

JOURNAL OF COMMISSION PROCEEDINGS
October 18, 2022

Regular City Commission Meeting

Mayor Pro Tempore Wolff presiding
Commission Chambers Room 206

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Susan Wolff, Eric Hinebauch, Joe McKenney and Rick Tryon. Mayor Bob Kelly was excused. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson, Grant Administrator Tom Hazen, Planning and Community Development Director Craig Raymond, Finance Director Melissa Kinzler, Interim City Attorney David Dennis, Police Chief Jeff Newton, and City Clerk Lisa Kunz.

AGENDA APPROVAL: City Manager Greg Doyon pulled Agenda Item 14 from the agenda. There were no proposed changes to the agenda by the City Commission. The agenda was approved as amended.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PROCLAMATIONS: National Red Ribbon Week [October 23-29, 2022]. Wade Stout, Tobacco Education Specialist with the City County Health Department, discussed the addictive and negative effects of the vaping epidemic. Calling the 800-Quit-Now line is an important step for addicts to become successful in quitting nicotine.

COMMUNITY INITIATIVES

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS – CRIME/SAFETY UPDATE FROM HIDTA TASK FORCE.

Adam Hunt, Great Falls Police Department Detective and Drug Enforcement Administration Drug Task Officer, provided the following updates pertaining to narcotic trends the last couple of years and how things have changed, as it affects everyone in the community:

- The opioid epidemic first hit this community the most with heroin.
- In the last 12 months, there has been a significant increase in the seizures of fentanyl and a decrease in the seizures of heroin. A few thousand fentanyl pills were seized in 2021 compared to 16,000-17,000 pills in 2022. They are seizing a lot of value from the drug trafficking organizations in which they are investigating. Pills go for \$30-\$50 each in Great Falls, and some people use one to 30-40 pills per day. Almost all of the seizures contain fentanyl.
- Methamphetamine (meth) is king in Cascade County and the State of Montana. It is the main drug that enforcement officers see the effects of every day. Fourteen pounds of meth was seized in September alone, as well as pounds and pounds of illegally trafficked marijuana and 4,000 fentanyl pills.

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- Sixty overdoses were reported in 2021, seven of which were fatal, and 33 times patrol officers utilized Narcan to bring someone back. So far in 2022, there have been 110 reported overdoses, 17 of which were fatal, and 34 Narcan uses. Overdose statistics are not accurate, as most are not being reported when a friend brings someone back with the use of Narcan.
- In Cascade County in 2022 fatal overdoses included 15 from fentanyl, 3 from heroin, and 7 from meth.
- There were 773 reported overdoses in the State of Montana in 2021 compared to 867 in 2022.
- Marijuana has more recently been legalized for personal, recreational use in the State of Montana. However, recreational use of marijuana was legalized in Denver, Colorado in 2012. Storefronts for the commercial sale of marijuana began in 2014. The Denver Drug Enforcement Agency has reported that the number of burglaries and robberies of the recreational marijuana storefronts has skyrocketed because it is an all cash business due to marijuana being an illegal Schedule 1 drug according to the US Government.

Commissioner Tryon received clarification that there have been 17 fatal fentanyl overdoses so far this year in Great Falls.

2.

PETITIONS AND COMMUNICATIONS

Jeni Dodd, City resident, inquired about the phone number for call in comments. She commented that there appears to be a conflict of interest when Commissioner Hinebauch voted on the allocation of CARES funds to Great Falls Development Authority when he was also a member of that board.

City Manager Greg Doyon responded that the phone-in option was discontinued when the Commission went back to having in-person meetings due to the lack of adequate technology.

Doug Darko, 5501 5th Avenue South, submitted a proposal to deal with traffic on 57th Street South between 2nd Avenue North and 10th Avenue South. He has already been in touch with several organizations requesting letters from officials be sent to the State Highway Department to look at a traffic study, the need for a light, and better traffic control along 57th Street. Due to a lack of lighting and the street turning into a drag strip, he expressed safety concerns for people walking or jogging in that area.

Manager Doyon noted that he drafted a letter pointing out that area has developmentally changed in the last 10 years. This State route needs to be looked at, as development will continue in that area, in addition to the upgrades that will be occurring at Malmstrom Air Force Base.

It was the consensus of the Commission that Manager Doyon draft a similar letter from the Commissioners to send to the State.

NEIGHBORHOOD COUNCILS

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3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. REAPPOINTMENT TO THE GREAT FALLS TRANSIT DISTRICT BOARD.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission reappoint Donna Zook to the Great Falls Transit District Board for a four-year term through November 30, 2026.

Mayor Pro Tempore Wolff asked if there were any comments from the public or discussion amongst the Commissioners.

Hearing none, Mayor Pro Tempore Wolff called for the vote.

Motion carried 4-0.

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported the following:

- The annual conference of the Montana League of Cities and Towns was held in Kalispell. There was a lot of conversation about pre-legislative activities. An item of interest is the Housing Task Force draft recommendations. Staff has concerns about the recommendations that undermine the ability of local government to perform its planning and zoning. He encouraged everyone to review the recommendations and contact their local legislators if they share those same concerns.
- The sixth session of the Emerging Leaders program was held last week.
- He spoke to the Leadership High School participants and played a clip from 911 illustrating how those tragic events unfolded.
- Appreciation was expressed to Colton Walter for dinner at Fire Station 4. It was a good opportunity to catch up in an informal setting on what is happening in the City and how the Fire Department is doing.
- Chad Wolfe joined the City on October 10 as the Utilities System Manager, and brings with him 20+ years of experience.
- The new Public Works Director will start employment with the City at the end of the month.
- A permanent story walk was established in the north loop at Gibson Park.

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In the interests of public transparency, Commissioner Tryon requested responses to the comment about Commissioner Hinebauch's potential conflict of interest, and concerns expressed about the ARPA process not being done in a public forum.

Manager Doyon responded that it was his understanding that Commissioner Hinebauch resigned from the GFDA board prior to that vote. Commissioner Hinebauch commented that was correct.

With regard to the ARPA process, Manager Doyon commented that, ultimately, it is the City Commission that has the decision-making authority on how ARPA funds are used. All of that information, staff recommendation and discussion will be done in a public process before the Commission makes the final decision.

Interim City Attorney David Dennis added that the underlying sentiment behind the rules is to provide a reasonable ability for the public to participate in the decision making process of public bodies. There is not a Supreme Court case that decided a body composed of City staff members making a recommendation to a City Commission is subject to the open meeting laws. The reason it hasn't become an issue is clear - staff develops recommendations based on information, and provides that information and a recommendation to the Commission. The Commission then makes a decision, based upon that information and possibly the recommendation, that is all discussed in front of the public and with the public able to participate in that process.

When the decision was made to allow a certain portion of the ARPA dollars to be used for community partners, there had to be a process developed for allocation, that included an application, review of applications, and decisions on applications. That fell to Tom Hazen because he is the staff member that is in charge of reviewing grant proposals and contracts. He developed a process that included a scoring process that was presented to the Commission in a public meeting. That scoring process was then included in the application process. He enlisted a group of staff members to apply that scoring process that ultimately came up with a global score for the applicants. All of that information will be available to the public prior to a decision being made by the Commission. Staff members making the recommendation and assembling the information for the Commission is not a group that is subject to the open meeting laws.

Manager Doyon concluded that everyone knew there was going to be an application process. The Commission ratified a score sheet. All the information will be presented at the November meeting set up to start the review process.

Commissioner Tryon discussed the difference between staff reviewing applications and making a recommendation and the advisory board appointed by the Commission to review CDBG applications and make recommendations.

CONSENT AGENDA.

7. Minutes, October 4, 2022, City Commission Meeting.
8. Total Expenditures of \$2,660,931 for the period of September 13, 2022 through October 5, 2022, to include claims over \$25,000, in the amount of \$1,928,054.
9. Contracts List.

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10. Approve the purchase of one new 2022 John Deere 135G Excavator from RDO Equipment Company of Great Falls through Sourcewell, formerly known as NJPA, for a total of \$206,230, including trade-in.
11. Approve the bid award for gasoline and diesel fuel to Mountain View Co-op for five years and authorize the City Manager to execute the contract documents.
12. Ratify the purchase of 10 complete Self Contained Breathing Apparatus units and 51 spare SCBA bottles from Big Sky Fire Equipment in the amount of \$133,650 using Assistance to Firefighters Grant funds, budgeted ARPA funds and fire department funding.
13. Approve a Community Development Block Grant (CDBG) Funding Agreement in the amount of \$98,500 for the installation of tables, a pavilion, play structure, and accessibility improvements to Kranz Park.
14. Approve a Professional Services Agreement in the amount \$450,327.57 to Great West Engineering Inc., for the City of Great Falls Stormwater Master Plan Update project, and authorize the City Manager to execute the agreement documents. **OF 1361.6**
15. Extend a natural gas supply contract with Energy West Resources through October 31, 2023.
16. Set a public needs hearing on the CDBG & HOME 2023-2024 Annual Action Plan for November 1, 2022.

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

Mayor Pro Tempore Wolff asked if there were any comments from the public.

Jeni Dodd, City resident, referred to Item 16 and noted that the Annual Action Plan was not attached to the agenda. She inquired how the public would decide if it is something they agree with or want to comment on if they do not have a chance to review it before the public hearing on November 1st.

With regard to the ARPA discussion, Ms. Dodd noted that she found case law that disagrees with Interim City Attorney Dennis.

Mayor Pro Tempore Wolff asked if there was any discussion amongst the Commissioners.

Hearing none, Mayor Pro Tempore Wolff called for the vote.

Motion carried 4-0.

With regard to Item 16, Planning and Community Development Director Craig Raymond noted that a Needs Hearing is conducted to hear from the public and then the Annual Action Plan is drafted.

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PUBLIC HEARINGS

17. REQUEST FROM THE BUSINESS IMPROVEMENT DISTRICT TO USE DOWNTOWN URBAN RENEWAL DISTRICT TAX INCREMENT FINANCING (TIF) FUNDS FOR COSTS ASSOCIATED WITH THE DESIGN AND CONSTRUCTION OF LIGHTING ON THE EXTERIOR OF TEN (10) BUILDINGS AT THE LOCATION OF 24 ARTSFEST MURALS.

Mayor Pro Tempore Wolff declared the public hearing open and asked for presentation of the staff report.

Planning and Community Development Director Craig Raymond reported that the Business Improvement District is proposing to design and install lighting on the exterior of ten different downtown buildings for the purpose of implementing additional safety and security measures around 24 ArtsFest murals. These areas have been identified as having seen an increase in pedestrian traffic, but also extended viewing hours, and therefore are in need of further lighting to create a higher level of visibility. Lighting done well is one of the cornerstone elements of the CPTED (Crime Prevention Through Environmental Design) strategy to reduce crime through natural surveillance, which relates to the ability to see into and out of an area. In addition to security, this provides increased visibility to the Artwork that has been lovingly produced on the side of downtown buildings, and helps to further enhance the downtown character and vitality.

Although the specific request falls outside of the formal guidelines of the new downtown Environmental Design TIF program, this is a unique project in that it involves 10 separate properties in the same project. Part of the new programs do allow for the Commission to separately consider a request because it is truly unique and/or transformational. The total funding request is permissible upon Commission approval.

For informational purposes, when a project falls outside of the program limits, it is required that the request follow the typical TIF request process as opposed to being eligible for administrative approval. As such, the Downtown Development Partnership voted to recommend approval of the proposal at its meeting on July 27th.

Mayor Pro Tempore Wolff asked if the Commission members had any questions of staff or the applicant. Hearing none, Mayor Pro Tempore Wolff asked if there were any comments from the public in support of or opposition to the BID's application for expenditure of Downtown Urban Renewal District Tax Increment Financing funds in the amount of \$150,000 for the alley lighting project.

Alison Fried, Dragonfly Dry Goods, 504 Central Avenue, commented that she has served on the BID board on and off for 20 years and has owned Dragonfly for 25 years. At the conclusion of this fourth year of the art festival, there were a total of 36 murals from world renowned artists.

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There is a lot of discussion, meetings and planning that goes into that eight-day festival. Seven years ago at a Downtown Safety meeting, they read tons of research and learned how art, traffic patterns and lighting can change the dynamic of a downtown. It is about safety. The mural festivals would not exist if they had not sat in many meetings over the past years and talked about downtown safety. Four years ago, NeighborWorks America awarded a grant to try this idea and it started with a butterfly on the side of her building. They have found about 50 more locations for murals. The artists have many followers. She hears from out of state people every day at her store that they came to walk around and see all of the artists' murals. Now when she opens her back door there are people taking wedding, senior or baby pictures in the alley as opposed to intoxicated people hanging out. The lighting is the next component to extend the hours of traffic and to make it more walkable and visible.

Christian Leinhauser, Downtown Business Development Officer for the Great Falls Development Authority, commented that more and more downtowns are activating their alleys with art and alley lighting. In his travels this year, he has been to over a dozen communities that are lighting alleys, activating them with art and new uses. He has seen pop up coffee shops, food trucks and live music. The common denominator was art. Murals have the opportunity to tell a community's story, create a unique experience, engage citizens, increase foot traffic and tourism, increase appreciation for the arts and artists, and increase overall attractiveness of a space. By bringing more people downtown and more foot traffic, safer alleys are needed. Lighting in any downtown district is important to the public safety perception. The more people feel safe the longer they will stay downtown. The longer they stay downtown the more money they spend, and that drives economic development. Downtown is the heart of the city and, without a doubt, is being brought back to life.

Carol Bronson, NeighborWorks Great Falls, commented that NeighborWorks is one of the property owners of this project. She has been involved in downtown safety efforts since 2009. Downtown business and property owners have been concerned and working hard on multiple issues to address downtown safety. The alley between NeighborWorks and Dragonfly used to have people passed out drunk every day. Putting murals in the alleys was stunningly effective. Now she sees volleyball teams taking pictures and moms with strollers. It made a significant difference all around the building to change the perspective and bring new people to the downtown. Murals are proven to increase foot traffic and that improves safety by bringing more people downtown. Lighting is critically important to safety.

There being no one further to address the Commission, Mayor Pro Tempore Wolff closed the public hearing and asked the will of the Commission.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission approve the Business Improvement District's Application for expenditure of Downtown Urban Renewal District Tax Increment Financing funds in the amount of \$150,000 for the design and installation of the alley lighting project.

Mayor Pro Tempore Wolff asked if there was any discussion amongst the Commissioners.

Commissioner Tryon inquired if the lights would be on constantly throughout the evening hours.

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Director Raymond responded that the City is not specifying the hours when the lights are on or off.

Alison Fried commented that she is one of the property owners of this project and will be responsible for paying the electrical bill. Depending on the location, the lighting will be different. She is not sure yet about the timing.

Commissioner Tryon commented that the safety aspect of the project is very important. This is a big step towards reducing crime, and it is gravy that people get to see the beautiful art as well at night.

Commissioner McKenney commented that downtown Great Falls is not being revitalized by accident. Although government is helping with TIF financing, it is the entrepreneurs doing the heavy lifting and taking the risks.

Mayor Pro Tempore Wolff complimented the BID on the level of the artists they brought to Great Falls and the reception.

Mayor Pro Tempore Wolff called for the vote.

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS

18. FIRE DEPARTMENT OVERHEAD DOOR RELPLACEMENT (OF 1797.0).

Grant Administrator Tom Hazen reported the large overhead doors of the four Great Falls Fire Stations are rapidly approaching a state of obsolescence. The current installations range in age from 40 – 50 years old. Over the years multiple controllers, rollers, panels, and additional components have been replaced, and the doors have become more and more unreliable.

One in four doors has been rendered inoperable due to malfunction within the last 12 months. During these down times, Great Falls Fire Rescue (GFFR) has been forced to jockey trucks in and out of the buildings to remain ready to rapidly respond to calls. This results in delays for those waiting for assistance and safety issues for the firemen themselves.

In addition to the operational impact, the doors are becoming more and more of an economic burden. Parts are no longer readily available and must be special ordered, and all repairs are assumed to assure only temporary reliability, at best.

With these factors in mind, the GFFR submitted this project for consideration as a potential use of ARPA funds. This project is an eligible expense under the lost revenue/government services eligibility category of ARPA. This Commission selected this proposal as one of several Tier 1 projects. That being the case, a bid package was prepared and advertised two times. One bid was submitted.

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The proposed 20 installations are a no frills common sense commercial doors. However, these doors far surpass the current fixtures in regards to safety, insulation, and weight. Additionally, these installations will result in an immediate substantial overhead cost reduction, as regular repairs will no longer be required. Finally, and most importantly, this will also result in a universal increase in reliability.

Staff recommends the approval of the construction contract award and authorize the allocation of \$421,868.00 of American Rescue Plan Act funds for the project.

Commissioner Tryon moved, seconded by Commissioners Hinebauch and McKenney, that the City Commission award a contract in the amount of \$421,868 to Door Systems of Montana – Great Falls, for the Fire Department Overhead Door Replacement project, authorize the allocation of American Rescue Plan Act funds, and authorize the City Manager to execute the construction contract documents.

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

Manager Doyon commented that the stations were built at the same time in the 1960's. The doors are just one aspect of a greater need in all of those facilities. Several years ago, the Commission allowed staff to budget for a sewer line replacement that ended up having to close a station for several months because it was so bad with voids underneath the slabs of concrete. What was budgeted for four stations was exceeded in just one station. He is glad this money is being put to good use, but reminded the Commission there are still electrical, roof, and HVAC issues in the remaining stations.

Mayor Pro Tempore Wolff called for the vote.

Motion carried 4-0.

19. ADDITION OF THREE MOBILE HOME PAD SITES TO MONTANA ADVENTURE MOBILE PARK LOCATED AT 3829 LOWER RIVER ROAD.

Planning and Community Development Director Craig Raymond reported that the following interesting project requires a somewhat unique process for review and approval.

Originally, Rada's Mobile Home Park was developed in 1968 and it was licensed for 10 pad sites. However, when the park was annexed into the City in 2007, the park had downsized in order to reduce taxes and was only licensed for six pad sites. During the annexation of this particular phase of the Upper/Lower River Road it was determined that the property would be required to connect to city water and sewer. The park did connect to water, but never did connect to sewer, and instead continued to be served by the existing on-site septic system. New owners renamed the park Montana Adventure Mobile Home Park and would like to add three sites to increase the total to nine and connect all sites to the city waste water system.

The Official Code of the City of Great Falls, Sections 17.16.28.010-.050, require that site plans be reviewed by the City Commission for the establishment of new campgrounds or mobile home

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parks, as well as for additions to such parks. It further states that the application and review process to be followed is the process used for review of a minor subdivision. This is why no public hearing is required. Additionally, no plat or findings of fact are required. Instead, only a final site plan is required to be approved by the legislative body and then recorded. A final site plan has been included as an attachment to the agenda report.

Given the specific requirements for review/approval, this project was not submitted to the Neighborhood Council for review or recommendation.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission approve the final site plan as legally described in the Staff Report.

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

Commissioner Tryon inquired why the project was not brought before the neighborhood council.

Director Raymond responded that it was not required per the statutory framework for review and approval. It is also keeping with streamlining the development review process.

There being no further discussion, Mayor Pro Tempore Wolff called for the vote.

Motion carried 4-0.

ORDINANCES/RESOLUTIONS

CITY COMMISSION

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Tryon commented that the situation at First United Methodist Church (FUMC) continues to be raised and brought to his attention from folks in this community and wondering why the City is not doing more as the situation continues and seems to be going back to where it was a year ago. To clarify, the City has done everything it can legally do about the situation at FUMC by requiring FUMC to adhere to zoning codes in that area. The City cannot force FUMC to be good neighbors.

The latest report was that the Police Department has received 246 calls again for that area. It is a drain on law enforcement resources. It is up to the folks at FUMC to decide what they want to do about it.

Manager Doyon added that the City is mindful of it and understands the frustration. When out patrolling if officers visually see something that they can enforce, they do. There are some elements to this that are really difficult to enforce. The interim city attorney is looking at case law. If there is a tool to help the Commission help staff with the enforcement piece of it, he will bring that back to the Commission. He knows what FUMC is trying to achieve, but he is not sure they know the impact that is occurring around their property.

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Mayor Pro Tempore Wolff commented that she is concerned about the downtown businesses. The entrepreneurs have done so much to revitalize downtown and do not want to lose any of that. It is her hope that either the church or another organization moves forward with a plan that the City can support.

Mayor Pro Tempore Wolff announced that the Great Falls Area Chamber of Commerce Central Montana Works held its first Worlds of Work today. Over 2000 students from Cascade, Chouteau and Teton Counties participated in the event.

21. COMMISSION INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Pro Tempore Wolff, to adjourn the regular meeting of October 18, 2022, at 8:25 pm.**

Motion carried 4-0.

Mayor Pro Tempore Wolff

City Clerk Lisa Kunz

Minutes Approved: November 1, 2022