

JOURNAL OF COMMISSION PROCEEDINGS

October 3, 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; Fire Chief Jeremy Jones; Finance Director Melissa Kinzler and ARPA Project Manager Sylvia Tarman; Park and Recreation Director Steve Herrig; City Attorney David Dennis; Police Chief Jeff Newton; and City Clerk Lisa Kunz.

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

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PROCLAMATIONS: Crime Prevention Month [October 2023]. President of Great Falls Cascade County Crime Stoppers Sandra Guynn reported that the 13-member board expanded its mission to include community programming. This year's focus is on the public safety levy. She invited everyone to attend the program scheduled for October 10, 2023 at Alliance for Youth, 3220 11th Avenue South, to hear about how crime has affected local businesses.

MILITARY UPDATES

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM MONTANA AIR NATIONAL GUARD (MANG).

Amber Westie, 120th Airlift Wing Chief Master Sergeant, reported the following:

- MANG is currently funded through November 17, 2023, with regard to the government shutdown.
- The new C-130J aircraft is expected to arrive at MANG between October 2025 and October 2029, after conducting a National Environmental Policy Act review and some construction.
- A Mutual Aid Agreement with Cascade County for fire protection has been reestablished.
- The Guard Bureau has allowed MANG 140 more flying hours this year.
- MANG recruited 125 people, exceeding its goal this year. Airmen gain skills, training and professional development.

2. PETITIONS AND COMMUNICATIONS

Jasmine Taylor, City resident, provided and reviewed a complaint against Commissioner Rick Tryon pertaining to his employment relationship with Stray Moose Productions and his contributions to the blog E-City Beat, that appear to her to be in violation of certain provisions of

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the Official Code of the City of Great Falls (OCCGF) Title 2, Chapter 21, Code of Ethics. Ms. Taylor also provided a letter addressed to Phil Faccenda in care of Stray Moose Productions and Commissioner Rick Tryon requesting that they cease and desist from the use of the business name E-City Beat, which is now registered to WTF406 with the Montana Secretary of State.

Jeni Dodd, City resident, expressed concern that many people do not know there is an upcoming bond levy in addition to the mill levy, and suggested more information about the bond levy be posted on the website. She inquired if the City was going to levy fewer mills now, considering the increase in property values. Considering the state of the economy, it seems to her that the Commission is forcing the middle class out of Great Falls.

Robert Morris, City resident, suggested giving immigrants a hand up by helping with the labor shortage and earning a living in Montana as a proposal for the City of Great Falls to an international problem.

Donna Williams, 2916 2nd Avenue North, thanked the City and citizens of Great Falls for their input on a panel discussion at the Great Falls Rising meeting about a sustainable solution to the housing crisis in Great Falls.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. APPOINTMENT TO THE PARK AND RECREATION BOARD.

Mayor Kelly reported that board member Dustin Jacobs tendered his resignation effective June 12, 2023. His term was scheduled to run through December 31, 2023. The City advertised and received one application from Kortny Maurer. The Park and Recreation Board considered her application at its September 11, 2023 meeting, and recommended that the City Commission appoint her to the remainder of Mr. Jacobs' term through the end of 2023.

The Park Board has three board members with terms expiring December 31, 2023, including this one. The City will again be advertising for citizen interest for all of these positions. Ms. Maurer's application will be considered during the recommendation and appointment process for the new full three-year terms along with any newly received applications.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission appoint Kortny Maurer to the Park and Recreation Board for the remainder of a three-year term through December 31, 2023.

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

Motion carried 5-0.

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5. REAPPOINTMENTS TO THE TOURISM BUSINESS IMPROVEMENT DISTRICT BOARD (TBID).

Mayor Kelly reported that Peter Jennings has served on the TBID Board of Trustees since May of 2021 and Sandra Johnson-Thares was appointed in August of 2018. Both members are interested and eligible for reappointment. The Board Liaison, Rebecca Engum, reached out to all property owners within the TBID district seeking interested candidates. She also sent emails and made phone calls to encourage applications. No applications were received.

During the TBID's meeting on September 21, 2023, the Board recommended that the City Commission reappoint Mr. Jennings and Ms. Johnson-Thares to the Board of Trustees for four-year terms through June 30, 2027.

Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission reappoint Peter Jennings and Sandra Johnson-Thares to the Tourism Business Improvement District Board of Trustees for four-year terms through June 30, 2027.

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.

6. APPOINTMENT TO THE LIBRARY BOARD.

Mayor Kelly reported that the Library Board is comprised of five members who are appointed by the City Commission. The Board oversees the Library policies and operations including book policies and service to the City, County, and Pathfinder Federation of Libraries. Members serve for five-year terms, but no more than two full terms in succession, exclusive of time served on any unexpired term. The current members of the Board and their terms, are as follows:

Whitney Olson	7/18/17 – 6/30/27
Samantha DeForest	5/15/18 – 6/30/26
Jessica Crist	1/6/21 – 6/30/25
Anne Bulger	7/17/18 – 6/30/23
Vacant board position	4/5/22 – 6/30/24

The requested action is that the Commission fill two Board positions—the position currently held by Anne Bulger, and the unexpired term previously held by Brad Eatherly who has moved away.

During the City Commission meeting held on August 1, 2023, the City Commission considered and adopted Resolution 10524: Establishing a Policy Concerning Appointments to Boards and Commissions and Repealing Resolution 10235. Resolution 10524 requires all board vacancies to be advertised prior to being filled.

Staff then advertised for citizen interest. Thirteen applications were received. Two applicants subsequently withdrew their applications. The Library Board conducted interviews of the remaining 11 applicants and passed along two recommendations for Commission consideration.

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Mayor Kelly moved, seconded by Commissioner Wolff, that the City Commission reappoint Anne Bulger to the Library Board for a five-year term through June 30, 2028, and appoint Jerry Hopkins to the remainder of a five-year term through June 30, 2024.

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

Don Ryan, 2101 7th Avenue South, previously served with the current four women on the Library Board. He was impressed with their quality of work and their professionalism as volunteers. They did their homework every meeting and thoroughly discussed all of the issues. He concluded with “if it ain’t broke, don’t fix it.”

Alice Klundt, 3216 Jefferson Court, concurred with Mr. Ryan’s comments, and urged the Commission to vote in favor of the people that have been recommended.

Sandy Rice, City resident, and as a member of Neighborhood Council #7 and the Downtown Safety Alliance, has worked with Anne Bulger for about two years. Anne is passionate, loving and willing to do extra in order to make the Library the best it can possibly be. Hoppy Hopkins has a good reputation, is a librarian, and would be an incredible addition to the Board. She urged the Commission to keep in mind the mission of the Library is to represent the community and be open to everyone.

Richard Erving, City resident, suggested the Commission appoint people who will ask more questions and make hard decisions rather than those recommended by the Library Board. He noted the Library Director brought up having received a large donation from a secret donor to solve the Library’s shortfall at a Library Board meeting and nobody on the Board asked any questions about any issues.

Steven Vinnedge, not a City resident, read a prepared statement on behalf of **Keith Duncan**, City resident, expressing his serious issues with the Board appointment process for the Great Falls Public Library. He commented that the City Commission has a history of ignoring its responsibility to the voters and taxpayers, only to be later exposed for their lack of judgment and irresponsibility, citing examples of the Highwood Generating Station and 2018 scandal pertaining to distribution of CDBG funds. In both instances, the City Commission chose to move forward with a policy that had obvious ethical issues that caused the Commission embarrassment and cost the taxpayers and the community millions of dollars that eroded the public’s trust in their city government. The sitting Library Board members have no business passing judgment on who should serve on the Library Board. The Legislature has given that responsibility to the elected City Commission.

Jane Weber, City resident, former Cascade County Commissioner and County’s representative on the Library Board, noted her knowledge of the mission of the Library and the responsibilities of the Board members, and her support for the reappointment of Anne Bulger and new appointment of Hoppy Hopkins to the Library Board. Anne has a master’s degree in education and taught middle school and high school students in our community for 25 years. She knows what children are interested in and how they think about the world around them. Jerry “Hoppy” Hopkins is currently a librarian in our public schools. He understands how libraries are organized and what children like to read. She suggested the Commission consider leadership succession on its all-volunteer boards, and not change the process of appointments to this all-volunteer board in the middle of the process.

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Helena Lovick, City resident, commented it is unfortunate that this process has been so politicized. She urged the Commission to listen to the volunteers that have the best interests of a great resource in the community. She has lived in Great Falls off and on for over two decades and the Library has served her and her family well. She supports the recommendation for the Commission to appoint these two members to the Library Board.

Molly Beck, City resident, thanked the Library Board for their time and dedication in fulfilling this comprehensive, fair and transparent process. The nominees were thoroughly evaluated on a standardized procedure. Two very qualified people were nominated for the Board positions and she asked for the Commission's support in approving those nominations.

Grace Beck, City resident, Great Falls High School student and member of the Leadership High School Program, was excited to hear that Hoppy Hopkins was a nominee for the Library Board. She urged the Commission to approve his appointment.

Mitch Tropilla, City resident and previous Library Board member for 10-years has known Anne Bulger and Jerry "Hoppy" Hopkins from volunteering in different capacities. Both are stellar choices. They would not only be good voices for the Great Falls Public Library, but for the Great Falls community as well. He encouraged both of their appointments to the Library board.

Donna Williams, 2916 2nd Avenue North, agreed with Mr. Don Ryan's comments. She resents it when people attack her public library, and added that she takes the complaints about procedure for the Library Board as just another one of the many attacks against the public library. The public library is a venerable institution and the backbone of American freedom and democracy.

Jeni Dodd, City resident, commented that she would like to see the Commission represent the people of Great Falls instead of simply rubber-stamping the recommendations of boards and committees. She suggested the City do away with all board and committee recommendations.

Linda Madsen, County resident, commented that Noelle Johnson was a teacher and then decided to go into business on her own. She would be a great addition to the Library Board with new input and new thoughts.

Kathie Hansen, 4601 Flood Road, finds it unusual that the Library Board is not following its own stated mission of welcoming other people, and are only choosing someone that is already a part of their intimate group. She agrees that Noelle Johnson would do well representing the people and the students that she previously taught. It is time that the Commission look at having diversification on the Library Board.

Nora Flaherty Gray, 2114 3rd Avenue North, served on the Library Board for two terms and then chaired the Library Foundation. She commented that when a person has met the necessary qualifications, very often that person would be recommended for reappointment. The fact that other people came forward through the process does not lower their ability to try again. Anne just has more experience at this time and is willing to spend her time on another term.

Written comments were submitted from: **Sue Warren**, Great Falls Public Library Foundation President, **Sara Buley**, 913 25th Avenue SW, **Jim Heckel**, 3012 Carmel Dr., and **Karen Venetz**,

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939 2nd Street SW, in support of appointing Ann Bulger and Jerry Hopkins, Jr.; and, **Ginny Rogliano**, 343 Flood Rd., in opposition to the two candidates recommended by the Library Board for appointment.

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

Mayor Kelly appreciated the passion of everybody's opinion. What he was hearing primarily was a discussion about process and not people. In response to the direction of the Commission at its August 1, 2023 meeting, the Library Board advertised for more candidates, interviewed all the candidates, and then made a recommendation of the two best selections for Commission consideration. There was conversation during that meeting about whether the Commission should be involved in interviewing, and the Commission respectfully declined at that point. There was also discussion about the fact that the Commission has always had the ability to reject or seek other candidates despite the recommendations that have come forward. At this point, we are midstream in the appointment process. The Library Board has already delivered on the things the Commission requested of them.

If the Commission should decide to do something different with regard to process, he suggested it wait until the new Commission members are seated in January. The demands on the Commission to go forward and interview people is something that should not be taken lightly because it's a big responsibility and also a big time commitment. He is currently retired, except for his job as mayor, and hopes that the future brings in younger people who are potentially working for a living and do not write their own calendars. Extra meeting time for interviews may be an undue burden on them. He suggested that they make that decision, and not the current Commission members making that decision for them going forward.

He was very disappointed to see that some applicants felt the need to put their political affiliation on their application, and sad to see politicization coming into our community. He has always believed that it is never a good time in the middle of a controversy to make lasting decisions. It is better to wait it out and to figure out what will make sense over time, and not make decisions in the middle of a storm. That opportunity will exist in January. That opportunity does not exist here tonight. He supports the Library Board's recommendation.

Commissioner Tryon commented that he read the past five-years of the Library Board meeting minutes. It struck him that, out of 234 motions made, 233 were unanimous votes in favor of the motion and there was not a lot of discussion or disagreement. That says to him that the Library Board and the community would be well served by having another voice on that Board, somebody with a different point of view and that does not vote "yes" for everything. He cannot support the motion or the Library Board's recommendations.

Commissioner Tryon agreed with Mayor Kelly that the time to think about changing the process is after the new Commission is seated in January.

He clarified that the two governing boards for the City are the Airport Authority and the Library Board. The Commission currently interviews the applicants for the Airport Authority Board. The Commission does not interview the applicants for the remainder of the City boards because they are

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advisory and not governing boards. To be consistent, Commissioner Tryon suggested pursuing the option of interviewing Library Board applicants once the new Commission is seated.

Commissioner McKenney referred to Article VII Section 3 of the City Charter and noted that the Library Board is also considered an advisory board with respect to the City Commission. City Code and the Agreement dated June 1, 1993 with the Library Board have conflicting language in that the Agreement states: 2. The Library Board shall have the exclusive power and authority to determine policy for the operation of the library; prepare budgets; authorize expenditures; determine the selection of materials; and negotiate contracts and agreements as set forth in Montana Code. 3. The City shall have authority and responsibility for all personnel matters, including hiring, firing and disciplinary proceedings, for all library employees, including the Library Director, except that appointment of the Library Director must be made in consultation with and be confirmed by the Library Board. It is clear that the Library is a governing board, and not an advisory board. Community expectations have changed and he is in favor of interviewing the applicants. He does not support the motion as it currently stands.

Commissioner Wolff noted that she has served on the Library Board and the Airport Authority Board as an ex officio representative of the City. The Airport Authority Board does not receive City funding. They govern, hire, fire, evaluate their director and have fiduciary responsibilities. The Airport Authority Board does not make appointment recommendations to the City Commission, but it does want people who have fiscal responsibility and understand the airport operations.

The Library Board is advisory and has a lot of governing authority. She thanked all of the applicants that applied to be on the Library Board, and hopes that the ones that are not chosen tonight will either reapply in June or serve as volunteers. She thanked the Library Board for following through on the process the Commission asked them to do.

Libraries are places for learning and receiving services. They are not political institutions. This board appointment has nothing to do with the library levy. The Commission put that levy out to the people of this community so they could make that decision. The people of this community made that decision and it is time to move on. She agrees that any changes to process be made after the new Commission is seated, and she supports the motion as stated by Mayor Kelly.

There being no further discussion, City Attorney David Dennis provided procedural guidance that a motion to amend would take precedence over the original motion.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, to amend the main motion that the City Commission reappoint Anne Bulger to the Library Board for a five-year term through June 30, 2028, and appoint Noelle Johnson to the remainder of a five-year term through June 30, 2024.

Mayor Kelly called for public comment on the motion to amend.

Alice Klundt, 3216 Jefferson Court, commented that she is a friend of Noelle Johnson. Noelle was an excellent teacher and she used to sub for her quite often. But, Noelle is very political and she is

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afraid that Noelle's focus will be to bring politics into the Library Board. She urged people not to let it become political.

Jane Weber, City resident, concurred with Alice Klundt. Noelle Johnson is a big proponent of Sandra Merchant and everyone knows the politicization of what has been going on in the Election's Office. Noelle Johnson is very entrenched in that entire political scene. This is not the time to pick someone like that to serve on the Library Board.

Peggy O'Leary Tremper, City resident, thinks it is disrespectful to the members of the Library Board who, in good faith, followed the direction of the Commission, interviewed 11 candidates in public meetings, and brought forth their best recommendations. If the process is going to be changed, she agrees with Mayor Kelly that it is something for the next Commission to consider.

Kathie Hansen, 4601 Flood Road, disagreed with several of the people who have said that this appointment should not be political because citizens voted on the library levy. Citizens also voted on the position of Election Administrator. With the amount of money that is coming into the library and is tax funded, if someone has certain political views and people are backing that political view, citizens should continue to have these kinds of things be voted upon to be represented.

Molly Beck, City resident, commented she was confused by this motion as the Library Board has went through the process that the Commission requested. Since this is a short-term appointment, she feels it would be more beneficial to follow the recommendations of the Library Board or provide some compelling reason that this additional person is the best candidate over the recommendations of the Library Board.

Linda Madsen, County resident, took exception to the statement that Noelle was political. We are all part of a republic and we should all be involved with politics. She thinks Noelle would make good decisions and listen to both sides of the story.

Don Petrini, City resident, commented that from his experience with boards, it is not in the best interest of the people on the boards to pick their members. If they are the people that are right for the job, then it should not matter to them or anybody else if the Commission waits until after the first of the year to make the appointments to the board.

Jessica Crist, City resident, commented that the Library Board began the process by following the Commission's stated procedure. The procedure was changed midstream without complaint. The Library Board then changed stream and interviewed all of the 11 candidates in open meetings. The Board members investigated the applications and asked more questions. It was not an easy process. The Board members worked hard at it and put their best efforts into it. If the Commission were going to do nominations from the floor, there would be many names that would come up. It feels reckless that the Commission would throw out another name and make a decision without an interview.

Donna Williams, 2916 2nd Avenue North, thinks Hoppy Hopkins with his experience with young people, readers, and his English education background, is the stronger candidate.

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Jeni Dodd, City resident, commented that Noelle is an intelligent, dedicated, and wonderful person. Responding to those commenters confused about the process, Ms. Dodd clarified that the City Commission has always had the ability to reject any recommendations and choose other applicants. She has seen no proof that Noelle interjected politics into her job.

Gerry Jennings, City resident, does not understand why another name has been brought up by the Commission after the Library Board provided two names to be considered, and also rejected someone who was vetted by the Library Board.

David Saslav, City resident, agreed with Commission members that the process should not be changed for the reason that three of the five members may not be on the City Commission in January. For the exact same reason, he suggested it was not appropriate for Commissioner Hinebauch, someone who may not be here in three months, to amend the motion which may have ramifications long past his tenure on this Commission.

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

Commissioner Wolff commented that, as an ex-officio member of the Library Board, there was discussion, homework and training to do their jobs at the library. She does not agree with the comments that the Board rubber-stamps what the director says.

Mayor Kelly inquired of Commissioner Hinebauch if there was a particular reason why he nominated Noelle Johnson.

Commissioner Hinebauch responded that he went through all the applications and feels she was qualified and represents a different point of view than everybody else.

Commissioner Tryon concurred with Commissioner Hinebauch and added that he thinks it would be beneficial to the community to have somebody on the Library Board that the Library Board did not recommend. For someone to suggest that the current members of the Library Board do not have political affiliations is to ignore the facts. It should be obvious to everyone that there already are political connections on the Library Board. Noelle Johnson is just as qualified as some of the other candidates. He supports her nomination.

Commissioner McKenney displayed the agenda packet and noted that all of the agenda reports have a recommendation. There is discussion on every item. When he hears the term “rubber stamp” nothing could be further from the truth. As a lifelong entrepreneur, he likes that Noelle is also a small business owner and member of the Chamber of Commerce. He thinks there needs to be more entrepreneurs in the decision making process in local government. He would prefer that the Commission conduct the interviews.

Commissioner Wolff suggested choosing three to five applicants to interview rather than just selecting one applicant when the Commission was not part of the interview process.

Commissioner Wolff received clarification that she may amend the amended motion.

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Commissioner Wolff moved, seconded by **Commissioner Hinebauch**, to amend the amended motion that the City Commission reappoint **Anne Bulger** to her second, five-year term through **June 30, 2028**, and interview three to five people to fill the remainder of the five-year term through **June 30, 2024**.

Commissioner Wolff suggested that each Commission member send their nominations to Krista in the City Manager's Office to see if there is agreement on three to five applicants to interview.

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

Alice Klundt, 3216 Jefferson Court, suggested the Commission stand by their process directed to the Library Board, and support their recommendations. One of the recommendations is a librarian. She inquired if the Commission would find other people that meet the qualifications more than a librarian.

Mayor Kelly commented that the Commission would need to discuss the selection process with staff and legal.

Jeni Dodd, City resident, suggested the process of choosing three to five applicants should be decided at a Commission meeting with public comment.

Nora Flaherty Gray, City resident, suggested there is no fair way, other than to interview all 11 people.

Molly Beck, City resident, commented if the Commission is deciding now that it is best to have a different process, then there needs to be a different process. This feels to be cherry-picked and inappropriate at this time.

Jason Olthoff, City resident, commented he has worked with Noelle for the past five years on different things. She is qualified for this appointment. When Great Falls Rising is against it, he thinks there needs to be that voice on the Library Board.

Jane Weber, City resident, commented that the Commission has flip-flopped again and changed the process totally to have the Commission be the interviewers, when the Commission said earlier that it would not do that until the new Commission is seated.

Sandy Rice, City resident, commented that the Commission said several times tonight it would not change the procedure until the new Commission is seated in January, and now the Commission just changed the procedure completely.

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

Commissioner Tryon thinks the amendment to the amended motion should be defeated, and the Commission vote on the amended motion.

Commissioner Wolff inquired of the Commissioners their criteria for saying Ms. Johnson is more qualified than Mr. Hopkins.

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Commissioner Tryon responded that he thinks it would be good for the Library Board and community to have somebody on the Library Board that is not recommended by the Library Board.

Commissioner McKenney commented that the Library Board should have a diversity of experiences.

Commissioner Hinebauch commented that the selection of the Library Board ultimately falls on the City Commission and the Commission has the right to reject recommendations. He feels that it is important to have a different viewpoint on the Library Board.

Commissioner Wolff noted she was uncomfortable with the fact that a name was chosen and she would like to then interview everybody because she wants to know the Commission has chosen the best person and she doesn't know that now.

Mayor Kelly reiterated the motion has been amended, and then a second amendment regarding interviewing three to five candidates. He called for the vote on the second amendment to the motion.

Amendment to the Amended Motion failed 1-4 (Mayor Kelly and Commissioners Hinebauch, McKenney and Tryon dissenting).

Mayor Kelly reiterated the motion on the floor now is to amend the main motion that the City Commission reappoint Anne Bulger to the Library Board for a five-year term through June 30, 2028, and appoint Noelle Johnson to the remainder of a five-year term through June 30, 2024.

He asked if anyone felt moved to say anything in addition to his or her previous comments on this particular amendment.

Donna Williams, 2916 2nd Avenue North, questioned why Commissioner Hinebauch's amended motion only contained one of the nine other applicants not recommended by the Library Board.

There being no further comments or discussion, Mayor Kelly concluded that he gives credence to having a different point of view on a governing body. He does not understand the logic of the comments about not following the recommendation because it is better for the Library Board. But he does understand the goal in mind is to have a voice.

Mayor Kelly called for the vote on the Amended Motion.

Motion to Amend Main Motion carried 3-2 (Mayor Kelly and Commissioner Wolff dissenting).

Mayor Kelly called for a recess at 8:53 p.m. and called the meeting back to order at 9:00 p.m.

City Attorney David Dennis reported that the Commission has an additional procedural step and needs to vote on the original motion as amended.

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Mayor Kelly moved, seconded by Commissioner Tryon, that the City Commission reappoint Anne Bulger to the Library Board for a five-year term through June 30, 2028, and appoint Noelle Johnson to the remainder of a five-year term through June 30, 2024.

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

Hearing none, Mayor Kelly called for the vote.

Amended Motion carried 3-2 (Mayor Kelly and Commissioner Wolff dissenting).

7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

8. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon reported that:

- Great Falls Fire Rescue was awarded a 2023 State Homeland Security Grant for Hazmat Response.
- Great Falls Animal Shelter was awarded a \$5,000 grant through Maddie's Fund Open Arms Challenge for improving customer service and simplifying the adoption application process.
- Last week Great Falls Animal Shelter hosted a World Rabies Day clinic and vaccinated 91 community animals.
- This week, Great Falls Animal Shelter will kick off the Bissell Pet Foundation's "Empty the Shelters" adoption event that will run through October 14, 2023. The Shelter is offering \$10 cat adoptions and \$25 dog adoptions.
- Human Resources' new payroll specialist, Mandi Stark, will start employment with the City on October 9, 2023.
- Public Works announced its quarterly individual and team awards. Central Garage – Matthew Ingersoll; and Utilities Meter Shop – Brandon Hamen, Chuck Bennett, Paul Sheets, Kyle Bailey, Bobby Nebel and Nick Mayberry were recognized by their peers.
- The Election Administrator will mail ballots on October 23, 2023. The City was given the opportunity by the Election Administrator to update two numbers on the mill level election. The numbers were adjusted to reflect the amount with the new valuation – roughly \$10 million to \$13 million dollars, and the taxable value was noted for fiscal year 2024. There were no changes to the bond levy language on the ballot.
- If the public safety levy is approved by the voters, full implementation will be a two to three year process. Relatively speaking, Court and Legal would be the easiest to implement, then Fire, and then Police Department, due to officers going through the Police Academy that only occurs twice per year. If passed, the first tax collection for the public safety levy would

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occur in December of 2024 and the second in June of 2025. The information provided initially was the best information the City had at the time. The valuation of the City is likely to change again between now and December of 2024. The money would be deposited into a public safety fund and would be reviewed annually so there would be clear allocations of where that public safety funding was going to be utilized in the proposed budgets.

CONSENT AGENDA.

9. Minutes, September 5, 2023, City Commission Meeting.
10. Minutes, September 19, 2023, Special City Commission Meeting.
11. Total Expenditures of \$5,860,616 for the period of September 7, 2023 through September 20, 2023, to include claims over \$25,000, in the amount of \$5,165,071.
12. Contracts List.
13. ARPA Sub-Grant Agreement List as approved by the City Commission at its December 6, 2022 meeting - Agenda item 22.
14. Approve the purchase of two 2023 John Deere 644G Wheel Loaders from RDO Equipment of Great Falls, Montana through Sourcewell, for a total of \$423,800.

Commissioner Wolff moved, seconded by Commissioner Tryon, 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

OLD BUSINESS

15. **9TH STREET NW AND WATSON COULEE ROAD RECONSTRUCTION PROJECT [OF 1739.2].**

Public Works Director Chris Gaub reported that the requested action is approval to separate a street reconstruction project and Memorandum of Agreement (MOA) into two projects with an individual MOA for each project. This would modify the original MOA approved by the Commission on September 9, 2021. The original MOA combined the Ninth Street Northwest and Watson Coulee road reconstruction projects into a single project.

The combined project was to reconstruct the corridors of Ninth Street Northwest between the Northwest Bypass and Central Avenue West and Watson Coulee Road between the Northwest Bypass and Vaughn Road. By separating the projects, the risk of delays may be reduced to the

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design and construction of the Watson Coulee Road intersection that would negatively impact the design and construction schedule for the Ninth Street Northwest intersection.

The scope of work for the Ninth Street Northwest Corridor extends from the junction with Central Avenue West to the junction with the Northwest Bypass. The work reconstructs the corridor to meet the City's standard widths, new curb and gutter, sidewalks, storm drain, ADA improvements, approach work, and signal upgrades at the intersection of the Northwest Bypass and Ninth Street Northwest. The scope also includes a City funded water main replacement from 5th Avenue Northwest to the Northwest Bypass. Replacing the water main in conjunction with the street reconstruction will minimize the impacts of street closures and better maintain access to businesses and neighborhoods.

The scope of work on Watson Coulee Road includes reconstructing the road from the intersection with Vaughn Road to the Northwest Bypass. This includes two travel lanes, one in each direction, a continuation of sidewalks on the east side of the road, sidewalk on the west side of the road, a street crossing and intersection improvements including a roundabout at Watson Coulee Road and Vaughn Road.

During a meeting with MDT on June 9, 2023 the intersection of Watson Coulee Road, Vaughn Road and 5th Avenue Northwest was evaluated for alternatives to the current configuration. Alternatives were considered due to the undesirable geometrics of the current intersection as well as future anticipated traffic patterns. Several concepts were discussed, including placing a cul-de-sac on 5th Avenue Northwest, realignment of the roads to create a T intersection, and the roundabout. It was determined that a single lane roundabout to be the best option.

The addition of a roundabout at the intersection of Watson Coulee, Vaughn Road and 5th Avenue Northwest aligns with the City's Long Range Transportation Plan and supports the growth of Great Falls. A roundabout permits greater functionality and flexibility, which helps cement this area as a gateway to Great Falls and simplifies a complex intersection before problems develop.

Based on discussions about when construction of this project would begin, it was determined that the addition of the roundabout element to the proposed design would delay project delivery by a year or two. Additionally, project construction for each street would take place during separate construction seasons. As a result, MDT and the City decided to split the project into two separate projects. This allows the design and construction of Ninth Street Northwest to remain on schedule and be completed with minimal interruption to the project delivery. This also allows additional time to properly review and complete the design for the roundabout on Watson Coulee Road.

This project reflects MDT and the City's proactive approach to growth and their desire to prepare for the future. The next steps will be completing the Ninth Street Northwest project design, and then securing a necessary right-of-way to construct the project. MDT, the City of Great Falls and Sanderson Stewart will work directly with landowners and businesses to ensure the project design meets the public's needs and provides the smoothest right-of-way process possible. Construction of Ninth Street Northwest is tentatively planned for 2026, depending on the completion of the design and availability of funds. Construction of Watson Coulee Road is tentatively planned for 2027, and also depends on completion of the design and availability of funds.

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Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission approve the project separation and individual Memorandum of Agreements for the 9th St NW and Watson Coulee Road Reconstruction projects, and authorize the City Manager to execute the MOA Funding Agreement documents.

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

Motion carried 5-0.

16. **INDOOR AQUATICS AND RECREATION CENTER – CHANGE ORDER NO. 5 [OF 1770.0].**

Park and Recreation Director Steve Herrig reported that the requested action is Commission approval of Change Order No. 5 in the amount of \$13,753.20. Approval of this change order would provide for framing, electrical and finish on the precast walls within the offices and child watch areas.

At the time of bidding, framing was not in the design as a cost savings measure. The project is at the point now where framing and sheet rock is going up and, aesthetically, it would look much better to have all the walls in the offices and in the child watch area framed, sheet rocked and painted. Most of it is an aesthetic value, but there are some other components to it. In the office areas, the data ports and outlets will be raised up to 32 inches as requested by the IT Department. In the child watch area with toddlers, it also addresses a safety concern with falls against the sheet rock versus a precast concrete wall.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission approve Change Order No. 5 to Swank Enterprises in the amount of \$13,753.20 for the Indoor Aquatics and Recreation Center, and authorize the City Manager to execute the change order documents.

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 noted that Change Order No. 5 is being fully funded by the fundraising campaign.

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

Motion carried 5-0.

NEW BUSINESS

17. **PARK AND RECREATION ADMINISTRATION BUILDING RESTROOM PROJECT [OF 1810.0].**

ARPA Project Manager Sylvia Tarman reported that the Park & Rec Admin Building Restroom Project was identified as a Tier 1 ARPA project by the City Commission at the April 5, 2022 meeting. The City Commission awarded a Professional Services Contract to LPW Architects in

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March 2023 to complete the design work for the new restroom. LPW completed the design and reached out to contractors for quotes to do the construction. Wadsworth Builders was the only contractor to provide a quote for the work. Wadsworth quoted \$47,940.00, which is in line with LPW's estimate and the overall project budget. Hazardous Technologies provided a quote for limited asbestos mitigation, and TD&H provided a quote for air testing and associated reporting.

This project will be funded utilizing ARPA funds. The total allocation of the Park & Rec Admin Building Restroom Project, set by the Commission, is \$75,000. The total for all three-construction contracts amounts to \$54,522.00. When added to the design costs of \$10,000.00, the overall project budget comes to \$64,522.00.

All three contractor proposals meet the needs and budget of the project. Therefore, Staff recommends awarding the construction contracts to Wadsworth Builders, Hazardous Technologies, and TD&H for a total of \$54,522.00, utilizing American Rescue Plan Act funds.

Commissioner Tryon moved, seconded by Commissioner Wolff, that the City Commission approve award of a construction contract with Wadsworth Builders, Inc., in the amount of \$47,940.00; approve award of a contract with Hazardous Technologies, Inc., in the amount of \$5,732.00; and approve award of a contract with TD&H, Inc., in the amount of \$850.00, for the Park and Recreation Admin Building Restroom Project, utilizing American Rescue Plan Act (ARPA) funds, and authorize the City Manager to execute the contract documents.

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.

ORDINANCES/RESOLUTIONS

18. ORDINANCE 3263, AN ORDINANCE AMENDING TITLE 8, CHAPTER 5 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO EMERGENCY MEDICAL SERVICES.

Fire Chief Jeremy Jones reported that this item addresses the delivery of prehospital medicine in the City of Great Falls. During the work sessions held on September 5 and 19, 2023, Great Falls Fire Rescue presented proposed changes to the current ordinance pertaining to EMS. Staff recommends accepting Ordinance 3263 on first reading and setting a public hearing and final reading for October 17, 2023.

Ordinance 3263 would revise OCCGF Title 8, Chapter 5, pertaining to emergency medical services. These revisions would improve the safety and stability of the Great Falls 911 EMS system by updating current code and the delivery of prehospital emergency medical services within the City of Great Falls 911 system and the areas protected by Great Falls Fire Rescue.

The provisions contained within Title 8, Chapter 5 established the parameters used to develop an ambulance service performance contract. The adoption of Ordinance 2993 in 2008 created Title 8, Chapter 9 - Emergency Medical Services. Since then, Great Falls Fire Rescue has provided the

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oversight and management of the 911 EMS system within the city limits and Great Falls fire districts. The Ordinance has not had any substantial changes since its first adoption in 2008.

The last Ordinance revision occurred on June 19, 2018 when the City Commission adopted Ordinance 3181. Those revisions simply replaced the ordinance in its entirety from Title 8, Chapter 9, to Title 8, Chapter 5 of the OCCGF.

Municipalities across the nation face EMS staffing challenges. GFFR, as an EMS system administrator, has been monitoring these national trends and performance of its current fire based EMS system for several years. The proposed revisions in Ordinance 3263 are submitted to the Commission to address and strengthen the EMS transport services with the goal of maintaining expected EMS transport standards.

The proposed substantive changes include:

- allows basic life support (BLS) ambulances in the City of Great Falls EMS system
- removes duplicated sections of grandfathering for extensions of the performance contract
- clarifies the oversight of the medical director
- identifies the Emergency Manager of the City of Great Falls sitting on the Advisory Board
- designates Great Falls Fire Rescue as having the jurisdictional authority over emergency medical services
- allows GFFR the authority to transport patients when deemed necessary in the system
- aligns the language of the extension of an ambulance services performance contract and provides for periodic systematic review
- provides for and manages the ambulance service contract and how the contract will be awarded
- defines the certification requirements for ALS and BLS ambulances
- includes new language to ensure that EMS system components understand and operate within the protocols and procedures of the City of Great Falls 911 EMS system
- updates security requirements for emergency ambulance service providers

There is no fiscal impact to the City, but there would be an increase to the transport provider per Section 8.5.210 A of the OCCGF. The contractor will provide for three months of security to the City's reasonably anticipated operating costs versus the language in the current ordinance of two months.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission accept Ordinance 3263 on first reading and set a public hearing and final reading for October 17, 2023.

Mayor Kelly asked if there were comments from the public.

Bill Bronson, Attorney at Law, representing Great Falls Emergency Services (GFES), commented that he submitted a letter and attachments late last evening that deal with some comments and

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concerns his client has about the proposed ordinance. There was certainly no expectation on their part that the Commission had the time to read and digest all of that information by this evening.

He has explained to GFES that under the procedures followed by this body, there is a first reading whereas the Ordinance is accepted for further consideration. The material that he has offered to the Commission is for their careful review and consideration over the next couple of weeks. He and his client will be back at the time of the public hearing to offer more complete testimony on the subject.

He emphasized that, in addition to the letter, he included two specific letters from their national consultant that focuses on best practices in the industry and concerns that they have about changes in the performance contracting process.

Mr. Bronson noted that GFES, even though it is regulated under the existing performance contract arrangement, views itself as a partner in the provision of emergency medical transport services in this community. As a partner, GFES has a lot to offer, just as GFFR colleagues have to offer in terms of designing what would be the best EMS system for the City of Great Falls.

On behalf of Great Falls Emergency Services (GFES), Attorney William (Bill) Bronson submitted written comments and attachments suggesting the Commission consider conducting an independent study of the existing operations model, and to consider making other proposed adjustments in the ordinance now and leave consideration of any changes to OCCGF 8.5.130 and other sections tied to it to a later time.

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

Commissioner Tryon requested that, if there are going to be amendments or alternatives to provisions in the OCCGF and Section 8.5.130 specifically, they be provided to the Commission prior to October 17, 2023.

Manager Doyon commented that, if the Commission has concern about what is being proposed based on new information, Chief Jones could respond to some of the questions tonight. He asked that the Commission all receive the same information and, if it were determined that there needs to be more conversation, he would like to know as soon as possible so staff can prepare for the public hearing or determine if it looks like it needs to be continued.

Chief Jones commented that he reviewed Mr. Bronson's letter. "Grandfathering" was struck from two different areas within the current ordinance that addresses the contract and what that looks like to extend the contract. Proposed Ordinance 3263 struck the word "grandfathering" but still allows for a competitive process or automatic renewals upon recommendation from City staff to the Commission. The ability to "renew" is still there.

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

Motion carried 5-0.

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CITY COMMISSION

19. COMMISSION INITIATIVES.

None.

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Wolff thanked Public Works staff for the tour of the Water Treatment Plant.

She also responded to statements in Mr. Duncan's letter inferring she was involved in the CDBG process. She clarified that she served on the Great Falls Development Authority Board at that time. When their project came up, she not only left the room, she left the floor of this building and had nothing to do with that decision and vote.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of October 3, 2023, at 9:36.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: October 17, 2023