

JOURNAL OF COMMISSION WORK SESSION
September 17, 2024

City Commission Work Session
Civic Center, Gibson Room 212

Mayor Reeves presiding

CALL TO ORDER: 5:30 PM

CITY COMMISSION MEMBERS PRESENT: Cory Reeves, Joe McKenney, Rick Tryon and Shannon Wilson. Commissioner Susan Wolff was excused.

STAFF PRESENT: City Manager Greg Doyon; City Attorney David Dennis; Public Works Director Chris Gaub, City Engineer Jesse Patton and Development Review Coordinator Mark Juras; Planning and Community Development Deputy Director Lonnie Hill; and, Deputy City Clerk Darcy Dea.

PUBLIC COMMENT

Written Correspondence was received from **Jeni Dodd**, City resident, via September 17, 2024 email, commented that a Portland Loo would be fiscally irresponsible, an attractive nuisance for crime and have ongoing maintenance costs.

Ernest Harris, City resident, expressed concern with regard to the volume of traffic and speeding at 2nd Street Northeast. Mr. Harris commented that the only way to stop the volume of traffic would be to add stop signs and something needs to be done with the speeding.

Carrie Parker, City resident, commented that there is a great need for public restroom facilities in the downtown community. Portable restrooms do not work because they are easily knocked over, damaged and are not hygienic. Having public restroom facilities downtown would provide human dignity to the unhoused population, as well as public health.

Melissa Smith, City resident, commented that even though the public does not always behave in an appropriate fashion, does not mean public restroom facilities should not be available for them. The Port Authority was responsible for maintaining a beautiful facility in San Diego and the City would need to be responsible for maintaining a Portland Loo here in order for it to be successful. It would cost approximately \$30,000 a month to maintain a Portland Loo; however, what is it costing the City in tourism and productivity. Ms. Smith heard from downtown businesses and residents how distressing it is to have people defecating in front of their businesses and homes. Having a Portland Loo would not only benefit the unhoused population, but also everyone in the community.

1. **LEAD SERVICE LINE INVENTORY AND LEAD & COPPER RULE UPDATE**

Public Works Development Review Coordinator Mark Juras reviewed and discussed the following PowerPoint slides:

JOURNAL OF COMMISSION WORK SESSION

September 17, 2024





LEAD SERVICE LINE INVENTORY AND LEAD & COPPER RULE UPDATE


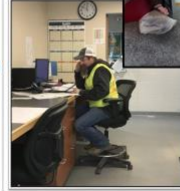
September 17, 2024

LSL INVENTORY UPDATE

- EPA required inventory ready to submit to MT DEQ


Galvanized	590	2.7%
Lead	157	0.7%
Non-Lead	15664	71.9%
Unknown	5378	24.7%
Total	21789	100.00%

- Addresses of all Galvanized, Lead, Unknown service lines will be posted on City website by October 16th
- Website will include instructions to contact City staff to provide or verify the information, as well as access to additional EPA required noticing and health information

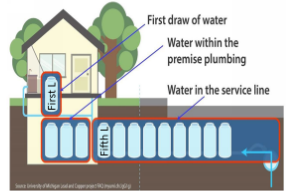
EPA MANDATORY NOTICING

- Water customer noticing starts October 16th
 - 30 days to notice ~6,125 non-conforming addresses
 - Notice new customers at time of service initiation
 - 45 days to notify owners prior to partial service line replacement of non-conforming lines with active water main replacement projects
 - City must provide pitcher filter when City partially replaces a non-conforming line
- Estimated \$10k annually plus staff time



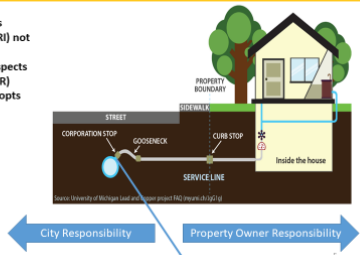
TAP SAMPLING & EDUCATION

- EPA's sampling changes start October 16th
 - 1st and 5th liter
 - Tiered sampling locations - 60 samples 2x/year to start
 - City considering incentives
 - 5 years to sample all primary schools and daycares
 - Water main project partial replacements - sample within 3-6 months
 - Trigger level - 10 ppb
 - Action level - 15 ppb
- Results noticing
- Public education efforts
- Exceedance education & noticing
- Estimated \$20k annual impact plus staff time




EPA LCRI CHANGES

- The previous lists are bulleted summaries
- Lead and Copper Rule Improvements (LCRI) not yet adopted as law
 - Will add more requirements to all aspects of Lead & Copper Rule Revision (LCRR)
 - This info will change if/when EPA adopts LCRI




DOOR-TO-DOOR PLAN TO IDENTIFY UNKNOWN WATER SERVICE LINE MATERIAL



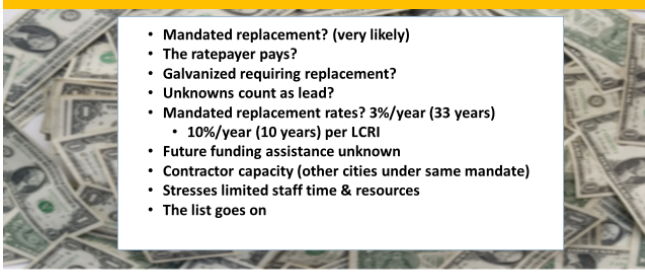
- Goal - reduce number of 5,300 unknowns before mandated replacement starts
- Already sent them a letter and gave them a call
- Door-to-Door plan - City inspectors to visit addresses of unknowns during winter months to ID services
- Leave door hanger if no answer - provides info on how to ID service line and return info to City
- Conduct efforts in winter months 2024-2027
- Other efforts TBD

REPLACING LEAD WATER SERVICE LINES: PILOT PROJECT



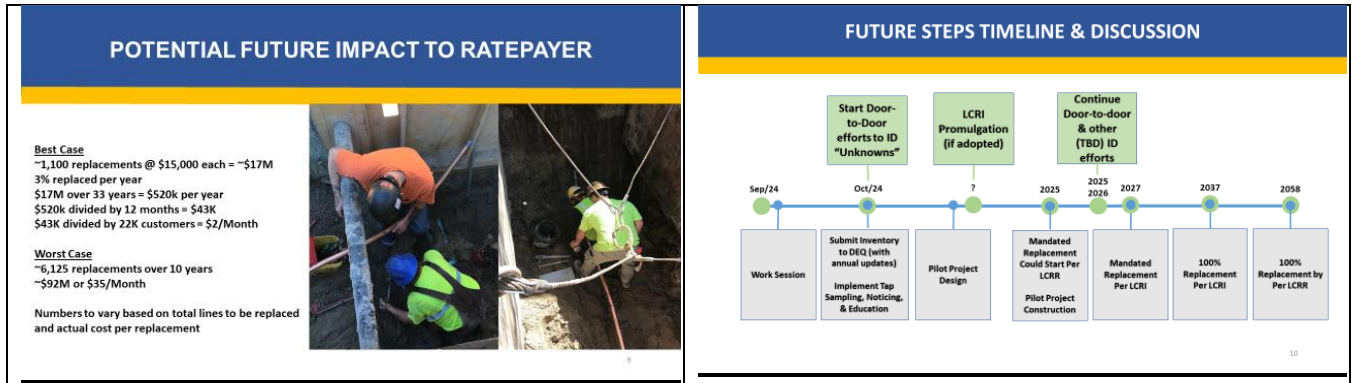
- Pilot project to replace 20 lead lines
- SRF Loan Program & Water Enterprise Fund
- Recommendation: utilize rate payer funds in 2025 to move forward with \$300K pilot project via SRF loan with 60% forgiveness
 - Make use of available funding
 - Troubleshoot process for mandated replacement
 - Improve tap sampling results

FUTURE LEAD SERVICE LINE REPLACEMENT CHALLENGES



- Mandated replacement? (very likely)
- The ratepayer pays?
- Galvanized requiring replacement?
- Unknowns count as lead?
- Mandated replacement rates? 3%/year (33 years)
 - 10%/year (10 years) per LCRI
- Future funding assistance unknown
- Contractor capacity (other cities under same mandate)
- Stresses limited staff time & resources
- The list goes on

JOURNAL OF COMMISSION WORK SESSION
September 17, 2024



Mayor Reeves requested City staff to reach out to the Congressional Delegation, because they need to assist the City with this federally mandated, unfunded directive.

City Manager Greg Doyon responded that he would draft a letter on behalf of the City Commission.

Public Works Development Review Coordinator Juras added that there has been a lot of push back against this; however, there are more pushing for it because of the health concerns of lead pipes.

Commissioner Tryon inquired about the consequences to the City for citizen noncompliance with regard to replacing their lead service lines. He further inquired if ratepayers would have to cover the cost for non-compliant homeowners.

City Manager Doyon responded that the Environmental Protection Agency (EPA) Lead and Copper Rule Improvements is not a law yet. From what he has seen in the past, the EPA could do a consent decree and fine the City for not adhering to the rule if it does not comply within a certain date.

Public Works Development Review Coordinator Juras further responded that this is a challenge because it is an EPA mandate that is administered through the City; however, the homeowner is responsible for the City's policies. As far as an increase, a mandated replacement rate is unknown at this time.

Commissioner McKenney received clarification that the Montana Department of Environmental Quality (DEQ) lead line replacement mandate affected every registered public water supplier in the nation.

It was the consensus of the Commission to have City Manager Doyon draft a letter to the Congressional Delegation.

2. PORTLAND LOO

Commissioner Wilson explained that she is bringing this topic forward because she is concerned about the lack of public restroom facilities downtown. Commissioner Wilson reported that Business Improvement District Executive Director Kellie Pierce had indicated to her that the BID had a few concerns about the location and actual needs the City would be meeting with regard to the instillation of a Portland Loo. Commissioner Wilson further explained that she would like a Portland Loo installed in

JOURNAL OF COMMISSION WORK SESSION
September 17, 2024

the parking lot at 1st Avenue North and 6th Street because it would be centrally located on a City parking lot and not in a secluded area where things could be happening, which would bring a factor of safety to it. The BID also had questions about the maintenance of a potential Portland Loo. The August 14, 2024 Downtown Restroom/Portland Loo Considerations report from City staff indicated that anticipated maintenance costs may range between \$10,000 and \$20,000; however, that is a high estimate because a Portland Loo is a low maintenance facility. According to Mehmet Casey with the Downtown Billings Association, having a Portland Loo has been a success and Billings is considering adding two more in downtown Billings. Commissioner Wilson commented that, after speaking with Grant Administrator Tom Hazen about whether Community Block Development Grant (CDBG) funds could be used for a Portland Loo as potential funding, she discovered that CDBG funds could only be used in a specific district and the Business Improvement District (BID) is excluded from using those funds. A Tax Increment Financing (TIF) district would need to be considered if a Portland Loo was installed downtown. Commissioner Wilson concluded that the City could spread out the funding for a Portland Loo, as Billings did. It is reasonable, considering that other projects the City has spent TIF funds on, such as seats in the Civic Center. Installing a Portland Loo would be an important part of infrastructure that serves the whole public.

City Manager Greg Doyon explained that multiple City departments met to discuss all aspects of a Portland Loo. The estimates of the initial and maintenance costs and challenges were based on information they ascertained.

Mayor Reeves commented that he appreciates Commission Wilson's initiative; however, has reservations based on the report compiled by City staff. He expressed concern about conflicting reports from Billings indicating that a Portland Loo was successful and City staff indicating that Billings and other cities are seeing unwanted activity, behavior and requiring a lot of police assistance at these locations. Mayor Reeves added that the City is penny pinching and he is concerned with the comment on page two of the report that installing a Portland Loo would likely eat up almost an entire year's allocation of CDBG funds or a large chunk of TIF funds.

Commissioner Wilson responded that she takes opposition to that because there is \$2 million available in TIF funds in the Downtown District a year. This would be a \$300,000 project and the City has spent a lot more on different places downtown not for important infrastructure.

Mayor Reeves commented that two local downtown business owners indicated to him that they were against having a Portland Loo installed downtown.

Commissioner McKenney commented that he is currently undecided about a Portland Loo and needs to have further discussion. Restrooms have always been available in downtown retail shops, taverns, restaurants and C-stores, except to a small number of individuals who may have been banned for unacceptable behavior. He expressed concern that those individuals would also vandalize a Portland Loo and the City would be solving a problem for a small group of people.

Commissioner Tryon inquired what prompted Commissioner Wilson's initiative for a Portland Loo and how it would be funded if it does not qualify for TIF funding. He commented that he too is undecided at

JOURNAL OF COMMISSION WORK SESSION
September 17, 2024

this point. The location at the parking lot on 1st Avenue North and 6th Street would affect businesses in that area and businesses downtown if installed there.

Commissioner Wilson responded that it would be more sanitary to have a Portland Loo rather than individuals relieving themselves in downtown alleys and doorways of businesses. She is not anchored to that particular spot; however, having a Portland Loo somewhere downtown is what is important to her. CDBG funds might be able to go towards a Portland Loo, depending on the location. She added that installing a Portland Loo would be a much cheaper project than putting seats in the Civic Center.

After further discussion, it was the consensus of the Commission that more research needs to be done and there needs to be a general consensus from downtown businesses about whether they support having a Portland Loo downtown.

Mayor Reeves commented that he would feel more comfortable if the City could find a grant to help towards the costs of a Portland Loo and finding the right location.

Commissioner Wilson added that it says a lot that Billings is so happy with its Portland Loo and considering adding two more.

3. PUBLIC SAFETY POLL UPDATE

City Manager Greg Doyon reported that four bids were received on June 19, 2024 for ballot measure polling and outreach consultant services. The bids would be valid until September 19, 2024 and the proponents were notified that the City would wait until it received the Public Safety Advisory Committee (PSAC) recommendations. One of the PSAC's recommendations was a poll; however, there was confusion about what the purpose or intent was and it did not like the idea of using City funds for a poll. When a polling firm is hired to do these types of measurements, they are statistically valid and would work with the City to determine the appropriate questions, so there would be a clear understanding where the community was with regard to its perceptions about public safety. It would also make it clear what would be palatable to the taxpayer if the Commission were to consider another levy or bond. A poll was used by the library foundation and its support groups, as well as the Great Falls Public School District and its foundation, which provided them information they needed to be successful.

City Manager Doyon recommended having a statistically valid poll done in approximately two or three years through a grassroots organization. He added that doing a poll at this point would be too early because citizens might be upset that the City embarked on this at this moment and the information and perceptions would change over the next couple of years. Waiting a few years would provide the City with more relevant data for a poll and an advocacy group could be established to help the City know what the specific public safety concerns are.

Commissioner McKenney explained that the PSAC did not support the City paying for a poll and wanted the private sector or an advocacy group to do one. The PSAC also thought doing a poll now would be too soon. Commissioner McKenney commented that a poll would need to be done sooner than two or three

JOURNAL OF COMMISSION WORK SESSION
September 17, 2024

years. A poll is to help the City with messaging and it has to be closer to when the final decision is made to do a levy.

Commissioner Tryon commented that he supports City Manager Doyon's comments and recommendations. However, he would not be willing to proceed with any kind of a poll to see about a public safety levy, let alone, propose a public safety levy, until this Commission has demonstrated it is willing to use all of the general fund resources already available to fund public safety. The City needs to illustrate to taxpayers it is serious about funding public safety before considering doing more public safety levies. If a poll were to ever be done, he would not support spending public funds for it and it would have to be a grassroots effort to raise the funds.

Commissioner Wilson expressed support of another group stepping up to fund a poll. She commented that if the business community wants to grow Great Falls and make it a better place, they should step up to help with a poll.

Mayor Reeves commented that he does not want to wait two or three years to do a poll. Some of our sister cities that had failed levies are going right back after it next year. Mayor Reeves suggested proceeding now with a grassroots effort, doing a poll in the summer of 2025 and getting on the ballot with a special election in March or April 2026.

DISCUSSION OF POTENTIAL UPCOMING WORK SESSION TOPICS

City Manager Greg Doyon received clarification that there were no items the Commission wanted added or move up from the work session topic list.

ADJOURN

There being no further discussion, Mayor Reeves adjourned the informal work session of September 17, 2024 at 6:35 p.m.