

# JOURNAL OF COMMISSION PROCEEDINGS

July 5, 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 and Deputy City Manager Chuck Anderson; Public Works Director Chris Gaub; Finance Director Melissa Kinzler; Human Resources Director Gaye McInerney; Deputy City Attorney Rachel Taylor; Police Chief Jeff Newton; and Deputy City Clerk Darcy Dea.

**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:** Paris Gibson Month [July]

## **MILITARY UPDATES**

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

**Colonel Barry Little**, Malmstrom Air Force Base, introduced **Colonel Benji Johnson**.

Colonel Little provided the following updates:

- Sharla Kostielney is the new Chief Master Sergeant at MAFB.
- MAFB was involved with the 4<sup>th</sup> of July Parade and a key message at MAFB is the partnership between the City and MAFB.
- The 550<sup>th</sup> Helicopter Squadron was activated and MAFB will receive a Grey Wolf helicopter by the end of this year. The 550<sup>th</sup> Helicopter Squadron will train new helicopter pilots and will be here for at least five years. This is a great place to train helicopter pilots because it has all of the attributes MAFB needs in order to ensure MAFB is mission qualified.
- MAFB's 341<sup>st</sup> Missile Wing was awarded the Omaha Trophy for its outstanding ICBM Operations Unit.
- MAFB is making progress with determining if there was a potential association of cancer incidences with service in the nuclear enterprise. The School of Aerospace Medicine has partnered with Bioenvironmental to put out sensors that will collect samples over the next several months.

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Colonel Johnson announced that he was here from 2011 to 2015, is originally from North Dakota and is excited to belong to the community again.

Mayor Kelly announced that he and Commissioner Wolff attended the presentation of the Omaha Trophy and the community should be proud that a national award was presented to MAFB for a second time.

Colonel Little announced that for the second year in a row, MAFB has been named as having one of 12 most outstanding airman and the name of the individual will be announced at the Air & Space Forces Association National Convention in September 2023.

Mayor Kelly commented that the City would like to recognize that individual at an upcoming Commission Meeting.

2.

### PETITIONS AND COMMUNICATIONS

**James Thompson**, 301 39<sup>th</sup> Avenue NE, commented that he is upset with the tax increases that City property owners are incurring. He retired here and saved up money to buy a home valued at \$175,000. He received a tax notice indicating his home is now worth \$387,000. His taxes last year were \$3,400, and will go up to \$3,800 this year, which does not include the Library Mill Levy. Mr. Thompson expressed concern that the City will incur another mill levy increase that the taxpayers are not allowed to vote on and another one in November that taxpayers can vote on. The City is raising his property tax so high that he is considering moving from Great Falls to somewhere where he can afford to live. He concluded that it is ridiculous what taxpayers have to pay and the expenses they have to incur to live in Great Falls.

**Sharon Thompson**, 301 39<sup>th</sup> Avenue NE, commented that this is the third time that she and her husband have moved to Great Falls over 45 years. She loves and appreciates this community; however, is concerned about the property tax increase, knowing that the hospital does not pay any property taxes. It makes common sense to have the hospital pay property taxes and relieve the burden on the normal taxpayer.

**Steve Durkin**, 1101 23<sup>rd</sup> Avenue SW, commented that fireworks should be a one-day only event and be put on the November Ballot for citizens to decide whether to allow them. The debris from fireworks is left in the streets and eventually ends up in the river when it rains. There are several cities in the state that do not allow fireworks and Great Falls should do the same. Mr. Durkin commented that mill levies and bond issues are the reason for property taxes increasing and citizens are on a budget.

**Marilyn Christman**, 1813 Mountain View Drive, commented that she is retired and thought she would be fine; however, with taxes increasing, the City is making it impossible for some individuals to hold on to their homes. Ms. Christman implored the Commission to stop increasing taxes with mill levies. She wants to support the Fire and Police Departments; however, with the passing of the Library Mill Levy, it makes it difficult to do so. She inquired if the Library Mill Levy was necessary when the economy is so bad.

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**Kirby Shepard**, City resident, Pastor of Embassy Church, commented that he heard from many citizens who are concerned about all of the taxes. Pastor Shepard asked that the Commission consider mill levies, or anything that raises taxes, putting it before citizens annually and not spread out throughout the year, so citizens can anticipate when to vote on tax increases. He also suggested that there be a form of documentation when voting as to what the increase would look like for citizens. He concluded that the City needs to cease having these off-hand elections to pass a given mill levy one at a time and have them all together yearly so citizens get into the habit of showing up for elections each year.

**Jeni Dodd**, City resident, expressed concern about the Commission or City staff not attending a rally last Saturday at Highwood Creek Outfitters and the City's silence on the infringement of the Fourth Amendment. Ms. Dodd commented that this is not just about one business in Great Falls. A large number of City residents had their Fourth Amendment rights infringed in this incident, regarding things to be seized, and the City Elected Officials and City staff have shown a total lack of concern of this federal government overreach. The IRS warrant was for financial records, yet only one box of financial records were seized. The majority of the records seized were thousands of ATF Form 4473s that contains personal, confidential information about purchasers. That is not a form the IRS would even find useful in a tax investigation and those forms were not in the warrant as things to be seized. Ms. Dodd expressed appreciation to Rep. Rosendale and Sen. Daines for taking a stand against this illegal search and seizure. She commented that no City Elected Official showed support for the Constitution, but rather proclaimed Pride Month. She concluded that behavior is disgraceful and she will not forget the City's failure.

**Keener Boyce**, 634 Doris Drive, explained that three years ago he wrote a letter to the Commissioners, collectively and individually, about fireworks. Mr. Boyce commented that the City becomes a combat zone every 4<sup>th</sup> of July. He added that this is torture for Vets with PTSD, terrorizes pets and disrupts sleep. He commented that other cities do not have unrestricted uses of fireworks and that should happen here.

**Lola Sheldon-Galloway**, 202 Sun Prairie Rd, commented that although she is not a City resident, she is a business owner who can be summoned to Municipal Court to be a juror and pays every property tax increase for her businesses; however, cannot vote for City Commission or City levies. Ms. Sheldon-Galloway further commented that she plans on changing that because she does contribute to the community.

Mayor Kelly responded to Ms. Sheldon-Galloway that she should start with Helena.

**Lola Sheldon-Galloway** continued that the 4<sup>th</sup> of July Parade was a success and the objective is that it is fun and safe. She expressed concern with regard to protesters at the parade. She added that protesting at the parade is the wrong place and sends a wrong message to citizens. She requested that the Commission assist her with making it so that will not happen again.

**Steven Galloway**, HD24, 202 Sun Prairie Rd, commented that he too is not a City resident; however, owns multiple pieces of property in the City. Mr. Galloway inquired if City staff has determined what the increase would be for properties with businesses with regard to the levies that are coming up. He commented that increase for properties with businesses will be passed on to the consumer and inflation is affecting everything, not just taxes. Every property is being increased by insurance

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and taxes and will substantially affect what renters are paying. He requested that the Commission consider these factors when doing the math with regard to what it is going to ask citizens to be able to burden. Mr. Galloway mentioned that he is concerned about citizens who are on fixed incomes and suggested the community will have to have less services or find areas in the Municipal Government that it can do without. This is a tough time with inflation and reevaluations to consider whether the community can afford to pass another levy. Mr. Galloway concluded that many proposals trying to solve these issues were in the last legislative session; however, the proposals never got anywhere.

**Kathie Hansen**, 4601 Flood Road, commented that she is not currently a City resident; however, anticipates living in the City at some point and is concerned that she would not be able to afford it. Ms. Hansen further commented that citizens are living within a budget and the City needs to do that as well. She suggested that rather than looking outside of the community to assist the City with passing levies, the Commission consider working together with the community so it can decide what is most important. She further suggested that citizens could volunteer if services are cut in the City. Ms. Hansen commented that she appreciates the Commission and City staff for their hard work; however, she suggested working at working together.

Mayor Kelly responded to the previous speakers that there is a lot of information about the Mill Levy and expected increases for \$100,000, \$300,000 and \$600,000 homes on the City's website and will also be discussed later tonight. The law does not require estimating increases for businesses and it would be difficult to assess every business. The City has not done a levy in several years and the Library Mill Levy, Public Safety Levy and GO Bond are an unusual event. The voters get to choose whether to tax themselves for the services they feel they need. The population also has an opportunity to turn down the mill levies.

Referring to the fireworks issue, Mayor Kelly explained that when he first became mayor, he met with several individuals, both pro and con, about fireworks. He has also discussed the subject with other mayors who do not allow fireworks in their cities. It is one thing to write a law and another for the population to follow it. Mayor Kelly commented that on May 23, 2023, the Bozeman Commission passed an ordinance banning fireworks and he will discuss with Mayor Andrus what the 4<sup>th</sup> of July was like for the City of Bozeman. He reiterated to the public that the Commission does receive their phone calls and emails. Mayor Kelly stated that years ago he put out a plea to the community to be considerate and compassionate to veterans. Some veterans informed him that they support fireworks because that is why they fought for this country. He sympathizes with those that have to deal with the trash, noise and veterans who suffer from PTSD. Mayor Kelly expressed appreciation to the Galloways for their efforts with regard to the 4<sup>th</sup> of July Parade.

Mayor Kelly concluded that there has been a lot of confusing and misleading information regarding taxes from the Montana Department of Revenue (MDOR). The MDOR sets the valuations for property, not the City. All property and home valuations have increased significantly; however, that does not correlate to a similar increase in property taxes. There will be more information provided tonight during the City Manager's report.

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**NEIGHBORHOOD COUNCILS**

**3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**BOARDS AND COMMISSIONS**

**4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

**5. REAPPOINTMENTS/APPOINTMENT TO THE BUSINESS IMPROVEMENT DISTRICT BOARD OF TRUSTEES.**

Mayor Kelly reported that the BID Board recommended that the Commission reappoint Jason Kunz and Neil Dubois and also appoint Keith Cron to replace Karen Reiff. Ms. Reiff was appointed to the BID Board in September 2020 with a term end date of June 30, 2023. She is not interested in serving another term and the City advertised for the vacancy through the City's website and local media. The term for Mr. Kunz was July 1, 2019 through June 30, 2023. Mr. Dubois was serving a partial term from July 21, 2020 through June 30, 2023. Both are interested and eligible for an additional term.

**Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission reappoint Jason Kunz and Neil Dubois and appoint Keith Cron to the Business Improvement District (BID) Board of Trustees to fill four-year terms through June 30, 2027.**

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

Commissioner McKenney commented that he regularly attends BID meetings and Mr. Kunz and Mr. Dubois are active members who do a lot of good work for the Board and City.

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

Motion carried 5-0.

**6. REAPPOINTMENT AND APPOINTMENT TO THE ETHICS COMMITTEE.**

Mayor Kelly reported that Carmen Roberts was appointed to a partial term on January 2, 2018 and reappointed for a full three-year term on November 19, 2019. Justin Grohs was appointed to serve as the alternate member in December 2020. Both terms ended on December 31, 2022. Ms. Roberts is not interested in an additional term but Mr. Grohs would be willing to continue serving. City staff advertised for the vacancies at the end of 2022 and received two applications. With no agenda items for the Ethics Committee requiring a meeting, the appointment has been on hold. Member David Sneddon was appointed to the Committee on February 1, 2022 and has not been fully oriented due to lack of meetings.

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Staff reached out to the two applicants from last fall to determine if they were still interested in serving on the Committee. One did not respond and the other, Ms. Jordyn Rogers, is still interested and Mr. Grohs is still willing to serve as the Alternate Member of the Committee.

**Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission reappoint Justin Grohs and appoint Jordyn Rogers to the Ethics Committee for three-year terms through December 31, 2025.**

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

**Sharon Thompson**, 301 39<sup>th</sup> Avenue NE, inquired what the Ethics Committee does.

Mayor Kelly responded that the Ethics Committee was established through Ordinance 3169 and adopted by the City Commission on October 17, 2017. The purpose of the Ethics Committee is to ensure that all City officers and employees are performing their duties in compliance with the provisions of the Montana Code Annotated and Official Code of the City of Great Falls (OCCGF). A citizen can register a complaint if they feel there is unethical activity with any of the City Elected Officials or City employees. The Committee consists of an impartial group of people that determine whether a complaint appears to be substantiated based on the information and testimony presented.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

## **CITY MANAGER**

### **7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon reported the following updates:

- Alyssa Olson and Peyton Mitchell graduated from the Montana Law Enforcement Academy on June 30, 2023.
- On July 4, 2023, the Police Department had 29 calls for service and the Fire Department had 22 calls for service.
- The Montana Department of Transportation (MDOT) hosted a meeting on June 29, 2023 where City staff and MDOT staff had an opportunity to discuss improving collaboration between the two entities.
- The Montana Department of Revenue (MDOR) appraisal notifications are causing a lot of fear. There will be a MDOR Property Assessment Town Hall meeting on July 10, 2023 at the Cascade County Annex, Room 111 to explain the appraisal notices and its methodology with regard to property appraisals. The MDOR is the entity that assigns taxable value to property and the City receives a notification to communicate that information to the City residents with regard to the impact for the City's proposed budget. Since the MDOR's

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adjustment was so significant, there will more than likely be protests. The City's budget and general fund undesignated balance rolls into this ongoing discussion about property taxes and the impact of that. Generally, the MDOR operates under a property tax cap that is one-half the three-year average rate of inflation and the City can only raise taxes by that methodology. If the Public Safety Levy is adopted, there will be a subsequent impact to property taxes. The concern is what is being represented by using data from last year to represent what that impact looks like to a tax payer today. When a community and its tax base grows, generally, that means less mills a City would need to utilize to cover costs for its budget. The mill rate will be set in August 2023. There are different categories for property taxes and depends on how a community is growing. Typically, residential property will have less taxable impact than large scale industry. The Public Safety Levy was also impacted by the legislature. There is additional information on the City's website.

Finance Director Melissa Kinzler added that because of the property tax cap the City is under, it can only raise a certain amount of additional revenue even if taxable valuations increase. The mill value will increase so that the mills levied will decrease, which means the City will not receive the total increase being projected under the MDOR.

Manager Doyon encouraged the community to attend the MDOR Property Assessment Town Hall meeting or go to a local office if they have any concerns.

Mayor Kelly added that as residential taxpayers, the Commission is allowed to protest the valuations and the instructions to do so are time sensitive.

With regard to the Highwood Creek Outfitters incident, Police Chief Jeff Newton explained that the Attorney General (AG), U.S. Attorney's Office and IRS have not provided any explanation as to what transpired at the Highwood Creek Outfitters. He is very frustrated about the lack of transparency by the IRS, as well as the U.S. Attorney's office refusal to provide a press release. The AG is not receiving information from the IRS on the substance of this, particularly why the 4473 forms were seized in the course of the search warrant. Police Chief Newton commented that he provided Mr. VanHoose, owner of Highwood Creek Outfitters, an explanation as to what the City is statutorily allowed and not allowed to do, even though the IRS recommended that he not do that. He explained that the Police Department (PD) cannot enforce federal law, which prevents them from enforcing bans on firearms or firearms related equipment. Police Chief Newton informed the AG's office that from this point forward, if an agency requests the PD's assistance, many questions would be asked and if those questions are not answered to the department's satisfaction, it can elect to not participate. Police Chief Newton concluded that the PD has a close relationship and communicates with the High Risk Unit (HRU), Drug Enforcement Agency (DEA), Federal Bureau of Investigation (FBI), and Internet Crimes Against Children (ICAC). However, the relationship with the IRS is completely different and he hopes that the AG's office will provide a public statement.

Commissioner Tryon asked if it would be helpful to have a City ordinance to include a fine that requires a federal agency to provide full transparency prior to asking for an assist from the Police Department.

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Police Chief Newton responded that federal agencies have a supremacy clause that takes precedence over a City ordinance. He added that the Police Department was notified of the investigation because it was inside the city limits; however, it did not require the federal agency to provide full disclosure of what the investigation entails.

### CONSENT AGENDA.

8. Minutes, June 20, 2023, City Commission Meeting.
9. Total Expenditures of \$3,566,977 for the period of June 8, 2023 through June 21, 2023, to include claims over \$25,000, in the amount of \$2,951,153.
10. Contracts List.
11. Accept the low bid from Thatcher Company of Montana, Inc. and authorize staff to purchase liquid aluminum sulfate in the amount of \$593.97 per ton, up to the maximum amount of 800 dry tons for FY2023/24.
12. Accept the low bid from Thatcher Company of Montana, Inc. and authorize staff to purchase liquid ammonium sulfate in the amount of \$780.00 per ton, up to the maximum amount of 100 tons for FY2023/24.
13. Accept the low bid from Thatcher Company of Montana, Inc. and authorize staff to purchase liquid chlorine in the amount of \$2600.00 per ton, up to the maximum amount of 80 tons for FY2023/24.
14. Set a public hearing for Tourism Business Improvement District (TBID) 2023/2024 Budget and Work Plan for July 18, 2023.
15. Set a public hearing for Business Improvement District (BID) FY 2024 Budget and Work Plan for July 18, 2023.
16. Set an annual budget hearing on Resolution 10509, Annual Budget Resolution for July, 18, 2023.
17. Set a public hearing on Resolution 10510, Intent to Increase Property Tax for July 18, 2023.
18. Postpone consideration of a bid award and contract approval for the Natatorium Demolition and Restoration until the July 18, 2023 Commission Meeting. **OF 1393.8**



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**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.

**David Saenz**, 216 37<sup>th</sup> Avenue NE, (via July 5, 2023 email) referred to Agenda Item 17, and suggested placing a two to three year pause on anything related to increasing property taxes i.e. bonds, levies, resolutions, etc.

**Jeni Dodd**, City resident, commented that the narrative for Agenda Item #16 states that additional money from the CARES Act could also be allocated to balance the General Fund. She requested that the City do that rather than raising citizen's taxes. The narrative for Agenda Item #17 states that the City could also allocate monies received from the CARES Act. Ms. Dodd requested that the City also do this and quit nickel and diming the citizens to death. She commented that the City has made a big deal over not using the Inflationary Factor and not increasing the Permissive Medical Levy for FY 2021 and 2022 because of COVID. The economy is worse now than it was during COVID for taxpayers and the City shows no concern or consideration for citizens on fixed incomes.

**Steve Durkin**, 1101 23<sup>rd</sup> Avenue SW, expressed concern with regard to the City raising taxes, increasing property tax, the use of an outside entity to educate the community about the Public Safety Levy and the City Manager's raise.

Referring to Agenda Item #18, **Lola Sheldon-Galloway**, 202 Sun Prairie Rd, commented that her son's final architect project at MSU included an idea of how to restore the Natatorium and he would be presenting it to the City's Planning Committee.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Mayor Kelly inquired where the price reductions came from on the Bid Tabulation Summary for Agenda Items 11, 12 and 13.

Manager Doyon responded that Public Works Director Chris Gaub will determine where the price reductions came from and provide an update to the Commission at a later time.

Commissioner Wolff expressed appreciation to Public Works Director Gaub for his efforts with regard to the decrease in Agenda Items 11 and 12.

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

Motion carried 5-0.

**PUBLIC HEARINGS**

**OLD BUSINESS**

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**19. RESOLUTION 10506, SUBMITTING TO THE ELECTORS THE QUESTION OF PERMANENTLY INCREASING THE MILL LEVIES OF THE CITY TO PAY COSTS OF PUBLIC SAFETY SERVICES, INCLUDING OPERATION, MAINTENANCE AND CERTAIN CAPITAL COSTS OF THE POLICE DEPARTMENT, FIRE DEPARTMENT, CITY ATTORNEY AND MUNICIPAL COURT SERVICES AND RELATED PUBLIC SAFETY EXPENSES AND AMENDING, RESTATING AND SUPERSEDING RESOLUTION NO. 10500.**

City Manager Greg Doyon reported that on March 7, 2023, the City Commission adopted Resolution 10500 calling for a mill levy election to permanently increase mill levies of the City to pay costs of public safety services. Subsequent to the adoption of the Resolution 10500, House Bill 543 was enacted by the 68th legislature at the 2023 Montana legislative session that required additional information to be included on the ballot for a mill levy election and is effective as of July 1, 2023. Resolution 10506 supersedes Resolution 10500 and includes the new ballot information that the question requires the provision of information about the impact of property taxes on a house with a taxable value of \$100,000, \$300,000 and \$600,000. Lastly, it includes language that states an increase in property taxes may lead to an increase in rental costs. He concluded that it might be helpful for the taxpayers to have an understanding what having less services would look like.

**Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10506.**

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

**David Saenz**, 216 37<sup>th</sup> Avenue NE, (via July 5, 2023 email) referred to Agenda Item 19, and suggested placing a two to three year pause on anything related to increasing property taxes i.e. bonds, levies, resolutions, etc.

**Jeni Dodd**, City resident, commented that the City made four strategic errors with regard to the proposed Public Safety Levies that included the following:

- Putting the Library Levy on a special ballot of its own and not with the Public Safety Levies in November.
- Waiting to announce a second Public Safety Levy, the Bond Levy, until after the Library Levy passed.
- Allocating up to \$150,000 in taxpayer funds to persuade taxpayers to vote to tax themselves more.
- Failure to spend the maximum amount allowable of CARES and ARPA funds for City needs and instead, awarding millions of those dollars to area nongovernmental partners.

**Representative HD22 Lola Sheldon-Galloway**, 202 Sun Prairie Rd, explained that she is commenting on behalf of residents on a fixed income in her area. Residents are wondering if the City is changing wording to fix what was done in March. She requested that the wording “permanent” be eliminated from the proposal to the citizens.

**Kirby Shepard**, City resident, Pastor of Embassy Church, commented that unusual levies do not necessarily warrant an unusual off-cycle election. He requested that the Commission consider having

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all of those as a set ballot. He concluded that if citizens chose to have fewer services, they would look like more independent Montanans.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Commissioner Tryon inquired if the word “permanently” is a part of the legislative language that is being amended from the original March proposal.

Manager Doyon responded that outside bond counsel assisted the City with the draft language so that it fits state code and the purpose for which it is intended. Without the levy, the City would not be able to sustain its operational needs. The levy would be an ongoing source of revenue to support the needs being proposed.

Commissioner Tryon commented that the word “permanently” means the levy would be funding ongoing services and it makes sense to include it in the ballot language.

Commissioner Wolff explained that the funds allocated to the Great Falls Development Authority (GFDA) helps bring new businesses and economic growth to the community and expands the commercial tax base so that there is less burden on individual taxpayers.

Commissioner Hinebauch reiterated that because of legislative changes, the City had to wait to put the bond on the ballot.

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

Motion carried 5-0.

## NEW BUSINESS

### 20. LABOR AGREEMENT BETWEEN THE CITY OF GREAT FALLS AND THE MONTANA FEDERATION OF PUBLIC EMPLOYEES (MFPE), LOCAL #7796.

Human Resources Director Gaye McInerney reported that City staff recommends that the Commission approve the Labor Agreement between the MFPE, Local #7796, which consists of 56 employees across nine departments – Administration, Finance, GFFR, Library, Municipal Court, Park and Recreation, Planning and Community Development, Police and Public Works.

The negotiating teams included the following individuals:

Representing the City:

Gaye McInerney, HR Director  
Charles Anderson, Deputy City Manager  
Melissa Kinzler, Finance Director  
David Dennis, City Attorney  
Jeff Newton, Police Chief  
Steve Herrig, Park & Rec Director

Representing the MFPE:

Allison McMaster, President  
Tony Formell, Vice President  
Rosa Hugg, Treasurer  
Alisa Skogen, Secretary  
Kathleen Vincent, GFFR  
Tawni Shanks, P&CD

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Doug Alm, Fleet Manager  
Susie McIntyre, Library Director  
Kirsten Wavra, Deputy Finance Director  
Dede Bergan, GFPD Senior Administrative Asst.

Megan Casey, MFPE Field Rep

Members of the negotiating teams worked to update basic contractual language in order to make the agreement clearer, more understandable, and consistent. This included grammatical corrections, updating wording to reflect current terminology, and referencing applicable policies throughout the agreement. The term of the agreement is for two years – July 1, 2023 through June 30, 2025. Longevity pay was bargained to begin after five years of service with a cap after 26 years of service and the longevity payout amounts did not change. The annual clothing allotment was increased to \$150 per year. Employees may not be under the influence of or impaired by, alcohol or controlled substances while on duty. Consistent with the City’s right and obligation to ensure that its operations are free from unsafe drug and alcohol use, and Article 5 of this Agreement, all employees are subject to Section 8 of the City of Great Falls Personnel Policy Manual, the City of Great Falls Alcohol and Controlled Substance Policy and all applicable department policies. Job titles listed on Addendum B were reclassified based on the market competitive survey completed by the Public Sector Personnel Consultants (PSPC). The new wage schedule reflects the market adjustment of the job titles and a 3.0 COLA increase in FY24 and a 3.0 percent COLA increase in FY25. The financial impact of the reclassification or market adjustments of the job titles and a 3.0 percent COLA increase in FY24 is approximately \$273,000. The financial impact of a 3.0 percent COLA increase in FY25 is approximately \$70,000.

**Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission approve the labor agreement between the City of Great Falls and the Montana Federation of Public Employees (MFPE), Local #7796.**

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

Commissioner McKenney commented that there are 14 different items in wages and benefits in the labor agreement and benefits are important. He inquired about the following:

1. The City’s approach to negotiation with unions and what is most important.
2. The labor group’s primary concerns.
3. Are supervisors members of the union.
4. How do labor agreements benefit the City.
5. The turnover rate for the City.

Human Resource Director Gaye McInerney responded to the following questions:

1. The City approaches negotiations in good faith, with preparedness and willingness to work towards a common goal for achieving an agreed upon agreement by both parties.
2. Wages have been the primary concern this year.
3. The agreements pertaining to Agenda Items 20 and 21 do not have supervisors as members of a union; however, there are other contracts that have supervisors as members of a union.

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4. With these two contracts, the unions agreed with the whole premise of random testing for the City’s Alcohol and Controlled Substance Policy. They agreed and understood it, wanted to just bargain it in and they viewed it as a working condition. They brought that to the table, which was a big plus for the City.
5. The turnover rate for June was 1.15, the national average was 3.8 percent, and the average for local government was 1.6 percent.

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

Motion carried 5-0.

**21. LABOR AGREEMENT BETWEEN THE CITY OF GREAT FALLS AND THE MONTANA FEDERATION OF PUBLIC EMPLOYEES (MFPE), CITY OF GREAT FALLS 911 PUBLIC SAFETY COMMUNICATIONS OFFICERS, LOCAL #.**

Human Resources Director Gaye McInerney reported that there are 19 Public Safety Communications Officers (PSCO) positions. The Dispatchers Local approached City Administration in 2022 with a request to separate from the original MFPE collective bargaining unit and become their own local unit. An actual local unit number is in the process of being assigned.

Members of the negotiating teams worked to create the first Collective Bargaining Agreement (CBA) between the two parties. This meant starting from scratch for all terms and conditions ultimately agreed upon in the agreement. The negotiating teams included the following individuals:

Representing the City:

Gaye McInerney, HR Director  
Charles Anderson, Deputy City Manager  
Melissa Kinzler, Finance Director  
David Dennis, City Attorney  
Jeff Newton, Police Chief

Representing the MFPE:

Brandon Skogen, President  
Doug Sunderland, Vice President  
Renee Rabe, Secretary  
Steven Scott, Member at Large  
Megan Casey, MFPE Field Rep

In bargaining the new CBA, most of the adopted articles were mirrored off of the MFPE CBA. Key items of change were the term of the agreement is two years – July 1, 2023 through June 30, 2025. Longevity pay was bargained to begin after five years of service with a cap after 26 years of service and longevity payout amounts did not change. A Lead PSCO will serve as the on-duty supervisor and shall receive an additional \$1.75 per hour while serving in this capacity. An employee assigned to train a new PSCO shall receive an additional \$2.00 per hour for all hours worked training a new PSCO. Employees working between the hours of 1900 and 0700 will be paid an additional shift stipend of \$1.50 per hour. Effective July 1, 2023, comp time will no longer be accrued. An annual clothing allotment of \$200, will be applied toward approved uniforms. All employees are subject to Section 8 of the City of Great Falls Personnel Policy Manual, the City of Great Falls Alcohol and Controlled Substance Policy and all applicable department policies. The City encourages the voluntary wellness program maintaining health in Physical Fitness, Medical, and Mental Health, to promote their overall total health and wellness. Completing all of the requirements of the Wellness

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Program will result in two full days off. The new wage schedule reflects a 4.5 percent COLA increase and a 5.5 percent market adjustment in FY24. A 1.0 percent COLA increase and a 3.5 percent market adjustment in FY25. The financial impact of a 5.5 percent market adjustment and a 4.5 percent COLA increase in FY24 is approximately \$77,000. The financial impact of a 3.5 percent market adjustment and a 1.0 percent COLA increase in FY25 is approximately \$42,000.

**Commissioner Wolff moved, seconded by Commissioner McKenney, that the City Commission approve the labor agreement between the City of Great Falls and the Montana Federation of Public Employees (MFPE), City of Great Falls 911 Public Safety Communications Officers, Local # \_\_\_\_.**

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

Commissioner Tryon commented that he is pleased that both labor groups agreed to comply with the City's Alcohol and Controlled Substance Policy. He further commented that even with the wages and benefits, it is a challenge recruiting and retaining employees at the City and it is in competition with other private and public entities for positions.

Commissioner Wolff commended the 911 staff for their efforts with regard to multitasking, professionalism and saving lives.

Mayor Kelly concurred with Commissioner Wolff's comments and added that the 911 operators are hidden heroes.

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

Motion carried 5-0.

### **ORDINANCES/RESOLUTIONS**

#### **CITY COMMISSION**

#### **22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Wolff commented that she attended a community event last week where a retired couple had lived in Helena and other communities and chose to move to Great Falls because it is a more affordable or less expensive place to live. She expressed appreciation to Lola Galloway, City staff, volunteers and Community Emergency Response Team (CERT) for their efforts with regard to the 4<sup>th</sup> of July Parade.

#### **23. COMMISSION INITIATIVES.**

None.

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**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of July 5, 2023, at 8:47 pm.**

Motion carried 5-0.

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Mayor Bob Kelly

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Deputy City Clerk Darcy Dea

**Minutes Approved: July 18, 2023**