

JOURNAL OF COMMISSION WORK SESSION
April 15, 2025 -- City Commission Work Session
Civic Center, Gibson Room 212 -- Mayor Reeves Presiding

CALL TO ORDER: 5:30 PM

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; City Attorney David Dennis; Finance Director Melissa Kinzler; Public Works Director Chris Gaub and Street and Traffic Manager Eric Boyd; Fire Chief Jeremy Jones and Fire Marshall Mike McIntosh; Police Chief Jeff Newton; and, Deputy City Clerk Darcy Dea.

PUBLIC COMMENT

Ben Forsyth, City resident, commented that he is here to protect the health, safety and welfare of the citizens in the community from the harms of marijuana.

Mr. Forsyth expressed concern that the City Commission is not doing enough to ensure the safety of the citizens and that there is an individual on the Commission that seems to have supported the marijuana industry. Mr. Forsyth noted that he provided documents relating to laws and how three of those laws are being violated by the Commission in ways that create harms to the people.

Mr. Forsyth explained that there are 50 scientific studies of the harms of marijuana. The Communities That Care (CTC) operates in seven states and has approached 12 communities to control the harms of marijuana. Those 12 communities have much lower hospitalizations and fewer violent felonies and other communities have had increased hospitalizations and crime due to the harms of marijuana.

WORK SESSION ITEMS

1. GOVERNING BOARD FOR OPIOID SETTLEMENT

Retained Attorney Ben Snipes of Kovacich Snipes Johnson, P.C. reported that he has represented the City for a long time with regard to opioid related issues. This issue came up when the Federal Government declared a national emergency related to opioids and from the flooding of a variety of defendants who have been targeted in this litigation. Local government subdivisions did not get involved in the tobacco litigation more than a decade ago and all the money went to the State. The City has a

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say how the funds from the opioid settlement are allocated to the City and is based on population. The State of Montana, City or Local Government subdivision's direct allocation is 15% and 70% goes to the Montana Opioid Abatement Trust. Currently, there is approximately \$230,000 in the City's coffer. The money from the trust is set aside for these local subdivisions to decide how they want to spend it on opioid abatement and it is broken down by region. The Cascade County Metro Region, which constitutes the County and City, currently has \$743,000 and another \$400,000 will be coming in next year. A governing body for the City needs to be set up to determine how to spend the money from the opioid settlements. Ultimately, the governing body will have 100% of the say on the money that is currently sitting in City's coffer. When it comes to making decisions on how to spend the trust money and evaluate those applications for the grants, the City will still have 100% of the say in its funds; however, the money is being pooled with Cascade County. The City and County will each have its own governing body.

Mr. Snipes explained that a proposed resolution will establish a governing body that will include two members from the City Commission, as well as the Fiscal Agent, which is Finance Director Melissa Kinzler. The two selected Commission members should be the individuals who review applications and determine how best to spend the City's opioid abatement dollars. The other governing body will be the Cascade County Metro Region group. The City will need to enter into an agreement with the County to look over the trust funds and applications to determine which projects to endorse.

Mayor Reeves received clarification that the governing body for Cascade County are the three County Commissioners; however, they do not have a non-commissioner fiscal agent.

Commissioner Tryon inquired if two Commissioners would be appointed yearly.

Mr. Snipes responded that it makes sense to have some continuity to this and longer terms might be better.

Commissioner Tryon commented that the issue is that every two years two Commissioners and the Mayor will be up for reelection and a yearly term should be considered to mitigate that situation.

Mr. Snipes responded that his primary concern is the need for two Commissioners and a Fiscal Agent; however, a yearly revision to who the governing body is would be fine.

Commissioner Wolff inquired how City Departments that are most impacted by this situation will be heard.

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City Manager Doyon responded through the Commission. He requested that Mr. Snipes explain the general guidelines with regard to how the City could use the funds.

Mr. Snipes explained that the funds are limited in some respects to what is called opioid abatement. However, within that realm of opioid abatement, it is broad. It can be used for law enforcement, treatment efforts, diversion programs, drug courts and all kinds of different things. Typically, it is services related to getting individuals who are on opioids out of the criminal justice system and diverted into a treatment program. There is a broad aspect and array of projects that are going to be presented through the trust. The governing body should be a liaison to City Departments that would be impacted.

Commissioner McKenney received clarification that the governing board is not an advisory board and would not request approval from the Commission. He further received clarification that nonprofits should submit grant applications to the Montana Opioid Abatement Trust and the governing body and Fiscal Agent would review the applications for consideration of projects.

Mayor Reeves received clarification that the governing board could potentially have quarterly meetings to go over applications and then converse with the County to decide which ones to fund independently or in collaboration.

Mr. Snipes received clarification that Commissioners' Tryon and Wilson would be available to be the governing board.

2. STREET OVERALL CONDITION INDEX (OCI) ASSESSMENT REVIEW

Public Works Director Chris Gaub reported that the Street Division has almost 70 years of experience between the Street Manager, Superintendent and Foreman. They are focused on continuous improvement and always exploring new ways of doing things. The street network as a whole is a D plus or a 68%, which puts the City in good company with many other municipalities across the country. To reconstruct one block of street costs approximately \$1 million.

Street and Traffic Manager Eric Boyd reported that he will be discussing the level of service, what the street life cycle looks like, the OCI survey, the state of the streets in 2024 and historic comparison from 2013, a few example scenarios, and a recommendation on increases possibly in the future. An excellent level of service comes with a high cost in order to keep things in good condition. A failed level of service costs less in the beginning; however, it will eventually catch up with you. The cost of deferment is how long something can go before something has to be done about it. Streets lose about 60% of their quality and 75% of their life, which equals out to be approximately 25 to 30 years. Routine investment increases the condition and lengthens the life of a street.

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The OCI is a numerical score from 1 to 100, with 100 being the best score and 0 being a failed score. It incorporates the Pavement Condition Index (PCI), which is 80% of the score and 20% is the International Roughness Index (IRI). An OCI is used for data collection and to define the quality of the street network. A Roadway Asset Collection Vehicle provides an automated survey and scores all the streets at one time by using a laser profiler, ladybug 360-degree camera and GPS to show exactly where distresses are on a street. The data collection met AASHTO and ASTM standards and this process can be repeated in the future to compare studies. The age of a street, condition of underground utilities, if it is used for heavy or light traffic and if it is a local, an urban or arterial route can be evaluated.

Mayor Reeves received clarification that a one block failed street costs approximately \$500,000 to repair.

Street and Traffic Manager Boyd reported that the current network average OCI is 68.4, which is considered a good score. The PCI is 74 and the national average is between 65 and 70. The IRI is 74 and anything less than a 91 is considered in good shape. He further reported that 95% of the streets are in fair to excellent condition and 73% of the streets need major work. An interactive map found on an Asset Management program is used to determine poor, failed and good streets. From the last time a survey was done, the network score has increased with a net gain of 7 points from a 61.4 to a 68.4. In 2014, efforts were made to focus on those fair streets, the 40 to 60 category, to get them before they flooded the poor and failed categories. Several fair to poor streets were either rehabbed or replaced and have moved into the excellent category. Conditions are always changing and one bad winter can upset this graph in major ways. The national average score for streets and roads is a D plus and an estimated investment to improve one grade would be approximately \$2.58 trillion. The Great Falls OCI backlog cost is approximately \$91 million. Street assessment is the major proponent in the Street's budget and one thing that can be changed. There were a lot of expenses for either reconstruction or ADA improvements. The recommendation is a 7.5% street assessment increase for this year. There could be a future need for increasing standards of new roads.

With regard to the "Funding by Target Level of Service" slide, Mayor Reeves received clarification that the OCI would be upper 70's to low 80's with the 7.5% recommended increase.

With regard to the "Funding by Target Level of Service" slide, Commissioner Tryon received clarification that because conditions can change over the course of a year, fixing funding based on one year may not be the most responsible thing to do.

With regard to the "Great Falls Street Budget FY25" slide, Commissioner McKenney received clarification that the 7.5% is for the special assessment, which is the street assessment, the intergovernmental is the fuel tax in BARCA, which is combined with

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the fuel tax and the internal service charges are charges for projects for another department or division. He further received clarification that if the allocation was for the replacement of streets, there would not be any routine, reactive or preventative maintenance and it takes several years of saving for a major replacement.

Commissioner Wilson inquired about new technology to extend the life of roads.

Street and Traffic Manager Boyd responded that the Street Department uses an asphalt paver, a milling machine, PG5828 binder and is considering using poly-modified oils.

City Manager Greg Doyon received clarification that the last street assessment increase was in 2024. The City is the only community doing a full OCI survey, has the second most miles of the big eight cities and second least funding per mile. There have been inquiries from developers about whether the City would contribute into improving a street if they were going to develop. Manager Doyon commented that the City needs to increase awareness for citizens with regard to how assessments are applied and utilized for growth and develop in the community.

3. TITLE 15 CODE CHANGES

Fire Marshall Mike McIntosh reported that when adopting the 2021 version of the International Fire Code (IFC), it was found that much of the fire code language in Title 15, Chapter 9 had been removed. In working with the City Attorney's office, it was decided that a lot of the code language needed to be added back to clarify construction practices, make the process easier and more straightforward for people that do fire alarm construction within the City. It will give authority to the fire chief to initiate burn bans within the City, establish ramifications for those who attempt to hinder firefighting operations and address nuisance properties in disrepair as a result of a fire or other events.

Great Falls Fire Rescue (GFFR) will be assuming the special event permits from the City Manager's office to ensure life safety procedures are in place and that first responders can get in to an event in case of an emergency. This section of City Code will be relocated to the fire code section of City Code. Chapter 9 changes will add language to the City Code for public fireworks displays. This will take liability off the City to comply with Montana Code Annotated (MCA) and what is already established by the State Fire Marshal. With this new language, the Fire Chief or designee would review and inspect public firework displays. It would also require the fireworks contractor to provide proof of insurance, list the fireworks to be shot off and provide a safety plan.

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It will add back previous language with regard to the IFC, and those sections not adopted by the State of Montana. It will clarify language on the duties of the Fire Prevention Bureau and preventative inspections.

Fire Marshall McIntosh reported Title 9, Chapters 4 and 9 Code changes included the following:

- Fire Chief Authority - burning in City. If the conditions are not proper for recreational fires or fireworks, this will give the fire chief authority to put a burn ban into place. Currently, GFFR has to wait for the Cascade County DES to put a burn ban into place.
- Burn permits and special events. If the City Commission allows for burn permits to be adopted, this would put the burn permits into City Code and move the special events section from where it is now into the Fire Code.
- Existing fire alarm requirements. Currently, there is not a set requirement for fire alarm contractors to work on an existing fire alarm system that indicates whether they have to get a permit or not. This would create an even playing field for fire alarm contractors to know what is expected of them and when they have to get an approved permit. This is in line with other municipalities throughout the State of Montana.
- Abatement of fire hazard nuisances. If the responsible party of a property does not address fire hazards from an initial fire and GFFR responds to another fire at that same location, GFFR could charge the owner for its response. If the owner cannot afford to pay, a lien would be placed against that property so the City could recoup the money whenever that property was sold.
- Knox Boxes for new construction that have fire and life safety systems. If a new buildings has a sprinkler, fire alarm or commercial hood system, a key box would need to be added to allow GFFR emergency access into the building. This is common around the country and with other municipalities around the State of Montana.
- Prohibiting of blasting and tenting in the City. Blasting is a construction process where the ground is blown up to put underground utilities in. Tenting of sprinkler systems is placing visqueen or insulation over a sprinkler system to attempt to keep it from freezing and breaking; however, there have been several breaks. No other jurisdiction in the State of Montana allows tenting of sprinkler systems.
- Hindering fire service operations. This would allow GFFR to charge for a misdemeanor if someone tries to hinder its fire service operations.

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Mayor Reeves received clarification that State law does not cover hindering fire service operations and the denial of a special event permit could still be appealed to the Commission from an administrative decision.

Fire Marshall McIntosh concluded that the changes made to the fire code section, along with the movement of special event permits and updates to the fireworks chapter are not intended to add more government oversight. These changes are being made to clarify existing City Codes and to reduce potential liabilities to the City.

Commissioner McKenney received clarification that a local municipality has the authority to adopt certain sections of code above and beyond what the State of Montana does and the language will clean up this section of City Code by adding back language that was removed. He further received clarification that local fire alarm contractors were notified and are aware of the construction practices and requirements for fire alarms, the administration of special event permits is the only change and the new language for fireworks is for major public displays.

Commissioner Tryon received clarification that GFFR adopts what the State of Montana does with regard to the IFC. He inquired if GFFR anticipates any pushback about giving authority to the fire chief to initiate burn bans within the City and putting a lien on a property with regard to abatement of fire hazard nuisances.

Fire Marshall McIntosh responded that Bozeman has already adopted the abatement of fire hazard nuisances language verbatim and is enforcing it. There is a complete legal process before selling a nuisance property in disrepair as a result of a fire and a lien would be done in the event a property is sold at a later date.

DISCUSSION OF POTENTIAL UPCOMING WORK SESSION TOPICS

City Manager Greg Doyon reported that an energy business review and a quarterly budget review will be topics for the May 6, 2025 work session. A lead and copper rule update will be a topic for the May 20, 2025 work session.

ADJOURN

There being no further discussion, Mayor Reeves adjourned the informal work session of April 15, 2025 at 6:50 p.m.