

JOURNAL OF COMMISSION PROCEEDINGS
October 17, 2023

Regular City Commission Meeting

Mayor Kelly presiding
Commission Chambers Room 206

CALL TO ORDER: 7:00 PM

Mayor Kelly took a moment to pause and recognize the illegal and aggressive attack on Israel last week. He expressed support, sympathy and prayers to our Jewish community, students and staff at Toro Medical University, and to their families and loved ones who may be in harm's way. Our thoughts and prayers are with our neighbors in Israel and we hope this violence can end as quickly as possible.

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; Fire Chief Jeremy Jones; Finance Director Melissa Kinzler; City Attorney David Dennis and Deputy City Attorney Rachel Taylor; Police Chief Jeff Newton; and City Clerk Lisa Kunz.

AGENDA APPROVAL: 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: Red Ribbon Week [October 23-31, 2023], Extra Mile Day [November 1, 2023] and KGPR Great Falls Public Radio Week [October 23-28, 2023].

COMMUNITY INITIATIVES

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

Rhonda Knudson reported that the Environmental Health Division of the CCHD conducts food safety inspections and licensing for local restaurants, tattoo shops, hotels, motels, as well as septic permitting and subdivision work.

Ms. Knudson reported that Senate Bills 199 (2021) and 202 (2023) deal with the Montana Local Food Choice Act. The Act allows people to make foods in their home kitchens, without inspections, food safety regulations, training, or label requirements, and sell the foods from their homes or agreed upon locations. This also includes raw milk. SB 202 contains language that requires Farmers Markets to accept these foods. She expressed concern about having these products with no oversight at the Great Falls Farmer's Market. She suggested the City look into liability concerns as the Great Falls Original Farmers Market is held on City property. The CCHD Environmental Division previously approved all of the food vendors at the Farmers Market. Due to being severely

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understaffed, the Environmental Division can no longer do that. She suggested education and signage warning people about the products so that they ask questions of these vendors, and potentially requiring vendors to have their own liability insurance in order to participate if they are selling Food Choice Act products.

2.

PETITIONS AND COMMUNICATIONS

Jeni Dodd, City resident, commented that TruGreen sprayed her neighbor's lawn today during the extreme windstorm. She expressed concern about the cancer causing chemicals affecting her home, yard, human and animal health. She requested an ordinance against spraying during wind events over a certain mile per hour, and requiring 24-hour advanced notification to neighbors so that they can secure anything they do not want contaminated, including their pets.

Anitra Hall, City resident, commented that on the morning of Sunday, October 1, 2023 she woke to find that cowards distributed hate propaganda throughout her neighborhood and in her yard. These activities serve only to spread hate and division in our community. While this material specifically targeted Mexicans, the phrase "foreign kinds bring foreign crimes," attacks all of us. This is not the first time these flyers have been distributed in targeted neighborhoods, and she has not heard anything from the City about how it is being addressed. The flyer calls for us to love our race. It is because she loves her race, the human race, that she is asking the City Commission to issue a proclamation denouncing and condemning this hate activity in Great Falls.

Kathie Hansen, 4601 Flood Road, suggested the City use tax dollars to take care of community veterans and residents before thinking about illegal immigrants coming into our city, and to set aside tax dollars in the event the City has to bus illegal immigrants to sanctuary cities.

Steve Grout, City resident, commented that the decision of the City Commission at the last Commission meeting to bypass the recommendation of the Library Board and instead appoint Noelle Johnson seemed to him to defy logic and he left the meeting feeling disappointed and dismayed. He was bothered that the Commission members who brought up the substitution did not interview her, did not interview any of the other applicants, and did not even sit in on any of the interviews that the Library Board conducted. The move felt orchestrated and he did not hear full and honest reasons for their choice. Nobody talked about Ms. Johnson's association with a group of people who opposed the Library levy and apparently put up a billboard insinuating the Library was a marketer for pornography and drag queens. No one talked about the other applicants. He feels the transparency was lacking. The Library has served the community well, but he does not feel that this decision served the community well at all. It felt to him these actions were a subtly subversive and political attack on the Library and that should never be allowed.

NEIGHBORHOOD COUNCILS

3.

MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

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4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

5. REAPPOINTMENT/APPOINTMENT TO THE POLICE COMMISSION.

Mayor Kelly reported that the Police Commission reviews all Police Department applicants for police officer positions and hears disciplinary appeals for the Police Department. The Commission is composed of three members appointed by the City Commission.

John Hackwith was appointed to the Police Commission on July 7, 2020 to a three-year term through June 30, 2023. Mr. Hackwith is interested and eligible for a second three-year term. In accordance with Resolution 10524, City staff advertised for the position and received four applications from James Whitaker, Michael Bicsak, Daniel Barnett and Gail Belfert.

The Police Commission met on September 29, 2023 to review applications and make a recommendation to the City Commission. The Police Commission recommended the reappointment of Mr. Hackwith.

Commissioner Tryon moved that the City Commission not reappoint John Hackwith to the Police Commission for a three-year term through June 30, 2026.

Motion failed for lack of a second.

Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission reappoint John Hackwith to the Police Commission for a three-year term through June 30, 2026.

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

Commissioner Tryon requested additional information about the purpose of the Police Commission.

Police Chief Jeff Newton responded that the Police Commission serves to review and vet all police applicants, and to hear disciplinary appeals. Three people serve as the Police Commission and meet as needed.

Commissioner Tryon inquired why Ms. Belfert's application was included for consideration when her answer to whether she was a qualified elector was no. If the applicant is not a qualified elector, he inquired if that meant that does not necessarily mean she cannot serve on this board.

City Attorney David Dennis responded that he would need to conduct more research on the rules for appointment.

Commissioner Tryon noted that the other three applicants are all well qualified making it a hard decision, but he would go with the recommendation of the board.

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Commissioner McKenney commented that when it comes to these types of non-governing boards, if a member has served in good faith through their first term and they are eligible for a second term, to him the continuity and the expertise of the board is important and he sees no reason not to reappoint Mr. Hackwith.

Commissioner Wolff puts great faith in Mr. Hackwith's law enforcement experience and what is being asked of these commission members.

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

Motion carried 5-0.

CITY MANAGER

6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon announced that:

- The Public Works Environmental Division is partnering with Veolia North America to host a Household Hazardous Waste Collection event on Saturday, October 21, 2023 from 9:00 am to 1:00 pm at the lot south of the Great Falls Police Department at 112 1st Street South. Residents can bring antifreeze, gasoline, lighter fluid, paint thinner, road flares, shellac, fertilizer, pesticides, and those types of things for proper disposal. The City will not be accepting latex based paint products, mercury or highly toxic items as part of that collection.
- Traffic cones have been placed on Hwy 87 east of Walmart on 10th Avenue South for a construction access gate/road to the site of a new weapons generation facility at Malmstrom Air Force Base (MAFB). Citizens can expect more of this activity in the future with the Sentinel project.
- Park and Recreation is hosting small group tours at the new Aquatics and Recreation Center on Friday afternoons. Interested parties can contact the Park and Recreation office at 406-771-1265 for more information or to schedule a tour.
- Condolences were extended to the family, friends and co-workers of Sandy Hesser who passed away last Friday. Sandy worked in the Records Bureau for the Great Falls Police Department since 2016.

CONSENT AGENDA.

7. Minutes, October 3, 2023, City Commission Meeting.
8. Total Expenditures of \$2,254,896 for the period of September 21, 2023 through October 4, 2023, to include claims over \$25,000, in the amount of \$1,528,080.
9. Contracts List.

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10. Award a Professional Services Agreement in the amount of \$366,365 [sic] **\$336,365** to Advanced Engineering and Environmental Services, Inc. (AE2S), for Design and Inspection Services for the 33rd St Water Storage Tank Rehabilitation, and authorize the City Manager to execute the necessary documents. **OF 1794.1**
11. Approve the purchase of one new 548 Peterbilt tandem axle cab & chassis with a rear load packer, including a Qwik-Tip from Jackson Group Peterbilt of Missoula, Montana, through Sourcewell, for a total of \$333,878.24.

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

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.**

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

Planning and Community Development Director Brock Cherry reported that this item consists of an infill lot approximately 0.35 acres and which is currently zoned R-3 Single-Family Residential. The funeral home on the property immediately to the west is already zoned C-2, and there is more industrial use to the north. Staff analyzed and found that the zoning request complied with the 2013 Comprehensive Plan.

The Zoning Board conducted a public hearing. Written and verbal comments were received, with the majority in opposition stating traffic and water pressure concerns. The City's Senior Transportation Planner Andrew Finch conducted a minor traffic analysis and noted that this project did not generate sufficient traffic volumes to necessitate a full traffic impact study. Mr. Finch found that, at the current intersection during peak hours, this proposed use would only result in an approximate 2% increase in traffic.

The Engineering Department answered residents' concerns and explained that the property is not in a designated problem area as far as water pressure. The 12-residential units would have a nominal effect and would not cause significant detriment.

Tyson Kraft, Nelson Architects, representing the owner, reported that the lot has been vacant for over 35-years. There is a great need in Great Falls for apartment units. At the Zoning Board meeting, Mr. Clark with the Great Falls Development Authority stated that over 5,000 apartment units would be needed in Great Falls within the next couple of years. The owner is excited to develop this lot for that purpose.

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Immediately to the north is an automotive plant, immediately to the west is O'Connor Funeral Home and then further to the south is another set of apartment complexes. This project would be a nice buffer between the two zoning districts that helps tie in that transition from individual single family residential into more of a commercial district. The proposed 12-plex is a 3-story unit that will contain approximately 1,000 square foot units with two bedrooms. Per City Code, 18 parking spaces will be located on the north side of the lot. If approved, the owner is looking to break ground in the spring of next year.

Mayor Kelly asked if the Commissioners had any questions of staff or the applicant's representative.

Commissioner Wolff inquired if ingress and egress was proposed for 25th Street or 8th Avenue North.

Mr. Kraft responded ingress and egress would be on 25th Street and as far back from the intersection of 8th Avenue North as possible to limit any effect it would have on traffic backing up.

Mayor Kelly inquired the opinion of the Neighborhood Council and was informed the Council voted unanimously to support the proposed zoning map amendment.

Commissioner Tryon noted citizen concerns expressed about off-street parking, increased traffic and low water pressure.

Mr. Kraft responded that the applicant would provide a minimum of 18 parking spots on the site.

Commissioner Tryon received confirmation that the low volume project would result in an approximate 2% increase in traffic pursuant to the ITE manual, which is the industry standard. He further received clarification that tapping into a 12-inch water line in an area that is not designated as a low-pressure area would not cause a significant detriment to the area.

Mayor Kelly asked if there were any comments from the public in support of Ordinance 3262.

Jake Clark, Great Falls Development Alliance (GFDA), commented that GFDA supports this project because: (1) Great Falls needs housing, (2) it is an infill project, and (3) the zoning designation makes multi-family more accessible in the market.

Mayor Kelly asked if there were any comments from the public in opposition to Ordinance 3262.

Karen Schoonover, 2426 8th Avenue North, noted her written comments in opposition submitted to the Planning Advisory Board/Zoning Commission and reiterated her opposition to the proposed development. She has lived kitty-corner from the proposed development for over 43 years and has seen the increase in traffic and lack of parking in the area. The development will affect the ingress and egress on 25th Street, as it is already hard for her to back out of her driveway on to 25th Street on a busy day.

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

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission adopt Ordinance 3262 allowing the rezone request from R-3 Single-Family High Density to C-1 Neighborhood Commercial as legally described in the staff report, and the accompanying Findings of Fact, subject to the conditions of approval being fulfilled by the Applicant.

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

Mayor Kelly commented that the community is desperate for housing. The Commission has to look at applications and consider them in the broader picture of what is happening in Great Falls. Traffic has increased everywhere in the city and we are all dealing with that going forward. He can relate to the correspondence, but is in favor of the project due to the overwhelming community need for affordable and market rate housing.

Commissioner Wolff commented that infill is important to her because, as they have gone through the public safety education pieces, the Commission has been asked many times why did they allow the community to sprawl out into different areas.

Commissioner McKenney noted that the 12-unit apartment complex would allow some people who want to downsize a place to go, and that opens up single-family homes for others.

Commissioner Tryon would like to hear back from Ms. Schoonover after the project is done.

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

Motion carried 5-0.

13. ORDINANCE 3263 TO AMEND TITLE 8, CHAPTER 5 OF THE OCCGF, PERTAINING TO EMERGENCY MEDICAL SERVICES.

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

Fire Chief Jeremy Jones reported that adoption of Ordinance 3263 would provide updates to the delivery of pre-hospital, emergency medical services within the City of Great Falls 911 system and the areas protected by Great Falls Fire Rescue (GFFR).

The revisions will improve the safety and stability of the City of Great Falls 911 EMS system and provisions used to develop an ambulance service performance contract. As the EMS system administrator, GFFR has been monitoring trends and performance of its current fire based EMS system for several years.

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The proposed revisions in Ordinance 3263 are submitted to the Commission to address and strengthen EMS transport services with the goal of maintaining expected transport standards. The revision, in part, allows for basic life support ambulances within the City's EMS system, removes duplicate sections for extensions of the performance contract, designates GFFR as the jurisdictional authority over EMS services, allows GFFR the authority to transport patients when deemed necessary, aligns language for the extension of an ambulance service performance contract and provides for periodic system review. It also defines the certification requirements for ALS and BLS ambulances, new language to ensure all EMS system components understand and operate consistently, and a code clean up to be consistent with Montana state law.

On October 3, 2023, the Commission conducted first reading of Ordinance 3263. Bill Bronson, attorney for Great Falls Emergency Services (GFES), addressed the Commission and submitted a letter on behalf of GFES regarding his client's concerns, as well as two third-party consultant opinion letters. City staff reviewed the information and updated the language underlined as follows:

8.5.170 Criteria for ambulance service performance contract.

...

C. Each **ALS** responding ambulance shall be staffed with a minimum of one (1) **Nationally Registered Emergency Medical Technician- Montana Certified Paramedic (NREMT-P)** and one (1) **NREMT-Basic Montana Certified Emergency Medical Technician (EMT)**. **Each BLS ambulance shall be staffed with, at a minimum, two (2) NREMT-Basics (EMTs).** **All Paramedics and EMT's must be licensed by the State of Montana.** **The driver of the ALS or BLS responding ambulance must possess a valid Montana driver's license;** . . .

Due to changes by the 2023 State Legislature, staff also updated language in:

8.5.110 - Emergency medical services license required.

A. No person shall conduct or operate an ambulance service within the City without first obtaining a license as required by ~~OCCGF Title 5, Chapter 3, Article 7~~ state law.

There is no fiscal impact to the City for the update to City Code. There would be an increase to the transport contractor to provide up to three months of security to the City's reasonable anticipated operating costs versus current ordinance language of two months,

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 Ordinance 3263.

Bill Bronson, Attorney at Law, representing Great Falls Emergency Services (GFES), commented that GFES values the relationship they have with the City and the people in the City of Great Falls. GFES is a great part of this EMS system. They see, generally, that the changes proposed by City staff are good.

This ordinance has not been substantively amended in about 15 years. Great Falls was the leader in the state in developing this performance contract arrangement. In fact, this was one of the first things he voted on as a City Commissioner in 2008.

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Attorney Bronson emphasized that Justin Grohs, Manager of Operations, appreciates the fact that the City is engaging in this updating process. It is agreed that it is critical to have as modern an ordinance as possible to deal with the circumstances confronted with in emergency medical transport. GFES is especially pleased to see that BLS is now going to be included in the Ordinance.

Chief Jones alluded to the fact that staff did take into consideration the letters offered from Mr. Athey and some of GFES proposed suggestions regarding the Ordinance. Deputy City Attorney Rachel Taylor reached out to him within the last week and they discussed the principal change, which Chief Jones noted on the language on licensure in OCCGF Section 8.5.170 C. GFES is comfortable with that amended language.

He also noted that Section 8.5.090 C. is a fairly lengthy provision of the Ordinance being amended that, on the surface, appears to be some fairly simple language. That section is where GFFR can make the determination whether transport is necessary. They will be interested in seeing how that new language is carried out in practice.

Obviously, GFES continues to be the provider under the performance contract and will continue to do so at least through the middle of next year. They are hoping to see what guidelines and what protocols might develop in accordance with it. The Ordinance offers very general language, but they think in practice, the City is going to have to work with the provider to make sure that there is a seamless flow of emergency medical transport.

The other issue is the concern about eliminating the grandfathering language in the Ordinance. However, after discussing the matter with Deputy City Attorney Taylor and GFES, as long as there is an opportunity for a contract extension which is provided for in this Ordinance, it addresses their principal concern.

One of the things that GFES, as a contractor, wanted to make sure of is that any new proposals that are put forward regarding a contract next year will have a staff recommendation but, ultimately, the Commission decides what is most appropriate.

Mayor Kelly asked if there were any comments from the public in opposition to Ordinance 3263.

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 Ordinance 3263.

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

Commissioner Wolff thanked all involved in this long process and in wanting to provide the best service they can to the public.

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

Motion carried 5-0.

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OLD BUSINESS

NEW BUSINESS

14. **INTERLOCAL AGREEMENT BETWEEN CASCADE COUNTY AND THE CITY OF GREAT FALLS FOR EMERGENCY FIRE AND MEDICAL SERVICES RETROACTIVE FROM OCTOBER 1, 2023 TO SEPTEMBER 30, 2025.**

Fire Chief Jeremy Jones reported that the requested action is to ratify the interlocal agreement that has been in place with Cascade County for more than 30 years. Cascade County has contracted with the City of Great Falls to provide fire and emergency medical services to 16 designated fire districts located outside city limits. The citizens residing within these fire districts are assessed taxes for the service per Mont. Code Ann. § 7-33-2107 and § 7-33-2125.

Fire and EMS services were not only prompt and efficient, they reduced insurance rates for citizens in the districts. In 2022, the call volume resulting from the 16 fire districts equated to 125 calls for service, ranging from emergency medical service calls such as cardiac arrest to working structure fires.

This interlocal agreement with Cascade County was approved on October 10, 2023 by the County Commission for a period of October 1, 2023 through September 30, 2025. The agreement provides for the proceeds from the rural fire control special district levy for fire and medical services computed to the maximum allowable by Mont. Code Ann. § 15-10-420 be paid to the City of Great Falls. It is projected that the City will receive approximately \$227,000 in revenue for providing these services. Payments are due in two equal installments before December 15th and June 15th of each contract year.

The impacts to Great Falls Fire Rescue for providing fire and emergency medical services over the last 30 years has been minimal. Based on the proximity to the city limits and low frequency of calls, continued service will not degrade service within the city.

Should the City Commission choose to decline to provide fire and emergency medical services per this agreement, responsibility of fire protection would return to Cascade County who could make assignments to volunteer fire departments. If this alternative is selected, it would likely place considerable hardship and risk on many of the residents covered under this agreement.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission ratify the Interlocal Agreement between Cascade County and the City of Great Falls for Emergency Fire and Medical Services, retroactive from October 1, 2023 to September 30, 2025, and authorize the City Manager to execute the agreement.

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

Mayor Kelly noted that Great Falls Fire Rescue serves as a model for cooperation between City and County agencies.

Mayor Kelly called for the vote.

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Motion carried 5-0.

15. **LABOR AGREEMENT BETWEEN THE CITY OF GREAT FALLS AND THE GREAT FALLS POLICE PROTECTIVE ASSOCIATION (GFPPA).**

Deputy City Manager Chuck Anderson reported that this item is a request to approve the labor agreement between the City of Great Falls and the Great Falls Police Protective Association. Staff met with GFPPA representatives four times starting in April of 2023 and negotiated the contract that is before the Commission tonight.

Key items of the contract are:

- Two year term from July 1, 2023 to June 30, 2025
- A 6% COLA increase effective July 1, 2023, a 5% COLA increase effective July 1, 2024, and a 1% COLA increase effective January 1, 2025
- A one-time payment of \$500 for 84 uniformed officers that are in assigned positions. The uniform pay is approximately worth \$42,000.

The fiscal impact for the entire contract amount is approximately \$800,062.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission approve the labor agreement between the City of Great Falls and the Great Falls Police Protective Association (GFPPA).

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

Commissioner McKenney inquired the points of contention.

Deputy City Manager Chuck Anderson responded there was no contention, but robust and healthy conversation centered on wages and benefits.

Mayor Kelly called for the vote.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

CITY COMMISSION

16. **APPOINTMENTS, GREAT FALLS CITIZEN'S COUNCIL.**

Mayor Kelly moved, seconded by Commissioner Hinebauch, that the City Commission appoint Mayor Kelly and Commissioner Tryon to serve on the Great Falls Citizen's Council, also known as the Council of Councils, for the October 24, 2023 meeting.

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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.

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Wolff expressed appreciation to the Street Department for her ride on the new paving machine, and to Montana Air National Guard (MANG) for attending the annual Montana League of Cities and Towns reception in support of this community.

18. COMMISSION INITIATIVES.

Commissioner McKenney requested, and no one opposed, that proclamations be included with the agenda packet or provided to the Commission members before the meeting.

With regard to Anitra Hall's comments, Mayor Kelly noted that the police and a group of citizens are active in cleaning up and removing the hate material that was distributed and are making statements that it will not be tolerated in our community. In response to Ms. Hall's request, Mayor Kelly requested that staff prepare a proclamation.

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 17, 2023, at 8:36 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: November 7, 2023