**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; Public Works Director Chris Gaub; Interim Planning and Community Development Director Tom Micuda; Finance Director Melissa Kinzler; 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 the agenda was revised after original posting to move agenda item 17 to item 14 under public hearings. He also requested that agenda item 9 be removed from the consent agenda for separate discussion. There were no proposed changes to the revised agenda by the City Commission. The revised agenda was approved as presented.

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

**PROCLAMATIONS**: National Public Works Week [May 21-27, 2023].

#### **COMMUNITY INITIATIVES**

#### 1. COMMUNITY HEALTH UPDATE FROM CITY COUNTY HEALTH DEPARTMENT.

City County Health Officer Abigail Hill provided the following Health Department updates:

- Averaging 7-21 cases of Covid, 2-3 cases of Influenza, and 0-1 cases of RSV each week
- The Health Department is offering the Bivalent vaccine for people 65 years of age or older or who are immunocompromised
- A flu shot clinic was held at the Health Department last week
- A drive-through Covid-19 and flu shot clinic is scheduled for September 20, 2023 at the Expo Park, and walk-ins for September 27, 2023 at the Health Department
- The Federal Public Health Emergency for Covid-19 has ended and impacts the data that the CDC is collecting. Providers in Montana still have to report positive cases, hospitalizations and deaths at the State level
- The vaccine will remain federally supplied and free through the state and federal governments until it is commercialized
- Due to higher case numbers, the State is putting together more symposiums on syphilis
- The City County Health Department and Alliance for Yourth have been conducting presentations on opioid education and Narcan administration throughout Cascade County, the Rescue Mission, Library and the University of Providence

- Dolly Parton's Imagination Library project kicked off. So far, there are close to 1000 kids that signed up to receive one book per month until the age of five
- A CNA was hired that will be helping the nurse practitioner
- A Health Alert Network message was received today about an increase in Mpox detected around the world and United States. Montana has had seven cases between last August and October
- The Community Health Improvement Plan and the Community Health Assessment is posted on the Health Department website that highlights priority areas of preventing child abuse and neglect, access to health care, substance misuse, and healthy weight

#### 2. PETITIONS AND COMMUNICATIONS

**Jacob Bachmeier**, City resident, suggested the City Commission review and make changes to City Code pertaining to campaign signs before the upcoming election cycle. The current code allows campaign signs to be up no earlier than 60 days prior to an election and requires that signs be taken down within seven days following an election. The United States Supreme Court ruled that the display of political and other types of signs on residential property is a unique, important and protected means of communication, and a Federal Court ruled that signs could stay in yards with no limit on number or duration.

**Ben Forsyth**, City resident, commented that he spent the last 10-years studying scientifically proven facts about marijuana and its benefits and its harms. He suggested the Commission might benefit by allowing him to establish a small library for their use to help them arrive at decisions that are beneficial to the health, safety and welfare of citizens as established by City Code 17.4.050.

**Sandy Rice**, Member of Friends of the Great Falls Public Library, urged everyone to attend the annual book sale Thursday through Saturday on the third floor of the Library. One of the things the annual sale funds for the Library is the three, free 30-minute parking spaces in front of the Library.

**Nancy Donovan**, City resident, expressed concern about the leadership of the Library, drag queen story hour and pornographic books aimed at children, mill levy additional funding to hire a social worker and creating a space for the transient population. She further expressed concern about the Library engaging in politics and undermining the public's confidence in the newly elected Clerk and Recorder. If the Library continues to act politically, she recommended that the position of head librarian be made an elected position.

**Keith Duncan**, City resident, Representing Liberty and Values MT, submitted a citizens petition demanding that the Great Falls Public Library immediately suspend the distribution of sexually explicit and pornographic material to children and underage youth without parental consent. He was disappointed there was not an agenda item addressing the legal action the Library Board has taken against the County and its lected officials. He referred to the Library Board as "rogue" and inquired why this board is not using the resources of the City and County Attorneys. He inquired whom pro bono Library attorney Mr. Graybill is working for. He suggested the City and County immediately recall the entire Library Board and start over.

**Jeni Dodd**, City resident, read a prepared statement regarding her concerns about what appeared to be illegalities in the operation and funding of the Great Falls Public Library. She referred to City Code and a 1993 agreement between the City and the Library and opined the Library Board unlawfully secured outside legal representation. She also questioned the legality of an agreement with the Library for seven mills without a City Commission or public vote. Ms. Dodd concluded that HB 234 clarified that public libraries and schools could be found guilty of violating Montana obscenity law §45-8-201, and requested the immediate removal of all materials available to minors that violate Montana's obscenity laws.

#### **NEIGHBORHOOD COUNCILS**

#### 3. <u>MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.</u>

None.

#### **BOARDS AND COMMISSIONS**

#### 4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

#### **CITY MANAGER**

#### 5. <u>MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.</u>

City Manager Greg Doyon reported the following updates:

- Jessica Compton was introduced and welcomed as the new Park and Recreation Deputy Director.
- The scaffolding in front of the Civic Center will be removed the week of May 18, 2023. Work at the Civic Center will shift to the north side of the building. Eventually, the front stairs will be replaced. The pillars are also being checked for structural integrity.
- Lonnie Hill was promoted to Planner III in the Planning and Community Development Department. He is also in the emerging leader program. He will be overseeing and managing the workload of the planners in the department.
- An Open House is scheduled for May 22, 2023, 4:00-6:00 pm, to take community input on the Long Range Transportation Plan.
- On May 25, 2023 at 5:30 pm, the Historic Preservation Advisory Commission will hold its annual awards ceremony to recognize preservation efforts in the City and the County.
- Condolences were expressed to the family of Joe Cik, a former Assistant City Attorney, who passed away in late April.

#### **CONSENT AGENDA.**

\*Mayor Kelly noted that Consent Agenda Item 9 was pulled for separate discussion.

- **6.** Minutes, May 2, 2023, City Commission Meeting.
- 7. Total Expenditures of \$2,599,252 for the period of April 20, 2023 through May 3, 2023, to include claims over \$25,000, in the amount of \$1,962,949.
- **8.** Approve the purchase of one new 548 Peterbilt tandem axle roll-off cab & chassis from Jackson Group Peterbilt of Missoula, through Sourcewell, formerly known as NJPA, for a total of \$232,248.
- \*9. Approve the annual bid award for asphaltic concrete material to Great Falls Sand & Gravel, Inc. of Great Falls for \$984,650.
- 10. Approve Amendment No. 1 to Professional Services Agreement with LPW Architecture to include asbestos testing in the Scope of Services and increasing payment \$1,000 for the Park & Recreation Administration Building Restroom project, utilizing American Rescue Plan Act funds. **OF 1810.0**

Commissioner Tryon moved, seconded by Commissioner McKenney, 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 4-0.

#### \*9. ANNUAL BID AWARD FOR ASPHALTIC CONCERETE MATERIAL.

Public Works Director Chris Gaub reported that this request was for annual asphalt material. After seeing this product in performance and other reviews, it is not what the department is looking for. The item will come back before the Commission later in August.

Commissioner Hinebauch moved, seconded by Commissioner McKenney, that the City Commission not approve the bid award for asphaltic concrete material to Great Falls Sand & Gravel, Inc. of Great Falls for \$984,650.

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 requested additional background information.

Director Gaub reported that the State has a new mix standard that gets into the technicalities of gradation. City staff does not believe it is the best product to provide for our citizens. When there is not a smooth gradation from big to small, asphalt cannot interlock as tightly and is not as strong. In the long term interests of the streets for citizens and the pride in the work the Street Division does, staff is recommending not using this standard and going with the existing standard. The City will probably come up with a City standard going forward.

Commissioner McKenney agreed with delaying a bid award, but inquired when the City would move forward.

Director Gaub responded the specifications would go out in June. He added there would be no interruption in asphalt material for street construction and repair.

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

Motion carried 4-0.

#### **PUBLIC HEARINGS**

### 11. RESOLUTION 10498, ESTABLISHING RESIDENTIAL AND COMMERCIAL WATER, SEWER, AND STORM DRAIN UTILITY SERVICE RATES EFFECTIVE JUNE 1, 2023.

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

Public Works Director Chris Gaub reported that staff is recommending a rate increase in water and sewer utility rates to continue to responsibly operate, maintain and reinvest in the cCty's utility system. The average residential rate for water, sewer and storm drain would increase by \$4.88 per month, and commercial rates on average would increase \$14.31 per month. Great Falls will remain at a price point significantly lower than other larger Montana cities. Additionally, inflation and the electric rate increase of 200% is hitting the City very hard. To summarize, \$2.5 million in additional revenue is being requested for the year. Of that amount, \$1.44 million is needed just to cover the increased electric bill. The Department has a lot of capital investments to keep the system reliable for customers, and these investments are in line with industry targets.

There has been zero rate increases for the last three years. The City was mindful during the Covid pandemic to be fiscally conscious of its customers. The time has come to where rates need to increase to facilitate the services the City provides to its customers.

Public Works Utilities System Manager Jake McKenna reviewed and discussed PowerPoint slides 1-21 and Water Plant Manager Jason Fladland reviewed and discussed PowerPoint slides 22-34:



#### PROPOSED RATE ADOPTION SCHEDULE

- ✓ April 4, 2023 City Commission sets Public Hearing Date
- ✓ Public Notices will be published three times
- ✓ Individual Customer Notices will be mailed
- May 16, 2023 Public Hearing at City Commission Meeting
- June 1, 2023 proposed rates take effect after City Commission adoption

#### **MAJOR COST DRIVERS**

- Electricity: Rates Increased by 200%
- Inflation: double digits
- "We have not experienced a level of inflation like this in 40-45 years. It's a completely different environment,"
  - Chris Goodman, professor of public administration, expert in municipal finance at Northern Illinois University
- No rate increases in last 3 budget years in order to ease impacts of COVID

#### AVERAGE MONTHLY UTILITY BILL CITY OF GREAT FALLS (PROPOSED 10% INCREASE)

- Residential: average utility bill would increase \$4.88 (10%)
- Average water bill increase \$1.83 (10%) from \$18.35 to \$20.18 per month
- Average sewer bill increase \$2.39 (10%) from \$23.90 to \$26.29 per month
- Average storm drain bill increase \$.66 (10%) from \$6.60 to \$7.26 per month
- Commercial: average monthly utility bill increase \$14.31(10%)
- Average water bill increase \$5.74 (10%), from \$57.47 to \$63.21 per month
- Average sewer bill increase \$7.62 (10%) from \$76.22 to \$83.84 per month
- Average storm drain bill increase \$.95 (10%) from \$9.45 to \$10.40 per month

#### 2023 CITY COMPARISON RESIDENTIAL Monthly water and sewer charges based on 3/4" meter, 600 cf water, 600 cf sewer Missoula \$37.50 \$17.95 \$55.45 Kalispell Bozeman \$35.37 \$39.26 \$74.63 \$28.50 \$29.60 \$29.77 \$59.37 \$31.73 \$69.26 \$18.35 \$23.90 \$42.25 Great Falls (Current)

Year	Water	Total %	Sewer	Total %	Storm	Total	Total \$	Total %	Tatal
	bill	incr.	bill	incr.	drain bill	% Incr	Incr	incr	avgbill
2012	\$13.55	5%	\$19.54	10%	\$4.27	0%	\$3.15	6%	\$37.36
2013	\$14.23	5%	\$21.49	10%	\$4.27	0%	\$3.44	7.0%	\$39.99
2014	\$14.93	5%	\$21.49	0%	\$4.27	0%	\$1.42	1.8%	\$40.69
2015	\$15.97	7%	\$22.12	3%	\$4.70	10%	\$3.22	5.2%	\$42.79
2016	\$17.59	10%	\$22.78	3%	\$5.17	10%	\$4.40	6.4%	\$45.54
2017	\$19.35	10%	\$23.49	3%	\$5.69	10%	\$4.79	6.6%	\$48.53
2018	\$17.64	-9%	\$23.72	1%	\$6.26	10%	\$0.91	-1.9%	\$47.62
2019	\$18.35	4%	\$23.90	1%	\$6.60	5%	\$1.21	2.6%	\$48.85
2020	\$18.35	0%	\$23.90	0%	\$6.60	0%	\$0.00	0.0%	\$48.85
2021	\$18.35	0%	\$23.90	0%	\$6.60	0%	\$0.00	0.0%	\$48.85
2022	\$18.35	0%	\$23.90	0%	\$6.60	0%	\$0.00	0.0%	\$48.85
2023	\$20.18	10%	\$26.30	10%	\$7.26	10%	\$4.88	10.0%	\$53.74

2023 CITY COMPARISON COMMERCIAL Monthly water and sower changes based on: 1° meter, 2,400 cf water, 2,400 cf sewer						
City	2023 Water Rate	2023 Sewer Rate	Total			
Missoula	\$89.85	\$50.10	\$139.95			
Kalispell	\$66.59	\$158.91	\$225.50			
Bozeman	\$85.38	\$117.99	\$203.37			
Butte	\$91.86	\$73.30	\$165.16			
Helena	\$113.56	\$117.49	\$231.05			
Billings	\$88.51	\$130.92	\$219.43			
Great Falls (Current)	\$57.47	\$76.22	\$133.69			
Great Falls(Proposed)	\$63.19	\$83.84	\$147.03			
			6			

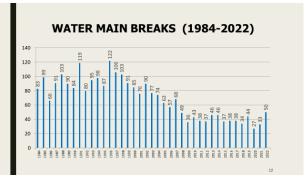
Year	Water	Total %	Sewer	Total % inc.	Storm drain bill	Total % inc.	Total \$ inc.	Total % inc.	Total avg. bill
2012	\$36.37	5%	\$60.01	10%	\$6.14	0%	\$3.15	6%	\$102.52
2013	\$38.09	5%	\$66.01	10%	\$6.14	0%	\$3.44	7.5%	\$110.24
2014	\$40.07	5%	\$66.01	0%	\$6.14	0%	\$1.42	1.8%	\$112.22
2015	\$42.90	7%	\$67.93	3%	\$6.75	10%	\$3.22	4.8%	\$117.58
2016	\$47.17	10%	\$70.09	3%	\$7.42	10%	\$4.40	6.0%	\$124.68
2017	\$51.74	10%	\$72.03	3%	\$8.18	10%	\$4.79	5.8%	\$131.95
2018	\$54.46	5%	\$74.12	3%	\$9.00	10%	\$0.91	4.3%	\$137.58
2019	\$57.47	6%	\$76.22	3%	\$9.45	5%	\$1.21	4.0%	\$143.14
2020	\$57.47	0%	\$76.22	0%	\$9.45	0%	\$0.00	0.0%	\$143.14
2021	\$57.47	0%	\$76.22	0%	\$9.45	0%	\$0.00	0.0%	\$143.14
2022	\$57.47	0%	\$76.22	0%	\$9.45	0%	\$0.00	0.0%	\$143.14
2023	\$63.21	10%	\$83.84	10%	\$10.40	10%	\$4.88	10.0%	\$157.45

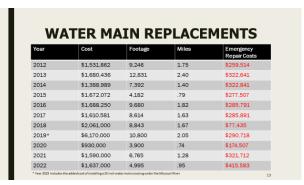
#### UTILITIES SERVICE CONNECTIONS

	Residential	Commercial			
Water	19,888	2,672			
Sewer	19.724	2,602			
Storm Drain	19.900	2,789			
Water Mains – 328 Miles Sanitary Sewer Mains – 255 Miles Storm Mains – 128 Miles Utilities staff repairs and maintains					

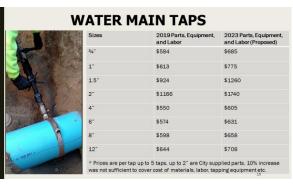
# WATER DISTRIBUTION

# EMERGENCY WATER MAIN REPAIRS





Material	2019 cost (\$)	2023 cost (\$)
3/4" Corp Stop (water main to service line valve)	\$57.59	\$93.45 (62%)
1" Corp Stop (water main to service line valve	\$71.77	\$132.59 (84%) <b>*</b>
¾ Water Meter	\$198.78	\$214.89 (8%)
1" Water Meter	\$253.43	\$282.85 (11%)*
Radio antenna for water meter	\$159.47	\$189.50 (18%)
7' Fire Hydrant Assembly	\$1917.00	\$3568.27 (86%)*
	Sunsus SR-II	





#### WASTEWATER UTILITY SYSTEM



#### SANITARY SEWER COLLECTION REHAB AND REPLACEMENT

Year	Cost	Footage	Miles	Emergency repair Cost
2012	\$1,223,120	14,760	2.80	\$66,846
2013	\$380,000	13,400	2.54	\$47,815
2014	\$373,617	13,882	2.63	\$23,925
2015	\$448,384	11,574	2.19	\$156,076
2016	\$580,775	15,699	2.97	\$109,287
2017	\$528,000	12,789	2.42	\$17,000
2018	\$1,792,690	22,741	4.31	\$95,000
2019	\$360,728	12,604	2.38	\$19,687
2020	\$830,711	11,782	2.23	\$18,519
2021	\$764,666	12,962	2.45	\$64,776
2022	\$856,914	13,804	2.61	\$35,691

#### **Future Sewer Capital Needs**

- Sewer lining phase 23-28 (\$5.9M FY23-27)
- Lift station # 1 upgrades and Missouri River force main crossing (\$7.8M FY23-24)
- Manhole rehab phase 7-11 (\$500,00 FY23-27)
- 6<sup>th</sup> St and 3<sup>rd</sup> St rehab of 48" and 30" main trunk lines FY23-27

#### STORM DRAIN SYSTEM







#### **FUTURE STORM DRAIN NEEDS**

- NW Great Falls & Northwest bypass (\$450,000 FY23)
- South Great Falls storm drain improvements (\$600,000 FY24)
- Valeria way phase III rehab of old main (lining) (\$600,000 FY23)
- Central Ave and 3<sup>rd</sup> St drainage construction phase I-IV(\$8.3M FY23-25)
- 5<sup>th</sup> St and 12<sup>th</sup> Ave S drainage improvements (\$1.8M FY26)

#### **5 YEAR COMPLETED PROJECTS**

■ Filtration Improvements Phase 1 (\$4.3M)



#### GORE HILL WATER TANK REPLACEMENT









#### **FUTURE PRIORITY CAPITAL NEEDS**

- 33rd St water storage tank rehab (\$3M FY23) or replacement (\$12M FY 24) Tank has exposed rebar and concrete degradation.
- Secondary east zone booster station and tank (\$2.2M FY26-27)
- Filtration improvements phase 3 (\$3.5M FY27)
- High/Low service pump upgrades (\$5.5M FY 25-27)
- Head house structural improvements (\$2.3M FY 25-26)
- Emergency power supply (\$3.6M FY26)



#### **5 YEAR COMPLETED PROJECTS**

Dissolved Air Flotation Thickeners (\$1.2M)





#### SEPTIC RECEIVING STATION IMPROVEMENTS (\$430,000)



#### **WWTP IMPROVEMENTS**





HVAC repairs on solids building (\$1.1M)

WWTP Final Clarifier Rehabilitation(\$4.3M)

#### **ONGOING PROJECTS**

- Lift station # 1 upgrades and Missouri River force main crossing (\$7.8M FY23-24)
- Final clarifier No. 1 & No. 2 rehabilitation (\$3M FY23)
- Solids building HVAC improvements(\$1.1M FY23-24)
- Westside pump station bar screen improvements (\$1.5M FY23-24)





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

Mayor Kelly asked if there were any comments from the public in support of Resolution 10498.

Ben Forsyth, City resident, discussed State standards for raising recreational marijuana indoors. Indoor marijuana cultivation creates massive amounts of damage to the environment. The average marijuana plant uses six gallons of water per day and massive amounts of electricity that drive up the carbon footprint tremendously. Plants require the soil to be changed regularly for proper generation and maximum production. Marijuana plants are very productive based on agricultural chemicals that farmers cannot use because they are harmful under certain conditions to people. The soil and water downstream that contains these chemicals can affect people elsewhere. He asked the Commission to consider this information in the future if it decides to legalize recreational marijuana in the City of Great Falls.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10498.

Written comments in opposition to the proposed utility rate increases set forth in Resolution 10498 were received from Mark Bell, Hillary Christiansen, and Tyler Gunderson.

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

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10498 establishing residential and commercial water, sewer, and storm drain utility service rates effective June 1, 2023.

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

Commissioner McKenney commented that this is a small increase considering rates have not been raised going on four years and Great Falls' rates are lower than any other community. He inquired if Great Falls was keeping up with maintenance.

Director Gaub responded that there are different costs that go with getting surface water out of the Missouri River versus getting water out of reservoirs up in mountain ranges, and the cost of living is different in other areas. Great Falls is in the industry target range of 2%-4% per year for capital investments. Another focus is redundancy in the services provided to citizens.

Commissioner McKenney commented the bottom line answer is Great Falls is keeping up with preventative maintenance. He inquired if surprise expenses were anticipated down the road because we were too cautious on rates.

City Manager Greg Doyon responded that the City is at the control of a lot of different factors and to keep in mind the external impact of the EPA and DEQ regulations that drives a lot of the expense. One area that is going to be a challenge is the heavily regulated nutrient standards before discharging water back in the Missouri.

He continued that most departments operate on a pretty thin line. Staff does not like to go without a rate increase as there are typically additional costs and long-term capital projects that need to be funded. Much of what the Commission heard about tonight was long-term capital investment to make sure that those facilities keep running.

Manager Doyon concluded that he wants to make sure that our rate structure is such that the City can pay outright with either cash or debt service for those improvements that need to be made in part because of old age of the facilities or external requirements.

Commissioner Tryon inquired if the City sells water to Black Eagle and if Black Eagle residents pay a flat rate of \$35/month.

City Manager Doyon responded that there was an agreement that predates most of us here as to providing service to Black Eagle. Black Eagle is impacted by the rates when adjusted by the Commission. He will do more investigation regarding the flat rate and get back to the Commission.

Commissioner Tryon noted that he does not like raising utility rates, and does not like paying them any more than anybody else does. What he likes more is being able to turn on his tap and have fresh, clean water in abundance. He also likes to walk down the streets of Great Falls without it being flooded with sewage and storm water. Unfortunately, we have to pay for these things due to the high inflation rates and astronomical increase in costs to maintain the public infrastructure. Next to public safety, public infrastructure is the most important thing the City does.

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

Motion carried 4-0.

## 12. <u>RESOLUTION 10503, CONDITIONAL USE PERMIT FOR A "TWO-FAMILY RESIDENCE" USE UPON THE PROPERTY ADDRESSED AS 727 4<sup>TH</sup> AVENUE NORTH.</u>

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 Resolution 10503 is a request for a Conditional Use Permit to establish a second dwelling unit on a property addressed as 727 4<sup>th</sup> Avenue North. The property is located in the Northside Residential National Register Historic District. The house, which is on the Avenue, is one of the more historic homes in Great Falls – constructed in 1897.

In the back of the house is the carriage house, which has been renovated into a garage with office space on the second floor. The owner wants to convert the second floor space to a second dwelling unit, which requires the Conditional Use Permit. The yard is beautiful. The carriage house is easily convertible. There is parking in the garage and two spaces can be easily added along the alley. The area is zoned R-9 and mixed in density and use.

Neighborhood Council #7 and the Planning Advisory Board supports the project. Staff also recommends that the Commission approve the project after conducting a public hearing.

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

Mayor Kelly asked if there were any comments from the public in support of Resolution 10498.

**Jane Weber**, City resident, commented that she lives in the neighborhood, is familiar with the home and the carriage house that had been used for residents in the past. She and her husband support this request.

Written comments in support of Resolution 10503 was received from **Christian and Greg Madson**, 709 4<sup>th</sup> Avenue North, expressing no reservations regarding the land use for a two-family residence.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10498.

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

Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission adopt Resolution 10503 subject to the applicant fulfilling the listed Conditions of Approval.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

13. RESOLUTION 10505, APPROVING A REQUEST FROM THE CITY OF GREAT FALLS PUBLIC WORKS DEPARTMENT TO USE DOWNTOWN URBAN RENEWAL TAX INCREMENT FINANCING (TIF) FUNDS FOR A DOWNTOWN STORM WATER DRAINAGE IMPROVEMENT PROJECT IN THE AMOUNT OF UP TO \$18,000.

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 Resolution 10505 is a request from the City's Public Works Department to expend \$18,000 from the City's Downtown TIF fund to address a persistent flooding problem on 1<sup>st</sup> Alley North.

Due to shade from taller buildings and the flatness of this alley, there is no good way to drain water in this alley, which is located between 4<sup>th</sup> and 5<sup>th</sup> Streets. As a result, the basements in the Johnson Building and Kaufman's flood during large rain events.

This issue will be addressed with the installation of a new inlet in the alley that will be connected into the City's storm drain system. If funded, the work would begin this summer and be completed this year.

The project was presented to the Downtown Development Partnership (DDP) on April 26, 2023. Staff and the DDP recommend adoption of this Resolution.

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

Mayor Kelly asked if there were any comments from the public in support of Resolution 10505.

**Jolene Schalper**, Great Falls Development Authority (GFDA), commented that GFDA is in favor of the use of TIF funds as these TIF funds are generated by the businesses in this district. GFDA sees this as a great way for the City to collaborate with those businesses to address an ongoing issue that needs to be addressed.

Written comments in support of Resolution 10505 was received from **Kellie Pierce**, Business Improvement District/Downtown Great Falls Association, 318 Central Avenue, urging Commission approval to address the storm drainage issues causing significant property damage to historic buildings.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10505.

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

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10505.

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

Commissioner McKenney commented that investing in an area that is dilapidated and is being rejuvenated is a perfect example of what TIF funds are for.

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

Motion carried 4-0.

## 14. REQUEST TO WAIVE 2008 ASSESSMENTS AGAINST THE REAL PROPERTY LOCATED AT 209 2<sup>ND</sup> AVENUE NORTH, GREAT FALLS, MT, PURSUANT TO RESOLUTION #9744 AND RESOLUTION #9754.

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

City Attorney David Dennis reported that this item is a request made by Trevor Cavanaugh to waive the City assessments on 209 2<sup>nd</sup> Avenue North in Great Falls. The lots to the west of the subject property are owned by Mr. Cavanaugh. The property itself has a fairly long history mostly of being vacant.

In 2006, the property was condemned by City building officials. At the time of the condemnation, the owner of the property, Vilma Herrera, filed bankruptcy. The bankruptcy court asked the City to secure the structure on the property. The City did so and incurred \$1628.79 in costs. In May of 2008, the City also caused the demolition of the structure on the property at a cost of \$28,700.

In June and July of 2008, the City Commission adopted Resolutions 9744 and 9754 to recover the clean up and demolition costs. Both resolutions were recorded with the County as a lien upon the property in the total amount of \$30,328.79.

In September of 2007, the property was returned to the lender that held the deed of trust on the property. Between 2007 and 2010, the property changed hands five times and eventually ended up with FFLM Investments with an address in Pennsylvania. According to the records, he can find that business still owns the property.

No property taxes have been paid on the property since at least 2007. Nor has the City's liens been paid at all. The City's liens with penalties and accrued interest have now ballooned to nearly \$77,000. As mentioned, the property is vacant. The liens are prohibiting the development and the productive use of the property. As of May 2023, the amount necessary to take assignment of the tax lien on the property is almost \$82,000. Somebody would have to pay those liens and follow the process to obtain a tax deed, hope that there's no redemption of the tax deed, hope the liens were attached correctly, and that there wasn't any legal mistake in the process, file a quiet title action in district court and, after all of that, still have some risk that they don't really have a clean title to the property. The \$82,000 that is owing on the property is really prohibiting anybody from coming in and doing anything with that property at this time. In 2018, Guardian Tax LLC attempted to take assignment of the tax liens by paying the outstanding taxes only. They backed out when they discovered that they had to pay the City's tax liens.

Mr. Cavanaugh has recently sent certified notices of intent to take assignment of the tax lien certificate issued by the County Treasurer for the delinquent property taxes. This is the first step in attempting to obtain the property through the tax deed process. To move forward in that process, Mr. Cavanaugh will have to pay all the delinquent taxes and the delinquent assessments that includes the liens for a total close to \$82,000. The amount of real property taxes owing on the property is \$4,161. Cascade County struck the past due property taxes for the years 2007 through 2016 in the approximate amount of \$17,000. In 2020, Mr. Cavanaugh obtained an appraisal of the subject property that indicated a value of \$22,000 and the 2023 taxable value is listed at \$41,085. There is no guarantee Mr. Cavanaugh will ultimately receive title to the subject property. By way of the

Commission waving those liens, the individual or entity benefiting from that may or may not be Mr. Cavanaugh. He is certainly first in line right now to try to get the tax liens assigned.

By waiving the tax liens, the City would forfeit its ability to recover the cost to abate the property in 2008. In the past 15 years, the City has received no recovery of its costs and the size of the lien along with the costs and risk associated with the tax lien assignment greatly exceed the value of the subject property making the prospect of recovery slim.

The options for Commission consideration are to either approve Mr. Cavanaugh's request for the City to release its liens, deny Mr. Cavanaugh's request for the City to release its liens, or waive some portion of the outstanding City assessments owing under Resolutions 9744 and 9754.

Mayor Kelly asked if the Commissioners had any questions of staff.

Mayor Kelly received confirmation that the approximate \$30,000 for the 2008 City assessments for clean up and demolition costs grew to approximately \$82,000 because of penalties and assessments, and that total amount includes \$4,161 for unpaid property taxes.

Mayor Kelly inquired if the County also struck the City's portion of the past due property taxes.

City Attorney Dennis responded that, in looking at the records, the Country struck all of the property taxes that the County assessed on the real property for 2007 through 2016.

Mayor Kelly asked Applicant Trevor Cavanaugh is he had anything he wanted to add to the presentation.

**Trevor Cavanaugh**, Applicant, commented that he might not be the recipient of this property. More research needs to be done to finalize the purchase of the property. This step is essential to put it back into use and he thinks it is essential to the growth of downtown Great Falls.

Mayor Kelly asked if there were any comments from the public in support waiving 2008 assessments against the real property located at 209 2<sup>nd</sup> Avenue North, Great Falls, MT, pursuant to Resolution #9744 and Resolution #9754.

**Jolene Schalper**, Great Falls Development Authority, commented that GFDA is in favor of getting this property back in to some type of use. The property has been vacant in a prime section of downtown and this is the path forward. She applauded the business owner of Smoked for going forward with this step not knowing if he will be the end recipient.

Mayor Kelly asked if there were any comments from the public in opposition to waiving 2008 assessments against the real property located at 209 2<sup>nd</sup> Avenue North, Great Falls, MT, pursuant to Resolution #9744 and Resolution #9754.

Written comments in opposition was received from **Yvonne Stemple**, expressing that it is frustrating that property taxes and utility fees are going up, and that a business owner should have to pay any fees and assessments that are attached to the property.

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

Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission approve lien releases for Resolution 9744 [Recording #R0173793 GRS] in the amount of \$1,628.79 and Resolution 9754 [Recording #R0175693 GRS] in the amount of \$28,700 thereby waiving the referenced assessments together with all accrued and outstanding penalties and interest charges related to the assessments against the real property located at  $209\ 2^{nd}$  Avenue North, Great Falls, MT.

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

Mayor Kelly underlined the laws exist and allow somebody that is able to navigate through the hurdles of bureaucracy to get in front of a governing body to do the work that's needed to be done.

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

Motion carried 4-0.

#### **OLD BUSINESS**

#### **NEW BUSINESS**

## 15. <u>RESOLUTION 10504 - CONDITIONAL USE PERMIT TO ALLOW ADDITIONAL PARKING FOR TOURO UNIVERSITY MEDICAL COLLEGE.</u>

Interim Planning and Community Development Director Tom Micuda reported that Resolution 10504 is a Conditional Use Permit request from Touro Medical College to expand its parking above code-required levels. Based on the number of students and classrooms proposed for the new medical college building, the maximum parking allowed by code is 145 parking spaces. Touro is proposing to add parking in front of the building (along 26<sup>th</sup> Street South) to increase the parking up to 189 spaces. This requires a CUP to be issued because it is more than 20% of the minimum.

Fortunately, Touro's large property can easily accommodate the additional spaces. If the CUP is approved, Touro will be required to demonstrate that they can add landscaping to meet code standards and show that storm water runoff can still be controlled.

The requested action is that the City Commission set a public hearing on Resolution 10504 for June 20, 2023.

Commissioner McKenney moved, seconded by Commissioner Tryon, that the City Commission set a public hearing on Resolution 10504 for June 20, 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.

## 16. ORDINANCE 3259, AMENDING TITLE 17, CHAPTER 20, ARTICLE 3, EXHIBIT 201 PRINCIPAL USES BY DISTRICT – ALLOWING RESIDENCE, MULTI-FAMILY N THE GENERAL COMMERCIAL (C-2) ZONING DISTRICT.

Interim Planning and Community Development Director Tom Micuda reported that Ordinance 3259 is a very simple but important proposed amendment to the City's Land Development Code – Title 17. The amendment proposes that "Residence, Multi-family" be added as a Permitted Use in the City's C-2, or General Commercial, zoning district.

This amendment is being proposed because staff has received inquiries from developers for the last few years about doing multifamily development projects in this zoning district. Due to the current code language, staff has had to direct them to the rezoning process rather than building permit process. Time is money, and those projects have not come forward.

This proposed code amendment will open up more marginal C-2 zoned land to another development scenario – multifamily and mixed-use development. Another benefit is the City will get ahead of changes made during this Montana State Legislature session. There is no downside. The amendment will simply add another development option in an era where retail commercial enterprises have more risk and the City has the need for more housing supply.

The requested action is that the Commission accept Ordinance 3259 on first reading and set a public hearing for June 6, 2023.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission accept Ordinance 3259 on first reading and set a public hearing for June 6, 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. Motion carried 4-0.

## APPROVAL OF HOME INVESTMENT PARTNERSHIPS FUNDING AGREEMENT AND HOME-ARP FUNDING AGREEMENT TO SUPPORT RENOVATION OF THE BAATZ BUILDING AT 402 2ND AVENUE SOUTH FOR A 25-UNIT SUPPORTIVE HOUSING PROJECT.

Interim Planning and Community Development Director Tom Micuda reported that this item consists of two separate funding agreements that are tied to the same Baatz Building project. The proposal is to renovate this building to establish 25 supportive housing units, one of which would be an onsite management unit, as well as renovate the first floor for non-profit management service providers.

Supportive Housing is defined by the United States Interagency on Homelessness as: a combination of non-time-limited affordable housing assistance with wrap-around supportive services for people experiencing homelessness, as well as other people with disabilities.

The applicant for both funding agreements is NeighborWorks Great Falls. Both agreements are designed to primarily fund the renovation of the building. The HOME Program funding agreement would fund \$1,277,495 in building renovation. This will also assist the City in reducing excess balance of HOME funds.

The HOME-ARP funding agreement will also fund building renovations (\$722,405), and support services for the first floor (\$150,000). The total amount of funding in both agreements is \$2,150,000.45. The project is eligible for funding using both sources and is what was envisioned when the HOME-ARP Plan was adopted. Staff have heavily scrutinized these funding agreements.

Staff has worked on these agreements for weeks, both were considered by an internal grant committee, and there is strong support for both funding agreements and this project. He noted this is really a textbook example of what HOME ARP funds are supposed to be used for.

Staff recommends that the City Commission approve the funding agreements.

Commissioner Hinebauch moved, seconded by Commissioner McKenney, that the City Commission approve the HOME and HOME-ARP Funding Agreements in the combined amount of \$2,150,000.45 to NeighborWorks Great Falls for the renovation of the Baatz building for a 25-unit supporting housing project.

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

**Sherrie Arey,** NeighborWorks Great Falls Executive Director, emphasized the significance of the HOME funds recommended by the staff to the Baatz Block Apartment Development by Great NeighborWorks Great Falls. This project, with its focus on permanent supportive housing, carries tremendous importance for our community.

She expressed gratitude to the Montana Health Care Foundation, the YWCA, Great Falls Housing Authority, United Way, Family Promise, Saint Vincent de Paul, Center for Independent Living Services, the Continuum of Care, Alluivon Health, Great Falls Development Authority, Many Rivers Whole Health and Opportunities, Inc. for the tireless efforts that have been instrumental in this project development. Through this collaboration and partnership with Homeward, NeighborWorks will be able to bring this project to life.

She highlighted the several key points that underline the profound impact that the Baatz project and permanent supportive housing will have on our community and the overall role these construction and service funds will have. First, permanent supportive housing provides stability. It offers individuals and families a place to call home ensuring they will have a safe, secure environment.

With the support of the HOME funds, the Baatz Block Apartments will provide long-term housing solutions for those in need, giving them the opportunity to regain stability and rebuild their lives.

Second, permanent supportive housing promotes independence by offering not only affordable homes, but wrap around support services such as counseling, health care and job training. Individuals can develop the necessary skills to lead self-sufficient lives.

Third, permanent supportive housing improves overall community well-being. When individuals have access to stable homes and support services, their overall health, mental health and well-being improves. This, in turn, will positively contribute to the well-being and safety of our community.

Fourth, permanent supportive housing reduces public costs. Studies have shown that providing stable homes and support services to individuals experiencing homelessness is more cost effective than relying on emergency shelters, hospital, police and other public services.

Last, permanent supportive housing fosters inclusivity and dignity. As a community, we are defined by our ability to support one another, particularly those facing challenging circumstances.

The Baatz Apartments were made possible through the HOME funds and other funding sources that exemplify our commitment to building an inclusive community that values compassion, empathy, and a sense of belonging, returning dignity to those who will call the Baatz home.

**Sheila Rice**, City resident and Chairperson of the Board of Housing, commented that this is a perfect example of how to maximize tax credits. This project checks every box-historic building, supportive services, addresses the unhoused, and it uses HOME and HOME ARP funds from the City of Great Falls. Financial stacks are important. Tax credits alone cannot do it. This money is critical.

**Jolene Schalper**, Great Falls Development Authority, financial stacks are really tricky, especially on projects like this when you're trying to build a product that is providing these types of services that are community based. It is an excellent use of funding for those HOME and HOME ARP dollars. GFDA is one of the partners that has put money behind the project. For the City to be a part of this is a home run for the City.

**Shannon Wilson**, City resident, commented that she worked at the cold weather drop in center a lot this past winter and she wanted to talk about the people that need this place. Contrary to popular belief, there were not a lot of drunks and druggies down there. There were people that were unhoused.

She told a story about a woman in her 60's that came in to the drop in center one cold, snowy night when she and Melissa were working. Melissa actually knew this woman and she had just lost her housing. She had stuff in her suitcase from her refrigerator and she was disorientated. She did not know what to do. Melissa helped her get blankets into her suitcase. She died in the alley behind the church on March 4<sup>th</sup> and she was listed in the paper as a transient. She was not a transient. She was unhoused. That does not need to happen here. Great Falls needs more affordable housing.

Written comments in support of the funding agreement was received from **Terry Bjork**, City resident, and **Shyla Patera**, North Central Independent Living Services, Inc.

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

Commissioner Tryon commented it is a worthwhile and necessary project. When there were "homeless camps" around town, the City talked about people having to do this the right way and find the right resources to do it. He applauded NeighborWorks for stepping up and doing that.

As much as he supports this need in the community, he cautioned that it needs to be looked at with eyes wide open, as there are some potential liabilities and challenges. He received clarification that the \$900,000 in HOME ARP funds is one-time money, and that \$150,000 funding for supportive services was for the first year. He inquired the plan going forward.

Sherrie Arey, NeighborWorks Great Falls Executive Director, responded that first and foremost, because of the different funding sources, NeighborWorks will have no debt on the property. Second, one the most important components is working with the Great Falls Housing Authority to create some Section 8 vouchers into place based vouchers. No one will ever have to spend more than 30% of their income. Through the development process, they are creating a significant operating reserve that will hopefully take them through the first several years as they continue to get the stability of the cash flow that is needed for a project like this. Many of the partners that she has spoken to will be donating their staffing that will be located there. The project is not necessarily paying for them; their staff is just going to be housed there. They are already working with many of these clients. NeighborWorks and Homeward are committing some of the developer fee to that reserve in order to create that stability that is needed for the first several years as they get up and running.

Commissioner Tryon received clarification that it is very possible NeighborWorks would apply for future CDBG funds from the City.

Executive Director Arey added that NeighborWorks would eventually be applying for TIF funds to help with the façade and some of the needed life safety things.

Commissioner Tryon inquired if money was budgeted or planned for security.

Executive Director Arey responded that the operating funds planned right now include a very sophisticated entry system and 24-hour desk service/late night security.

Commissioner Tryon inquired about turnover as people utilize the programs and become self-sufficient, or if it was anticipated being a long-range solution for some people.

Executive Director Arey responded that NeighborWorks has worked with consultants that have done this all across the nation that the project is being modeled after. Consultants informed NeighborWorks that it is broken up into thirds. One-third will probably live there a year to get back on their feet, find out what they need, work through different resources in the community and move into a new location. Another one-third may take between one and five years to get back on their feet, to find that job, or to maybe go through any type of counseling or addiction therapy. Then there will be a third that this will be their last home. They will need the wraparound services, such as people with disabilities or are veterans, and they need the services in order to stay housed for the rest of their lives.

Commissioner Tryon commented that he has heard concerns from people that live in the area. He inquired if it would be a no barrier living arrangement for tenants.

Executive Director Arey responded she would call it a low barrier. There are certain standards that the tax credits and the Place Based vouchers will have for criminal history and those type of things. Those are not things that will be waived, but they will try to make it as low barrier as possible. The goal will be once this becomes their home, what do they need to do to keep them in this home and what resources can we provide them. Some of it is by choice. Hopefully, as they are housed and they engage in more of the resources they will have that independent living that they are hoping for.

Commissioner Tryon commented that he hopes that the project can provide for people in our community, and it will not be a magnet for people to come from other communities to take advantage of the services. He inquired if there was a screening process.

Executive Director Arey responded that NeighborWorks has consulted with the coalition of folks mentioned, along with the Family Center, about how they will have that partnership and be good neighbors. A lot of the folks that she expects to come into their program through the tenant selection process will be those that have been chronically homeless and identified by the Continuum of Care or Opportunities, Inc. These are individuals who have been identified and NeighborWorks will reach out to try to house from within the community.

Commissioner McKenney inquired if the 24-living units were for individuals, families or a combination.

Executive Director Arey responded that there would be a combination of studio apartments, and one and two bedroom units. With regard to the 24-units, she concluded that NeighborWorks provided for an on-site manager. That is sometimes difficult to find, so that could be one more home for another individual.

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

Motion carried 4-0.

#### **ORDINANCES/RESOLUTIONS**

#### **CITY COMMISSION**

#### 18. <u>MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.</u>

None.

#### 19. <u>COMMISSION INITIATIVES</u>.

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 16, 2023, at 9:10 pm.

Motion carried 4-0.	
	Mayor Bob Kelly
	City Clerk Lisa Kunz
	Minutes Approved: <u>June 6, 2023</u>