receive email notifications for City related meetings.

The Great Falls Public Library is co-sponsoring the Big River Ruckus event August 11-13, 2022.

In response to questions and concerns about resources for the homeless population in the community, Manager Doyon invited non-profit partners to talk about the presence they have had at the encampment and the resources they provide.

Gary Owen, City resident, President of United Way of Cascade County and Chairman of the local Continuum of Care, reported that the local continuum of care is simply a community initiative of about 30 concerned organizations and citizens that work to address homelessness to try to make it rare, brief and non-recurring. The focus is moving people from a state of homelessness to permanent housing.

They work to assess those who are experiencing homelessness, to identify their challenges and barriers, and to assign people who manage those cases to work with those individuals to move them to a permanent housing situation.

The homeless population is very diverse. Chronically homeless people are not individuals that can be placed in a home or an apartment and expect them to be successful. They have challenges that, regardless of the physical presence, need services that would help them be successful. Many of our homeless population are simply low-income families who have hit a bump in the road that have caused them to lose their permanent housing. Organizations will work closely with them to provide resources to help them get back on their feet and get them back into permanent housing.

Deb Kottel, County resident, Executive Director of Saint Vincent de Paul, reported that Saint Vincent de Paul provides two types of services that relate directly to homeless. The Grace Home houses homeless veterans and provides transitional housing. They have been at capacity since

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opening five years ago and have a waiting list. This type of transitional housing that is segmented works successfully in our community. At this point, there is not a similar facility for homeless female veterans in our community.

Specific to the Church and the services provided for the homeless, Saint Vincent de Paul has an Angel Room at 500 Central Avenue West that provides nutritional on-site meals Sunday through Wednesday, and serve 25 to 60 people per day. More importantly, Saint Vincent de Paul also provides a laundry facility where the homeless can wash and dry their clothes, or where they can exchange dirty clothes for clean clothes and weather appropriate clothes. Also provided are bathrooms, shower facilities, haircuts, transportation to job interviews and to jobs, and a retired nurse provides foot care.

To help reduce the burdens on the emergency room, Saint Vincent de Paul also has a paramedic that comes in every two weeks that does some triage work with homeless individuals. They take care of feet problems, get people aligned to healthcare, get them to their doctor's appointments and will try to get them over to the Center for Mental Health for medications that help stabilize them.

They also have a full employment project and help with housing. There is not enough housing in this community. She reported that she has six homeless men right now, fully employed, that she cannot find housing for. Outside groups have come into this community and bought up many of the buildings, they took them out of Section 8 availability, and so there is a definite shortage of where you can place an individual in terms of their income ability.

Saint Vincent de Paul is also a member of the Continuum of Care Committee. She reported that a portion of the homeless encampment at the Church returned to reservation communities. Some of the homeless in that Church group were sheltered. They chose, however, to stay there because of camaraderie and perhaps illegal activities that were going on. One-third, or about 20 individuals from the homeless encampment, are back on the streets.

Karla Seaman, Executive Director of Opportunities, Inc., commented that she would address all of the homeless in Great Falls overall and not just the homeless that were at the First United Methodist Church. Opportunities, Inc. is focused on low-income individuals and vulnerable populations. She provided the following statistics for the time period January 1 – May 31, 2022:

- Assisted 162 unsheltered individuals with housing assistance. [By definition, that indicates that they were living in a vehicle, street, park, an abandoned building, bus station, campground or other unsheltered settings.]
- Of those 162 individuals, they were able to get 135 into some type of housing within a short period.
- 27 individuals were unable to go directly into housing because they needed more services, but were placed in hotels or non-congregate shelters. Five hotels across the community worked with Opportunities, Inc. Opportunities, Inc. provides assistance for stabilization in the form of rent, security deposit, utility deposit, housing application fees, and then stability plans and referrals. They work with landlords and directly with individuals.

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- Of those 27 individuals in non-congregate shelters, 15 of them did go into housing in the last five months and they are still housed.
- 6 did return to the street and continue to receive active case management.
- 1 is receiving case management while incarcerated.
- 2 families went into the Cameron Family Center.
- 1 abandoned the hotel room, and 2 returned to the street and refuse service.
- 1 family is still in non-congregate shelter.

If Opportunities, Inc. has housed someone in a hotel and they are back on the street, there is always another side. To receive services, they require a partnership with the individual. They screen for eligibility, assess the housing needs, provide the housing plan and stability services.

In closing, she read a portion of a letter from a family that arrived in Great Falls on June 8 and their housing fell through. The services mentioned included a church, Pastor Lee, Temporary Assistance for Needy Families (TANF), Medicaid, Opportunities, Inc., Youth Employment Office, Section 8, Sober Life, Family Promise, food banks, Saint Vincent, and Emily Center. She noted twice that Sober Living and Gateway were huge in maintaining her sobriety. She read her closing paragraph verbatim: "I just want to give a huge thanks to all the resources who have been a tremendous blessing. It has eased my anxiety, depression and PTSD to a minimum. I'm very thankful to each and every one of the people on my support team. I no longer consider them resources; they are now part of the family. This would not have been possible without my faith and love for God who guided me through this process. With this being said, I would like to thank God for blessing us and allowing us to be part of the beautiful community."

Gina Black, Outreach Coordinator for Opportunities, Inc., reported that she has worked with the homeless at the First United Methodist Church encampment since November 2021. There have been many challenges. At the close of the encampment, a lot of people did say that they had places to go, such as back to the reservation communities, back to couch surfing, and things that they were doing before. Quite a few that started out did not follow through with the case management and the housing navigation services.

She and others do the coordinated care assessment with the client to determine what their needs are. Some of those beginning needs are identification, Social Security, and just a general sense of where to go and what help is available. Some of them have treatment needs, whether that is mental health or substance use treatment. She connects them to resources by introducing them to other people that can help them with those specific needs.

She also assists them with applying for Section 8 and the housing assistance that they need, such as applying for assistance, first month's rent or deposit to get into and secure a place, and ongoing case management for them as they are settling into being housed again and going back to "normal life."

They help with job searches and clothing vouchers to get back into employment or that is weather appropriate.

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Commissioner Wolff commented that it is incredible how many people donate to United Way and to each entity. She expressed appreciation for all of the work that they do.

Mayor Kelly commented that organizations that are represented here tonight are really just a small part of the organizations out in the community that have really taken on the homelessness issue. The City supports these services with CDBG, HOME, ARPA and CARES funds. This was a small example of great work that is being done by committed people.

Commissioner Tryon expressed appreciation to the speakers, noting they are on the front line on this issue. It was amazing to hear what they are doing and the services provided. He hopes this filters through to the community and the public at large what an amazing job and what an amazing community we live in.

CONSENT AGENDA.

6. Minutes, July 19, 2022, City Commission Meeting.
7. Total Expenditures of \$2,821,759 for the period of July 1, 2022 through July 20, 2022, to include claims over \$25,000, in the amount of \$1,616,065.
8. Contracts List.
9. Accept the low bid from Hawkins, Inc., and authorize staff to purchase liquid ammonium sulfate in the amount of \$960 per ton, up to the maximum amount of 100 tons for FY2022/23 purchases.
10. Vacate the public hearing set for August 2, 2022 on Resolution 10474 to Amend Planning and Community Development Engineering Fees in the City of Great Falls and reset the public hearing for August 16, 2022.

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.

City Manager Doyon referred to Agenda Item 9 and pointed out that the product cost reflects a 66% increase from last year's price as an illustration of some of the challenges the City has with inflation.

Mayor Kelly also noted the amount of "no bids" because they had no access to the product.

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

Motion carried 5-0.

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PUBLIC HEARINGS

11. **RESOLUTION 10464 TO LEVY AND ASSESS THE GENERAL BOULEVARD DISTRICT NO. 3570.**

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

Finance Director Melissa Kinzler reported that the Park and Recreation Department, Natural Resources – Boulevard Division is responsible for the care and maintenance of over 15,000 street trees located within the General Boulevard District. Services provided within the District are pruning, tree removal, planting, and streetscape design.

After calculating all factors pertinent to the operation of the Natural Resources – Boulevard Division, an assessment amount for the next fiscal year is calculated and proposed to the City Commission for approval. For FY 23, the boulevard assessment is increasing 12% or \$10.29 for the average size lot to cover the increased costs of operation (personnel, tree planting, fuel, etc.). The last boulevard increase of 5% was approved in FY 20. There were no assessment increases in FY 21 or FY 22 to aid in the economic recovery from Covid-19.

The City Commission adopted FY 23 Annual Budget on July 19, 2022, which included the boulevard assessment as represented herein. As part of the annual budget development and adoption procedures, the General Boulevard Maintenance District assessment resolution must be submitted for further City Commission action.

A public notice and hearing is required prior to the final passage of the assessment resolution. Adoption of Resolution 10464 will allow the City to finance the costs of work, improvements and maintenance conducted each year in the General Boulevard District.

The estimated assessment amount for the General Boulevard Maintenance District for the next fiscal year is \$454,599, and will result in an approximate assessment of \$96.09 for an average size lot of 7,500 square feet.

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

Hearing none, Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10464. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner McKenney moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10464.

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

Commissioner McKenney commented that he takes care of four trees on his boulevard and he is not in a boulevard district. The current pruning cost is about \$1,000 per tree. He would gladly pay \$96.00.

Commissioner Tryon commented that nobody likes raising taxes or fees. The last two years the City has been operating on a neutral budget with no tax increases and no extra spending because of the Covid pandemic. The price of everything has gone up. These assessments and the budget that was adopted are necessary in order to maintain a level of service that people expect. The alternative is to decrease the level of service.

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

Motion carried 5-0.

12. RESOLUTION 10465 TO LEVY AND ASSESS GREAT FALLS PARK DISTRICT NO.

1.

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

Finance Director Melissa Kinzler reported that, on June 5, 2018, the City Commission adopted Resolution 10238 creating the Great Falls Park District Number 1. The boundaries of the District are the current incorporated limits of the City, as well as all properties later annexed thereto.

The Park District's overall purpose is to utilize assessment dollars and direct those monies for functions, labor, supplies and materials necessary for management and maintenance of city owned facilities, lands and equipment under the responsibility and care of the Park and Recreation Department. The lands include, but are not limited to, public parks and park areas, recreation facilities, trails, open space, urban forest, medians, boulevards, pathways, sidewalks, public easements, and other facilities that are located in the city limits and are owned by the city and under the direction of the Great Falls Park and Recreation Department.

The Park District's revenue may not be used for programming.

In fiscal year 2022, the City issued park district bonds to provide matching funds for the grant received to build a new recreation and aquatics facility. Some park district projects may be rescheduled to allow Park District funds to be used towards the new facility as construction is completed and to complete other current Park District projects. No final determination has been made at this time.

The City Commission adopted the FY 23 Annual Budget on July 19, 2022, which included the Park District assessments as represented herein.

A public notice and hearing is required prior to the final passage of the assessment resolution and the City Commission must annually adopt a resolution establishing the annual assessment for the district.

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The cost of the proposed improvements for the Great Falls Park District No. 1 is \$1.5 million dollars annually. FY 23 is year five of the assessment with no increase. Based on last year's valuations, the estimated annual assessment for \$100,000 market value property would be \$24.53.

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

Commissioner Tryon received clarification that this is year 5 of the 20-year assessment and there have been no increases in the past 5 years.

There being no further questions, Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10465. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10465.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

13. **RESOLUTION 10466 TO LEVY AND ASSESS PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICTS.**

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

Finance Director Melissa Kinzler reported that there are currently 27 Special Improvement Lighting Districts (SLD's) with approximately 9,429 roadway lights. The majority (97%) of the roadway lights are owned by NorthWestern Energy. The City pays a maintenance fee to NorthWestern Energy for these lights in addition to a fee, which covers the electrical transmission and distribution. The electrical supply for the street lights is currently being furnished by Energy Keepers. The remaining 3% of the roadway lights is City-owned.

The purpose of the Special Improvement Lighting District Fund is to maintain the lights and poles and furnish electrical supply for the lighting districts throughout the year.

The City Commission adopted the FY 23 Annual Budget on July 19, 2022, which included the streetlight assessments as represented herein.

As part of the annual budget development and adoption procedures, the Special Improvement Lighting Districts assessment resolution must be submitted for City Commission action. A public notice and hearing is required prior to the final passage of the assessment.

Adoption of Resolution 10466 will allow the City to fund the operational and maintenance costs required in the Special Improvement Lighting Districts for the fiscal year.

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The estimated assessment amount for the Special Improvement Lighting District funds for the next fiscal year is \$1.1 million. This is a 4.5% aggregate increase from the prior fiscal year. She noted that not all districts would have an increased assessment. Only those districts without a sufficient cash balance to cover the cost of operations will be increased. The FY 23 assessment per district is indicated on the Lighting District maintenance budget and assessment worksheet attached as exhibit A and made part of Resolution 10466.

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

Mayor Kelly received clarification that the total assessment for the district is \$1,161,507. He commented that it appears the majority of the increased assessment falls on Special Improvement Lighting District 1296.

Director Kinzler responded that District 1296 is for residential street lights and the district comprises the whole City of Great Falls and is one of the larger lighting districts. She also noted that people could look on their tax bill, Finance Department's webpage or call the Finance office to determine if they are in a lighting district.

Commissioner Wolff inquired about a negative number in District 16.

Director Kinzler clarified that fund is projected to have a negative cash balance at the end of the fiscal year. A cash loan will be made to that fund from the other lighting districts and then the rates gradually increased for that fund.

Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10466. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10466.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

14. **RESOLUTION 10467 TO LEVY AND ASSESS THE PORTAGE MEADOWS MAINTENANCE DISTRICT NO. 1195.**

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

Finance Director Melissa Kinzler reported that, in February 1977, the Commission adopted Resolution 6913 that created the Special Improvement Maintenance District 1195 for the purpose of maintaining the Green Belt of the Portage Meadows Addition. The assessment covers the costs of materials, snow removal labor, water, mowing labor, fertilizer costs and labor, and tree pruning, which was part of the original Planned Unit Development.

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After calculating all factors pertinent to the operations of the Portage Meadows Maintenance District, an assessment amount for the next fiscal year is calculated. For Fiscal Year 2023, the Portage Meadows assessment is increasing 5% or \$17.45 for the average size lot to cover the increased costs of operations (personnel, fuel, maintenance of the irrigation system, etc.). There were no assessment increases in Fiscal Years 2021 or 2022 to aid in the economic recovery from Covid-19. The last Portage Meadows Maintenance District increase of 5% was approved in Fiscal Year 2020.

The City Commission adopted the FY 23 Annual Budget on July 19, 2022, which included the Portage Meadows assessment as represented herein. As part of the annual budget development and adoption procedures, the Portage Meadows Maintenance District assessment resolution must be submitted for City Commission action.

A public notice in and hearing is required prior to the final passage of the assessment resolution. Adoption of Resolution 10467 will allow the City to finance the cost of repairs and maintenance required each year in the Portage Meadows Maintenance District. The estimated assessment amount is .081393 per square foot, a total of \$68,515, and will result in an annual assessment of \$366.35 for an average lot of 4,501 sq. ft.

Mayor Kelly asked if the Commission members had any questions of staff. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10467.

Judith Mortenson, City resident, requested clarification of the increased amount per lot.

Director Kinzler clarified that the actual increase is \$17.45 per lot. The total amount of the assessment is \$366.35 on the average lot size of 4,501 sq. ft.

City Manager Doyon added that this agreement was reached with the developer in 1977. If all of the property owners were to come together through a judicial process, they could change that assessment and establish their own methodology of maintaining the Portage Meadows green belt. The reason for the increase is to make sure the taxpayers, in general, are not subsidizing the work on that development.

There being no further comments from the public, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10467.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

15. **RESOLUTION 10468 TO LEVY AND ASSESS THE STREET MAINTENANCE DISTRICT.**

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

Finance Director Melissa Kinzler reported that the Street Division maintains approximately 383 miles of streets and alleys within the City limits. Maintenance consists of pavement rehabilitation and restoration, street cleaning, snow and ice removal, alley maintenance, and the nuisance weed program. In addition, the Traffic Operations Division is responsible for the maintenance of all roadway signs, signals and pavement markings.

After calculating all factors pertinent to the operation of the Street Maintenance District, an assessment amount for the next fiscal year is calculated and presented to the City Commission for approval. No assessment increase is proposed for FY23. The last street maintenance assessment increase of 10% was in 2016.

The City Commission adopted the FY23 annual budget on July 19, 2022, which included the street maintenance assessment as represented herein. Adoption of Resolution 10468 will allow the City to fund the costs of work, improvements and maintenance within the Street Maintenance District. The total estimated assessment for the District is \$4,583,265, and will result in an annual assessment of \$110.53 for an average size lot of 7,500 sq. feet.

Mayor Kelly asked if the Commission members had any questions of staff. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10468.

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

Commissioner McKenney moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10468.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

16. **RESOLUTION 10471 TO REFER ORDINANCE NO. 3246, AMENDING THE OFFICIAL CODE OF THE CITY OF GREAT FALLS TO SPECIFICALLY PROHIBIT ANY MARIJUANA BUSINESSES FROM OPERATING IN THE CITY OF GREAT FALLS, TO A VOTE OF THE PEOPLE AT AN ELECTION TO BE HELD ON NOVEMBER 8, 2022.**

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

City Attorney Jeff Hindoien reported that Resolution 10471 is the procedural vehicle for referring an ordinance to a vote of the electors of the City of Great Falls in November that would have the voters decide whether they want to enact or not enact a specific prohibition in City Code against any commercial marijuana businesses operating in the City.

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As discussed at this evening's work session, the background and context for this goes back to the initial efforts in Montana to legalize medical marijuana in the mid-2000s. In 2010, the City Commission looked at alternatives and, after public input on whether or not to allow the medical marijuana operations in Great Falls, took action to enact an ordinance that specifically prohibited any form of land use that was in violation of federal, state or local law. That ordinance was in effect for a decade without any challenge or question. The effect it had was to prevent the entry of any sort of medical marijuana activities in the City of Great Falls.

In November 2020, however, the Montana voters approved Initiative I-190 that legalized a range of adult use marijuana activities and commercial activities on a statewide basis. As enacted by the voters, I-190 contained a provision that specifically said a charter municipality, like the City of Great Falls, could not completely prohibit adult use marijuana activities.

The 2021 Legislature took that I-190 framework and modified it through HB 701. One of the specific things they did was to pull back that restriction on charter municipalities and repealed it. From the City's perspective, we are able to continue to prohibit those activities in the City under the prior ordinance. However, this spring, an application was submitted to the City for the issuance of a Safety Inspection Certificate (SIC) for a commercial marijuana business in the City limits. That request was denied by staff on the grounds and based upon the current ordinance. As part of that process, those folks took an appeal to the Commission that was considered by the Commission in April. At the conclusion of that process, the Commission made the determination to sustain the denial of the request for the SIC based on the current ordinance prohibiting those activities. The Commission also moved forward on two separate but related fronts - put a question back to the voters of the City of Great Falls as to whether or not they specifically want to prohibit those activities in City limits, and also to build out a regulatory framework that, in the event the voters choose not to enact that specific prohibition, would allow for those activities in the City limits. Before the Commission tonight is one piece of that multifaceted process.

As discussed at the work session, the added complexity is that the City is also on the receiving end of a lawsuit challenging our ability to prohibit these activities in the City.

The requested action is to conduct a public hearing on the resolution. If adopted, the resolution will transmit this matter to the election administrator to be placed on the ballot this fall.

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

Commissioner Tryon inquired if there was anything in the language being sent to the voters that in any way affects I-190, which allows for recreational adult use.

City Attorney Hindoiien clarified that the closing sentence in the summary of the ballot language states that the use and possession of marijuana by adults over the age of 21, as now authorized by Montana law, is not impacted by this vote.

Commissioner Tryon inquired the fiscal impact to put this item and the next agenda item on the ballot.

City Manager Doyon responded that the range is \$40,000-\$45,000 for both issues.

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Commissioner Tryon inquired if there were any plans, resources or money budgeted to engage in an educational program before this goes on the ballot.

City Manager Doyon responded that there has been no allocation in the budget to do an educational campaign. The typical model would be education with the neighborhood councils, discussions with the media, and discussions that may occur at a work session or in this venue.

Commissioner Wolff inquired if there has been any conversation about enacting a tax and what that tax level may be.

Manager Doyon clarified that the marijuana tax is not within the City's jurisdiction. Jurisdiction lies with the Cascade County Commission and they would need to decide whether to put that on a ballot.

Mayor Kelly asked if there were any comments from the public in support of Resolution 10471.

Julie Bass, reported that she is the lead contact for Initiative 3, a petition being put together to go before Cascade County to take recreational sales and operations out of the county. She and the other volunteers are struggling with signatures because most people do not know that \$7 million dollars came into the state to New Approach Montana to support Initiative 190 from a Super Pac.

The volunteers leading Initiative 3 are local Cascade County citizens who care about the county enough to try to save the youth, tax dollars, and to save the city from what Seattle, Denver and Portland have all suffered with the legalizing of marijuana. Colorado's homelessness increased 200% from the time recreational marijuana was approved. The true effects of THC are less than 2% that actually help people.

She appreciates the City Commission moving this forward. She would have preferred that the Commission just voted and made it happen. She is hoping to get enough people educated with what is going on in the city.

Nancy Donovan, City resident, commented it was refreshing to hear Manager Doyon's comments at this evening's work session. Somebody is paying attention to what happens outside our little bubble because those communities are struggling. Colorado's property taxes have doubled. That would put a tremendous burden on many people. She suggested more thinking that is creative about the policies affecting how residents are living in this community. She thanked the Commission for putting this on the ballot. She concluded that this is a world battle and we are watching the decay of the entire nation. Let's do our part to fight.

Beth Morrison, Substance Abuse Prevention Specialist for Alliance for Youth, commented that her focus is always on the youth. She thanked the Commission for putting this before the voters. She hopes that this community that shows support for organizations like the one she works for would also want to protect the community in other ways.

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In response to comments made about whether to allow retail marijuana space to conduct business, she pointed out that the marijuana industry is many steps ahead and already contesting advertising and free samples at the state level with the Cannabis Control Division.

Ms. Morrison concluded that, if the door is opened just a little bit, you are never going to be able to put the toothpaste back in the tube.

Shane Etwiler, Great Falls Area Chamber of Commerce, commented that often the predictor of future performance is to look at past results and there is no better state than Colorado. He referenced a Hudson Institute report issued in June of 2021 and discussed the follow statistics:

- The same month that came out, the Denver Post reported yet another black market and money laundering operation being taken down that involved millions of dollars of illegal marijuana and 21 individuals funneling this money to China, the country's greatest adversary at this point.
- Mexican and Colombian cartels, as well as gangs from Cuba and Russia, have also been implicated in multiple similar transnational criminal schemes in Colorado and nationwide.
- They found that in the High Intensity Drug Trafficking Area (HIDTA) there were 278 similar black market cases in 2019 involving the seizure of 7.5 tons of marijuana and over 15,000 marijuana edibles destined for 28 US states.
- For the population of 12 years of age and older, Colorado's marijuana use has increased dramatically since the legislation rising 30% to become third in the nation, and 76% above the national average.
- College youth past month use is 50% higher than the average, while past month use for ages 12-17 is 43% higher.
- Colorado is also first in the nation for the highest percentage of adults who need drug treatment but are not getting it.
- Regarding the risk to our youth, marijuana is the most common drug found in toxicology reports of those who die by suicide. Montana is already the top state in the country for suicide.
- The percentage of incidents of suicide in which toxicology reports were positive for marijuana increased 23% in 2018, compared to 14% in 2014.
- The significant increase in the number of teen suicides in Colorado over the past five years, and marijuana as the number one drug found when toxicology is reported, can be correlated with the increased potency and availability of marijuana and vaping by teens.
- Marijuana was present in 37% of teens, ages 15 to 19, who died of suicide in 2019, and had toxicology information available.
- National Veterans suicide prevention reports indicate Colorado's rates are significantly higher than the national average, with 2019 figures showing 25% increase over 2018.

The Chamber initiated a workforce development program last year because it is the number one need for businesses today. The Chamber is talking to the youth at the high schools and middle schools about what a great future and what a great career our youth can have right here in Great

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Falls. Marijuana is a roadblock to those efforts. He encouraged the Commission to make the right decisions and to stand strong against this.

Jennie Rogliano, concerned citizen, commented that she and her husband lived in Colorado. Everything the Commission heard today about Colorado is so very true. It is a nightmare in Colorado. She worked with her husband's private investigation business for many years, and 98% of their cases were drug related.

Colorado became drug and gang infested, and the homeless moved in. It was frightening. She and her husband decided they had to get out and they moved to Great Falls. They love Great Falls and do not want it to change and they do not want to have to move again.

When Colorado legalized marijuana in 2012, residents were told it was money that was going to help the children and go to the schools. However, nobody knows where the marijuana money actually went.

She was very saddened when she heard it passed here in Montana. The statistics are out there. Anybody can do research. For every dollar that is taken in, \$4.50 will be spent on all of the necessary services. It changes the quality of life so drastically. She cannot stress enough there is nothing good about it.

Jeni Dodd, City resident, submitted written comments in support of putting whether to allow marijuana businesses within City limits to a vote of the people in November.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10471.

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

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10471.

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

Commissioner Tryon commented that it is important that this ballot language be as clear as possible and the public educated about voting for or against. This is not about marijuana use or recreational use for adults. This issue on the ballot is simply whether to allow sales and other activities in the City limits.

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

Motion carried 4-1 (Commissioner Hinebauch dissenting).

17. **RESOLUTION 10473 TO REFER ORDINANCE NO. 3245, PROVIDING THAT THE CHARTER OF THE CITY OF GREAT FALLS BE AMENDED TO ALLOW FOR ONE OR MORE ELECTED MUNICIPAL COURT JUDGES TO A VOTE OF THE PEOPLE AT AN ELECTION TO BE HELD ON NOVEMBER 8, 2022.**

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

City Attorney Jeff Hindoien reported that this is a resolution similar to the last agenda item to refer an ordinance to a vote of the electors of the City of Great Falls. The basis for this particular request of the voters is that, as a Charter Municipality, the City is governed by a charter that was enacted originally by the citizens and voters of the City of Great Falls in 1986. The Charter can only be changed through a vote of the people.

Historically, a municipal court judge was in a position to hire an assistant part-time municipal court judge. That pathway had already been started on by the Commission and the Municipal Court as a budgetary matter. However, in the last legislative session, the legislature removed that authority and enacted a new requirement that all municipal court judges must be elected.

The current City Charter sets forth that the City's judicial branch would consist of a Municipal Court and an elected Municipal Court Judge. In order for the Commission to take the steps that were already discussed and planned for budgetarily over at least the last two cycles to upsize the Municipal Court, the Charter needs to be amended to remove that limitation on a single Municipal Court Judge.

If approved by the electors, there will be a separate process for Commission debate about adding that additional judge position through an ordinance and what the timing and process will be for getting that person elected.

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

Commissioner McKenney inquired if the resolution provided for one additional judge or for additional judges.

City Attorney Hindoien clarified that the resolution is putting a question to the voters to remove the 1986 language in the Charter that says there shall only be one Municipal Court Judge. Once that Charter based limitation on the size of the court is removed, the Commission will have the legislative authority to decide the number of judges into the future depending on the growth and needs of the City.

Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10473. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10473.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

OLD BUSINESS

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NEW BUSINESS

18. MISSOURI RIVER NORTH BANK STABILIZATION PHASE I (OF 1693.0).

Interim City Engineer Jesse Patton reported that this is a multi-phase project to protect the failing bank along the Missouri River. In 2002, the Cascade County Conservation District (CCD) contracted Land and Water Consulting to prepare the Missouri River Urban Corridor Inventory & Assessment. The purposes of the study were to document existing conditions and provide potential restoration and enhancement opportunities for the urban shoreline along the Missouri River as it flows through Great Falls. The study identified the reach along the north bank, which runs from the 9th Street Bridge upstream approximately 1,440 feet as the highest priority for bank stabilization. As a result, the CCD sponsored the development of the Preliminary Engineering Report for Cascade Conservation District Urban Corridor/Black Eagle Reservoir Watershed Project, published in November 2015. The City has worked with the CCD to put together a FEMA grant for this extensive, multi-phased project.

This phase of the project will install bank stabilization measures along 813 lineal feet of the north riverbank of the Missouri River that will provide protection for the pedestrian path and sewer line; reduce/eliminate erosion and safety hazards; and reduce sediment deposition into the river. The stabilization will utilize a combination of riprap, gabion baskets, vegetative armoring, and bank slope reduction to prevent further erosion.

Winkler Excavating was the apparent low bidder and has extensive experience doing work of this nature.

Although the project came in higher than the original 2016 estimated budget of \$530,333, the Public Works Utility Division and the Park and Recreation Department will split the difference between the original budget and this bid amount. Staff is also working with NorthWestern Energy and the Missouri River Grant fund to help subsidize the costs of Phase 2.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission award a contract in the amount of \$581,700 to Winkler Excavating, for the Missouri River North Bank Stabilization Phase I, and authorize the City Manager to execute the necessary documents and to make the payments.

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

Commissioner Tryon inquired if the unsigned Certificate of Compliance with Insurance Requirements and Certificate of Non-Segregated Facilities would present a problem.

Interim City Engineer Patton responded that the City has the ability to waive irregularities and is currently in receipt of those signed documents.

Commissioner Tryon questioned the big difference between the high and low bids.

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Interim City Engineer Patton responded that it is an interesting time right now. His assumption is that the high bidder has a lot of work going on right now. His recommendation is that Winkler will be able to do this project for the quoted price and that some of this is just the volatile nature that we are living in right now.

Mayor Kelly noted this has been a long process. He highlighted the ongoing efforts of the Public Works Department, FEMA, NorthWestern Energy, and Recreational Trails, Inc. bringing the Missouri Madison River fund into play. He appreciates that Public Works and Park and Recreation worked out a way to share those costs. This is the beginning of a very necessary project.

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

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

CITY COMMISSION

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly announced Ike Kauffman's birthday on August 6 and wished him well and a happy birthday.

Commissioner Tryon announced that a fundraiser for Toby's House, a crises nursery, is scheduled for Friday at Montana Pints from 4:00-7:00 pm.

20. COMMISSION INITIATIVES.

Commissioner Wolff requested that staff provide the Commission general information about the GFDA request that was received for the use of CARES dollars.

Mayor Kelly agreed that the Commission needs to respond to Jolene Schalper's request.

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 August 2, 2022, at 8:55 pm.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: August 16, 2022