

JOURNAL OF COMMISSION PROCEEDINGS

August 6, 2024

Regular City Commission Meeting

Mayor Reeves presiding
Commission Chambers, Room 206

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Cory Reeves, Joe McKenney, Rick Tryon, Shannon Wilson, and Susan Wolff. Also present were City Manager Greg Doyon; Public Works Engineer Jesse Patton; Planning and Community Development Director Brock Cherry; Finance Director Melissa Kinzler and Grant Administrator Tom Hazen; Park and Recreation Director Steve Herrig; City Attorney David Dennis and Deputy City Attorney Rachel Taylor; Police Chief Jeff Newton; and City Clerk Lisa Kunz.

AGENDA APPROVAL: City Manager Greg Doyon noted updates were made to the recommended motion for Agenda Item 19 from what was originally posted. There were no proposed changes to the agenda by the City Commission. The Agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

MILITARY UPDATES

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

Colonel David “Scott” Smith reported:

- A meeting is scheduled next week in Washington D.C. to discuss the timeline of construction projects pertaining to the conversion of the C-130 aircraft. The projects consist of a new fuel facility with a secondary gate through airport property that will start next year.
- As part of the State Partnership Program, MANG currently has 2 airplanes and 50 passengers in Sri Lanka until August 20, 2024.
- A crash response exercise with Malmstrom Air Force Base and Great Falls International Airport is scheduled for August 19, 2024.
- Wingman Day, Family Day and the Boss Lift is scheduled this weekend.

PETITIONS AND COMMUNICATIONS

2. **Melissa Smith**, City resident, commented that the Montana Legislature made it difficult for counties and municipalities to fund their obligations. The only option is to bring levy proposals to the taxpayers. It does not make sense to her to reduce the Library budget by 26% in order to only slightly support Public Safety departments. She supported the levies and pays taxes so that she can live in a community where everyone has access to books and all in the community are safe and well cared for.

NEIGHBORHOOD COUNCILS

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3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

5. REAPPOINTMENTS/APPOINTMENT TO THE BUSINESS IMPROVEMENT DISTRICT BOARD OF TRUSTEES.

Mayor Reeves reported that Max Grebe was appointed to the Business Improvement District (BID) Board in August of 2016 and served two full terms ending on June 30, 2024. Sherrie Arey was appointed in July of 2020 for her first four-year term and Erica Ferrin, who represents the Pennington Property owned by Matthew Robb at 427 Central Avenue, was appointed to the Board in March 2024 to fill a partial term through June 30, 2024. Both Ms. Arey and Ms. Ferrin are interested and eligible to serve an additional term.

The City advertised for the vacancy to solicit citizen interest through the City's website and the local media. Applications were received from Caralina Carlson and Garry Hackett. The BID Board met on July 11, 2024 and made a recommendation to the City Commission to reappoint Ms. Arey and Ms. Ferrin for additional four-year terms and appoint Ms. Carlson to her first four-year term.

Commissioner Wolff moved, seconded by Commissioner McKenney, that the City Commission reappoint Sherrie Arey and Erica Ferrin and appoint Caralina Carlson to the Business Improvement District Board of Trustees to four-year terms through June 30, 2028.

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

Kellie Pierce, BID Executive Director, thanked the Commission for their acceptance of the BID Board of Trustee's recommendation. The BID's Work Plan approved by the Commission included the intent of the BID acquiring property downtown and becoming an investor in downtown. Ms. Carlson's involvement with the Downtown Visioning Project and other various projects as an owner and partner of LPW will be an asset to the BID.

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

Commissioner Tryon commented that he will support Caralina Carlson, but hopes Garry Hackett will keep his application fresh for future openings. Mr. Hackett has been and could be again an outstanding contributor to the Board.

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

Motion carried 5-0.

CITY MANAGER

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6. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon made the following announcements:

- Captain Rob Moccasin retired August 2, 2024, after 30 years of service with the Great Falls Police Department. Rob will be starting a new role as the City's Neighborhood Council Liaison in the coming week. He has extensive knowledge of the City structure, its departments, and familiarity with the City itself.
- Great Falls Fire Rescue partnered with the EPA and over 45 participants conducted a hazardous chemical release exercise on July 18, 2024. The goal of the tabletop exercise was to overwhelm City and County resources to see how the jurisdiction would handle such an event. An after action report will be shared with the Local Emergency Planning Committee on August 28, 2024.
- Orion consultants will be visiting Great Falls August 21-23, 2024, to meet with City staff, the Growth Policy Steering Committee, and individuals representing different stakeholder interests and groups, such as land use, economic development, and schools. The meetings will be open to the public.
- Public Works hired Cody McCrady as its Water Treatment Plant Manager.
- Dee Strending was promoted to a newly created position as Operations Support Specialist at Public Works.

CONSENT AGENDA.

7. Minutes, July 16, 2024, City Commission Meeting.
8. Total Expenditures of \$5,908,576 for the period of July 4, 2024 through July 17, 2024, to include claims over \$25,000, in the amount of \$5,310,332.
9. Contracts List.
10. Approve the 2024-2025 School Resource Officer Agreement between the City of Great Falls and the Great Falls Public School District.
11. Approve the annual purchase of water meter equipment for the 2025 Fiscal Year from Ferguson Enterprises, Inc. in an amount not to exceed \$550,000.
12. Approve a Construction Agreement with International Foam Pros to resurface the Flowrider at Electric City Water Park in the amount of \$128,900, and authorize the City Manager to execute the agreement documents.
13. Reject all bids received for the Missouri River North Bank Stabilization, Phase 2 project due to budget shortfalls, and ask staff to modify project size and re-advertise the project. **OF 1693.1**

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14. Approve Change Order No. 2 in the amount of \$130,577 for the Central Ave/3rd Street Drainage Improvements Phase 1 Project and increase the total contract amount from \$1,499,146 to \$1,629,723. **OF 1779.0**
15. Approve the Professional Services Agreement Amendment No. 1 in the amount of \$24,735 to Great West Engineering Inc., for the Central Ave / 3rd Street Drainage Improvements Phase 2 Project and authorize the City Manager to execute the agreement documents. **OF 1779.1**

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

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

Hearing none, Mayor Reeves called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

16. **REQUEST FROM THE ESTATE OF SHARON C. WILSON FOR THE ANNEXATION AND ZONING CLASSIFICATION FOR PROPERTY ADDRESSED AS 423 RIVERVIEW COURT.**

I. RESOLUTION 10550, ANNEXING LOT 12-A, BLOCK 13 OF THE COUNTRY CLUB ADDITION.

II. ORDINANCE 3269, ESTABLISHING THE CITY ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY MEDIUM DENISTY FOR LOT 12-A, BLOCK 13 OF THE COUNTRY CLUB ADDITION.

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

Planning and Community Development Director Brock Cherry reported that in April of 2024, the owner of the property at 423 Riverview Court submitted an application to annex portions of adjacent land on the west and east sides of the property. A portion of the subject property, approximately 15,573 square feet, is already within the City limits. The annexation request is to add approximately 4,850 square feet of land adjacent to the west property line of the existing lot to include existing building encroachments, and approximately 5,841 square feet of land adjacent to the east property line between the existing lot line and the ordinary low water line of the Missouri River. Together, these two annexation areas total 10,691 square feet, or 0.245 acres.

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If approved, after annexation and a boundary line adjustment, the total area of Lot 12-A will be 26,264 square feet, or 0.603 acres. The property proposed for annexation is contiguous to the existing city limits through the portion of the subject property that is already within City limits and the property to the south.

The subject property is being proposed for R-2 Single-family Medium Density zoning. The R-2 zoning district aligns with the existing use of a single-family residence upon the property and fits the existing surrounding residential uses.

The subject property is located adjacent to Neighborhood Council #1. The project was presented to the Council at their regularly scheduled meeting on May 14, 2024. The Council voted unanimously to support the request.

At the conclusion of a public hearing held on June 11, 2024, the Planning Advisory Board/Zoning Commission recommended the City Commission approve the annexation and establishment of Single-family Medium Density (R-2) zoning for the subject property. Staff also recommends approval of the applicant proposing annexation and R-2 zoning for Lot 12-A, Block 13 of the Country Club Addition with the following conditions:

Mayor Reeves asked if the Commissioners had any questions of staff or applicant.

Hearing none, Mayor Reeves asked if there were any comments from the public in support of or in opposition to Resolution 10550 and Ordinance 3269.

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

Commissioner Wilson moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10550 and approve the Annexation Agreement pertaining to Lot 12-A, Block 13 of the Country Club Addition, and addressed as 423 Riverview Court.

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

Commissioner McKenney referred to page 122 of the agenda packet and clarified that this agenda item is to clean up encroachment issues on that lot.

Mayor Reeves called for the vote.

Motion carried 5-0.

Commissioner Wilson moved, seconded by Commissioner Tryon, that the City Commission adopt Ordinance 3269 to assign R-2 Single-Family Medium Density zoning for Lot 12-A, Block 13 of the Country Club Addition, and addressed as 423 Riverview Court.

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

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Motion carried 5-0.

17. RESOLUTION 10561, REQUEST FROM THE CITY OF GREAT FALLS TO USE UP TO \$400,000 IN DOWNTOWN URBAN RENEWAL DISTRICT TAX INCREMENT FINANCING FUNDS TO CONTRIBUTE TO THE MANSFIELD THEATER CEILING REPAIR, THEATER SEAT REPLACEMENT, AND CIVIC CENTER ELEVATOR REPAIR PROJECTS.

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

Planning and Community Development Director Brock Cherry reported that this public hearing is for approval of a request to expend up to \$400,000 in Downtown Urban Renewal Tax Increment Financing (TIF) funds to contribute to three projects that will invest in the Great Falls Civic Center. Two of these projects are being undertaken to revitalize and preserve the historic Mansfield Theater. The third project will ensure that the Civic Center elevator remains operational and continues to facilitate access to the basement and second floor for patrons with mobility limitations. Each of these projects will be primarily funded through State Funds allocated to the City of Great Falls.

The City is requesting a TIF allocation to address the \$147,300 match required to repair the Mansfield ceiling, the \$162,500 match to replace the Mansfield seats, and the \$30,000 match to repair the Civic Center elevator. The City is also requesting \$60,200 be made available for contingency. The requested \$400,000 would be drawn in FY 25 and FY 26.

The Downtown Urban Renewal TIF fund has a current cash balance of approximately \$5.3 million dollars. After accounting for current obligations, the available fund balance is \$2,452,356. Additionally, the TIF receives approximately \$2 million dollars annually of new tax increment revenue.

Grant Administrator Tom Hazen added that there are 1,780 seats installed in the Mansfield Theater at this moment. Those seats are the same installations that residents sat in when they attended the dedication of this building 84 years ago. To the best of staff's knowledge, beyond upholstery refurbishment in 1996, no significant overhauls of seating has occurred since before the United States entered World War II.

The comfort of the Mansfield chairs has become a serious issue in recent years. Additionally, the seats are breaking down at an increasing rate. The estimate to replace the seats puts the project cost at \$611,500.00.

He noted that the proposed replacement would result in the reduction of seats in the Theater from 1,780 to 1,500. Eight hundred tickets are purchased for the average event, and 1,000 for the Symphony performances. Typically, only one event per year sells more than 1,500 tickets.

Additionally, the Mansfield ceiling has become compromised by the elements. Multiple leaks in the roof over the years have resulted in the Theater ceiling becoming water damaged. A specialist in historic ceiling repairs submitted a quote for \$397,300.

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Finally, the Civic Center Elevator, which is the sole method of access to the first and third floors of the Civic Center for mobility-limited individuals, has become prone to breakdowns and service interruptions. The Elevator will cost an estimated \$120,000 to repair.

City Staff has pursued funding avenues to address these concerns. A grant application was submitted to the Montana State Historic Preservation Office. The application was approved and the City was awarded \$250,000 to repair the Mansfield ceiling, leaving \$147,300 to be funded.

City Staff also identified the Montana State-Local Infrastructure Partnership Act (SLIPA) as a capital source. The City requested, and received, \$487,500 for the Mansfield seats and \$80,000 for the Elevator. SLIPA requires a minimum match commitment from local governments equal to 25% of the total project cost. This requires that the City commit a minimum match of \$162,500 to the Mansfield and \$40,000 to the Elevator project.

If approved, this allocation will allow the City to pay all current reasonably expected costs needed to thoroughly reinvigorate the Mansfield Theater and to secure a functional elevator without requiring contribution from the General Fund.

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

Commissioner Tryon inquired about the timeline for the projects.

Grant Administrator Hazen responded that the ceiling project will begin next summer by removing the seats, scaffolding will be set up to repair the ceiling, and then the new seats will be installed. Once approved, the bid process can begin for the elevator project to get implemented as quick as possible so that it is in place before the Municipal Court remodel is finished.

Mayor Reeves asked if there were any comments from the public in support of Resolution 10561.

Kellie Pierce, Executive Director of the Business Improvement District and Board Chair for the Downtown Development Partnership (DDP), the recommending body for TIF requests pertaining to the Downtown Urban Renewal District, commented that the Board discussed this application and had many questions because the City does not pay into the TIF District, but has used it in the past for the Civic Center façade project. It was noted in the Downtown Master Plan created in 2012 that the Mansfield was a major project. The fact that we are getting to this project now is a huge success. It was voted on favorably by the DDP and they are looking forward to seeing the restorations.

Raymond Porter, County resident, commented he is a member of the Board of Directors for the Great Falls Symphony Association. It will be a great thing to have comfortable seats in a very nice facility. The Association will do its best to fill those seats and will continue to be a key part of downtown.

Eric Bartz, City resident, commented that for the last five years he has sold tickets for an entity that puts on shows at the Mansfield Theater. He has repeatedly heard concerns about the comfortableness of the seats. There is only one seat on the main floor that is wider than the rest to accommodate larger patrons. He urged the Commission to approve replacing the theater seats.

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Mayor Reeves asked if there were any comments from the public in opposition to Resolution 10561.

John Hubbard, City resident, commented it is a waste of money for seats.

Written public comment was submitted by **Jeremy Trebas**, 2509 7th Avenue North, expressing opposition to Resolution 10561.

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

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10561 to allow the use of up to \$400,000 in Downtown Urban Renewal District Tax Increment Financing funds to contribute to the Mansfield Theater Ceiling Repair, Theater Seat Replacement, and Civic Center Elevator Repair projects.

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

Commissioner Tryon appreciates the DDP's approval and recommending these projects go forward. When he was on the Board for the Mansfield Theater of the Performing Arts 12-13 years ago, the theater was a priority. The projects will be a great improvement to this facility and he appreciates the financing package that has been put together without the use of general fund monies.

Commissioner Wolff commented when she was elected and touring City facilities, she learned about the ceiling tiles coming down and the danger in that. She also expressed appreciation for the work that went into getting the outside funding. Commissioner Wolff also noted a clerical error on page 146 of the agenda packet that the Mansfield Theater ceiling and seat projects will be completed by October 2025, rather than 2024.

Commissioner Wilson noted she was "luke warm" about the seats and the ceiling, but absolutely saw a necessity to upgrade the elevator. With the SLIPA funding and the additional funding it makes her feel better, but she still sees bigger needs downtown for the TIF funds.

Commissioner McKenney commented that the City has two economic development tools – tax abatements and TIFs. TIF Districts are a hot issue right now in the Legislature. Many legislators feel like local governments are abusing TIFs. It is absolutely legal, but does not pass the smell test for many legislators. What he is afraid of should this pass is that the City of Great Falls and this vote is going to be discussed in the Montana Senate and House as an example of why TIF Districts need to be restricted. He does not necessarily agree with that, but that is the political climate. He will be voting no, and would rather find another way to get that \$400,000.

Commissioner Tryon commented that he has also heard the objections of using TIF money for a public facility that does not pay into the TIF. It was used appropriately for the Civic Center façade project and he thinks it is also appropriate to use TIF funds for this purpose. In his opinion, this building is a key part of City infrastructure. The Legislature has said this is an appropriate use and the Commission should use it for this purpose.

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

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Motion carried 4-1 (Commissioner McKenney dissenting).

18. CDBG AND HOME PROGRAM 2024 ANNUAL ACTION PLAN.

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

Grant Administrator Tom Hazen reported that this public hearing is part of an annual process that is an obligation of all Entitlement Communities that receive Community Block Development Grant (CDBG) or HOME Investment Partnerships Program (HOME) from the Department of Housing and Urban Development (HUD). Every year entitlement communities, like Great Falls, are required to prepare an Annual Action Plan that will identify priorities for potential funding. This Plan is a required step before Entitlement Communities may begin allocating HUD funds.

For the upcoming year, the City of Great Falls will have a total of \$814,777.74 in CDBG funds and \$231,257.10 available to allocate.

The purpose of tonight's hearing is to decide whether or not to approve the Annual Action Plan draft submitted. This plan takes into account the comments provided during the Public Needs Hearing held on July 16th during the City Commission regular meeting. Based upon that discussion the proposed Annual Action Plan emphasizes the use of HUD funding to address affordable housing, housing services for homeless/LMI individuals, and Slum and Blight removal. Additionally, the plan reserves a portion of money for City projects that will aim to overcome architectural barriers preventing ADA access to public installations.

Additionally, staff is recommending a change to the Competitive Application process. As stated at the July 16th City Commission meeting, the annual application process was not endorsed by any of the City partners. Therefore, Staff is recommending altering the annual application process to a quarterly process. This timeline would provide more opportunities for the community to apply for and secure HUD funding. This model also allows the City a structured funding schedule that would allow for budget adjustments, identifying application priorities, or other administrative requirements.

A comment was submitted at the Public Needs hearing that proposed a bi-monthly application process. Staff reviewed the submission and, while understanding the desire for increased funding opportunities, has elected to continue recommending the quarterly plan. This recommendation reflects a need for periods of time between application windows that allow for scoring applications, preparing funding agreements, Commission approval of those agreements, HUD environmental reviews, HUD system entry, and budget review to prepare for the next funding period. Not to mention any administration related to existing projects.

With these considerations in mind, staff recommends the approval of the CDBG and HOME Program Year 2024 Annual Action Plan as submitted.

Mayor Reeves asked if the Commissioners had any questions of staff. Hearing none, Mayor Reeves asked if there were any comments from the public in support of the CDBG and HOME Program 2024 Annual Action Plan.

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Brett Doney, Great Falls Development Alliance (GFDA), commented that the housing study GFDA published this spring contains data from 2022 that shows 22% of the City's renters are paying more than 50% of their income on rent, and 36% are spending more than one-third of their income on rent. From June 2023 to June 2024 Cascade County had the greatest increase in rental fees of any county of over 8%. The HOME and CDBG funds may seem like a drop in the bucket and they are. The biggest answer is going to come from private sector investment in housing. Every new home, whether it is home ownership or rental, helps. GFDA's economic development strategy is based on one premise of closing the gap between household earnings and the cost of living. When GFDA started out the gap was over 30% in Great Falls, and is now at 12.5%. The dream is to have earnings higher than cost of living. He urged the Commission to continue to be creative and do everything it can to keep the community affordable.

Written public comment was submitted by **Shyla Patera**, North Central Independent Living Services, Inc. in support of the 2024 Annual Action Plan.

Mayor Reeves asked if there were any comments from the public in opposition to the CDBG and HOME Program 2024 Annual Action Plan.

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

Commissioner Wilson moved, seconded by Commissioner Wolff, that the City Commission approve the CDBG and HOME Program 2024 Annual Action Plan.

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

Motion carried 5-0.

OLD BUSINESS

19. SALE OF CITY-OWNED PROPERTY TO PASTA MONTANA LLC.

Park and Recreation Director Steve Herrig reported that after conducting a public hearing in July 1996, the City Commission approved a 20-year lease agreement with Pasta Montana LLC, thereby allowing the company to build its food manufacturing plant in Great Falls. The lease included the grant of an option to Pasta Montana to purchase the leased property, if exercised prior to the termination of the lease.

In 2016, rather than extend the original lease agreement, City staff took the opportunity to undertake a review of the agreement and updated the lease terms, that carried a 5-year term and renewed the option granted to Pasta Montana to purchase the leased property for its appraised value at the time the option was exercised. The City Commission approved the 2016 lease after a public hearing.

In 2021, Pasta Montana notified the City of its decision to exercise its option to purchase the leased premises. In preparing for the transfer of property to Pasta Montana, City staff learned that there were concerns with the City's ability to deliver a clean title to the leased premises, as well as the

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surrounding property owned by the City. It was also determined that there was no legally recognized parcel corresponding to the leased premises. Rather, the leased premises was made up of portions of three recorded parcels, none of which had been properly subdivided. Therefore, in 2022, the City of Great Falls Park and Recreation Department commissioned Stephen Babb of Babb Land Surveying, Inc. to retrace the boundaries of the three (3) parcels of record underlying the lease parcel and to relocate existing common boundaries to create a separate described parcel to transfer to Pasta Montana.

Documents that will need to be executed to effectuate the sale include a buy-sell agreement, deed to Pasta Montana, realty transfer certificate, bill of sale, settlement statement, and several easements.

The Park and Recreation Board approved the lease agreements and sale and have been kept updated on the status of completing the sale.

The City would receive \$375,000, which was the appraised price when Pasta exercised its option to purchase the leased premises. Due to the delays, it was agreed upon that the 2022, 2023 and 2024 lease payments made by Pasta Montana would be applied to the purchase price.

Commissioner Wolff moved, seconded by Commissioner Wilson, that the City Commission approve the sale of City-owned property to Pasta Montana LLC, described as Tract 10 located in Section 5 and Section 6, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and described in a Certificate of Survey to be recorded in the office of the Cascade County Clerk and Recorder, for the purchase price of \$375,000, and authorize the City Manager to take all actions and execute all documents necessary to effectuate the sale upon the filing of the Certificate of Survey.

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

Brett Doney, Great Falls Development Authority, expressed appreciation to the City and noted this has been a quiet success. It was a creative deal to allow for the lease of parkland so that Pasta Montana could pipe the freshest flour directly across from General Mills. The plant was created by local business people who partnered with people from the east coast who knew pasta manufacturing. It created a lot of jobs and it lead to the expansion of General Mills. Later, it was bought by a big customer of theirs in Japan and a new pasta line was installed, which was the fourth or fifth expansion of the plant. It also marked GFDA's first economic development gap loan when the company was created. That one deal that the City sparked has now lead to GFDA being able to offer \$68 million dollars in gap and bridge loans in Great Falls and the surrounding trade area, that has leveraged an additional \$286 million in private investment.

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

Mayor Reeves inquired if the buyer or seller paid for the survey.

Deputy City Attorney Rachel Taylor responded that the property that the leased property sat on was three different parcels of City property. To sell that property as promised to Pasta Montana the City paid the survey to make a legally described parcel to convey.

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Commissioner Tryon took exception that the City did not do its due diligence and did not know the parcel was legally unrecognized in 1996 and 2016, and inquired if the City learned anything so as to not end up in this situation again.

Noting current staff wasn't around when the lease was created, Manager Doyon speculated that somebody saw an opportunity for the City to sponsor economic development and cultivated this arrangement to make it happen which, long term, was a good thing for the community in terms of the impact of it. The title search was not done until it came time for Pasta Montana to exercise their right to purchase the property.

Commissioner Tryon commented that everybody should take note that, when things like this come up, it raises questions and creates negative perceptions of the City.

Manager Doyon commented that, at the time the elected body made a decision about this lease, they thought they were doing what was in the best interest of the City at the time. They did not know what was going to happen in 20 years. The architects of that arrangement were trying to pursue getting a business here in Great Falls for the betterment of the community.

Director Herrig added that, if the survey had been done in 1996 or 2016, there would have been the same issues that are being faced now. He also clarified that Pasta Montana continued to make lease payments to the City in 2022-2024 that have been deducted from the sale price.

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

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

CITY COMMISSION

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Wolff commented it was amazing to watch the Local Emergency Planning Committee's tabletop exercise and to see how well prepared all of the partners were.

She also noted that she participated in the Army National Guard ride on the Chinook and Blackhawk helicopters two weeks ago, and expressed appreciation for the ESGR Program and what they are able to provide for the employers who support the men and women in the Guard and Reserve.

21. COMMISSION INITIATIVES.

None.

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ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Reeves, to adjourn the regular meeting of August 6, 2024, at 8:09 p.m.**

Motion carried 5-0.

Mayor Cory Reeves

City Clerk Lisa Kunz

Minutes Approved: August 20, 2024