

# JOURNAL OF COMMISSION PROCEEDINGS

May 2, 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, and Rick Tryon. Commissioner Susan Wolff was excused. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Public Works Director Chris Gaub; Interim Planning and Community Development Director Tom Micuda; Finance Director Melissa Kinzler and Grant Administrator Tom Hazen; City Attorney David Dennis; Police Chief Jeff Newton; and City Clerk Lisa Kunz.

**AGENDA APPROVAL:** There were no proposed changes to the agenda by the City Manager or City Commission. The agenda was approved as presented.

**CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS:** None.

**PROCLAMATIONS:** Mental Health Month [May], Peace Officers' Memorial Day [May 15]/Police Week [May 14-20], 135<sup>th</sup> Anniversary of the Great Falls Area Chamber of Commerce [May], and National Preservation Month [May].

## **MILITARY UPDATES**

### **1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM MALMSTROM AIR FORCE BASE (MAFB).**

Colonel Daniel Voorhies, Vice-Commander 341<sup>st</sup> Missile Wing, provided the following updates:

- MAFB has been providing 60+ years of nuclear deterrence to keep American safe and free.
- April 4-5, 2023 Senator Jon Tester, Hon. Secretary of the Air Force Frank Kendall, Maj. Gen. Michael Lutton, and Lt. Gen. Robert Miller, Surgeon General of the U.S. Air Force, visited MAFB and talked about the U.S. Air Force plan pertaining to missile related cancer.
- A Global Thunder Readiness Exercise was held April 11-19, 2023.
- A test launch of a Minuteman III ICBM was held April 19, 2023 at Vandenberg Air Force Base.
- A Site Activation Working Group viewed MAFB facilities for possible needed power or water upgrades for the new MH-139 helicopters and Sentinel missiles.
- An on-site installation evaluation was conducted to see how MAFB handled mental health, sexual assaults, and alcohol abuse related issues.
- Congressman Ryan Zinke toured MAFB today.
- The Marines did a fly-over Great Falls as part of their cross-country training event.

# JOURNAL OF COMMISSION PROCEEDINGS

May 2, 2023

2.

## PETITIONS AND COMMUNICATIONS

**Rich Ecke**, 301 3<sup>rd</sup> Avenue North, commented that the ADA signage isn't visible enough on the south side of the building to know the only ADA entrance is on the north side of the building, and he suggested the City consider an ADA accessible entrance on the south side of the Civic Center building.

**Stella Ereaux**, City resident, commented that she works at Tamz Closet at 600 Central Avenue, and expressed parking concerns for elderly downtown patrons without a cell phone to access the Passport Parking Mobile Pay App. If all of the handicap parking spaces are full, she suggested allowing people with a handicap-parking placard 30 minutes in regular downtown parking spaces. She further expressed concerns about abandoned vehicles on Central Avenue being vandalized and/or lived in by homeless people.

## NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

## BOARDS AND COMMISSIONS

4. REAPPOINTMENT/APPOINTMENT TO THE HISTORIC PRESERVATION ADVISORY COMMISSION.

**Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission reappoint Ken Robison and appoint Channing Hartelius to the Historic Preservation Advisory Commission for three-year terms through April 30, 2026.**

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 noted that two excellent applications were received.

Commissioner McKenney also noted that both applicants were highly qualified. Without having a recommendation from the History Preservation Advisory Commission, he suggested making the reappointment now and that the Commission interview the other two applicants and make a decision later.

Commissioner Tryon commented that he was not in favor of the City Commission conducting interviews for advisory boards and setting that precedent. He suggested the Historic Preservation Advisory Commission interview the applicants and make a recommendation to the City Commission.

Mayor Kelly concurred with Commissioner Tryon. The applications are sufficient and thorough. The applications are kept on file for future openings. He also encouraged applicants to apply for other advisory boards.

**JOURNAL OF COMMISSION PROCEEDINGS**

**May 2, 2023**

Mayor Kelly called for the vote.

Motion carried 4-0.

**5. APPOINTMENT TO THE AUDIT COMMITTEE.**

**Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission appoint Jeff Heibel to the Audit Committee to fill a private citizen position for a three-year term through June 30, 2024.**

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

Commissioner McKenney commented that applicant Heibel has a great mix of financial experience and this is not his first time being a community volunteer.

Mayor Kelly called for the vote.

Motion carried 4-0.

**6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**CITY MANAGER**

**7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported the following updates:

- The Downtown Development Partnership (DDP) received the 2023 Main Street America accreditation. The DDP had about 40,000 volunteer hours in the downtown to support efforts on the main street; over \$13 million invested in renovating and rehabbing buildings and \$225,000 in public investment; and eight new businesses creating approximately 45 new jobs.
- Public Works Engineer Mark Juras was appointed as the City's Development Review Coordinator. He will be the key link between the Public Works and Planning Departments in order to make sure public infrastructure work is done according to City Codes and in a timely and responsive manner.
- Public Works snow operations have ceased for the season. Great Falls received 96" of snowfall this past season. The average snowfall is 63 inches.
- Planning and Community Development announced that Kayla Kryzsko passed the permit technician certification test, and Kyle Anderson passed the commercial building inspector test and plans examiner course.
- The Planning and Community Development Director applicant that was interviewed has withdrawn her application. Additional applications will be reviewed and one interview has been scheduled.

## JOURNAL OF COMMISSION PROCEEDINGS

May 2, 2023

- City Attorney David Dennis provided elected officials and staff with a Memo that has restrictions and obligations related to what elected officials and staff can and cannot do relating to the public safety levy. Montana law restricts what City employees and officials can do and say related to a ballot issue when it is on public time and when using public resources. The communication City employees and officials can exercise is education-based. That does not mean employees and officials lose their First Amendment rights when on their own time or using their own resources. The City is required to report certain time and resources during this process to the Commissioner of Political Practices.

The Wendt Agency has been performing data collection in order to generate that information back to the voters. A new webpage will be developed and launched in the coming weeks and at least one town hall meeting will be scheduled in June. Asking taxpayers to pay more is a tough proposition. The City's obligation to the residents is to provide them with solid information to make well-informed decisions when they receive their ballot. There will be many educational opportunities and access points on the horizon for residents to review information and data to decide for themselves, including Q&A on the website and in-person presentations.

Manager Doyon acknowledged that he knows this process can be frustrating to taxpayers, in part because of some of the laws and rules mentioned, but also that there is so much information to sort through. That is why the City retained a firm to help educate the public because of the broadness and the scope of questions voters will be asked. A complicated part of the discussion will be the public finance piece.

- Manager Doyon reported on his last session of Leadership Montana in Havre. The top issues in all of the communities they visited were housing, workforce, mental health and drugs. It is a great program and he will be encouraging certain staff to apply to be admitted into the program.

### **CONSENT AGENDA.**

8. Minutes, April 18, 2023, City Commission Meeting.
9. Total Expenditures of \$2,700,461 for the period of April 1, 2023 through April 19, 2023, to include claims over \$25,000, in the amount of \$2,271,507.
10. Contracts List.

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

## JOURNAL OF COMMISSION PROCEEDINGS

May 2, 2023

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 4-0.

### PUBLIC HEARINGS

#### 11. CDBG AND HOME PROGRAM 2023 ANNUAL ACTION PLAN.

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

Interim Planning and Community Development Director Tom Micuda reported that, because Great Falls is an entitlement community that receives CDBG and HOME program funds, it is required that an Annual Action Plan be adopted for the upcoming fiscal year. He anticipates the City will receive approximately \$782,000 in CDBG funding and \$299,318 in HOME program funding that goes a long way in helping our community.

After 5 years of taking applications all year round, the City went back to a grant application cycle for CDBG projects making it more predictable in terms of the funds in their account. The priorities are consistent with past plans of 1) funding for Public Service agencies that provide direct service to low/moderate income residents, 2) Affordable Housing, 3) Housing Rehabilitation (through the loan program), 4) Fair Housing, 5) Economic Development for low/moderate income jobs, 6) Public Facilities and Improvements (parks, transportation, public safety), and 7) Program Administration (how staff is paid to operate the program). A new priority is slum and blight removal.

Three projects are included in the Annual Action Plan: 1) a sidewalk and ADA ramp project submitted by Public Works for Carter Park, 2) public service funding proposal submitted by YWCA for a childcare center, and 3) the Peace Place project to expand childcare operation in their new location.

Another project from the Boys and Girls Club (summer childcare program) can be funded in the current program year and the Commission approved the funding agreement this evening.

To get to this point, there was a very extensive public involvement process. A Needs Hearing was conducted last year wherein priorities were identified, the Action Plan was noticed for comment and was included on the Commission's last meeting agenda.

Interim Director Micuda believes that all of the public comments have been addressed. If the Commission supports the Annual Action Plan as staff does, the next action will be to send the Plan to HUD.

Mayor Kelly asked if the Commissioners had any questions of staff. No one responded.

## JOURNAL OF COMMISSION PROCEEDINGS

May 2, 2023

Mayor Kelly asked if there were any comments from the public in support of the CDBG and HOME Program 2023 Annual Action Plan.

**KC Beall**, Peace Place, 1315 Central Avenue, supports the CDBG funding. Peace Place does great things, and award of funds will allow Peace Place to serve even more children and families in the community. The Commission's support of their programs is a huge affirmation to children with special needs who are underserved in our community.

**Louisa Libertelli-Dunn**, Peace Place, 1315 Central Avenue, reported the underserved population consists of 43% of children in this country that live in trauma, one out of 36 children that have autism, and one in four families that have a child with a severe medical need. Peace Place provides free quality respite care to families because they have enough burden on their plates. A goal this year is to create a reverse inclusion classroom for preschoolers.

**Shyla Patera**, North Central Independent Living Services (NCILS), submitted written comments in support of accessible, universally designed housing. NCILS also advocates for accessible sidewalks and transportation. She encouraged applicants for CDBG/HOME funds to incorporate mobility and sensory accessibility as well as ideas that advance program accessibility in the community.

No one spoke in opposition to the of the CDBG and HOME Program 2023 Annual Action Plan.

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

**Commissioner Hinebauch moved, seconded by Commissioner McKenney, that the City Commission approve the CDBG and HOME Program 2023 Annual Action Plan.**

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

Commissioner McKenney commented that seven applications received from a community with 60,000 people seems like a low number to him. He inquired about community outreach.

Interim Director Micuda responded that seven is a lower number than what was previously received during the year-round process. He believes it is a lower number because of increasing awareness and dropping the facility improvement project application that public agencies were having a difficult time executing due to the tremendous amount of know-how navigating prevailing wage rates, Davis Bacon and HUD requirements. The focus is on service related projects that are easier for those agencies to do, and they seek other funds for facility improvements.

Commissioner McKenney inquired if there was a lack of knowledge or if staff could do a better job at outreach.

Interim Director Micuda responded that it is largely due to the 15% public service agency cap and amount of money the City can grant. The agencies tend to not compete with each other and the City ends up funding newer programs and newer services as opposed to agencies that are trying to make budgets work.

## JOURNAL OF COMMISSION PROCEEDINGS

May 2, 2023

Commissioner Tryon commented he was happy to see the funding for childcare and kids in the community. He inquired if Peace Place also received ARPA funding and, if so, was that taken into consideration by the review committee and was responded to in the affirmative.

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

Motion carried 4-0.

**OLD BUSINESS**

**NEW BUSINESS**

### 12. AUDIT COMMITTEE CHARTER.

Finance Director Melissa Kinzler reported that the original audit committee and charter was created and approved by the City Commission on October 6, 1992. The size of the audit committee was increased from five members to six members to include one private citizen on May 17, 2016. The Audit Committee consists of the Mayor, the City Manager, the Finance Director and two Private Citizens. Since the charter had not been updated since 1992, the Audit Committee suggested that the charter be reviewed and updated. At the April 12, 2023 meeting, the charter of the audit committee was reviewed and updated by the Audit Committee.

The Audit Committee recommends City Commission approval of the recommended changes to the Audit Committee Charter.

**Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission approve the updated Audit Committee Charter.**

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.

### 13. MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AMERICA RESCUE PLAN ACT GRANT AGREEMENT (OF 1779.0)

Grant Administrator Tom Hazen reported that the Downtown Great Falls area has experienced several flooding events in the last 10-years due to condensed periods of high intensity rainfall. Recent examples occurred in June and July of 2019 when downpours overwhelmed the capacity of the downtown storm water drainage system. Most noteworthy was the August 9, 2016 flooding that resulted in significant business interruptions and substantial repair costs for numerous downtown institutions.

The City of Great Falls contracted with Great West Engineering in May 2020 to conduct a basin study of the downtown storm water drainage system. Great West assessed the existing infrastructure to identify improvements tailored to the reduction of future flooding events. The study, which was finalized in December 2020, formed the development of Public Works Central Drainage project. The

## JOURNAL OF COMMISSION PROCEEDINGS

May 2, 2023

project will increase the capacity of underground pipes, add drainage inlets, and other needs identified to better convey storm water to the Missouri River. The total estimated budget of the project is \$8,500,000.00. The project was identified in the Public Works Capital Improvement Program and included in the FY 2023 budget under the storm drain utility enterprise fund.

Public Works began identifying funding sources that would reduce the impact on the City Storm Water fund. American Rescue Act (ARPA) funds were identified as a potential funding source early on. The State of Montana received approximately \$2 billion dollars from the United States Government through ARPA and initiated a two-round competitive grant program to award \$249 million dollars to eligible water and sewer infrastructure projects throughout the state. The Central Drainage project was one of four Great Falls applications submitted for the second round of consideration. After scoring, the Central Drainage project was ranked 20<sup>th</sup> out of about 170 applications and the City was awarded \$1,864,600.00.

After receiving notice of the award from the State, Public Works elected to use Minimum Allocation Grant (MAG) funds to satisfy the local contribution, or match, required by the Competitive Grant award. The MAG program utilized established formulas to allocate a fixed amount of ARPA funding to communities throughout Montana. Great Falls received \$8,505,069.00 in MAG funding. An application to use MAG in conjunction with the competitive award was prepared, submitted, and approved by the state. The resulting agreement is what is being discussed this evening.

Public Works also cooperated with the Planning and Community Development Department to secure \$2,500,000 in Tax Increment Financing (TIF) funding. In summary, Public Works secured the following funding: \$1,864,600 in ARPA funded Montana State Competitive Grants, \$1,864,600 in ARPA funded Montana Minimum Allocation Grants, and \$2,500,000 in Tax Increment Financing funds. Phases 1, 2, 3, and a significant portion of Phase 4 will be paid for utilizing these funds. In total, \$6,229,200.00 of the project cost will be funded without utilizing utility revenues.

The Central Drainage Project was developed and implemented to prevent flooding from causing future business interruptions and repair costs. Public Works has identified alternative sources for 73% of the total project cost. Commission ratification of the agreement in question is the final step in securing those funds and minimizing the impact on City resources.

**Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission approve ratification of the Montana Department of Natural Resources and Conservation Grant Agreement to fund the City of Great Falls Central Avenue/3<sup>rd</sup> Street Drainage Improvements project for a total of \$3,729,200 in American Rescue Plan Act funds distributed by the State of Montana through programs implemented by House Bill 632.**

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

**Christian Leinhauser**, Downtown Business Development Officer on behalf of the Great Falls Development Authority, commented in support of this project. He thanked the Commission and City staff for their continued support of the downtown and the revitalization efforts that have been going on the past decade. Having and taking care of the beautiful buildings downtown is great for attracting new businesses, restaurants, and investors. In 2022, there was \$13.1 million dollars in development



**JOURNAL OF COMMISSION PROCEEDINGS**

**May 2, 2023**

downtown. This investment of renovation and rehabbing downtown is the highest dollar amount since data was collected beginning in 2011.

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

Commissioner McKenney inquired what was meant by 73% of the funding for the project was secured before utilizing utility revenues received from Great Falls resident.

Grant Administrator Hazen clarified that the project would have been paid for out of the storm water enterprise utility fund that is funded by revenues received for that fund. Approval of the item under consideration limits the impact on the storm water enterprise utility fund and allows those funds to be disbursed to other projects. It increases the impact of that utility fund without asking any more of the resident ratepayers of Great Falls.

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

Motion carried 4-0.

**ORDINANCES/RESOLUTIONS**

**CITY COMMISSION**

**14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**15. COMMISSION INITIATIVES.**

None.

**16. LEGISLATIVE INITIATIVES.**

None.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of May 2, 2023, at 8:18 pm.**

Motion carried 4-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

**Minutes Approved: May 16, 2023**