

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

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, Deputy City Manager Chuck Anderson, Interim Planning and Community Development Director Tom Micuda, Finance Director Melissa Kinzler and ARPA Project Manager Sylvia Tarman, City Attorney David Dennis and Deputy City Attorney Rachel Taylor, Police Chief Jeff Newton, and City Clerk Lisa Kunz.

AGENDA APPROVAL: City Manager Greg Doyon noted that a Proclamation was added for Animal Control Officer Appreciation Week. 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: Animal Control Officer Appreciation Week and Public Safety Telecommunicators Week [April 9-15, 2023].

1. **PETITIONS AND COMMUNICATIONS**

Ben Forsyth, City resident, commented that science has proven that THC in marijuana reduces brain density in three major parts of the brain. He discussed the increase in violent crime in the community. This does not represent a good community and the quality of many of our citizens.

On behalf of Jamie Marshall, **Susie McIntyre**, City resident, provided information about No More Violence Week and encouraged citizens to attend events April 10-14, 2023 in Great Falls.

Mario Martinez, 18 Missouri Bend Rd, and two Local 82 carpenter members, commented that they are bringing awareness to the community about tax fraud in construction. When folks are cheating the tax system, honest contractors are unable to compete in those arenas. It is estimated that construction tax fraud is responsible for cheating communities across the United States of up to \$8.4 billion dollars in tax revenue each year that could be going towards renovating or building schools, repairing roads, caring for Veterans, sheltering the homeless, and funding essential public programs. April 10-18, 2023, Local 82 Carpenters in Great Falls and the United Brotherhood of Carpenters are taking part in a national tax fraud day of action.

Richard Liebert, 289 Boston Coulee Road, submitted written comments and concerns about the Cascade County Election Administrator's lack of articulated purpose and outline in her March 31st PowerPoint presentation, and lack of answers to critical questions the public expects answered pertaining to upcoming elections.

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

NEIGHBORHOOD COUNCILS

2. COMMENDATION AND APPRECIATION TO I M BISON CLUB FROM NEIGHBORHOOD COUNCIL #9.

Neighborhood Council 9 members Barney Danishefsky and Shannon Wilson presented two of seven Great Falls High School students and members of I M Bison, a student-led cultural inclusion club, with a resolution of commendation and appreciation for inspiring those around them to interact with their fellow students in a positive and helpful way, and offering fellowship and inclusion. The citizens of Great Falls were encouraged to celebrate I M Bison as they continue to positively impact the atmosphere of Great Falls High School and the community.

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.

None.

CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon updated the Commission with the following:

- Great Falls Police Officers Peyton Mitchell and Alyssa Olson were sworn in today.
- He appointed Chuck Anderson to the Montana Defense Alliance Board in his stead. The City of Great Falls is a stakeholder in that organization. Chuck will be a great fit as he has served in the Air Force and retired as a Command Chief, has a good awareness of all things Air Force and, as the installation to the east undergoes its new missile upgrade, Chuck will be a great liaison to represent the City on that board.
- The City resumed the orientation program and supervisor training.
- Great Falls Fire Rescue secured an aerial apparatus after Commission approval at its March 21, 2023 meeting. The total cost of the truck will be \$1.5 million.
- The Great Falls Animal Shelter will be open an extra afternoon each week from 2:00 to 4:00 pm to help the Shelter focus on reuniting lost pets with owners.
- A lot of what is before the legislators this session and what ultimately may be passed into law will have an impact on the community in ways they may not fully appreciate.
- The Leadership Montana program is important to his development. There have been common discussions in the communities large and small during this program regarding struggling with drug and mental health issues and recruitment challenges.

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

Mayor Kelly thanked Manager Doyon for his 14 years of serving on the Association of Defense Communities and the Montana Defense Alliance.

CONSENT AGENDA.

6. Minutes, March 21, 2023, Special City Commission Meeting.
7. Minutes, March 21, 2023, City Commission Meeting.
8. Total Expenditures of \$3,316,826 for the period of February 28, 2023 through March 22, 2023, to include claims over \$25,000, in the amount of \$2,753,590.
9. Cancellation of Outstanding and Unpaid Checks Over a Year Old issued by Great Falls Municipal Court.
10. Approve a Professional Services Agreement in the amount of \$113,239 to Great West Engineering Inc., for the Central Ave / 3rd Street Drainage Improvements Phase 2 project, and authorize the City Manager to execute the agreement documents. **OF 1779.1**
11. Set a public hearing for May 16, 2023 on Resolution 10498 Establishing Residential and Commercial Water, Sewer and Storm Drain Utility Service Rates Effective June 1, 2023.
12. Postpone consideration of a bid award and contract approval for the Fire Station Infrastructure Renovations until the April 18, 2023 Commission Meeting. **OF 1797.**

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

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.

PUBLIC HEARINGS

13. **RESOLUTION 10496 ESTABLISHING RESIDENTIAL AND COMMERCIAL SANITATION SERVICE COLLECTION RATES EFFECTIVE MAY 1, 2023.**

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


Public Works Director Chris Gaub reported that, for the Sanitation Division to continue to provide the great service that it does for the citizens of Great Falls, the requested action is to increase the rates by 10%. There were no rate increases in 2016, 2018, and 2021. Great Falls is still in a very good price point as compared to other cities in Montana. A 10% increase is about \$1.50 month for a residential customer. Inflation for supplies, vehicles, parts, fuel, etcetera make up the increase. Director Gaub also requested the addition of one full time employee (FTE) due to an increase in customer base.

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

Director Gaub reviewed and discussed the following PowerPoint presentation:

**City of Great Falls
Sanitation Division**



**2023 RATE ANALYSIS
Public Hearing
April 4, 2023**

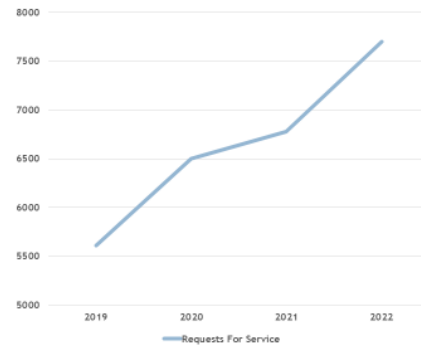
City Sanitation Customer Base

City Utility Customer Base FY 2023 January	21,924	100%
City SN Residential Customers	17,040	
City SN Commercial Customers	1,551	
Total City of Great Falls Customers	18,591	84.8%
Total Republic Services Customers <small>Republic could not provide an accurate split between residential and commercial customers without including customers outside city limits.</small>	3,333	15.2%

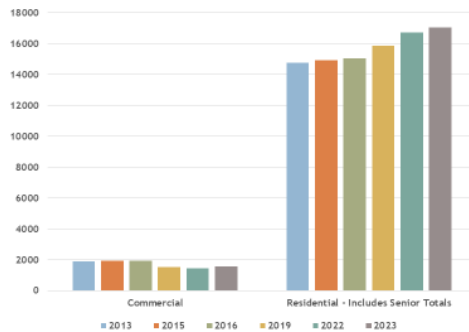
Trends: More Customers Because...

- **City of Great Falls is growing:**
 - New businesses, housing and apartment complexes
- **City Sanitation Customer Service:**
 - When someone calls they talk to someone local
 - City Utility Customer Service team goes above & beyond
 - Garbage charges are on same utility bill with water
 - City Sanitation drivers are top notch
- **No long term contracts required for businesses**
- **No Miscellaneous Fuel Surcharges**

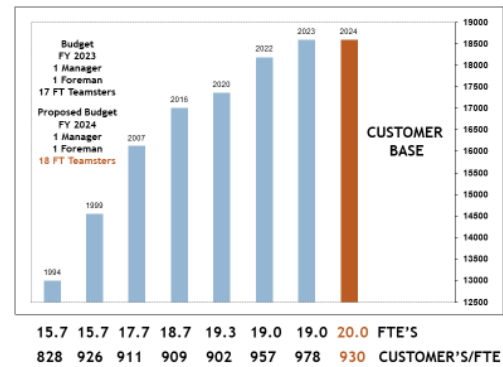
Sanitation Requests for Service



City Sanitation Customer Base



City Sanitation Collection Staffing



JOURNAL OF COMMISSION PROCEEDINGS

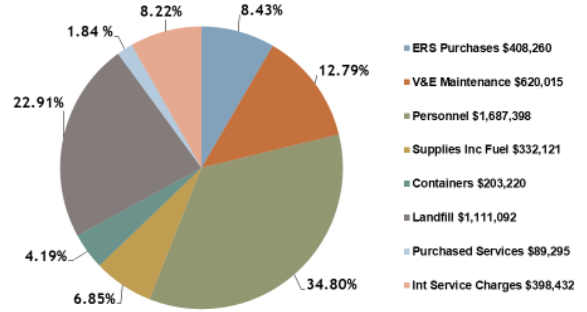
April 4, 2023

MAJOR RATE DRIVERS

- **Landfill Costs:** 22.91% of Budget (Approx. \$1,111,092 per year)
 - 1.40% CPI increase 2021
 - 6.85% CPI increase 2022
 - 7.15% CPI increase 2023 (max agreement 7.00%)
- **Personnel Costs:** 34.80% of Budget
 - 4.5% average increase last 4 years (Includes salaries, health insurance, life insurance, unemployment, workers compensation, FICA, Medicare, PERS, and pensions)
- **Vehicle Replacement:** 8.43% of Budget (Updating Fleet)
 - Budgeted FY23 \$408,260 (Foreman Truck / Sideloader)
 - Projected FY24 \$607,248 10 year plan (Roll-Off / Rearloader)
- **Vehicle Maintenance:** 12.79% of Budget
 - Budgeted FY23 \$620,015
 - Projected FY24 \$651,016

7

Sanitation Operating Costs Adopted FY 2023-2024



8

SANITATION LANDFILL

FY YEAR	REPUBLIC LANDFILL RATE	CPI RATE INCREASE PER YEAR	TONNAGE	TOTAL FEES PAID TO REPUBLIC
2002	\$18.88	2.30%	35,975	\$ 722,468
2007	\$20.98	2.00%	33,634	\$ 705,644
2012	\$23.05	3.35%	36,852	\$ 870,109
2017	\$25.61	3.00%	35,138	\$ 885,484
2018	\$26.64	4.00%	33,704	\$ 787,782
2019	\$27.35	2.65%	33,422	\$1,001,077
2020	\$27.98	2.30%	36,873	\$1,018,742
2021	\$28.37	1.40%	36,121	\$1,015,358
2022	\$30.31	6.85%	35,185	\$1,025,642
2023	\$32.43	7.00%	Estimated 36,234	Estimated \$1,103,722

Average Landfill Rate Increase Per Year since 2017: 3.89%

9

Sanitation Fleet Residential

YEAR	MANUFACTURER	HOURS	MODEL
2016	Peterbilt	9,125	320
2016	Peterbilt	13,752	PB 320
2017	Auto Car	10,758	ACX 64
2017	Auto Car	11,073	ACX 64
2018	Auto Car	8,284	Expiditor
2018	Auto Car	6,881	Expiditor
2019	Peterbilt	5,335	520
2021	Peterbilt	2,480	PB 520 Side Loader
2023	Auto Car	New Truck	ACX64

Average Residential Fleet Age 5 years - Industry Target: 6-8 years

10

Residential Truck



Sanitation Fleet Commercial

YEAR	MANUFACTURER	HOURS	MODEL
2003	Volvo (Cardboard Collection)	10,304	WX64
2003	Sterling (Backup Roll-Off)	13,391	LT9500
2007	Sterling (Backup Commercial / Brush)	18,981	LT9500
2007	American LaFrance	15,263	Condor
2010	Kenworth	12,260	T800
2013	Peterbilt	10,941	320
2016	Kenworth	10,970	T440
2016	Kenworth	10,300	T800
2017	Kenworth	11,194	T440
2017	Kenworth	11,233	T440

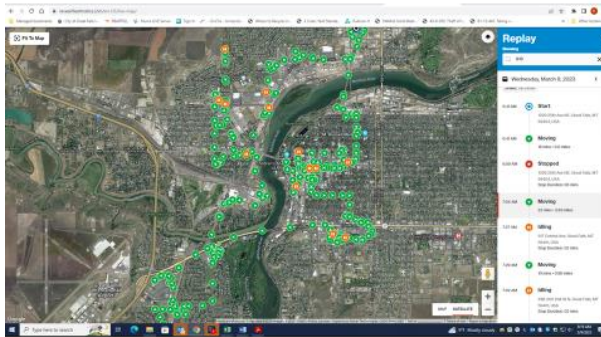
Average Commercial Fleet Age 12 years - Industry Target: 10 years

12

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

GPS – Truck 918 Wednesday Route



13

Internal Maintenance Charges

Fiscal Year	Actual/Projected	Plan with no changes 7% increase per year	Intercap Loan purchased 6 new trucks in 2016 Not replacing 6 in 2023 10 Year Plan 5%
2020	Actual	\$ 566,958.60	* \$ 406,661.00
2021	Actual	\$ 606,645.70	* \$ 442,284.00
2022	Actual	\$ 649,110.90	\$ 463,933.00
2023	Actual	\$ 694,548.66	\$ 620,015.75
2024	Projected	\$ 743,167.07	\$ 651,016.00
2025	Projected	\$ 795,188.76	\$ 683,566.54
2026	Projected	\$ 850,851.97	\$ 717,744.86
2027	Projected	\$ 910,411.61	\$ 753,632.11
2028	Projected	\$ 974,140.42	\$ 791,313.71
Total Cost		\$6,791,023.69	\$5,530,166.97

*With Public Works Building Improvements \$22,500
Expected Savings 10 Year Plan \$1,260,856.72
Cost of 6 Trucks 10 Year Plan \$2,170,458

14

Cash Flow with Capital Outlay 10 Year Replacement of Trucks

	FY22 Actual	FY23 Budgeted Revenue Increase 0%	FY24 Projected Revenue Increase 10%	FY25 Projected Revenue Increase 10%	FY26 Projected Revenue Increase 5%	FY27 Projected Revenue Increase 5%	FY28 Projected Revenue Increase 5%
Beginning Cash Balance	\$ 513,524	\$1,141,284	\$ 935,925	\$ 664,911	\$ 451,512	\$ 614,117	\$ 418,206
Revenues	\$4,680,607	\$4,646,874	\$5,110,861	\$5,621,248	\$5,894,960	\$6,189,708	\$6,499,193
Expenses	\$4,230,835	\$4,852,233	\$5,381,875	\$5,834,646	\$5,732,355	\$6,385,619	\$6,790,417
Over/Under	\$ 449,772	\$ (205,359)	\$ (271,014)	\$ (213,399)	\$ 162,605	\$ (195,911)	\$ (291,223)
Ending Unrestricted Cash Balance	\$1,141,284	\$ 935,925	\$ 664,911	\$ 451,512	\$ 614,117	\$ 418,206	\$ 126,983

15

COMMERCIAL RATES

	MONTHLY	CURRENT	10% PROPOSED
96 Gallon		\$ 25.10	\$ 27.80
300 Gallon		\$ 30.00	\$ 33.00
1.5 yard		\$ 42.45	\$ 46.70
2 yard		\$ 60.70	\$ 65.80
3 yard		\$ 72.80	\$ 80.00
4 yard		\$ 97.00	\$ 106.70
6 yard		\$ 144.30	\$ 158.70
8 yard		\$ 191.60	\$ 210.80
Cardboard Recycling		\$ 22.00	\$ 24.00
Vacant Business—Once a month pick up		\$ 5.00	\$ 6.00
DROP BOX (PER PICK-UP)			
3 yard construction dumpster		\$ 58.00	\$ 64.00
10 yard concrete dumpster (plus rental & disposal)		\$ 185.00	\$ 203.00
20 yard construction dumpster		\$ 329.00	\$ 362.00
30 yard construction dumpster		\$ 370.00	\$ 407.00
40 yard construction dumpster		\$ 407.00	\$ 447.00
30 yard compacted (plus disposal charge)		\$ 234.00	\$ 257.00
40 yard compacted (plus disposal charge)		\$ 234.00	\$ 257.00
Flat Rate Surcharge (overweight containers)		\$ 115.00	\$ 125.00
Dry Run Fee		\$ 55.00	\$ 60.00
Per Day Rental Fees		\$ 2.00	\$ N/A

16

RESIDENTIAL RATES

	MONTHLY	CURRENT	10% PROPOSED
Regular 96 Gallon		\$ 15.00	\$ 16.50
Duplex (\$15.00 per unit)		\$ 30.00	\$ 33.00
Triplex (\$15.00 per unit)		\$ 45.00	\$ 49.50
Additional 96 Gallon		\$ 8.50	\$ 9.35
Senior Citizen		\$ 10.50	\$ 11.55
Extra PU 96 Gallon		\$ 15.00	\$ 16.50
Extra PU 300 Gallon		\$ 21.00	\$ 23.00
Plus Extra's – per minute		\$ 7.00	\$ 8.00
Large Appliances		\$ 20.00	\$ 22.00
Large Appliances with Freon		\$ 60.00	\$ 66.00
Special Services – Dumpster Cleaning			
Residential Dumpster		\$ 15.00	\$ 16.50
Commercial Dumpster		\$ 50.00	\$ 55.00
Compactors/Receiver Box		\$ 100.00	\$ 110.00

17

Previous Residential 96 Gallon Rate Increases

Year	Residential Rate	Residential Increase
2014	\$10.96/mo.	\$1.00/mo.
2015	\$11.51/mo.	\$0.55/mo.
2016	\$11.51/mo.	\$0
2017	\$12.09/mo.	\$0.58/mo.
2018	\$12.09/mo.	\$0
2019	\$12.70/mo.	\$0.61/mo.
2020	\$13.65/mo.	\$0.95/mo.
2021	\$13.65/mo.	\$0
2022	\$15.00/mo.	\$1.35/mo.
2023	\$16.50/mo. proposed	\$1.50/mo. proposed

10 year average annual increase: \$.85

18

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

PUBLIC	MONTHLY RESIDENTIAL RATE	COMPETITION	LANDFILL FEE PER TON	OWN LANDFILL
Bozeman	\$26.73	YES	\$27.00 Regular \$48.00 Construction Material	NO
Kalispell	\$17.48	YES	\$31.05	NO
Havre	\$16.33	NO	\$30.00	NO
Great Falls	\$15.00	YES	\$32.43	NO
Helena	\$14.68	NO	\$56.75 Transfer Site \$26.00 Landfill City Only	NO
Billings	\$12.45	NO	\$23.50 Other Towns/County \$35.25	YES

PRIVATE	MONTHLY RESIDENTIAL RATE	COMPETITION	LANDFILL FEE PER TON	OWN LANDFILL
Republic Services Missoula (2023)	\$34.66 + fuel sc \$39.74	YES	\$62.96	YES
Republic Services Bozeman (2019)	\$25.68	YES	\$27.00	NO
Republic Services Outside GF 2023	\$29.53 + fuel sc \$33.20	NO	\$37.62	YES
Evergreen Kalispell (2019)	\$15.95	YES	\$31.05	NO
Republic Services Great Falls 2023	\$14.28 + fuel sc \$17.61	YES	\$37.62	YES

**RECOMMENDATION
NEXT STEPS**

- 4/04 City Commission - Public Hearing
- 5/01 Proposed Rates Effective

20

Mayor Kelly asked if the Commission members had any questions of staff. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10496. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10496 establishing residential and commercial sanitation service collection rates effective May 1, 2023.

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

Commissioner Tryon expressed appreciation to Director Gaub for his work on improving efficiencies. Some folks do not see the secondary impact of inflation that comes through on things like this. Every City department is affected by inflation. As much as he does not like voting to raise rates, it is necessary and he will be voting in favor.

Commissioner McKenney commented that when the costs of goods and services go up in the private sector it is passed on to the customer. Some people think government entities are immune from those same economic conditions. The question policy makers look at is whether the department is working efficiently and using taxpayer money the best they can. The department is, costs are going up, and the Commission needs to act accordingly.

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

Motion carried 5-0.

14. RESOLUTION 10494 TO EXPAND THE BOUNDARIES OF THE GREAT FALLS BUSINESS IMPROVEMENT DISTRICT.

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

Finance Director Melissa Kinzler reported that Montana Code Annotated provides statutory authority to the City Commission to expand the boundaries of the Great Falls Business Improvement District. Adoption of Resolution 10494 pertains only to the expanded boundaries of the District.

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

The City of Great Falls has been presented with petitions signed by 65.65% of the property owners within the proposed expanded area to be included in the District. Pursuant to MCA 7-12-1111(1), upon receipt of a petition signed by the owners of more than 60% of the area of the property proposed in the petition to be included in a district or in the expansion of a district, a governing body shall establish a district or expand a district as provided in this part.

Staff mailed letters regarding the City's intention to expand the boundaries of the district, Resolution 10493 adopted February 21, 2023, along with a copy of the published legal notice, and outlined the protest procedures for each person, firm or corporation or known agent having property within the boundaries of the proposed expansion of the District. During the 15-day protest period, two protest letters were received by the City regarding the expansion of the district. The two protest letters did not meet the state requirements to stop the public hearing on expansion of the District.

No direct fiscal impact to the City is anticipated as a result of expansion of the District. All costs are assessed against the properties within the boundaries of the district and those costs will be used to benefit the surrounding Business Improvement District. The proposed expanded area will bring in an estimated \$16,900 in assessments.

Staff recommends that the City Commission conduct the public hearing to expand the boundaries of the Business Improvement District.

Kellie Pierce, Executive Director of the Great Falls Business Improvement District, 318 Central Avenue, reported that the Great Falls Business Improvement District (BID) was originally created in 1989 and only expanded one time, which was last year into the 700 block. The BID firmly believes that their revitalization efforts are making a difference. She provided a brochure that explained the benefits of the BID.

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

Commissioner Tryon inquired if there was any provision to grant an exception for non-business entities, such as a social or non-profit organization.

Director Kinzler responded in the negative. City Attorney David Dennis added that the entity could make an objection to be included within the District and the protest would be considered during the Commission's approval process.

BID Executive Director Pierce noted that the BID is a non-profit 501(c)3 and pays the assessment on their property.

Mayor Kelly received clarification that solicitation pertaining to expansion of the boundaries comes from both the BID members going out and talking to businesses, and businesses requesting to be included.

Mayor Kelly inquired the number of properties that made up the 65%.

BID Executive Director Pierce responded 13 parcels total. Of those, Subaru is the majority. The BID did reach out to the remaining parcel owners, and some were via absentee ballots from property

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

owners that do not live in Great Falls. Eight or nine of the 13 said yes, two letters were received in protest, and others were assumed to be no because of no answer.

Mayor Kelly inquired if there has ever been an opportunity for an area to be carved out, such as half a block, east or west side of the block or that does not include the alley.

BID Executive Director Pierce clarified that the boundaries run along the alleyways as set up in 1989. As the BID expands, they are trying to include the entire block.

Mayor Kelly inquired the plans for this additional block going forward if, in fact, it does expand to that area.

BID Executive Director Pierce responded that the prior streetscape projects have included lighting and sidewalks. The BID would add banners, provide snow removal, mural projects, traffic signal box projects, and expand the beautification efforts to make it a safer part of downtown.

Commissioner Tryon inquired how the expansion would benefit the Masonic Temple.

BID Executive Director Pierce responded that, currently, the benefits set forth in the brochure are not provided past the 700 block. It is an attempt to continue the revitalization efforts of the BID and to provide the services set forth in the brochure. The assessment is reinvested into those efforts within the District.

Mayor Kelly inquired if a larger business has ever taken on more of the assessment.

BID Executive Director Pierce responded that the assessment is based on the parcel value.

Mayor Kelly asked if there were any comments from the public in favor of Resolution 10494.

Alison Fried, Dragonfly Dry Goods, 504 Central Avenue, commented that she has been on the BID board on and off for the past 17 years. She has seen a transition in the last five years with an increase in traffic, new event venues and restaurants. When the BID expanded the district last year, it was also involved in the City wayfinding sign project. Now that the signs with an arrow pointing to the downtown historic district are up, it is driving more traffic downtown.

Sherrie Arey, Executive Director of NeighborWorks Great Falls and BID board member, commented that the BID has helped with revitalization and improvement in the downtown area. Intended consequences of expansion of the BID is economic growth and development of the community and downtown, promotes commercial and business activities, attracts new businesses, and helps existing businesses thrive. By expanding the BID, more resources and services can be provided to local businesses, stimulating economic activity, and creating jobs. There is also an increase in safety and security by the enhancements provided by the BID. The BID advocates for downtown businesses in many different ways, and the increase in marketing and promotion brings more to the downtown.

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

Jolene Schalper, Great Falls Development Authority (GFDA), commented that she pays the BID assessment on three parcels in the current District. She and GFDA are in concurrence with the staff recommendation and the nine of the 13 parcel owners who do want this assessment. The reason being is economic vitality. Downtown was thriving in the 1970's and 1980's. In the late 1980's and 1990's there was a decline downtown and the reason for implementation of the BID. In the last 20 years, because of the tools and resources and the intentionality the BID has made success. We see prosperity in downtown that is continuing to grow, and property values have increased. The BID wants all of downtown to be prosperous, thriving and safe. The BID is implementing best practices from the national Main Street initiatives. The three elements of the Main Street program is the BID investing economically into the physical well-being of the downtown, business economic vitality to attract businesses into the District and redevelopment with property owners and events.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10494.

Martin Eberly, City resident, commented that he does not oppose the Business District. He feels the BID brings pride to the community and businesses downtown. He opposes the expansion to include the Masons of Great Falls properties. The Masons of Great Falls are a non-profit organization, and are not a business. The Masons are a fraternal organization. The previous speakers spoke about businesses and economic growth. The Masons have no economic growth. The assessment is approximately \$4,300. The Masons have no way to take that out of any kind of profits, or to pass that along to any kind of a customer.

Mr. Eberly commented that Mont. Code Ann. § 7-12-1151 does provide an exemption for non-profit water users. He urged the Commission to exempt the properties of the Masons of Great Falls from the BID assessment.

Ron Zobrak, City resident, Masonic Temple Board President, commented that the Masonic Temple is not a business and has no way of recouping this assessment. The cost would directly be passed on to its membership. The Masonic Temple may not be able to stay open, and would not be able to support its charities. The Masons are a 501(c)2 non-profit organization. As a non-profit, their already dwindling and financially stressed membership cannot afford the \$4,300 BID yearly assessment. They have been a tax-exempt organization for 170-years. The assessment will have serious short-term impacts, which will lead to the building closing. Great Falls does not need another building sitting empty. The Masons recommend that the City Commission exempt their property from the assessment as long as the property is owned by the Masonic Temple Association. The Masons would like to continue to support education and charities such as dental for special needs kids as they have done for the past 100 years.

William Ross, City resident, Master Mason of Euclid Lodge No. 58, read Mont. Code Ann. § 7-12-1133 emphasizing that the assessment on each lot or parcel is equitable in proportion to the benefits to be received. Under the BID proposal the Great Falls Masonic Temple Association will be levied \$4,370.11, which is the highest individual lot assessment under the proposed expansion. Per the referenced statute, this implies that the Masonic Temple stands to receive the greatest amount of benefit to the BID expansion. He commented that emptying trash cans and shoveling a pathway is not worth that price tag. These are tasks the building manager has done for free for the past 20-years. He suggested this expansion is either a poorly planned "let's do something to feel good about ourselves decision, or a blatant attempt to grab more money from private citizens." Mr. Ross

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

inquired if the revenue from the \$4,370.11 was going to other portions of the BID that have zero impact on the Mason building. He reported that the Masons are not going to put a mural up or hang banners from a 100-year old building. He suggested the special benefits are vague, but what is not vague is Mont. Code Ann. § 7-12-1133. The Masonic Temple, a tax-exempt non-profit 501(c)(2) organization stands to be additionally taxed \$4,370.11 for no benefit to the organization. Nothing that the BID representatives talked about would apply to the Masonic Temple. While the assessment equation used by the BID may be equally applied, the equitable outcomes are not. He urged the Commission to grant the Masonic Temple an exemption from the BID or vote the Resolution down and the BID redraw the proposed expansion to exclude the Masonic Temple. Failing at that, Mr. Ross concluded that he would personally and strongly encourage the other several Masonic Lodges and bodies that make up the Masonic Temple to seek legal action.

Written opposition was received from **Roger Cathel, John Ross, and William Ross**, Great Falls Masonic Temple Association, 821 Central Avenue, stating the Masonic Temple is not a business, does not generate any income for profit, and does not provide any service that could be considered taxable. The Masonic Temple is a tax exempt, non-profit, 501(c)(2) organization that is operated by the yearly dues and donations of the membership. If adopted, the Masonic Temple stands to be additionally taxed for no benefit to the organization. The requested action was that the Masonic Temple be granted an exemption from the BID or Resolution 10494 voted down, and the BID redraw the proposed expansion to exclude the Masonic Temple; and **Bud and Deb Hudson**, Mr. Tune-Up, 800 1st Avenue North, stating that they are against the new assessment as they don't see how this assessment will benefit Mr. Tune Up.

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

Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission deny Resolution 10494, to expand the boundaries of the Great Falls Business Improvement District.

Mayor Kelly asked if staff or the applicant wanted to further comment or respond to prior speakers. Hearing none, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Tryon commented he would prefer to amend the motion to adopt the Resolution with an amendment to exempt the Masonic Lodge.

City Manager Greg Doyon commented that he does not think the Commission can carve that property out in this venue. He thinks to carve the property out, the BID process would need to start over.

City Attorney David Dennis added that there would be more options than just carving the property out, including re-assessing the assessments that were contained in the original proposal. Legally, he does not know if properties can be carved out or need to be contiguous. If it were the will of the Commission, the best course of action would be to deny the petition and have it brought back with adjustments made to it.

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

Commissioner Tryon commented that he has supported past BID actions because he believes in what it does for the District. In this case, the Masonic Temple has a valid argument that the Commission needs to respect. He suggested moving forward in a way that the boundaries are redrawn with the Masonic Temple exempted.

Mayor Kelly inquired about the authority for BID boundaries, expansions and assessments and was informed state statutes. Jurisdictionally, the City Commission does not have the ability to change the assessment calculation to pursue another way. He agrees with Commissioner Tryon that this matter needs to be revisited and brought back with more options.

Manager Doyon referred to state statute and inquired if the classifications were ever redefined for different property uses.

Director Kinzler responded in the affirmative, and would look into it further.

Manager Doyon commented that the City would work with the BID to see what options are available. As the District expands, in the future it would be good to know how to address these concerns that may come up with other properties as well.

Commissioner Wolff inquired if the Masonic Temple paid property taxes. Masonic Temple members nodded their heads in the affirmative.

Commissioner McKenney suggested another option is to table this Resolution to the first meeting in June to provide time for the parties to visit to try to come to agreement.

Manager Doyon suggested going forward with the motion on the floor as the cleaner option, granted it will be more work for the BID to go through the process.

Commissioner McKenney encouraged the BID to come back to the Commission with another Resolution.

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

Motion carried 5-0.

Mayor Kelly called for a recess at 8:51 PM and called the meeting back to order at 8:59 PM.

NEW BUSINESS

15. **CIVIC CENTER PARTIAL HVAC RENOVATIONS CONSTRUCTION CONTRACT (OF 1750.2)**

ARPA Project Manager Sylvia Tarman reported HVAC and Infrastructure renovations for the Civic Center have been in the works for a few years. The City awarded the design contract to Cushing Terrell, and the HVAC portion of the project was advertised for bid in late October 2022. This project includes three new rooftop units and associated mechanical ducting; indoor and cassette units and mechanical ducting throughout the Missouri Room, Gibson Room, and Commission

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

Chambers on the second floor; indoor units and mechanical ducting in the Mansfield theatre and lobby, as well as the north side stairwells on the first floor; an indoor unit and associated ducting and piping in the northeast corner of the basement; and associated lighting and electrical upgrades throughout. This system was designed by Cushing to create a more comprehensive HVAC design, to work in conjunction with the other areas that have been updated recently, in order to provide more system-wide efficiency. This project, in conjunction with the Transformer/Boiler upgrades, will provide for a more efficient, safe, and reliable heating and cooling system, and represents a major overhaul in the building's operating infrastructure, much of which is original to the building.

The City Commission set forth a budget cap for the two projects at \$2.3 million in December 2022. Between the two projects, the construction bids have come in approximately \$420,000 over the project budget cap. City staff are working with Cushing and the contractors to identify areas to bring costs down. City staff are also working with Wadsworth to place a hold potentially on the work in the Missouri room, as they are sensitive to the possibility of design changes. With that understanding, the rest of the work that will not be affected by building usage needs to be evaluated and equipment needs to be ordered quickly, as there are some long lead equipment and components that need to be ordered. City Staff and Cushing Terrell have reviewed the bid proposals received, and are confident that Wadsworth Builders' bid proposal will satisfy the project's needs and recommend that the Commission award the construction contract, in the amount of \$1,126,700 to Wadsworth Builders for the Civic Center Partial HVAC Renovations Project, utilizing American Rescue Plan Act funds.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission award a contract in the amount of \$1,126,700 to Wadsworth Builders for the Civic Center Partial HVAC Renovations project utilizing American Rescue Plan Act funds, and authorize the City Manager to execute the construction contract documents.

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.

16. **CIVIC CENTER INFRASTRUCTURE RENOVATIONS CONSTRUCTION CONTRACT (OF 1750.2)**

ARPA Project Manager Sylvia Tarman reported that infrastructure updates such as replacing the boilers and moving the transformer outside of the building have been in the works for years. This design project was awarded to Cushing Terrell, and the Transformer/Boiler portion of the project was advertised for bid in February 2023. This project includes removal and replacement of the two original boilers; removing the old transformer from inside the building and setting a new transformer in the north side courtyard; installing a new electrical panel and renovating some of the existing panels in the boiler room; as well as routing and installing the associated electrical conduit and wire. This system was designed by Cushing to work in conjunction with the new HVAC system to further support that system-wide efficiency. This project will also bring a large portion of our infrastructure

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

up to today's standard building codes and provide for a more reliable system, as many of our machines are difficult to find parts for or knowledgeable contractors to repair them.

The City Commission set forth a budget cap for the two projects at \$2.3 million in December 2022. Between the two projects, the construction bids have come in approximately \$420,000 over the project budget cap. City staff are working with Cushing and the contractors to identify areas to bring costs down. This project should not really be affected by building usage decisions, as most of the work will be located in the boiler room and in the hallways. Some of the electrical components on this project are extremely long lead times, approximately 72 weeks, so it is imperative we get moving on this project as soon as possible. City Staff and Cushing Terrell have reviewed the bid proposals received, and are confident that AT Klemens' bid proposal will satisfy the project's needs and recommend that the Commission award the construction contract, in the amount of \$1,407,300 to AT Klemens for the Civic Center Infrastructure Renovations Project, utilizing American Rescue Plan Act funds.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission award a contract in the amount of \$1,407,300 to AT Klemens for the Civic Center Infrastructure Renovations project utilizing American Rescue Plan Act funds, and authorize the City Manager to execute the construction contract documents.

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.

ORDINANCES/RESOLUTIONS

17. **RESOLUTION 10501, DESIGNATING THE DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT AS THE CERTIFYING OFFICIAL FOR HUD-FUNDED PROGRAMS.**

Interim Planning and Community Development Director Tom Micuda reported that this resolution is very straightforward. For every project for grant funding under the CDBG and HOME programs, the department conducts environmental reviews to make sure the project has no negative environmental impacts in the community.

Until last month, Craig Raymond was required to sign off on these reviews. Now that responsibility passes on to him. Federal law requires the governing body to pass a resolution to give him authority. Adoption of Resolution 10501 accomplishes this, and nothing else changes.

Commissioner McKenney moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10501.

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

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

Commissioner Wolff commented

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

Motion carried 5-0.

18. RESOLUTION 10487, PROVIDING WRITTEN FINDINGS DEMONSTRATING THAT THE CRITERIA ARE MET FOR USE OF GENERAL CONTRACTOR CONSTRUCTION MANAGER (GCCM) ALTERNATIVE PROJECT DELIVERY CONTRACT FOR THE LIFT STATION NO. 1 REPAIRS FOR SUPPLEMENTAL FORCE MAIN (OF 1758.1).

Public Works Director Chris Gaub reported that the existing Lift Station No. 1 (LS1) force main was constructed in 1959 to convey combined sewer flows generated in neighborhoods south and east of the Missouri River to the Wastewater Treatment Plant (WWTP) on the other side of the river. The lift station serves 6.8 square miles and delivers 3½ million gallons per day of sewage of the City's wastewater across the river to the WWTP. The lift station was upgraded in 1975 to include an influent mechanical bar screen, a second wet well and three additional high capacity pumps. These repairs and upgrades expanded wet well capacity and were necessary to convey wet weather flows.

In 1976, the existing 24" ductile iron pipe force main was constructed under emergency conditions in response to a failure of the original 1959 crossing. That 1976 pipe failure resulted in a protracted, direct and uncontrolled discharge of untreated sewage into the Missouri River. The older collection piping still experiences significant inflow filtration resulting in extreme flows during major storm events. In 2014 and 2016 significant rainfall events led to LS1 experiencing sanitary sewer overflows that discharged sewage directly into the Missouri River. A new force main crossing will provide several environmental and operational benefits including redundancy during scheduled repairs or catastrophic failure of the existing 24" ductile iron pipe. In addition, the opportunity to pump combined wastewater and inflow infiltration through duplex force mains during extreme events will help prevent sanitary sewer overflows from discharging into the Missouri River.

In 2020, the City competitively solicited proposals from qualified engineering firms to design the project through the request for proposal process. TD&H was selected to perform a feasibility study to analyze design options, evaluate potential costs, and develop an engineering design solution based on the selected alternative.

Utilizing the recommendations from the feasibility study, TD&H developed a 30% design and scoping documents. Based on the complexity of the proposed lift station repairs and installing the redundant force main underneath the river, TD&H recommended that the City utilize the General Contractor Construction Manager (GCCM) project delivery method to complete this project. The GCCM process allows for an accelerated project schedule, reduced project risk through contractor collaboration during design and allows for a negotiated total project price or guaranteed maximum price. This project meets necessary criteria to be eligible – complexity, accelerated schedule and cost savings.

The Public Works and Legal Departments support the GCCM construction contract structure. The project is a priority for the City's wastewater treatment system.

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

Staff recommends that the City Commission adopt Resolution 10487, to allow staff to initiate the RFP process to select a GCCM for this project. This will allow staff and TD&H to move forward with the GCCM selection process, complete the proposed design and construction documents in anticipation of a fall 2024 construction start date to insure the City meets the December 31, 2026 deadline to use the grant funds.

Commissioner Wolff moved, seconded by Commissioners Hinebauch and Tryon, that the City Commission adopt Resolution 10487, which provides written findings demonstrating that the criteria are met for use of an alternative project delivery contract, GCCM, for the Lift Station No. 1 Repairs and Supplemental Force Main, and authorize the City Manager to execute the documents.

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

Commissioner Tryon received clarification that this is not the first project of this size that the Commission awarded a GCCM contract.

Commissioner Wolff noted that the GCCM process was used at the college for the dental addition when she worked there. The college was able to stay on budget and on time because everyone talked about the project through completion.

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

Motion carried 5-0.

CITY COMMISSION

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly reported on this evening's Special Commission Meeting for the City Manager's evaluation and review of his contract. As a part of Manager Doyon's stellar review and long history with the City of Great Falls, the Commission extended his contract three-years, compensation increase of 3½ %, and added a 2% increase to his deferred compensation.

20. COMMISSION INITIATIVES.

None.

21. LEGISLATIVE INITIATIVES.

None.

JOURNAL OF COMMISSION PROCEEDINGS

April 4, 2023

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of April 4, 2023, at 9:18 pm.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: April 18, 2023