

JOURNAL OF COMMISSION PROCEEDINGS

December 5, 2023

Regular City Commission Meeting

Mayor Kelly presiding
Commission Chambers Room 206

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Eric Hinebauch, Joe McKenney, Rick Tryon and Susan Wolff. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Public Works City Engineer Jesse Patton; Finance Director Melissa Kinzler, Grant and Project Administrator Tom Hazen and ARPA Project Manager Sylvia Tarman; Deputy City Attorney Rachel Taylor; Police Chief Jeff Newton; and Deputy City Clerk Darcy Dea.

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

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PROCLAMATIONS

MILITARY UPDATES

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

Colonel Benjamin Royer, MANG Wing Deputy Commander, reported the following:

- Colonel Thomas and Colonel Smith delivered a C-130 Aircraft to Europe and will do training with the host nation.
- Two MANG members were deployed to the South Pole.
- MANG conducted a drill weekend and it was a great training.
- MANG conducted a change of command ceremony on December 1, 2023, where Colonel Thomas relinquished command of the 120th Airlift Wing to Colonel Smith. Colonel Thomas was promoted to the rank of Brigadier General, beginning in January 2024.
- MANG will host Leadership Great Falls, offering career options to students from eight high schools.

Mayor Kelly noted that the change of command ceremony was very well attended by military personnel.

2. PETITIONS AND COMMUNICATIONS

Susie McIntyre, Great Falls Public Library Director, reported that there was an incident at the library on December 1, 2023. Library staff received information that a Neo-Nazi hate group placed hate propaganda in an undisclosed number of library books. Library staff removed the propaganda from 16 books and searched sections of the library; however, if anyone finds additional propaganda,

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they are encouraged to inform the Library staff. Hate propaganda is being distributed by a Statewide Neo-Nazi organization that believes in white supremacy. The literature is dangerous and poses a threat to the community. The library advocates against censorship; however, it does not allow people to place hate messages in library materials. There have been similar incidents over the past year in the City. The library is reaching out to the community and Commission to send a strong response to these actions that hate does not belong in the City. The library collaborated with the YWCA to create “Hate Has No Home Here” signs. She expressed appreciation to the Commission for the United Against Hate Week Proclamation that was done in November 2023.

Sandi Filipowicz, YWCA Great Falls CEO, commented that she has been a part of the response to the despicable hate messages. She read a children’s storybook about what is important in the world.

Aaron Weissman, 315 4th Avenue North, commented that he is extremely proud of his Jewish heritage. One of the first things the Jewish community founded in the City was a Jewish cemetery in 1913. Mr. Weissman explained that 30 years ago, Billings, MT rallied when a Neo-Nazi organization said that Jews do not belong in Montana. He concluded that Jews belong in Great Falls, Montana and a Hanukkah candle will be lit in front of the Civic Center Building, as done for the past 12 years.

Jasmine Taylor, City resident, commented that the community is in danger and needs to have a strong response against Neo-Nazi’s to make them back off. Hate propaganda will lead to violence and the more pressure from the City to find out who is doing this, the safer the community will be. The hate literature in the library books contain QR codes that targets teenagers and children to scan the code so it takes them to a Neo-Nazi message board. Ms. Taylor requested that the Commission and business owners display the “Hate Has No Home Here” signs and GFPD help find who did this. She concluded that the signs were paid from private donations, not taxpayer money.

Bishop Marcus Collins, City resident, explained that he is a proponent of White, Blue, Native, Asian, Hispanic, Latino, LGBTQ, Jewish and Black Lives Matter, because all lives and voices matter. Even if we do not agree with each other’s beliefs, we must respect each other’s voices because silence is the enemy of progress. The City has made tremendous strides and efforts to establish a City culture filled with diversity and inclusivity. Mr. Collins requested that the Commission formulate an overall taskforce and campaign for an entire City response to this crisis based upon “Great Falls, where all lives matter.”

Brett Doney, Great Falls Development Alliance, explained that the Alliance’s vision for the City is to be a proud, positive and a vibrant community, which welcomes new people, investments and innovative opportunities, while celebrating its authentic and diverse Montana culture. The community needs to be a safe and inclusive place to raise families and offer opportunities for individual growth and a quality of life, which retains and grows its population. Mr. Doney echoed all of the previous speaker’s comments. He concluded that the Alliance is willing to work with the community to ensure it continues to be a wonderful place for everyone.

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Jane Weber, City resident, commented that she was deeply troubled with the incident at the library. The City has a reputation for being a place where the community works together with civility, understanding and acceptance, and it needs to continue to be a welcoming place.

Brian Washington, City resident, commented that he has lived here for over 21 years and is seeing more racism, with no representation for those being affected by it. Racism does not belong in this community and there is an opportunity to move to action and become the City that we desire. The only way to overcome racism is to love and think about our fellow man the way we want to be thought of.

Mayor Kelly read the United Against Hate Week Proclamation that was presented at the November 7, 2023 Commission Meeting. He expressed appreciation to the citizens who voiced their concerns about racism, for their leadership and support. Mayor Kelly commented that all men and women are created equal and the City would defend anyone who is mistreated because of race, ethnicity, sexual preference or religion.

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 announced that:

- The Great Falls Animal Shelter is hosting a Home for the Holidays adoption event. Through December 31, 2023, adoption fees have been reduced from \$150.00 to \$50.00 for dogs and \$55.00 to \$5.00 for cats. Currently, there are 23 dogs and 73 cats available and citizens can visit the Animal Shelter website or Facebook page to view the animals available for adoption.
- The Morony Natatorium demolition is underway because of a façade failure in 2018, second pool failure structurally and deed that requires it to be used as a public park. Park and Recreation will look into putting in improved facilities once the demolition is complete.
- Orientation has commenced for the newly elected Mayor and Commissioner and onsite-tours of all City facilities will follow.
- Finalists were interviewed for the IT Director position. The new IT Director needs to be attentive of new software, as well as IT operations from an equipment and cybersecurity standpoint.

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- Matt Nowak, Interim IT Operations Manager, will be retiring on January 5, 2024. He has been with the City since 2002 in various roles including IT Network Trainer.

Great Falls Police Officers Logan Reiman, Aaron Staman and Patrick Paraiso graduated from the Montana Law Enforcement Academy today.

CONSENT AGENDA.

6. Minutes, November 21, 2023, City Commission Meeting.
7. Total Expenditures of \$2,709,804 for the period of November 9, 2023 through November 22, 2023, to include claims over \$25,000, in the amount of \$2,108,459.
8. Contracts List.
9. Approve Final Payment for the Southside Water Main Replacement Phase 2 project in the amount of \$90,058.22 to United Materials of Great Falls, Inc. and \$909.68 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1648.1**
10. Approve Final Payment for the Lincoln ADA Upgrades project in the amount of \$10,045.88 to MRTE Inc. and \$101.47 to the State Miscellaneous Tax Fund, and authorize the City Manager to make the payments. **OF 1781.0**
11. Approve Final Payment for the 33rd Street South ADA Upgrades project in the amount of \$9,942.03 to MRTE Inc. and \$99.42 to the State Miscellaneous Tax Fund, and authorize the City Manager to make the payments. **OF 1788.0**

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

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

Commissioner Wolff expressed appreciation to City staff for their efforts with regard to three of the Agenda Items that approved final payment.

Referring to Agenda Item #7, Commissioner McKenney inquired about the damage repairs for police unit #62 to Flawless Auto Body for \$30,368.04.

Police Chief Newton responded that he would look into it and provide more information to the Commission later.

Mayor Kelly noted that written correspondence was received from **Shyla Patera**, North Central

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Independent Living Services, Inc., via December 5, 2023 email, expressed support of Agenda Items # 9, 10 and 11.

There being no further comments, Mayor Kelly Called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

12. 2023 CDBG & HOME AMENDED ANNUAL ACTION PLAN.

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

Finance Grant and Project Administrator Tom Hazen reported that in May, the Department of Housing and Urban Development (HUD) communicated to the City of Great Falls that the City was “newly untimely.” A municipality receiving Community Development Block Grant (CDBG) Funds is considered “newly untimely” if as of the end of a Program Year it’s current balance of unused CDBG funds is equal to or greater than 1.5 times the current award. A CDBG recipient has 12 months from the date of notice to draw down funds to regain compliance with the timeliness requirements. The City’s current CDBG award is \$764,295.00. Taken times 1.5, the City’s timeliness threshold is \$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 2024 to meet the 1.5 threshold. The City has identified 11 projects totaling \$1,238,214.62 that Staff reasonably expects will draw all related expenses by April 2024, if not before. This leaves a minimum balance of \$504,197.15 that must be withdrawn from the City Line of Credit Balance.

CDBG grant recipients compile and publish two documents that guide implementation of programs and allocation of funds. Every five years a CDBG recipient produces a Consolidated Plan. The Consolidated Plan is a method of assessing affordable housing, community development, and other market conditions. The Consolidated Plan serves as a framework for developing priorities in communities for the current cycle. The Consolidated Plan is then implemented through Annual Action Plans. Annual Action Plans are yearly outlines, which operate as a budget for identifying specific needs in the community and, ideally, projects to address those needs. CDBG grant recipients are expected to adhere to published plans or, if necessary, to amend them through documented processes.

The City of Great Falls 2023 Annual Action Plan was originally approved by the City Commission on May 2, 2023. That document identified “Housing Rehabilitation” as a goal for the coming year and allocated \$1,285,000.00 to pursue. The Cambridge Court project was approved by the City Commission in August 2022 to receive \$1.2 million. This project was anticipated to single handedly account for the spending related to the Housing Rehabilitation Goal. As discussed on September 19, 2023, the complex nature of the Cambridge Court project extended its development and design process out until May or June 2024. This meant that the project would not begin accumulating eligible expenses until after the timeliness deadline had passed. For these reasons, a motion was presented and approved in September to rescind the award to Cambridge Court.

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In the meantime, Staff has met with members of the Public Works, Park and Recreation, and other City Departments to identify either new projects to award or existing projects to increase allocations to, in order to meet the Federal timeliness requirements. Among those items identified are increases to the Natatorium Demolition allocation, new proposals for Americans With Disabilities Act (ADA) compliant access to the facilities of the Electric City Waterpark, and new Public Works projects that will be discussed with the City Commission in the near future. Due to timeliness considerations, conversations have prioritized projects that may be implemented quickly while benefitting Low to Moderate Income citizens of Great Falls. To fund these projects with CDBG, it is necessary to reallocate the funds identified for Housing Rehabilitation to Public Facilities and Improvements.

The amendment process required making the Proposed Amended Annual Action Plan available to the to the public for comment for a period of 30 days, a published notice to this effect, and a public hearing to be advertised. The City posted a notice in the Great Falls Tribune advertising a comment period between October 16 and November 16, 2023. The City made physical copies available at the Library and Civic Center. The City also posted the notice on the City CDBG webpage and made a digital copy of the proposed plan available. The City posted notice of tonight's public hearing in the November 26 and December 3, 2023 issues of the Great Falls Tribune. Tonight's hearing is the final step in the amendment process.

This amendment was not meant to signify that Staff is recommending only working with internal City projects. On the contrary, Staff have had discussions with representatives of the Great Falls Housing Authority and NeighborWorks Great Falls regarding other projects that may be proposed that would be in line with City priorities and contribute to regaining compliance with Federal requirements. This amendment was proposed to facilitate the immediate use of CDBG funds in what Staff sees as the most efficient manner that will adhere with Federal requirements while keeping the City in good standing with HUD.

Written correspondence was received from **Shyla Patera**, North Central Independent Living Services, Inc., via December 5, 2023 email, commented that developers of projects spell out the timelines of projects and how it will affect the community, if amendments keep having to be adopted. The City needs to ensure that buildings are affordable, ADA accessible, safely developed, done timely, and have universally designed features.

Mayor Kelly asked if the Commissioners had any questions of staff. Hearing none, Mayor Kelly asked if there were any comments from the public in support of or opposition to the 2023 CDBG & HOME Amended Annual Action Plan. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Wolf moved, seconded by Commissioner Hinebauch, to adopt the 2023 CDBG & HOME Amended Annual Action Plan.

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

Motion carried 5-0.

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OLD BUSINESS

13. **AMENDMENT NO. 1 TO CONSTRUCTION AGREEMENT FOR NATATORIUM DEMOLITION (OF 1393.8).**

Finance ARPA Project Manager Sylvia Tarman reported that the City Commission awarded a Construction Agreement to Shumaker Trucking for the Park and Recreation Natatorium Demolition project at the July 18, 2023 City Commission Meeting. Initially, the project was only going to be partially funded with CDBG funds. The project is now going to be funded completely with CDBG funds, and the Construction Agreement needs to include HUD's Section 3 language about providing employment opportunities to Low and Moderate Income workers, should the project require it. The contractor has been made aware of these requirements and has mutually agreed to comply with them. This amendment does not increase the overall contract price, but merely adds the Section 3 requirements to the Construction Agreement. This change will support the City's goal to come into compliance with our timeliness guidelines, and will benefit the overall project.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission approve Amendment No. 1 to Construction Agreement with Shumaker Trucking and Excavation Contractors, Inc. for the Park and Recreation Natatorium Demolition project to include HUD's Section 3 requirements, 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.

NEW BUSINESS

14. **CONSTRUCTION CONTRACT AWARD: 7TH AVENUE NORTHWEST STREET RECONSTRUCTION (OF 1806.1).**

Public Works City Engineer Jesse Patton reported that this project will repair sidewalks, install complete Americans with Disabilities Act (ADA) connections between 12th Street Northwest and 14th Street Northwest on 7th Avenue Northwest and complete a road reconstruction. Engineering, Street and Finance Departments worked together to locate areas within the City that would benefit from CDBG funded projects. This area was found to be in need of sidewalk repair, an additional sidewalk, ADA compliance pedestrian ramps, and it met the CDBG criteria.

To maximize the use of the CDBG Funding and meet Federal deadlines, the project would be a winter project, scheduled to start as soon as the contract is approved and signed. Once the project is completed, the neighborhood would have approximately 1,800 feet of new ADA compliance sidewalk, eight ADA compliant pedestrian ramps, ADA compliant driveways that also meet City standards, as well a better draining street. To maximize the use of CDBG Funds and ratepayer money, United Materials would finish the road reconstruction up to the asphalt layer of the street. The current plan is for the Street Division to follow this project with laying the asphalt surface.

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Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission award a contract in the amount of \$763,784.00 to United Materials of Great Falls, Inc., for the 7th Avenue Northwest Street Reconstruction project, and authorize the City Manager to execute the necessary documents, subject to the Commission approval of the Community Development Block Grant Funding Agreement presented in Agenda Item #15.

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 Wolff noted that written correspondence was received from **Shyla Patera**, North Central Independent Living Services, Inc., via December 5, 2023 email, expressed support of the project.

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

Motion carried 5-0.

15. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING AGREEMENT FOR THE 7TH AVENUE NORTHWEST STREET RECONSTRUCTION PROJECT (OF 1806.1).

Finance Grant and Project Administrator Tom Hazen reported that Staff met with members of numerous City Departments to identify projects that will contribute towards the City's reacquisition of "timely" status with the Department of Housing and Urban Development. This Agenda Item is one of the projects identified in those discussions.

The project is an eligible use of CDBG funds. The construction, reconstruction, rehabilitation, or installation of public facilities are eligible CDBG activities. Typically, these projects are categorized under HUD's Low to Moderate Income national objective as an area benefit activity. To meet the area benefit criteria, the public facility or improvement must benefit the residents of an area where at least 51 percent of the residents meet HUD's Low to Moderate Income definition. 71.5% of the residents in the area benefitted by this project meet that definition.

Additionally, Public Facilities and Improvement projects must extend beyond simple repairs. Filing potholes or patching sidewalk cracks are not eligible activities. Projects must reconstruct the facilities in order to be eligible. This project will strip the streets, sidewalks, and curbs to the ground before installing completely new infrastructure. Therefore, this project meets the eligibility criteria once again.

HUD advocates for projects that increase accessibility to individuals that rely on Americans with Disabilities Act (ADA) compliance for transit and daily activities. A key component of this project is the installation of ADA compliant sidewalks and pedestrian ramps. These improvements will allow every resident of the area, regardless of accessibility requirements, to benefit equally from these improvements.

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This project is also an efficient use of the funds. Public Works City Engineer Jesse Patton, Special Projects Engineer Amanda Brownlee, and Street and Traffic Manager Eric Boyd worked with TD&H to design a project that would be completed during the winter months. The project would allow the City to rapidly make up ground in regaining compliance. The Public Works staff did an admirable job identifying, designing, and implementing this project.

As this project is an eligible use of CDBG funds and is an effective tool in regaining compliance with HUD timeliness requirements, Staff recommends the approval of the CDBG funding agreement to finance it.

Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission approve the CDBG Funding Agreement between the City of Great Falls and the City of Great Falls Public Works Department in the amount of \$763,784.00 for the 7th Avenue Northwest Street Reconstruction project presented in Agenda Item #14.

Written correspondence was received from **Shyla Patera**, North Central Independent Living Services, Inc., via December 5, 2023 email, expressed support of the project.

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 inquired if the project included replacing any mains.

City Engineer Patton responded that the mains were evaluated and not in need of replacing.

Commissioner McKenney inquired about the process for any unexpected expense increases.

City Engineer Patton responded that he does not anticipate an increase in costs; however, any increase beyond the amount awarded would be funded by the Public Works Street Department. The project has contingency funds built into it to handle the normal day to day construction endeavors and the contractor is aware that the project will be winter construction and to work timely.

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

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

CITY COMMISSION

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

17. COMMISSION INITIATIVES.

None.

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ADJOURNMENT

There being no further business to come before the Commission, **Mayor Kelly moved, seconded by Commissioner Tryon, to adjourn the regular meeting of December 5, 2023, at 8:00 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: December 19, 2023