

JOURNAL OF COMMISSION PROCEEDINGS
December 6, 2022

Regular City Commission Meeting

Mayor Kelly presiding
Commission Chambers Room 206

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Eric Hinebauch, Joe McKenney, Rick Tryon and Susan Wolff. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Public Works Director Chris Gaub; Grant Administrator Tom Hazen and ARPA Project Manager Sylvia Tarman; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; 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: In the interest of transparency, Commissioner McKenney referred to Item 17 and disclosed that he is a realtor, but has no financial interest in that housing project.

1. PETITIONS AND COMMUNICATIONS

Kevin Westie, 602 35th Street North, commented that the Great Falls Fire Department, Police Department, and Library have not been properly funded. The Natatorium shut down because it was not properly funded. He suggested keeping up with maintenance at the Multi-Sports Complex for anticipated increased use, and bringing back neighborhood bars to lower public safety costs.

Daniel Hartzel, City resident, commented that he has proposed laws but nothing will get done until Great Falls gets a new chain of command.

NEIGHBORHOOD COUNCILS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

4. APPOINTMENTS TO THE PARK AND RECREATION BOARD.

Mayor Kelly summarized the information contained in the agenda report.

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Mayor Kelly moved, seconded by Commissioner Hinebauch, that the City Commission appoint Erin Borland to the Park and Recreation Board for the remainder of a three-year term through December 31, 2023, and appoint Kevin England and Anne Schmidt for three-year terms from January 1, 2023 through December 31, 2025.

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 and Commissioner McKenney noted that all five applicants would be an asset to the board, and encouraged the two applicants that were not selected to apply again for this or other City boards.

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

Motion carried 5-0.

5. REAPPOINTMENT/APPOINTMENT TO THE REGIONAL AIRPORT AUTHORITY BOARD.

Mayor Kelly noted from the agenda report that board member Vincent Bakke termed off the board. Board member Richard Gibbs was appointed for a three-year term through December 31, 2022 and is interested and eligible for a second term. One application was received from Jordan Husted and the Commission interviewed him this afternoon.

Mayor Kelly moved, seconded by Commissioner Tryon, that the City Commission reappoint Richard Gibbs and appoint Jordan Husted to the Great Falls Regional Airport Authority Board for three-year terms through December 31, 2025.

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 reported that Mr. Husted is an outstanding young man, has been in Great Falls his whole life, and brings a tremendous amount of business experience to the board.

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

Motion carried 5-0.

6. REAPPOINTMENT/APPOINTMENT TO THE GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION.

Mayor Kelly noted from the agenda report that board member Charles Pankratz' term expires December 31, 2022 and he is not interested in serving another term. Board member Pat Green was appointed to fill the remainder of a three-year term through December 31, 2022 and is eligible and interested in serving an additional three-year term. Staff advertised for citizen interest and one application was received from Julie Essex. At its November 22, 2022 meeting,

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the Planning Board recommended reappointing Mr. Green and appointing Ms. Essex for three-year terms through December 31, 2025.

Mayor Kelly moved, seconded by Commissioner McKenney, that the City Commission reappoint Pat Green and appoint Julie Essex to the Great Falls Planning Advisory Board/Zoning Commission for three-year terms through December 31, 2025.

Mayor Kelly asked if there were any comments from the public or any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

7. APPOINTMENTS TO THE MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD.

Mayor Kelly noted that the Commission needs to appoint two board members as a result of members fulfilling various obligations and moving away ending their terms. At its November 18, 2022 meeting, the Mansfield Center for the Performing Arts Advisory Board considered applications and recommended Benjamin Nelson and Caryl Olmstead for three-year terms through December 31, 2025. Mayor Kelly encouraged the third applicant to keep his application on file and apply for other boards as well.

Mayor Kelly moved, seconded by Commissioner Tryon, that the City Commission appoint Benjamin Nelson and Caryl Olmstead to the Mansfield Center for the Performing Arts Advisory Board for three-year terms through December 31, 2025.

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.

CITY MANAGER

8. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported the following:

- Last month he attended an Association of Defense Communities (ADC) Conference and met with other folks that host military installations around the country. He will provide a travel report to the Commission.
- He also attended a Leadership Montana class in Bozeman, toured Gibson Guitar Company's manufacturing facility, and heard community conversations about what is happening in sister cities around the state. Moderate growth is good and allows everyone to breathe, but robust growth like what is happening in Bozeman is hard on many different levels.

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- He also took time off in November to go hunting. He thanked Deputy City Manager Chuck Anderson and staff, and welcomed City Attorney David Dennis and Public Works Director Chris Gaub to the team.
- The Great Falls Police Department promoted Rick Brinka, Aaron Frick and Thad Kimmet to Sergeant, and Cara Guderian, Travis Burrow, Kaleb Larson and Scott Fisher to Master Police Officer.
- Walls are going up at the new indoor aquatics and recreation center. OF 1770.
- An average snow event generates about 500,000 cubic yards of snow to be removed and hauled to a storage site. Great Falls has received 28” of snow so far this winter, which is about half of the yearly average.
- He attended a State Emergency Response Commission (SERC) meeting today to discuss homeland security grants that State DES administers.

CONSENT AGENDA.

9. Minutes, November 15, 2022, City Commission Meeting.
10. Total Expenditures of \$4,142,751 for the period of November 2, 2022 through November 23, 2022, to include claims over \$25,000, in the amount of \$3,198,634.
11. Grants List.
12. Approve the purchase of one new 3-wheel Elgin Pelican street sweeper from Joe Johnson Equipment of Billings, through Sourcewell, formerly known as NJPA, for a total of \$266,509, including shipping.
13. Ratify the contract proposal from First Due to provide Great Falls Fire Rescue with a records management software and ratify the contract proposal with Central Square for the annual subscription fee and the interface export between First Due and Central Square software.

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

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

Commissioner Tryon inquired about the funds for the match listed on both grant items in Item 11.

Director Raymond clarified that the match is from other sources to complete the project.

With regard to Item 13, Mayor Kelly noted that the price of software increased significantly. He expressed appreciation to Fire Chief Jones for researching a software solution.

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

Motion carried 5-0.

PUBLIC HEARINGS

14. RESOLUTION 10481, A REQUEST FROM PROPERTY OWNER, CASEY CARTER, FOR A CONDITIONAL USE PERMIT FOR A “TWO-FAMILY RESIDENCE” LAND USE UPON THE PROPERTY ADDRESSED AS 306 21ST AVENUE SOUTH.

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

Planning and Community Development Director Craig Raymond reported that the owner of 306 21st Avenue South has submitted an application for a Conditional Use Permit (CUP) in order to convert the existing single family dwelling into a two-unit residential dwelling. Because the property is located within the R-2 Single Family Medium Density zoning district, a duplex may be allowed but does require City Commission approval through a conditional use permit process.

Although the subject property is not immediately proximate to other similar duplex or multi-family uses, staff finds that there are more than adequate reasons to support the CUP and grant the request. The existing single-family dwelling is located on a large 1.5 acre parcel. As such, the proposed duplex poses no concern for density conflicts with other R-2 zoning areas of the community or the immediate surrounding properties and is not inconsistent with the City's land development code. The property will easily accommodate the requested duplex land use.

Based on the details of the request, staff finds that granting the CUP would be in the interest of the applicant, the City and community at large by providing additional housing opportunities in a harmonious fashion with the neighborhood.

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

Hearing none, Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10481.

Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner McKenney moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10481 subject to the applicant fulfilling the listed Conditions of Approval.

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

Commissioner Tryon noted that the Zoning Commission and Neighborhood Council 6 voted to recommend approval of the CUP.

Commissioner McKenney expressed appreciation to the Planning and Community Development Department for being flexible in zoning to help with the housing crises in Great Falls.

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

Motion carried 5-0.

15. **RESOLUTION 10484, A REQUEST FROM DISCOUNT TIRE COMPANY TO VACATE A PORTION OF 10TH ALLEY SOUTH BETWEEN 24TH STREET SOUTH AND 25TH STREET SOUTH.**

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

Planning and Community Development Director Craig Raymond reported that Discount Tire Stores has filed a request to vacate a portion of 10th Alley South between 24th Street South and 25th Street South. The applicant is proposing the vacation of the alley, purchase of the subject property, and relocation of existing utilities to accommodate a larger buildable area on the site as shown in the Preliminary Site Plan. The applicant is also proposing to abandon the western portion of the sanitary sewer main that currently runs the length of the subject property. A small portion of sanitary sewer main will remain along the eastern edge of the subject property. This will require the dedication of a utility easement and installation of a manhole at the end of the main for maintenance access. The sanitary sewer main and service will remain for the motel property to the east. The sewer utility relocation will be reviewed and approved by City staff if the vacation of the alley is approved by the Commission. It has been communicated with the applicant that sanitation access must remain for both lots if the vacation is approved.

The redevelopment proposal is subject to further review as part of any future building permits. Clearly, there is more work to be done in order for the project to receive final approval for utility changes and building permits.

The City's Public Works and Engineering Division have been directly involved in the consideration of the request and supports the requested alley vacation provided all conditions are met.

On November 15, 2022, the City Commission adopted Resolution of Intention 10483, providing notice of its intent to formally bring the matter to a public hearing and consider Resolution 10484 which grants the request to vacate portions of 10th Alley South.

Applicant **Bill Fortunato**, PACLAND – Seattle, P.C., representing Discount Tire, expressed appreciation to Planning and Community Development staff for working diligently in getting this request ready for the public process and before the Commission for consideration.

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

Mayor Kelly inquired if access design to allow for proper sanitation pick up and emergency personnel has been discussed.

Director Raymond responded that the Preliminary Site Plan attached to the agenda report depicts the layout of the possible, eventual development. All of the affected departments are involved

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as part of the development review process. Staff provides for all of those things in the conditions of approval.

Mayor Kelly asked if there were any comments from the public in support of Resolution 10484.

Jake Clark, Great Falls Development Authority, 405 3rd Street NW, applauded the efforts of the City staff, developer and ownership group for the redevelopment of this property.

Mark Macek, 801 Fox Drive, submitted written comments in support of the alley vacation to allow for efficient and safe building and property access and traffic circulation.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10484. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Tryon moved, seconded by Commissioners Hinebauch and Wolff, that the City Commission adopt Resolution 10484, subject to the Conditions of Approval being fulfilled by the applicant.

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

Commissioner McKenney explained that the liquor license for the current property may be sold or relocated. Based on the quota system, if another casino or tavern opens in town, it is not in addition, it is the license has been relocated.

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

Motion carried 5-0.

16. RESOLUTION 10485, A REQUEST FROM KAIROS YOUTH SERVICES FOR A CONDITIONAL USE PERMIT FOR A “COMMUNITY RESIDENTIAL FACILITY, TYPE II” LAND USE UPON THE PROPERTY ADDRESSED AS 1201 7TH AVENUE NW.

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

Planning and Community Development Director Craig Raymond reported that the applicant, Kairos Youth Services, has submitted an application to request a Conditional Use Permit (CUP) to allow a Community Residential Facility, Type II on the lot addressed as 1201 7th Avenue Northwest, where Kairos currently operates a Community Residential Facility, Type I, facility that houses up to eight youth.

Provisions of the Land Development Code provide for this request through the CUP process. What sets a Type II facility apart from Type I facility is simply the size and number of residents allowed on the property at any one time. In this case, the applicant is requesting to house a total of 12 youth instead of eight.

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In conjunction with the request, Kairos Youth Services will be licensed with the State and will be completing an interior remodel to add an additional bedroom and bathroom to the house per State licensure requirements. While the City does not inspect or enforce these specific State license requirements, staff's review of the application, preliminary site and floor plans, appear to demonstrate that the building and property can adequately sustain the intended use.

On October 12, 2022, the project was presented to Neighborhood Council #2, which voted unanimously to support the project and recommends that the City Commission grant the CUP.

On October 25, 2022, the Zoning Commission conducted a public hearing and also recommended approval of Resolution 10485.

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

Commissioner Tryon received clarification that the applicant is required to obtain a State license to expand from a Type I to Type II land use.

Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10484. 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 10484 subject to the applicant fulfilling the listed Conditions of Approval.

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

Commissioner Tryon commented that Neighborhood Council 2 voted in favor of approval, and the appropriate City departments reviewed the proposal and had no objections.

Mayor Kelly thanked Kairos for the work they do in the community.

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

Motion carried 5-0.

17. **RESOLUTION 10482, A REQUEST FROM SILVER STONE ENTERPRISES, LLC TO ANNEX THE PROPERTY ADDRESSED AS 3801 2ND AVENUE NORTH AND ORDINANCE 3253 TO ESTABLISH CITY ZONING CLASSIFICATION OF R-6, MULTI-FAMILY HIGH DENSITY, FOR THE NEWLY CREATED TRACT 1, AND C-1, NEIGHBORHOOD COMMERCIAL, FOR THE NEWLY CREATED TRACT 2.**

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 Silver Stone Enterprises submitted an application on August 10, 2022 to annex and assign City zoning to the

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15.67-acre property addressed as 3801 2nd Avenue North, located at the northeast corner of 2nd Avenue North and 38th Street North.

Although the applicant is proposing development of an apartment complex consisting of 12 36-unit buildings for a total of 432 units, given the nature of the split zoning request, the applicant may, ultimately build other land uses on that property designated as C-1 zoning, into something other than apartment buildings. Granted, it would have to be uses that are allowed or conditionally permitted under C-1 zoning but it is possible other uses could be considered. Given the nature of adjacent uses and zoning designations along with the proximity to 2nd Avenue North and 38th Street North, staff has no objection to the C-1 zoning, nor should it cause any concern with the Commission or the community. C-1 zoning seems to be a fitting extension of existing development patterns and is harmonious with multi-family residential development if all phases are constructed as presented in the application.

The subject property has been vacant and wholly surrounded by the incorporated City limits for quite some time. City staff has met with several potential developers over the years for different types of development ideas, none of which seemed to have been feasible given the nature of the property, its proximity to City services and the requirements that come with different development forms. This proposal seems to be the most workable proposal to date.

A development project of this scale requires a substantial amount of planning, design and construction. The traffic impact is probably the single biggest concern to the community. Area residents have long expressed concern about the functionality and safety of intersections along 38th Street, both south and north. Staff has been working with the developer to mitigate anticipated traffic impacts on a fair and reasonable basis. Traffic studies have been reviewed that identify the anticipated traffic increases. City staff is recommending that the developer contribute up to \$50,000 towards the improvement of affected intersections, particularly due to impact of left turn movements. Whatever mitigation measures the City comes up with must be supportable by documentation as being tied to the direct impact caused by the new development. That means that staff cannot expect any developer to solve any existing problems that already exist just because they are the most recent one to show up to the party.

The Montana Department of Transportation has direct authority to review and require any additional mitigation they find appropriate through the systems impact process, which the applicants are currently navigating at this time.

Access was also a point of consideration for the project and the developer and staff have been working closely together to work out access points in order to minimize impact to surrounding property owners and distribute the traffic appropriately. In this case, connecting the proposed development to the adjacent street grid was not in anyone's best interest. As such, the developer is dedicating a small portion of right of way that will provide connectivity of 3rd Avenue North

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and an alley so that City sanitation and Fire Department will continue to have looping access for continuation of services post development.

The Improvement Agreement also stipulates that the developer is responsible for water and sewer main extension to/through the property in conformance with City standards, as well as designating what level of responsibility the City has during and after the proposed development is completed.

Project scale has also been a point of concern for some area residents. Although it is understood that the proposed project represents a dramatic change to the existing vacant condition, given the proposal's proximity to minor arterial streets and higher classification intersections and adjacent commercial zoning, staff finds that high density residential is certainly appropriate for the project site.

To this point, there has been extensive community notice and involvement. The project did present to Neighborhood Council #4 on August 25, 2022 and received a favorable recommendation from the council. Subsequent to that date, however, neighbors began to express concern related to nearby condominium development parking impacts, alley usage and general area traffic concerns. Several citizens attended the October 25, 2022 Planning Board public hearing and asked several questions and expressed either support for or opposition to the proposal.

Staff is in support of this project as the property seems to be well suited for a high-density residential use, applicants have actively worked cooperatively with City staff to address any infrastructure or traffic impacts and it addresses a distinct need for additional housing in the community.

Applicant, Kevin May, Big Sky Civil & Environmental, 1324 13th Avenue SW, thanked the City for the continued help on this project over the last 11 months to get to this point today.

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

Mayor Kelly requested clarification regarding the \$50,000 for traffic impacts at intersections.

Director Raymond responded that the \$50,000 dollar figure was arrived at based upon the recommendations in the traffic study to make improvements at the intersections to left hand turn lanes. This specific development represented roughly 10% of the increase in left hand turn movements. The basic estimated costs for those improvements is \$500,000. Therefore, the dollar figure was arrived at by 10% of \$500,000 is \$50,000.

Mayor Kelly inquired how involved Montana Department of Transportation (MDT) has been in the project.

Director Raymond responded that MDT has been involved and will continue to be heavily involved.

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Commissioner Tryon inquired if staff would characterize the Neighborhood Council and residents in that community as being satisfied with answers or explanations regarding the parking and traffic concerns. If not, he inquired what further could be done to address those concerns.

Director Raymond responded that everyone appreciated the explanations at the Neighborhood Council meetings. The subject of traffic mitigation gets complicated and expensive, in part because it is also an MDT route. Traffic will be addressed together between the City, MDT and the developer. Certainly, the project has an impact. The City is asking the developer to participate in that process and they have agreed. The developer will continue to go through the systems impact process with MDT as well. The City does not know yet what MDT may want or require as a result of their process.

The alley parking issue was primarily related to some of the residents of the condominiums being accustomed to parking on private property across the alley. Their concern is when that is no longer possible, will they be able to park along the alley and still allow for emergency services. He explained that there are code requirements and limitations on parking in alleys to allow for the free flow of traffic for sanitation services and emergency services.

Part of the Neighborhood Council conversation was that, at the appropriate time, they would ask Public Works if there could be some surface improvements to the alley to help with the situation. At that time, they agreed to engage and discuss, but there were no specific promises made pertaining to improvements to the alley itself.

Applicant Kevin May added that the existing 20' wide platted alley will remain as is. The developer is only looking to develop the private property.

Mayor Kelly asked if there were any comments from the public in support of Resolution 10482 and Ordinance 3253.

Daniel Hartzell, City resident, suggested the developer pay for the costs if the alley is going to be moved over.

Jerrica Seilstad, 5 Jayhawk Lane, commented that she works in the housing industry as a licensed property manager. Great Falls has a significant housing deficiency. She works with many people every day from all walks of life and income levels, all searching for quality housing and all are affected by this deficit. She is a proponent of responsible, high quality, well-planned development. Silverstone Enterprises is offering that to this community. They are a part of the community and have a positive track record of providing expertly crafted housing. This project is greatly needed for our community and she hopes to see it come to fruition.

Jake Clark, Great Falls Development Authority, 405 3rd Street NW, commented that the proposed resolution represents the highest and best use of this piece of property. The annexation of an enclave such as this property helps eliminate some of the infrastructure costs. Zoning, as proposed, makes this a great property for the project location within the City.

Shane Etwiler, Great Falls Area Chamber of Commerce, 100 1st Avenue North, commented that the Chamber is in favor of the annexation and zoning classifications. At the November

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Chamber luncheon, he updated attendees on housing and apartment developments that, based on the projects going on, looks like 1200 to 1400 units coming on line fairly quickly, inclusive of this project.

Kirk Timmer, Silver Stone Enterprises, 4104 15th Avenue South, commented that he realized many years ago that Great Falls was lagging behind a lot of communities, as there was a serious need for these apartments. For the past 30 years, he has watched nothing going on with this property except for the weeds growing. He realized this is the location to help fulfill the housing need. As a local company, Silver Stone is invested in Great Falls. They will be doing something that will make them proud and make Great Falls proud. With regard to density, they could have put as many apartments in there as possible. But, because this project is important to them, they left a lot of green space and more open space. He plans to use local companies and sub-contractors as much as possible.

Jim Duffy, 2908 3rd Avenue North, submitted written comments in support of Resolution 10482 and Ordinance 3253 pointing out that additional housing at all income levels is very much needed in Great Falls. The location is good as it is close to Malmstrom Air Force Base and to elementary and middle schools. It promotes infill, will help to revitalize the 2nd Avenue North corridor between 38th Street and Malmstrom, and the applicant is willing to mitigate traffic impacts along 38th Street.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10482 and Ordinance 3253.

Debi Knuth, 3625 8th Avenue North, commented that the 400 units would have more kids going to area schools. Most of the kids are walking to school on 38th Street and 2nd Avenue North. The Deaf & Blind School uses that crossing for mobility with the blind. She urged the Commission to consider safety for all of the pedestrians. With regard to sewer and water, she noted that is a lot of toilets to flush. The area residents have not experienced problems to date, but expressed concern because houses in the area of 44th Street North and 2nd or 3rd Avenue North are having water and sewer issues.

Jeni Dodd, City resident, noted that she lives in the vicinity. She expressed traffic concerns on 38th Street and 8th Avenue North. The number of apartments and extra people has her concerned with the traffic. She inquired if the Neighborhood Council voted in support of the project.

Mayor Kelly asked staff to address the concerns that were expressed.

Director Raymond reported that the final designs and engineered plans would be reviewed and approved by the consultant and City engineers prior to construction. This is the first he has heard about a nearby neighborhood having issues from the other apartments. He will find out more about that.

Director Raymond also clarified that the Neighborhood Council voted in favor. After that approval, there were some concerns brought up and the Council asked for a subsequent appearance by City staff to address the concerns. Their support was not withdrawn for the project.

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With regard to traffic, Director Raymond responded that staff is aware of the 38th Street concerns of Neighborhood Councils 4 and 5. Staff has been looking at that intersection in the long-term transportation plans and it will depend on what MDT's priorities are and available MDT and City funding.

Sidewalks, curb cuts and things of that nature are being considered in this project as well.

Mayor Kelly closed the joint public hearing and asked the will of the Commission.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10482 to annex the property legally described as Mark 5 within the N1/2 NWNW of Section 9, T20N, R4E, PMM, Cascade County, Montana, and approve the Improvement Agreement, based on 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.

Commissioner Tryon commented that the agenda report does mention that the water and sewer main improvements are part of the required improvements. He admonished the developer and City staff to continue to work with and address the Neighborhood Council concerns.

Commissioner McKenney commented that Great Falls has experienced 40+ years of stagnation. That stagnation is now behind us. Change is necessary. Moderate growth is healthy and that is the tract Great Falls is on. Projects like this need to be considered to have healthy, moderate growth in a diverse economy, and a place for our kids to stay home instead of moving elsewhere.

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

Motion carried 5-0.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission adopt Ordinance 3253 to assign R-6, Multi-Family High Density zoning for the newly created Tract 1, and C-1, Neighborhood Commercial zoning for the newly created Tract 2, in the N1/2N1/2 of Sections 8 and 9, T20N, R4E, PMM, Cascade County, Montana, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

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

Mayor Kelly thanked the owner and developer for putting this project forward with their capital risk for the benefit of the community. The military has noticed this project significantly and it is a great fit for base housing.

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

Motion carried 5-0.

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Mayor Kelly called a recess at 8:24 pm and called the meeting back to order at 8:30 pm.

OLD BUSINESS

18. MISSOURI RIVER NORTH BANK STABILIZATION PHASE 1 PROJECT [OF 1693.0].

Public Works Director Chris Gaub reported that Public Works is a large mission requiring many resources to bring essential services to the City. This means they are responsible for significant amounts of funding provided from citizens, primarily through utility rate payments, and from enterprise funds. He takes managing these funds seriously.

This project is to stabilize the north bank of the Missouri River west of the 9th Street Bridge. It prevents erosion that would lead to the collapse of a 36-inch sanitary sewer main and the undermining of soils supporting the River's Edge Trail.

The construction contract is currently funded at about \$582,000, which does not include the design and inspection costs of \$131,000. The project is funded with approximately \$398,000 FEMA grant, \$73,000 NorthWestern Energy and the Missouri/Madison River fund, \$150,000 Sanitary Sewer Enterprise funds, and \$91,000 Park and Recreation funding.

The requested action is approval of approximately \$167,000 additional Sanitary Sewer Enterprise funding so that the contractor can continue construction activities while following a revised design.

The revised design accounts for discovery by the contractor of unexpected contamination during excavation on the east end of the project site near the 9th Street Bridge.

He highlighted that after the discovery of the petroleum contamination, work stopped and the contractor, Montana DEQ, Army Corps of Engineers, Calumet and design engineer WWC, all worked constructively with Public Works in developing a path forward, both in the short term by preventing further soil contamination, and in the longer term by revising the design to account for the unforeseen site conditions.

Winkler Excavating has been flexible in adjusting schedule and work area at no additional cost so they can continue work while waiting resolution of this change order. Calumet performed hand borings along the bank line on their property to determine the extent of the contaminated fill area. Calumt also accepted and disposed of the contaminated soil at their cost.

The revised design will cap the contamination and reduce the amount of excavation required by installing riprap, which are large, boulder sized rocks, and moving the protection further away from the higher portions of the bank.

The original design installed gabion baskets further into the bank away from the river's edge, which would have required significantly more excavating in the area where the contamination was discovered. The majority of the increased costs is for riprap and is the key to the revised design in protecting the shoreline against erosion. The contractor's cost for this riprap is in line with their original bid items. Staff has negotiated with the contractor on work scope and reduced

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the original contractor estimate by about \$50,000 from approximately \$217,000 to \$167,000. The City is able to cover the \$167,000 change order with the current level of sanitary sewer enterprise funding. City staff will continue to manage this project closely to identify any potential future cost savings. The engineer firm, WWC, modified the design and obtained permits and is thus far not requesting additional funds for this work.

There is evidence of the gabion baskets by the 9th Street Bridge eroding more rapidly due to this project and the excavation, which means that the contractor needs to move forward with this project to prevent further erosion and additional costs to repair these gabion baskets. If the project does not move forward the City would lose \$400,000 in FEMA grant funding and the Commission's recently approved acceptance of an additional \$356,000 in FEMA grant funding for Phase II of this project.

Had this contamination been known and accounted for in the design process, the City would have ended up awarding this project using the revised design versus the original design and awarding it at a cost that would have included the amount of funding being requested today.

Commissioner Wolff moved, seconded by Commissioners Hinebauch and Tryon, that the City Commission approve Change Order #1 in the amount of \$167,733 [sic] and increase the total contract amount from \$581,700 to \$749,473.

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 Calumet and WWC have been willing partners in cleaning up the "surprise" contaminants. WWC not charging for the redesign saved \$50,000. He suggested approving the Change Order and staff going back and requesting that Calumet and WWC consider additional reimbursement based on the fact that the initial boring findings were not reported to the City and the contaminant is from Calumet.

Commissioner Tryon appreciated Director Gaub's comments about where the money is coming from, as well as negotiating with the other stakeholders.

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

Motion carried 5-0.

19. AMENDMENT NO. 1 TO THE MAY 19, 2021 DEVELOPMENT AGREEMENT BETWEEN THE CITY OF GREAT FALLS AND THE GREAT FALLS AIRPORT AUTHORITY FOR TAX INCREMENT FINANCING FUNDS.

Planning and Community Development Director Craig Raymond reported that this is a request to amend the Development Agreement the City Commission approved at its meeting on May 18, 2021, by adopting Resolution 10399. This agreement essentially laid out the conditions of approval of Great Falls Airport Authority's request for Tax Increment Financing funds from the Great Falls International Airport Tax Increment Financing Industrial District to aid in the cost of infrastructure improvements.

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The Great Falls International Airport Tax Increment Financing Industrial District Plan was adopted by the Great Falls City Commission on November 5, 2008. The boundaries were amended on September 1, 2009. The Airport TIF District is unique in comparison to other industrial TIF districts in that it is an Industrial Tax Increment Finance District as opposed to a Targeted Economic Development District.

Prior to 1989, tax increments could only be used for rehabilitation efforts within urban renewal areas. The Montana legislature amended the Montana Urban Renewal Law to enable municipalities to create industrial TIF districts to assist in the development and retention of secondary, value-adding industries. The new Industrial TIF program created some new opportunities to stimulate and support certain industrial businesses, but it also had constraints.

In 2013, the State created Targeted Economic Development Districts, otherwise known as TEDDS, and eliminated the previously allowed industrial TIF districts. While new Tax Increment Financing Industrial Districts cannot be created any longer, existing TIFIDs were allowed to continue their existence until they sunset. Additionally, remaining TIFIDs must follow the regulations in place at the time of their creation, limiting the activities that are supportable by TIF increment funds.

The Great Falls International Airport Authority is using TIF funds to subsidize development of a 300-acre area west of the Cascade County Detention Center, north of the I-15 corridor and south of the Ulm North Frontage Road. The area is owned by the Airport and was identified in the Airport Authority Master Plan Update for aviation commercial development. They will eventually be building large metal buildings subdivided into condominium spaces that will be marketed and leased or sold to businesses and individuals. The buildings will be capable of accommodating businesses looking for 1,250 square foot bays to an entire 30,000 square foot building.

After the City Commission's approval of the development agreement recorded on May 19, 2021, which allocated of \$762,510 funds for the project, the construction and bidding process resulted in higher dollar amounts than estimated in the original request. The Great Falls Airport Authority is now requesting to amend the development agreement to receive TIF reimbursements to cover the inflated project costs. The revised funding request for the project is now \$1,091,238, as outlined in the revised development agreement.

An important element of the Development Agreement is that the intended explicit purpose of the TIF district is to focus on and encourage secondary value added industry. This is why Secondary Industries is clearly defined in the Development Agreement as well as the statute. It is defined as "those industries that transform raw resources into processed substances from which industrial or consumer products may be manufactured." It is an expectation, not a secondary or incidental result of the use of the public taxpayer dollars. There has been significant discussion regarding the requirement to emphasize this with the Airport Authority to date. Staff anticipates that actual development projects that materialize as a result of the use of these public funds will indeed primarily be secondary value added industry in nature.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission approve Amendment No. 1 to the Development Agreement with the Great

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Falls International Airport Authority pertaining to expenditure of Great Falls International Airport District Tax Increment Financing (TIF) funds.

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

John Faulkner, Airport Director, representing the Airport Authority, commented that the engineer's estimates that were put into the original package were based on 2019 construction costs, and there were also redesign elements and boring costs with regard to the water and sewer lines. The site has been paved, road is in and the utilities are done. He is getting the final invoices now from the contractor and he does not anticipate any additional cost increases at this point. With regard to development, by the end of August all five units will be occupied with a manufacturing use.

Shane Etwiler, Great Falls Area Chamber of Commerce, 100 1st Avenue North, commented that this item is a proper use of TIF funds to continue with development and help offset some of costs. It is impressive to see the doubled revenues in the past eight years, and the airport continues to have record-breaking years.

Jolene Schalper, Great Falls Development Authority, 405 3rd Street NW, commented that GFDA is excited for this project at the airport and understands the need for cost overruns. For being a town built on industry, it is really challenging to find industrial bays or warehouse space in Great Falls. This project has access to a foreign trade zone that a lot of companies are seeking, and access to the interstate. The airport has the capacity and the land to do this project and increase value. This is a great use of TIF funds.

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

Commissioner Wolff commented she is in support of the economic growth that this project will bring to the community.

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

Motion carried 5-0.

NEW BUSINESS

20. FIRE STATIONS INFRASTRUCTURE PROJECT, PROFESSIONAL SERVICES AGREEMENT [OF 1797.1].

ARPA Project Manager Sylvia Tarman reported that the Fire Station Infrastructure Project was identified as a Tier 1 American Rescue Plan Act (ARPA) project by the City Commission at the April 5, 2022 meeting. City staff have been working with Cushing Terrell on preliminary design options for this project. Fire Department personnel, along with Finance personnel, identified the need to update the HVAC systems, dormitory, and gym areas of all four fire stations in order to support social distancing protocols and update aging infrastructure.

City staff have been working with Cushing Terrell staff on preliminary evaluations of the fire stations and possible remodel options. Cushing has provided a design estimate for the project, in

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the amount of \$248,800, for the design work for all four fire stations. This design will include the necessary architectural, mechanical, and electrical construction documents to enable bidding by a qualified construction contractor. Cushing is ready to execute the project immediately upon approval from the Commission.

Commissioner Tryon moved, seconded by Commissioner Wolff, that the City Commission approve the Professional Services Agreement with Cushing Terrell for the Fire Station Infrastructure Project in the amount of \$248,800 utilizing American Rescue Plan Act (ARPA) funds, and authorize the City Manager to execute the contract documents.

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 received clarification that approval of this item will provide for the comprehensive design documents, and not for the actual construction. He commented that it may take time to obtain the necessary funding for the construction. He inquired how much consideration was given to the fact that some of the design documents may be aged before the process begins, for example, on the fourth fire station.

ARPA Project Manager Tarman responded that staff has been very communicative with Cushing Terrell and all of the design professionals that the Tier 1 ARPA projects all come with a timeline. The funding allocations have to be allocated by 2024 and construction on all of these projects have to be completed by 2026. Cushing Terrell is in a position to complete design and be ready to bid in early 2023.

Commissioner Wolff commented she was glad to see this project move forward. When she toured Fire Station 1 there was not any heat in the dormitory. She also noted the health factor without adequate HVAC. This project is necessary to protect the health of the fire fighters.

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

Motion carried 5-0.

21. CIVIC CENTER SYSTEMS IMPROVEMENT DESIGN PROJECT, PROFESSIONAL SERVICES AGREEMENT [OF 1750.2].

ARPA Project Manager Sylvia Tarman reported that the HVAC/Boiler/Transformer Upgrade Project was identified as a Tier 1 ARPA project by the City Commission at the April 5, 2022 meeting. City staff have been working with Cushing Terrell on preliminary design options for these projects. Because of the way these systems are integrated with one another, Cushing has recommended combining the designs under one project, thus named the Civic Center Systems Improvement Design Project. Cushing has suggested moving forward with the HVAC portion of the project first to enable ordering of the long lead equipment. Cushing has provided a design estimate for the project, in the amount of \$179,967, for the design work for all three portions of the project. This design will include the necessary architectural, mechanical, and electrical construction documents to enable bidding by a qualified contractor. Due to their familiarity with the Civic Center building and infrastructure, they are well suited to provide an integrated design

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for the overall project. Cushing is ready to execute the project immediately upon approval from the Commission.

Cushing Terrell is also working on the HR remodel project and integrating the HVAC for that project with other portions of the Civic Center. Cushing is working on providing a comprehensive design to satisfy environmental needs within the Civic Center.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission approve the Professional Services Agreement with Cushing Terrell for the Civic Center Systems Improvement Design Project in the amount of \$179,967 utilizing American Rescue Plan Act (ARPA) funds, and authorize the City Manager to execute the contract documents.

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 inquired if the design of the HVAC system will account for possible future office relocations and space utilization.

Director Raymond responded that the design is not to expand capacity with regard to adding square footage to the building. Although the floor plan may be adjusted, the HVAC ducts and returns may be adjusted accordingly. The project is also being designed for energy efficiency.

ARPA Project Manager Tarman added that staff is working with Cushing Terrell to provide a comprehensive system for these projects. It started with HR, and now includes portions of the prosecutors' office, the Chambers, Missouri Room and the stairwells. They are also working together to take advantage of situational opportunities when the ceilings are open to rearrange the HVAC and duct work.

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

Motion carried 5-0.

22. CITY OF GREAT FALLS AMERICAN RESCUE PLAN ACT SUB-AWARDS REVIEW COMMITTEE RECOMMENDATION.

Mayor Kelly moved, seconded by Commissioners Hinebauch and Wolff, that the City Commission approve the recommendation of the City of Great Falls American Rescue Plan Act (ARPA) Sub-Award Review Committee and allocate \$2,884,557 of the City's available ARPA balance to fund the fourteen (14) identified grant applications.

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

Jeni Dodd, City resident, read a prepared statement not objecting to any individual grantee, but objecting to City ARPA funding being granted to private, non-profit organizations when the funds could be used to alleviate additional tax burden for City property owners.

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Mayor Kelly asked for presentation of the staff report.

Grant Administrator Tom Hazen reported that The American Rescue Plan Act, or ARPA, was signed into law on March 11, 2022. Upon execution, ARPA added Sections 602 and 603 to the Social Security Act. These two sections created the legal framework to distribute approximately \$350 billion to state, local, and tribal governments. Additionally, these sections also identified eligible expenses for ARPA use. Section 603(c)(1)(A) states that a unit of local government shall use funds to “respond to the public health emergency with respect to the Coronavirus Disease 2019 or its negative economic impacts, including assistance to households, small businesses, and non-profits, or aid to impacted industries such as tourism, travel, and hospitality.” The United States Department of the Treasury expanded on this language in the ARPA Interim and Final Rules when it recognized that small businesses and non-profits have faced widespread substantial challenges and then provided clear tools for assisting those entities within the regulations.

The Great Falls City Commission, in its previous composition, took this to heart and began prioritizing the distribution of a portion of the City’s \$19.5 million dollars in direct ARPA allocation in September of last year. City Staff drafted an Application document and solicited comments and suggestions from both the Commission and the public in October. The current roster of the City Commission approved a final version of the Application document in January. The City accepted applications between February 2nd and July 15th with an established funding cap set at \$3 million. These applications were reviewed for eligibility and completeness. Ten applications were removed and twenty-four were advanced for scoring. Thirty-four applications totaling \$10,464,425.81 were submitted before the application window closed.

Scoring followed a process that was approved by the Commission and published in the Application. A five-member review committee comprised of Planning and Community Development, Fire and Rescue, Legal, and Finance Department employees was established. Using the scoring matrix the contained in the Application Document, the Committee prepared a recommendation consisting of 14 proposals totaling \$2,884,557. After review and approval by the City Manager the recommendation was presented to the City Commission at the November 17, 2022 Special Work Session.

The Review Committee recommendation is a reflection of the City Commission Goals and Priorities for ARPA use. In particular, Review Committee suggestion prioritizes projects serving a significant number of Great Falls residents. These projects address the negative impacts of the COVID-19 pandemic. Finally, many target an urgent need that is not currently being addressed in our community.

The projects contained within the Review Committee’s recommendation are a diverse collection of organizations and activities. The list contains 12 non-profits and two-for profit organizations proposing activities ranging from food pantry operations to medication-assisted treatment for substance abuse disorder. Additionally, there are programs from sweat equity based affordable housing programmatic costs to revitalization of a sports playing surface used by high schools, unaffiliated amateurs, professional athletic organizations, and special events such as concerts. These projects prioritize the delivery of a variety of therapies to low-income children, job training to college aged at risk youth, and the provision of evidence-based practices specifically designed to reinforce the parent-child relationship. The proposals range in scale from \$49,000 to \$600,000.

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However, when combined, according to provided estimates, these activities have the potential to benefit tens of thousands of Great Falls residents directly.

The proposed recommendation began with federal legislation and is now the end result of a 14-month communal process. These ARPA Sub-Awards have been a topic of conversation between City Staff and the Commission at no less than nine meetings of this body. City staff and potential applicants interacted at eight question and answer sessions. Five City employees from four different departments contributed time above and beyond their traditional duties to prepare a recommendation. Finally, we are here tonight to discuss a distribution of nearly \$3 million into the community through a program that has been championed and guided by two iterations of this Commission.

This recommendation is the distilled result of hundreds of hours dedicated by local organizations, City staff, City management, and by this Commission. The recommendation is a unique opportunity to address a multitude of needs in the Community while simultaneously assisting local organizations. It adheres to the Goals and Priorities that this body identified for ARPA usage. For these reasons staff recommends that the City Commission approve the recommendation of the ARPA Sub-Award Review Committee to fund the 14 identified proposals through a \$2,884,557 allocation of ARPA funds.

Mayor Kelly apologized for going out of sequence. A motion has been made and seconded to discuss this item. He called again for public comment.

Jolene Schalper, Great Falls Development Authority (GFDA), commented that GFDA is pleased with the vast vetting and meetings that allowed for everyone to have a chance to weigh in. GFDA feels these proposals meet the goals and objectives of the Commission. The Committee has done an excellent job of parsing out the funds to a diverse community that is going to be served with this money and that goes back to the original intent of easing the impacts that Covid had. GFDA supports all of the projects as presented.

Sherrie Arey, NeighborWorks Great Falls, encouraged the Commission to approve the slate of grantees. She attended most of the meetings, as well as had the opportunity to meet with Grant Administrator Hazen at the public forums that he held to gather information and answer questions. She complimented Grant Administrator Hazen and the Review Committee members for the transparent and open process. If some of the obligations are not fulfilled, she encouraged granting the funds to the other applicants that were not funded. The funds will help the groups that are able to do things that the City is not able to do, or do as well.

Lance Boyd, Peace Place Board Chairman, 1315 Central Avenue, expressed appreciation for the opportunity to apply for these funds. It is not very often a non-profit like Peace Place would have the ability to be able to service a special population in Great Falls that does not have a lot of opportunities with students with disabilities. Being able to provide daycare services for those students as well as therapeutic opportunities allows those students to make a greater impact on the community.

Carrie Parker, Helping Hands Director, First English Lutheran Church, 726 2nd Avenue North, expressed appreciation for the efforts of Grant Administrator Hazen and the Review Committee

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members. Helping Hands is a small, grass roots food pantry downtown serving more than 1000 people per month. She is grateful Helping Hands is being considered.

Written comments in support of approving ARPA funds for Peace Place's building renovation project were received from: **Gloria Braucht**, 504 36th Street South, **Abhinav Sinha**, 5410 8th Avenue South, **Chrissy Kirk**, **Pragya Sinha** and **Charlene Warnick**, who all have children or grandchildren that attend Peace Place.

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

Commissioner Wolff noted the written comments the Commission received today, and expressed appreciation to those entities that submitted applications.

Commissioner Hinebauch expressed appreciation to the organizations that applied and can use this money for things the City cannot do. The City Commission appreciates all the work they do in the community.

Commissioner McKenney referred to page 307 of the agenda packet and noted that the Great Falls Voyagers have been recommended for \$600,000, which is 21% of the available funds. He did not anticipate a grant going to an entertainment facility, and asked staff for additional clarification.

Grant Administrator Hazen clarified that one of the needs that Congress and the Department of the Treasury identified were the negative economic impacts felt by specific industries. One of those industries is the tourism industry. One of the biggest tourism draws and one of the biggest facilities for tourism in Great Falls is the Voyagers and Centene Stadium. That particular field benefits not only the Voyagers, but other professional teams, amateur teams like the Legion, high school baseball programs, and local organizations. Thousands of people benefit from that field being an on-going, productive outlet that is preserved for the future.

Commissioner McKenney commented when this process started, there was not unanimous agreement amongst the Commission to even offer funds or, if the Commission did, what the amount would be. After robust discussion, the Commission agreed to 10% of the \$30 million combined ARPA and CARES Act monies, or approximately \$3 million dollars. He believes the funds are going to good causes. There are things the community can do better than what government can do.

Commissioner Tryon thanked Grant Administrator Hazen and the Committee members. One of his original concerns was that the process be fair and transparent, and it was that. He added that, although he was in favor of keeping all of the ARPA money for City needs, the list of proposed grantees are all good causes that will be beneficial to everyone in the community.

Mayor Kelly commented that this was a great challenge to have to be able to put money out in the community from the federal government specifically designed to helping what the pandemic has created. There was definitely damage done along the way, but cities and the state are still recovering from the pandemic. A lot of that damage was done to young kids that couldn't get to school, people who missed opportunities and ended up homeless, some of the economic

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momentum that we had going forward was stilted and stopped, and some of our outlets for recreation, entertainment and reasons for other people to come to our community went away. Even though Great Falls is in a much healthier situation, those problems still exist. He applauded all of the applicants that realized they needed some help to recoup and recover from the pandemic. He also thanked Grant Administrator Hazen for a fair and open process. He also recognized the graciousness of this Commission with differing philosophical opinions, as it was a tough decision to come to. It is not an either/or situation in our community. It is an “and.” This is a great example of the Commission using these extra dollars to do great work for the City, the infrastructure needs that the City has, and reaching out into those areas that can best execute the use of those dollars for the issues that permeate our community.

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

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

23. ORDINANCE 3252, AMENDING TITLE 2, CHAPTER 3, SECTION 030, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO MUNICIPAL COURT JUDGES.

Interim City Attorney David Dennis reported that Ordinance 3252 is the second of two steps necessary to create a two-judge municipal court structure. The first step was accomplished on November 8, 2022, when the City electors voted to amend Article V of the City Charter to remove the one-judge limitation contained in the Charter.

The item before the Commission tonight accomplishes the second step, modifying the Official Code of the City of Great Falls to conform to the change in the City Charter.

The proposed ordinance amends § 2.3.030 of the City Code to establish two Municipal Court departments—A and B—with associated Municipal Judge positions, elected on a staggered basis. The ordinance provides for appointment of a qualified judge to fill the Department B position until the next Municipal election in 2023. The appointment will be done through a separate City Commission process.

The effective date of the proposed ordinance will be January 5, 2023. There is no fiscal impact as a second Municipal Court judge position was included in the fiscal year 2023 budget.

Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission adopt Ordinance 3252.

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.

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CITY COMMISSION

24. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

25. COMMISSION INITIATIVES.

Commissioner Tryon requested that staff prepare a draft resolution, ordinance or whatever is appropriate designating that all of the marijuana local option tax revenue that the City receives be put in a specific account and designated for public safety – being police, fire and courts. No one objected.

Manager Doyon commented that he will figure out the best way to do that, but thinks it can be achieved through budgeting by setting up a new fund that gets adopted by the City Commission for that purpose.

Commissioner Wolff commented that she had discussions with Manager Doyon and Director Raymond after being approached by several people requesting to have the City establish a Medical/Education or Research/Education corridor or district that would encompass the area of Benefis, Great Falls Clinic, Touro Medical College, McLaughlin Research Center, Great Falls College-MSU and University of Providence. Director Raymond will reach out to representatives of those entities to see exactly what they need. She was told by the new president of the McLaughlin Research Center that, for them to seek more federal research grants and funding, it would be very helpful to have this designation. She concluded that she appreciates City staff agreeing to explore this topic. No one objected.

Once staff has options to present, both initiatives will come before the Commission at a work session.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of December 6, 2022, at 9:41 pm.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: December 20, 2022