

JOURNAL OF COMMISSION PROCEEDINGS
September 19, 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; Planning and Community Development Director Brock Cherry; Finance Director Melissa Kinzler and Grant Administrator Tom Hazen; City Attorney David Dennis and Deputy City Attorney Rachel Taylor; Police Chief Jeff Newton; and City Clerk Lisa Kunz.

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

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PROCLAMATIONS: Domestic Violence Awareness and Prevention Month.

*Mayor Kelly called Agenda Items 1 and 2 out of order.

COMMUNITY INITIATIVES

***1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM CITY COUNTY HEALTH DEPARTMENT (CCHD).**

Meaghan Burnell, Public Health Nurse, provided the following updates:

- The main goal of the Buckle-Up Program is to provide car seat safety education to families and to promote seat belt use. Seat Check Saturday is a promotional event scheduled this Saturday at the Fire Station to provide car seats to families who could otherwise not afford them. Since October, 2022 CCHD inspected 111 car seats, distributed 86 car seats, and conducted 13 educational events reaching 100 families.
- The Montana Asthma Program provides free education to families with children with uncontrolled asthma. The purpose of the program is to reduce the number of emergency room visits, unneeded hospitalizations, and the overall costs of ER and urgent care visits. Families are visited quarterly for a year to provide asthma education to ensure they can control their asthma and allergies. CCHD also provides Hepa air purifiers, mattress covers, and spacers to aid with inhalation use of their medication. CCHD is currently serving five families in Cascade County. Over the course of eight years, CCHD has served 72 families

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in four counties and completed over 250 home visits. A new virtual option was implemented to reach all 56 counties.

- The newest Covid vaccine will be available tomorrow at the adult drive thru clinic, and at the walk in clinic for adults and children next week.

***2.**

PETITIONS AND COMMUNICATIONS

Keith Duncan, City resident, commented that the City has elected and appointed boards and commissions. Appointed boards fall into two categories: advisory boards and governing boards. Advisory boards give advice to the City Commission and have no authority to make policy. Governing boards have full and complete control to pay bills, adopt policy, and hire and fire staff. He suggested that governing boards have considerable power with practically no accountability. He compared the funding and appointment process of the Library Board with the Airport Authority Board. He opined that it is a major ethical breach of the Library Board to be interviewing board candidates so they could make a recommendation to the City Commission. The City Commission is accountable to the taxpayers and the voters of Great Falls. The Library Board is not. He suggested the City Commission reclaim its fiduciary duty by interviewing the 11 people that submitted applications for the two open Library Board positions.

NEIGHBORHOOD COUNCILS

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 reported that the second refurbished Fire Engine is being tested, and the third Fire Engine will be delivered to the plant in Wisconsin this week to be refurbished. Both units are part of an ARPA allocation and should be in service by late October.

Certain City Departments will be participating in the Great Falls Area Chamber of Commerce, World of Works Program, on September 26, 2023.

The second Public Safety Town Hall meeting was held last night, streamed to Facebook and is available for viewing on the City's Facebook page and safetyinthefalls.com webpage. Staff continues to provide information and education to the community as well.

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Manager Doyon also announced the unexpected passing of City employee Lisa Carlson who was the Utility Billing Clerk in the Finance Department. She was much loved by her co-workers. He acknowledged her work and service to the City of Great Falls and extended condolences to the family.

CONSENT AGENDA.

6. Minutes, September 5, 2023, City Commission Meeting.
7. Total Expenditures of \$4,837,276 for the period of August 24, 2023 through September 6, 2023, to include claims over \$25,000, in the amount of \$4,218,578.
8. Contracts List.
9. Award a General Contractor Construction Manager (GCCM) contract to Prospect Construction, Inc. in the amount of \$265,215 for Preconstruction Services for the Lift Station No. 1 Repairs and Supplemental Force Main project and approve the documented reasons for the selection of Prospect Construction, Inc. to serve as GCCM. **OF 1758.1**

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

Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

10. **RESOLUTION 10525, REVISING CITY OF GREAT FALLS ANIMAL SHELTER RELATED SERVICE FEES.**

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

Deputy City Manager Chuck Anderson reported that this item is a request to conduct a public hearing to consider revising the City of Great Falls Animal Shelter service fees to better reflect the cost of services offered. Resolution 10525 revises a number of the established fees collected from the Great Falls Animal Shelter. The proposed fees reflect the increasing costs of providing services to the public while recouping some of the costs to provide those services. This resolution also includes restructuring animal registration to move away from an annual licensing to a lifetime only licensing which has been found to increase licensing participation nationwide. Additionally, a community law enforcement fee will be recorded in this resolution. This fee has been in place for more than 10 years, but staff is unable to find any resolutions establishing the current \$30 fee. The new proposed fee will cover some of the costs for intake, to perform health exams, kenneling, and to cover the three to four day hold period for animals brought into the Shelter from the Cascade County Sheriff's Office or from the Montana Highway Patrol.

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Resolution 10125, adopted in 2015, specifically addressed cremation; three categories of cremation services were established at that time.

Fee increases were discussed during the FY24 budget process and were supported by the City Manager and the Finance Department. The proposed fees reflect a conservative estimate of \$20,000 in additional revenue for the Great Falls Animal Shelter.

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 Resolution 10525.

Linda Metzger, 32 Windy Ridge Lane, submitted written comments that the Great Falls Animal Shelter's proposed fees are a bargain, and that Cascade County should pay its fair share.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10525.

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

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10525.

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

Commissioner McKenney commented that the change to one-time licensing will save staff and consumer time.

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

Motion carried 5-0.

OLD BUSINESS

11. CDBG REVOLVING LOAN FUNDS FOR THE MADISON APARTMENTS PROJECT, 1109 6TH AVENUE NORTH.

Grant Administrator Tom Hazen reported that this Commission approved a \$1.2 million dollar loan to Mr. C. Daniel Bateman at the August 16, 2022 regular meeting. Mr. Bateman proposed the renovation of the former Cambridge Court Assisted Living Center into a multi-unit apartment complex. These funds would be issued from the Community Development Block Grant (CDBG) Revolving Loan Fund (RLF). Unfortunately, due to federal compliance requirements, staff is forced to recommend that this loan in this form be rescinded at this time.

CDBG funds are administered by the Department of Housing and Urban Development (HUD). CDBG grantees, like the City of Great Falls, are monitored by HUD for compliance with a wide range of federal regulations promulgated in the Code of Federal Regulations. All CDBG funded

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activities must meet eligibility, fiscal, and environmental standards. Additionally, Grantees are also reviewed for the timely use of CDBG allocations.

Generally, a Grantee is timely if its CDBG Line of Credit balance is less than 1.5 times its annual allocation as of 60 days before the end of the Program Year. The Line of Credit balance includes unspent CDBG award funds and any RLF funds derived from program activity or from program income. If the Grantee's Line of Credit Balance exceeds the 1.5 threshold the Grantee is considered "newly untimely" and is given 12 months to achieve compliance. A grantee that remains untimely 12 months later is "invited" to an informal consultation at the regional HUD offices. A Grantee is given the opportunity to demonstrate that "factors beyond its reasonable control caused significant delays in program implementation and affected its timely performance." This must be clearly demonstrated and the burden of proof lies solely on the Grantee. Typically, this burden is not met and HUD will proportionately reduce the Grantee's next allocation by the amount that exceeds the 1.5 threshold.

HUD recognized the difficulties experienced by CDBG Grantees during the height of the COVID-19 pandemic. Acknowledging that typical projects funded by grant funds were significantly slowed by the emergency, HUD issued temporary timeliness guidance. If a Grantee was timely in 2019 and then found to be untimely in 2022 would be given an additional one-year grace period. If that Grantee was still untimely in 2023, it would then be considered "newly untimely".

The City of Great Falls was timely in 2019. The City was found to be untimely in 2022 and again in May of 2023. The City's current CDBG annual award is \$764,295.00. That number, taken times 1.5, is the City's timeliness threshold of \$1,146,442.50. Currently, the City's Line of Credit balance is \$2,888,854.27. The City must draw a minimum of \$1,742,411.77 from this balance by May of 2024 to meet the 1.5 threshold.

The City has awarded \$2,438,214.62 to 12 projects being carried out by Community Partners and City Departments. One of those twelve is the aforementioned renovation of the Cambridge Court Assisted Living Center. The retirement facility ceased operation in mid-2019 and the building has been closed to the public since that time. The renovation of this building into a contemporary apartment building is an extremely complex undertaking. Designs for the building must account for environmental concerns, infrastructural expansion, and safety related installations such as fire suppression sprinkler systems. As a result, designs have not been finalized and are not expected to be completed until December of this year. Permitting and final financing are anticipated in First Quarter 2024. Optimistic estimates place the beginning of construction in March or April of 2024. Also of note, due to several factors, no Funding Agreement related to this loan has been signed by the parties in question.

Project specific design costs and other soft fees (permitting, filing costs, etc.) are not eligible CDBG expenses. Therefore, the Cambridge Court project would not be able to begin drawing on its allotment until construction began likely in March or April at the earliest. However, any delays to designs, permitting, bidding, etc. would push this timeline further back.

As previously stated, this project was allocated \$1.2 million of CDBG RLF dollars in August of 2022. Subsequently, in May of 2023, the City was designated as "newly untimely" and tasked with spending \$1,742,411.77 by May of 2024 to achieve compliance. The City has identified 11 projects

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totaling \$1,238,214.62 that staff reasonably expects will draw all related expenses by April 2024, if not before. This leaves a balance of \$504,197.15 that must be withdrawn from the City Line of Credit Balance. If the Cambridge Court project is included, there are insufficient unallocated CDBG funds to achieve this figure with the award in place. In other words, the City could spend every CDBG penny not allocated to the Cambridge Court project; but, if that development was not able to move forward sufficiently to draw a significant amount of funding, the City would still be considered untimely and likely lose a portion of its next allocation.

Grant Administrator Hazen concluded that the recommendation to rescind the loan to Mr. Bateman is not made in reflection of either him or his project. Developing Cambridge Court into an apartment building that offers housing to low-income community members does offer clear benefit. However, the current structure of the loan coupled with the pace of development are in direct conflict with the recently established federal requirements to achieve timeliness.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission approve rescinding CDBG Revolving Loan Funds for the Madison Apartments Project.

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

Mayor Kelly inquired if Mr. Bateman's project would be eligible to be considered if he decides to apply for the funds in the future.

Grant Administrator Hazen responded that staff met with Mr. Bateman on multiple occasions and discussed the impact of the timeliness finding by HUD on the City of Great Falls and what that meant for the City's spending. Mr. Bateman understands the limitations that are in place and he understands the reasoning behind this recommendation. Staff also extended their enthusiasm for funding this project in the future, perhaps in a different model or extended phased roll out. Commissioner McKenney inquired if the project was still viable and was responded to in the affirmative.

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

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

12. ORDINANCE 3262, TO REZONE THE PROPERTY ADDRESSED AS 2505 8TH AVENUE NORTH FROM R-3 SINGLE-FAMILY HIGH DENSITY TO C-1 NEIGHBORHOOD COMMERCIAL.

Planning and Community Development Director Brock Cherry reported that this rezone request was initiated by the property owner and recommended for approval by the Planning Advisory Board/Zoning Commission. Feedback gathered from neighboring community members were expressions of concerns about traffic and water pressure. The City's transportation planner

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conducted an analysis and the anticipated trips that would be caused by the intended multi-family development, which is the entire reason for the rezone request. The result of the analysis was an increase in traffic by two percent. Public Works was able to address the water pressure concerns by clarifying that this project would take service off of a 12-inch main and it is not in a low pressurized area.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission accept Ordinance 3262 on first reading and set a public hearing for October 17, 2023.

Mayor Kelly asked if there were comments from the public.

Lyndsay Bruno, Great Falls Development Alliance (GFDA), commented that GFDA has been focused on increasing housing production in Great Falls since conducting a housing assessment in 2021. This is a great project for Great Falls because it offers density to an underused area, and will help get closer to meeting the demand in Great Falls.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

13. RESOLUTION 10512, TO LEVY AND ASSESS PROPERTIES WITHIN THE BUSINESS IMPROVEMENT DISTRICT (BID).

Finance Director Melissa Kinzler reported that the initial creation of the BID was in 1989. It was renewed in 1999, 2009, and 2019, each for periods of 10-years by petition of the property owners within the District.

The Business Improvement District's overall purpose is to utilize assessment dollars through the BID to improve and revitalize the downtown area. On July 18, 2023, as required by Mont. Code Ann. § 7-12-1132(2), the BID presented a proposed Work Plan and Budget and recommended a method of levying an assessment on the properties within the district. Following that public hearing, the City Commission adopted the BID's FY 2024 Work Plan and Budget.

The assessment formula for 2023/2024 will generate \$305,450.46 in assessment revenue for the BID. The assessment revenue increase of \$39,272.54 over last year is attributed to the increase in market values of the properties in the District.

Adoption of Resolution 10512 is the final step in the process of setting the BID assessment.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10512.

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

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Kellie Pierce, Executive Director of the BID, expressed appreciation to the Commission for approving the BID's operating budget to continue its revitalization and beautification efforts downtown. The BID has not changed its valuation process since its creation in 1989. The BID is grateful for all of the renovations and revitalization projects going on downtown that continue to increase property values.

Commissioner Tryon noted that this is an assessment that applies only to owners within the District that have agreed to it.

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

Motion carried 5-0.

14. RESOLUTION 10513, TO LEVY AND ASSESS PROPERTIES WITHIN THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) NO. 1307.

Finance Director Melissa Kinzler reported that the initial creation of the TBID was in 2008. On February 6, 2018, the City Commission approved Resolution 10222 re-creating said TBID for a duration of ten (10) years. TBID's overall purpose is to promote tourism, conventions, trade shows, and travel to the City of Great Falls through the use of assessment revenue.

At a public hearing held on July 18, 2023, the TBID presented a proposed Work Plan and Budget and recommended a method of levying an assessment on the properties within the district. Following the public hearing, the City Commission adopted the 2023/2024 Work Plan and Budget for the TBID.

The assessment amount requested by the TBID through their Work Plan and Budget was approximately \$765,508. The actual assessment for Fiscal Year 2023/2024 based on the assessment formula will generate \$769,457 in assessment revenue. Last year, the total assessment billed was \$757,388. The increase of \$12,069 over last year's assessment is attributed to an increase in lodging for the assessment period that ended June 30, 2023. Adoption of Resolution 10513 is the final step in the process of setting the TBID assessment.

Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission adopt Resolution 10513.

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

Rebecca Engum, Executive Director of Great Falls Montana Tourism, 15 Overlook Drive, commented that the \$3,949 additional dollars that were collected the past fiscal year will be considered via a budget amendment by the TBID Board of Directors and then the City Commission. The amendment amount of \$1,105 is projected to go to the administration line item to help cover the cost of the one part-time staff person added this year. The remaining \$2,844 is projected to go to their website line item.

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.

15. RESOLUTION 10528, TO DESIGNATE THE FINANCE DIRECTOR AS THE CERTIFYING OFFICIAL FOR HUD-FUNDED PROGRAMS.

Grant Administrator Tom Hazen reported that any project requesting financing through Department of Housing and Urban Development, such as the Community Development Block Grant and HOME Investment Partnerships programs, is required to perform an Environmental Review. This review ensures that all HUD funded projects identify any negative environmental impacts that may stem from the proposed activity and address them. These reviews must be signed by a “Certifying Officer” that is endorsed by the legislative body of the recipient community. To date, Craig Raymond and Tom Micuda have served as the Certifying Officer for Great Falls. With the recent transition of HUD fund administration from Planning and Community Development to Finance it was deemed reasonable to transition the signing authority to the Finance Director, Melissa Kinzler. All related activities will remain the same. This only completes the transition of responsibilities from one department to another

Commissioner McKenney moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10528.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

16. RESOLUTION 10529, RELATING TO \$645,000 TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DEVELOPMENT REVENUE BONDS (GREAT FALLS INTERNATIONAL AIRPORT TAX INCREMENT FINANCING INDUSTRIAL DISTRICT) SERIES 2023, AUTHORIZING THE SALE AND PRESCRIBING THE FORMS AND TERMS THEREOF AND THE SECURITY THEREFOR.

Finance Director Melissa Kinzler reported that in May of 2021 and December of 2022, the City Commission approved the Great Falls Airport Authority’s (Authority) request for Tax Increment Financing (TIF) funds to aid in the cost of infrastructure improvements. This request was in coordination with a project that would construct improvements including water service lines, sewer service lines, storm sewer improvements, electric/data services lines, and two roadway access points. The improvements are now constructed and accepted by the City, and will be used to serve the future construction of buildings to be used for industrial warehouse bays.

The Authority asked for a total reimbursement of \$1,091,238. The City agreed to reimburse the Authority for \$400,000 of costs of the Infrastructure Improvements with Tax Increment funds on hand and also to issue Bonds payable from the Tax Increment in a principal amount sufficient to pay or reimburse the Authority for up to \$691,238 of Infrastructure Improvements, to fund a deposit to the reserve account and to pay costs of issuance. The City has reimbursed the Authority the \$400,000 from the Tax Increment funds on hand. The amount the City will reimburse the Airport

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in issuing the Bonds will be \$521,183.80. The total reimbursed amount for Infrastructure Improvements to the Authority will be \$921,183.00.

Resolution 10520 established the terms, and limitations of the sale. The Series 2023 Bonds were sold in a public offering by D.A. Davidson & Co., of Great Falls, Montana (“Davidson). The purchase price, redemption features, and interest rate on the Bonds were subjected to the following conditions and limitations:

- (1) the aggregate principal amount of the Series 2023 Bonds shall not exceed \$850,000.
- (2) the average coupon rate on the Series 2023 Bonds shall not exceed 6.0%
- (3) the purchase price of the Series 2023 Bonds shall not be less than 98.5% of the principal amount thereof; and
- (4) the final maturity of the Series 2023 Bonds shall not be later than 17 years from the date of issuance.

Resolution 10529 determines the form and details, authorizing the sale and delivery for the payment for a negotiated sale of \$645,000 Tax Increment Industrial Infrastructure Development Revenue Bonds (Great Falls International Airport Tax Increment Financing Industrial District), Series 2023. All terms and limitations of Resolution 10520 were met. The average coupon rate of the bonds is 5.0%, which is well below the 6.0% set forth in Resolution 10520. The final maturity of the Bonds is 14 years from the date of issuance (7/1/2037) with the option to call remaining Bonds after seven years (7/1/2030).

The fiscal impact of issuing \$645,000 of revenue bonds is estimated to be an average debt service of \$65,579.97 a year through Fiscal Year 2038 in the Airport Tax Increment Fund. The Total Annual Debt Service will be \$902,635.42.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10529.

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

Because of the mayor’s background as a municipal bond underwriter and trader, Commissioner Tryon asked Mayor Kelly to explain the process in layman’s terms.

Mayor Kelly explained that there is an Airport TIF District. The District directs funds into a pool that creates an annual revenue stream that is certain and predictable. The cash flow that the TIF creates is sometimes not enough to fund projects. This project was significantly more than \$400,000 and there was a need for additional funding to get the project underway. Because of the revenue stream from the TIF District they are able to go out into the market using DA Davidson as the underwriter to offer the bonds, which is basically creating a 14-year loan to the marketplace, and the market providing the TIF District the million dollars. The Airport cash flow from the TIF District will pay off the debt service every year.

Director Kinzler added that the actual revenue bonds are based on the tax increment revenue, not the general obligation of the general fund.

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Mayor Kelly concluded that the source of the repayment for the bonds is solely the Airport TIF and not the taxpayers.

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

Motion carried 5-0.

17. RESOLUTION 10530, TO FINANCE CERTAIN PROPOSED IMPROVEMENTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.

Finance Director Melissa Kinzler reported that Resolution 10530 is a reimbursement resolution for costs associated with certain improvements to the Great Falls Water system including its Lead Service Line Replacement Pilot Project (“Pilot Project”). The project consists of replacing 20 lead service lines within the City limits with copper service line pipe and related improvements. This resolution will allow the reimbursement by bond proceeds (DNRC loan) prior to the bond (DNRC loans) issuance.

At the August 15, 2023 City Commission Work Session, the current Pilot Project was presented to the City Commission. The Pilot Project will cost an estimated \$300,000. The resolution authorizing the issuance and fixing terms and conditions for the estimated \$300,000 will be presented at a future date.

Adoption of this resolution will allow the Water Fund to be reimbursed for costs of improvements of the lead service line replacement pilot project.

Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission adopt Resolution 10530.

Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

CITY COMMISSION

18. COMMISSION INITIATIVES.

None.

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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 September 19, 2023, at 7:58 pm.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: October 3, 2023