

JOURNAL OF COMMISSION PROCEEDINGS

August 15, 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 and Environmental Division Manager Nate Besich; Planning and Community Development Director Brock Cherry; Finance Director Melissa Kinzler; City Attorney David Dennis; Police Captain Rob Moccasin; and City Clerk Lisa Kunz.

City Attorney Greg Doyon introduced Brock Cherry, the new Planning and Community Development Director, and welcomed him and his family to the community.

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.

COMMUNITY INITIATIVES

1. COMMUNITY HEALTH UPDATE FROM CITY COUNTY HEALTH DEPARTMENT.

Colin Campbell, Emergency Planner and new EMS Officer for Cascade County, provided the following updates:

- His job, through a CDC funded position from a Public Health Emergency Preparedness Grant, is to look at everything that could possibly go wrong in a public health incident and limit the impact of health related disasters in the community.
- Chronic Care Clinics are being set up in the community and rural communities, and he is focused on public outreach to inform the citizens of Great Falls what Health Department, Clinic and Hospital related services are available.
- Two flu shot clinics are scheduled for September – a drive through clinic on September 20, and a walk in clinic on September 27, both at Montana Expo Park. Booster shots for Covid will also be available.

2.

PETITIONS AND COMMUNICATIONS

None.

NEIGHBORHOOD COUNCILS

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3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

***5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon temporarily stepped out, and provided his report after the consent agenda.

Manager Doyon reported the following:

- The City received its 2023 Certified Taxable Valuation on August 7, 2023, from the Department of Revenue, that lists the total market value, taxable value, and newly taxable property in the community, with a note that indicated a large organization is appealing its taxes. This document is the basis of which the City will ultimately set its mills that translates into how much people will pay in their tax bills.
- The taxable value of newly taxable property and new tax revenue that was projected in the budget was approximately \$400,000; but, as represented in the Certified Taxable Valuation form, was actually \$1.5 million. The mentioned appeal will very likely impact the taxable valuation and result in changes and reductions in the outcome of that process.
- This required recertification that the City will most likely have to do as a result of the appeal process with this significant tax payer makes it really hard to measure what the impact of the taxes are going to be and the impact on the taxpayers.
- When the recertification is set, it does not necessarily mean the City will collect all of the revenue, due to cancels and adds in property values, protested taxes, appeal settlements, delinquent taxes, and so forth, when taxes are collected in December and July.
- If the City does not receive additional information, the mills will be certified based on current information at the September 5, 2023 Commission meeting.
- The other element to this is that the City is trying to provide the taxpayers good information about the impact of the public safety levy. Obviously, this has a bearing on the estimates that have been provided to the voters so far. The City will do the best it can to update the information based on the progress of this appeal and the recertification process so voters can make informed decisions.
- In summary, the City does not have a set taxable valuation, which impacts how the mills are set, which impacts what the tax rate is going to be. The City does not know when that appeal process will conclude, which might look very different than today and result in budgetary impacts.

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Manager Doyon announced the Drool in the Pool event is scheduled for Saturday, August 26, 2023 from 11:00 a.m. to 2:00 p.m. and includes games, drawings, prizes, and free microchipping.

CONSENT AGENDA.

6. Minutes, August 1, 2023, City Commission Meeting.
7. Total Expenditures of \$3,187,745 for the period of July 20, 2023 through August 2, 2023, to include claims over \$25,000, in the amount of \$2,448,997
8. Contracts List.
9. Approve the Agreement for Mutual Aid in Fire Protection and Hazardous Materials Incident Response and authorize the City Manager to execute the Agreement.
10. Approve the Final Payment for the Overhead Door Replacement project in the amount of \$154,152.87 to Door Systems of Montana, and \$1,557.10 to the State Miscellaneous Tax Fund and authorize the City Manager execute the necessary documents and to make the payments. **OF 1797.0**

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

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

Commissioner McKenney read paragraphs 2 and 7 of the Agreement set forth in agenda item 9 and requested clarification.

Fire Chief Jeremy Jones clarified the language in paragraph 2 is continuity of the incident command system. The Incident Commander working the scene will be the ultimate authority and will be able to utilize the resources upon request. He further clarified the language set forth in paragraph 7 that, pending on which agency requests support and the type of incident, safety officers stay with the crew to provide direct oversight of the incident.

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

Motion carried 5-0.

PUBLIC HEARINGS

11. **RESOLUTION 10514, TO LEVY AND ASSESS THE GENERAL BOULEVARD DISTRICT NO. 3570.**

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

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Finance Director Melissa Kinzler reported that the Park and Recreation Department, Natural Resources - Boulevard Division, is responsible for the care and maintenance of over 15,000 street trees located within the General Boulevard District. Services provided within the District are pruning, removal, planting, and streetscape design.

The budget development process begins in January of each year when the Natural Resources - Boulevard Division receives its midyear financial reports. The midyear reports and subsequent reports are used to determine the current financial position of the division. Information is gathered regarding the actual and anticipated expenses, future projects, goals and objective of the department.

After calculating all factors pertinent to the operation of the Natural Resources – Boulevard Division, an assessment amount for the next fiscal year is calculated and proposed to the City Commission for approval. For FY 24, the boulevard assessment is increasing 6% or \$5.77 for the average size lot of 7,500 square feet to cover the increased costs of operations (personnel, tree planting, fuel, etc.). The last boulevard increase of 12% was approved in FY 23. There were no assessment increases in FY 21 or FY 22 to aid in the economic recovery from Covid-19.

As part of the annual budget development and adoption procedures, the General Boulevard Maintenance District assessment resolution must be submitted for further City Commission action. A public notice and hearing is required prior to the final passage of the assessment resolution.

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

Commissioner Tryon noted that the Park District and Street Division assessments are citywide. He received confirmation that is not true for the Boulevard District. The map attached to the agenda report sets forth the specific area of the Boulevard District.

Commissioner Tryon inquired how the Park and Recreation Department manages and plans for the work described in the agenda report.

Park and Recreation Director Steve Herrig responded that two arborists focus on the parks outside of the boulevard district. The City Forester will create a tree-trimming list. The Division will routinely work on the tree-trimming list. Calls pertaining to safety issues will be dealt with immediately and others will be added to the list and scheduled. Unfortunately, the City is currently losing a lot of Ash and Elm Trees due to the harsh winters.

Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10514. There being no one to address the Commission, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10514.

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

Hearing none, Mayor Kelly called for the vote.

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Motion carried 5-0.

12. RESOLUTION 10515, TO LEVY AND ASSESS GREAT FALLS PARK DISTRICT NO. 1 (OF 1740).

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

Finance Director Melissa Kinzler reported that, on June 5, 2018, the City Commission adopted Resolution 10238 creating the Great Falls Park District Number 1. The boundaries of the District are the current incorporated limits of the City, as well as all properties later annexed thereto.

The Park District's overall purpose is to utilize assessment dollars and direct those monies to:

- Maintenance, repair, replacement, upkeep, installation, improvements, operation enhancement, construction, acquisition of land;
- Implementation of measures required to maintain public health and safety or meet legal or regulatory requirements;
- Purchase, replace and/or maintain equipment, tools or vehicles used to carry out the functions described herein; and/or
- Other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands, and equipment under the responsibility and care of the City of Great Falls Park and Recreation Department.

The Park District's revenue may not be used for programming.

According to Mont. Code Ann. Sections 7-11-2021 and 1025, prior to annually levying assessments necessary to carry out the services to be performed in the Park District, each year the City Commission shall specify the method of assessment for the lots of parcels of land located in the District, publish notice, and conduct a public hearing on such assessment before finally adopting a resolution levying assessments against the lots of parcels of land in the District. The Commission must annually adopt a resolution establishing the annual assessment for the District.

The cost of the proposed improvements for the Great Falls Park District No. 1 is \$1.5 million dollars annually. FY 24 is year six of the assessment with no increase. Based on last year's valuations, the estimated annual assessment for a \$100,000 market value property would be \$24.44. For a \$200,000 market value property, the estimated annual assessment would be \$48.88, and for a \$300,000 market value property, the estimated annual assessment is \$73.32.

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

Commissioner Tryon received clarification that there is no increase in the assessment.

Mayor Kelly noted, when the District was created, the assessment was set by a dollar amount versus millage.

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Commissioner McKenney received confirmation that the amount paid by the homeowner would go down based on newly taxable property in the District.

Mayor Kelly asked if there were any comments from the public in support of Resolution 10515. There being no one to address the Commission, Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10515.

Jeni Dodd, City resident, commented when the Park District was created she was opposed to it. She recalls the Commission at the time indicating the assessment would be \$1.5 million dollars for the first three years, and go down after that. She does not understand why the assessed amount is still \$1.5 million dollars. She commented that people outside the City limits do not pay the assessment yet use the parks. She does not understand why there are people that pay the transit tax that reside outside the City limits and do not use the Transit system.

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

Commissioner McKenney moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10515.

Mayor Kelly asked if there was any discussion amongst the Commissioners. He noted he was on the Commission when the Park District was created and disagrees the Commission indicated the assessment would go down over time. He also clarified that the Transit District is a voted upon District that was done in the early 1970's, has nothing to do with the City limits, and that tax goes to Transit District itself. The City does not have the ability to tax residents outside the City limits of Great Falls.

Commissioner Tryon added that the only one on this Commission that was here when the Park District passed was Mayor Kelly.

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

Motion carried 5-0.

13. **RESOLUTION 10516, TO LEVY AND ASSESS PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICTS.**

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

Finance Director Melissa Kinzler reported that there are currently 27 Special Improvement Lighting Districts (SLD's) with approximately 9,429 roadway lights. The majority (97%) of the roadway lights are owned by NorthWestern Energy. The City pays a maintenance fee to NorthWestern Energy for these lights in addition to a fee, which covers the electrical transmission and distribution. The electrical supply for the streetlights is currently being furnished by Energy Keepers. The remaining 3% of the roadway lights is City-owned.

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The purpose of the Special Improvement Lighting District Fund is to maintain the lights and poles and furnish electrical supply for the lighting districts throughout the year. After determining financial factors pertinent to the operation of the special improvement lighting districts, an assessment amount for the next fiscal year is calculated, budgeted and presented to the City Commissioners for approval.

As part of the annual budget development and adoption procedures, the Special Improvement Lighting Districts assessment resolution must be submitted for City Commission action. A public notice and hearing is required prior to the final passage of the assessment.

The estimated assessment amount for the Special Improvement Lighting District funds for the next fiscal year is \$1.3 million dollars, which reflects an aggregate 14.1% increase from the prior fiscal year. She noted that not all districts would have an increased assessment. Only those districts without a sufficient cash balance to cover the cost of operations will be increased. The largest contributor to the increased annual assessment is the 200% increase in the City's electricity supply cost.

Mayor Kelly asked if the Commissioners had any questions of staff. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10516. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10516.

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

Commissioner McKenney inquired if the City was planning to make a transition for energy savings with regard to the bulbs used.

Manager Doyon responded that he believes there has been an attempt, but there has to be a capital investment in making that transition.

Director Kinzler responded that the City has been transitioning to LED bulbs on metered lights, such as the Civic Center building. NorthWestern Energy charges the City a flat rate on the streetlights owned by NorthWestern Energy that are not metered. The City is attempting to transition to LED bulbs on the streetlights owned by the City.

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

Motion carried 5-0.

14. **RESOLUTION 10517, TO LEVY AND ASSESS PORTAGE MEADOWS MAINTENANCE DISTRICT NO. 1195.**

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

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Finance Director Melissa Kinzler reported that, in February 1977, the Commission adopted Resolution 6913 that created the Special Improvement Maintenance District 1195 for the purpose of maintaining the Green Belt of the Portage Meadows Addition. The assessment covers the costs of materials, snow removal labor, water, mowing labor, fertilizer costs and labor, aerification labor, and tree pruning, which was part of the original Planned Unit Development.

After calculating all factors pertinent to the operations of the Portage Meadows Maintenance District, an assessment amount for the next fiscal year was calculated for consideration of approval by the City Commission. For Fiscal Year 2024, the Portage Meadows assessment is increasing 5% or \$18.32 for the average size lot to cover the increased costs of operations (personnel, fuel, maintenance of the irrigation system, etc.). There were no assessment increases in Fiscal Years 2021 or 2022 to aid in the economic recovery from Covid-19. The last Portage Meadows Maintenance District increase of 5% was approved in Fiscal Year 2023.

The City Commission adopted the FY 24 Annual Budget on July 18, 2023, which included the Portage Meadows assessment as represented herein. As part of the annual budget development and adoption procedures, the Portage Meadows Maintenance District assessment resolution must be submitted for City Commission action.

A public notice and hearing is required prior to the final passage of the assessment resolution. The estimated assessment is a total of \$71,941, and will result in an annual assessment of \$384.67 for an average lot of 4,501 sq. ft.

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

Commissioner Tryon clarified that this assessment only pertains to people that own lots in the Portage Meadows Planned Unit Development.

Manager Doyon added that, at some point, if there was unanimous consensus of the Portage Meadows residents, they could change the way this assessment is done. The City's concern is that there is cost recovery on the services being provided and that other taxpayers are not subsidizing those services.

Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10517. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10517.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

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15. RESOLUTION 10518, TO LEVY AND ASSESS STREET MAINTENANCE DISTRICT.

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

Finance Director Melissa Kinzler reported that the Street Division maintains approximately 393 miles of streets and alleys within the City limits. Maintenance consists of pavement rehabilitation and restoration, street cleaning, snow and ice removal, alley maintenance, and the nuisance weed program. In addition, the Traffic Operations Division is responsible for the maintenance of all roadway signs, signals and pavement markings.

After calculating all factors pertinent to the operation of the Street Maintenance District, an assessment amount for the next fiscal year is calculated and presented to the City Commission for approval. A 10% increase is proposed for FY24. The last street maintenance assessment increase was 10% was in 2016. Since that time, the costs of asphalt overlays have increased 38%, chip seal materials have increased 49%, and winter maintenance material has increased 65%. The 10% increase in the FY 24 budget will allow for pavement preservation to continue at the same rate and the budget for material costs will be adequate to account for inflation. Furthermore, coupled with the funds received from BaRSSA, the capital improvement program will be able to continue at the same rate of blocks per year.

The estimated increase is \$11.02 for an average size lot of 7,500 sq. feet. The total estimated assessment for the District is \$5,041,592.

Mayor Kelly asked if the Commissioners had any questions of staff. He requested Director Kinzler explain BaRSSA funds and what they are used for.

Director Kinzler responded that several years ago the State came up with additional gas tax monies to use for capital improvements in the Street fund.

Director Gaub added the approximate amount of BaRSSA funds the City expects to receive next fiscal year is \$1.9 million.

Mayor Kelly noted that the BaRSSA funds have gone a long way to alleviate the lack of increases the City would have had to institute since 2016.

Commissioner Tryon inquired how the Public Works Department plans for street repairs and fixing pot holes.

Director Gaub responded that pot holes are mainly complaint driven. The Street Division budgets for about 1,000 pot holes per year. Additionally, they mill and overlay on average 44 blocks per year and chip seal about 86 blocks per year.

Mayor Kelly asked if there were any comments from the public in support of or in opposition to Resolution 10518. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

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Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10518.

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

Commissioner Wolff commented that she has done two ride alongs with Public Works. There is also a lot to the snow plowing process pertaining to the quality and size of the sand and the unpredictable snow.

Commissioner McKenney commented that there has been a lot of inflation since 2016. Last year alone the inflation rate was above 8%. He inquired how it happened that this increase was way under the inflation rate.

Director Gaub responded that BaRSSA funds have helped make sure that the Department could keep up with the capital improvement program. The Department is not doing as much capital improvement as it would like to. The Department is always looking at efficiencies. The new paver is an example.

Manager Doyon added that, in years past, Public Works refined and managed the scope and amount of projects to what they could complete in the year. Street maintenance and projects are subject to the weather. It is a short construction period and sometimes they are not done with what they budgeted for.

Commissioner Tryon expressed appreciation for everything the Public Works Department does. Snow removal alone is a huge undertaking. Street maintenance and everything the Department does is part of being a community. Public safety and public infrastructure action are the most important things they do as City Commissioners in his opinion. Those two things are sometimes under the radar and not appreciated enough.

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

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

16. **ORDINANCE 3261, AMENDING TITLE 13, CHAPTER 12, SECTION 030 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS PERTAINING TO THE INDUSTRIAL PRETREATMENT PROGRAM AND PROHIBITED DISCHARGES AND LIMITATIONS.**

Mayor Kelly noted the difference with this item is the Commission is being requested to consider accepting the Ordinance on first reading and to set the final reading for a future date, upon EPA approval of the modifications as submitted.

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Public Works Director Chris Gaub reported that Ordinance 3261 would revise the City's Industrial Pretreatment local limits to reflect the City's current 2019 MPDES permit requirements. The US Environmental Protection Agency requires that the City maintain an Industrial Pretreatment Program to protect the Wastewater Treatment Plant and the Missouri River from pollutants that would not typically be found in residential and commercial wastewater. With each renewal of the MPDES permit, the City is required to determine if the existing local limits are adequate to implement the general and specific prohibitions of the Industrial Pretreatment Program. The process of determining if the local limits are adequate begin with an analysis of the current limits and the data utilized to develop them. Since most of the local limits are based off seven to 13 year old data, it was necessary to reevaluate the local limits.

The Environmental Division, along with a consultant, has been working with the EPA since November 2019. They first developed a sampling plan that included samples from the influent and effluent at the Wastewater Treatment Plant, bio solids at the Wastewater Treatment Plant, trucked and hauled waste users, permitted industrial users, some domestic and commercial locations, and the Missouri River. Over the next two years, samples were obtained from these locations to develop technically based local limits. The City utilized the latest revision of the "EPA Region VIII Strategy for Developing Technically Based Local Limits." This methodology considers current data and reserves some capacity for future growth.

The City submitted a draft report of the proposed limits to the United States Environmental Protection Agency (EPA) for review and worked through multiple iterations of the report to address EPA's comments/concerns. This process resulted in the City receiving notification from EPA (July 10, 2023) indicating the proposed local limits are considered "approvable", pending City Ordinance updates.

The proposed local limits are slightly more stringent which will help insure the Wastewater Plant remains in compliance with state and federal regulations, and will help insure potential contaminants are not discharged to the Missouri River. The revised limits also reflect more current influent and effluent characteristics observed at the Wastewater Treatment Plant.

If first reading of the Ordinance is accepted by the Commission, staff will send a final submittal of the proposed local limits. The EPA will then conduct a 30-day public notice period and will post it in the *Great Falls Tribune* with their intent to approve the City's local limits. If the EPA does not receive any substantive comments, the City will receive official approval from EPA and then schedule the final reading of Ordinance 3261.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission accept Ordinance 3261 on first reading and set final reading for future date upon EPA approval of the proposed program modifications as submitted.

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

Mayor Kelly received clarification that there would be no fiscal impact going forward if the local limits are approved.

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Commissioner McKenney inquired if future growth included industrial and was responded to in the affirmative.

Environmental Division Manager Nate Besich added that the calculations performed factor in all of the capacity that the Wastewater Treatment Plant currently has, plus all of the current industrial users and others that are coming into the plant, and reserves additional capacity through those calculations to set up for any future industrial users.

Commissioner McKenney received clarification in non-technical language that commercial sells things and industrial makes things.

Manager Doyon received clarification that other cities are under the same EPA requirements, and that the constituents of the local limits would be similar. All of the specified metals are all required by EPA. The City added sulfide due to prior issues with hydrogen sulfide in the collection system.

Manager Doyon commented that there is not necessarily a consistency in how the EPA negotiates with jurisdictions that discharge into public bodies of water. The City has been in negotiations with the EPA since 2019. At this point, there does not appear to be any upgrades required to the Wastewater Treatment Plant with regard to the new local limits. It is also reflective of the need to be careful when, while we like to have manufacturing industry and commercial businesses in the City, often it is better that the entity have a pre-treatment requirement. The regulations change. He is concerned about the capacity at the Wastewater Treatment Plant and making sure the City can address wastewater needs for industry and residential moving forward.

Commissioner Tryon received clarification that the expected timeframe for second reading of Ordinance 3261 was October.

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

Motion carried 5-0.

CITY COMMISSION

17. COMMISSION INITIATIVES.

None.

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Wolff thanked the Planning and Community Development Department for meeting with a local entity to discuss parking concerns, and thanked the Police Department for her recent ride along.

She also encouraged everyone to visit downtown to view the new art in the alleys and streets.

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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 August 15, 2023, at 8:14 pm.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: September 5, 2023