



City Commission Meeting Agenda
2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
August 02, 2022
7:00 PM

The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.

Public participation is welcome in the following ways:

- Attend in person.
- Provide public comments in writing by 12:00 PM the day of the meeting: Mail to City Clerk, PO Box 5021, Great Falls, MT 59403, or via email to: commission@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL / STAFF INTRODUCTIONS

AGENDA APPROVAL

CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS

MILITARY UPDATES

1. Miscellaneous Reports and announcements from Montana Air National Guard.

PETITIONS AND COMMUNICATIONS

2. Miscellaneous reports and announcements.

(Public comment on any matter that is not on the agenda of the meeting and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of 3 minutes. When at the podium, state your name and either your address or whether you are a city resident for the record.)

NEIGHBORHOOD COUNCILS

3. Miscellaneous reports and announcements from Neighborhood Councils.

BOARDS AND COMMISSIONS

4. Miscellaneous reports and announcements from Boards and Commissions.

CITY MANAGER

5. Miscellaneous reports and announcements from City Manager.

CONSENT AGENDA

The Consent Agenda is made up of routine day-to-day items that require Commission action. Items may be pulled from the Consent Agenda for separate discussion/vote by any Commissioner.

- [6.](#) Minutes, July 19, 2022, City Commission Meeting
- [7.](#) Total Expenditures of \$2,821,759 for the period of July 1, 2022 through July 20, 2022, to include claims over \$25,000, in the amount of \$1,616,065.
- [8.](#) Contracts List.
- [9.](#) Accept the low bid from Hawkins, Inc., and authorize staff to purchase liquid ammonium sulfate in the amount of \$960 per ton, up to the maximum amount of 100 tons for FY2022/23 purchases.
- [10.](#) Vacate the public hearing set for August 2, 2022 on Resolution 10474 to Amend Planning and Community Development Engineering Fees In The City Of Great Falls and reset the public hearing for August 16, 2022.

Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote by any Commission member.

PUBLIC HEARINGS

- [11.](#) Resolution 10464 to levy and assess the General Boulevard District No. 3570. *Action: Conduct a public hearing and adopt or deny Res. 10464. (Presented by Melissa Kinzler)*
- [12.](#) Resolution 10465 to levy and assess Great Falls Park District No. 1. *Action: Conduct a public hearing and adopt or deny Res. 10465. (Presented by Melissa Kinzler)*
- [13.](#) Resolution 10466 to levy and assess Properties within Special Improvement Lighting Districts. *Action: Conduct a public hearing and adopt or deny Res. 10466. (Presented by Melissa Kinzler)*
- [14.](#) Resolution 10467 to levy and assess the Portage Meadows Maintenance District No. 1195. *Action: Conduct a public hearing and adopt or deny Res. 10467. (Presented by Melissa Kinzler)*
- [15.](#) Resolution 10468 to levy and assess the Street Maintenance District. *Action: Conduct a public hearing and adopt or deny Res. 10468. (Presented by Melissa Kinzler)*
- [16.](#) Resolution 10471 to refer Ordinance No. 3246, amending the Official Code of the City of Great Falls to specifically prohibit any marijuana businesses from operating in the City of Great Falls, to a vote of the people at an election to be held on November 8, 2022. *Action: Conduct a public hearing and adopt or deny Res. 10471. (Presented by Jeff Hindoien)*
- [17.](#) Resolution 10473 to refer Ordinance 3245, providing that the Charter of the City of Great Falls be amended to allow for one or more elected Municipal Court Judges to a vote of the people at an election to be held on November 8, 2022. *Action: Conduct a public hearing and adopt or deny Res. 10473. (Presented by Jeff Hindoien)*

OLD BUSINESS

NEW BUSINESS

18. Missouri River North Bank Stabilization Phase 1. *Action: Award or not award a contract in the amount of \$581,700 to Winkler Excavating, and authorize or not authorize the City Manager execute the necessary documents. (Presented by Jesse Patton)*

ORDINANCES / RESOLUTIONS

CITY COMMISSION

19. Miscellaneous reports and announcements from the City Commission.
20. Commission Initiatives.

ADJOURNMENT

(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.)

Assistive listening devices are available for the hard of hearing, please arrive a few minutes early for set up, or contact the City Clerk's Office in advance at 455-8451. Wi-Fi is available during the meetings for viewing of the online meeting documents.

Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. City Commission meetings are re-aired on cable channel 190 the following Wednesday morning at 10 am, and the following Tuesday evening at 7 pm.

JOURNAL OF COMMISSION PROCEEDINGS
July 19, 2022

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

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 Engineer Russell Brewer; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; City Attorney Jeff Hindoien and Deputy City Attorney David Dennis; Police Chief Jeff Newton; and, City Clerk Lisa Kunz.

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

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

COMMUNITY INITIATIVES

1. COMMUNITY HEALTH UPDATE FROM CITY-COUNTY HEALTH OFFICER – ABIGAIL HILL.

City-County Health Officer Abigail Hill introduced herself, discussed her background and passion for public health, and provided the following updates:

- As of last week, there were 298 active Covid-19 cases in Cascade County and 2 deaths. The community level is high and is based off hospitalizations. The current positivity rate is 54% compared to the previous high in February at 32.4%. Masking is recommended indoors.
- Free testing is no longer offered. Free rapid home test kits are available at the City-County Health Department.
- Staff will be trained on a new Polymerase Chain Reaction (PCR) machine to offer to people traveling over the border or abroad.
- Moderna and Pfizer vaccines are available to children under five years of age.
- The Health Department is busy with food vendor inspections for the upcoming fair and MANG's open house, planning for back to school sports physicals, and flu shot clinics.
- The Health Department is a distributor for the opioid antidote Narcan, and will train organizations or individuals on how to use the nasal spray that can help prevent opioid overdoses.

2.

PETITIONS AND COMMUNICATIONS

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

John Hubbard, City resident, discussed national news events. He suggested the first quarter revenue generated from marijuana be utilized instead of raising taxes.

Representative Lola Sheldon Galloway, business owner by the First United Methodist Church encampment, would like to see showers provided for the unhoused so they do not use the bathrooms at her business. She shared that she recently took a bus trip to Pocatello and overheard many conversations from people with one way tickets to Great Falls because they heard about the tent city and knew they would be taken care of. She suggested the City work for the citizenry and not attract people from other areas to take care of.

Jeni Dodd, City resident, inquired why the City-County Health Department wasn't trying to do anything about the public health issue of public urinating and defecating going on at the First United Methodist Church encampment.

NEIGHBORHOOD COUNCILS**3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

None.

BOARDS AND COMMISSIONS**4. REAPPOINTMENTS TO THE HOUSING AUTHORITY BOARD OF COMMISSIONERS.**

Mayor Kelly reported that at its June 23, 2022 meeting, the Housing Authority Board recommended appointing Mr. Blake for his first full five-year term and Mr. LaPree for his first full two-year term.

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission reappoint Rodney Blake for a five-year term through June 30, 2027 and reappoint Lyle LaPree as a Tenant Member for a two-year term through June 30, 2024 to the Great Falls Housing Authority Board of Commissioners.

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.

5. REAPPOINTMENT TO THE LIBRARY BOARD.

Mayor Kelly reported that at its June 28, 2022 meeting, the Library Board recommended reappointing Ms. Olson.

Commissioner McKenney moved, seconded by Commissioner Wolff, that the City Commission reappoint Whitney Olson to the Library Board for a five-year term through June 30, 2027.

JOURNAL OF COMMISSION PROCEEDINGS
July 19, 2022

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

As ex-officio member of the Library Board, Commissioner Wolff commented that Ms. Olson does an excellent job and has witnessed her passion for the work at the Library.

Mayor Kelly called for the vote.

Motion carried 5-0.

6. RESOLUTION 10470, DECLARING THAT THE ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS (ACIR) MEMBER TERMS BE TOLLED FOR THE PERIOD OF DECEMBER 7, 2019 TO MAY 25, 2022; AND APPOINT NEW MEMBERS TO THE ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.

Mayor Kelly reported that meetings, travel and international exchanges of ACIR were put on hold during the Covid-19 pandemic. Several members' terms have expired since ACIR's last meeting held on December 6, 2019.

ACIR will be hosting a delegation of senior judges and attorneys from North Macedonia September 9-17, 2022.

Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10470, tolling the period of December 7, 2019 to May 25, 2022 and extending the terms for existing members of the Advisory Commission on International Relationships for a period of 30 months.

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.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission appoint Sandra Erickson, Kay Silk, Dr. Paul Eidson, and Susan Supola to the Advisory Commission on International Relationships for three-year terms through March 31, 2025.

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.

7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022****CITY MANAGER****8. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon announced the following:

- Flight Over the Falls Air Show is scheduled July 23-24, 2022 in conjunction with Montana's Military Open House hosted by MAFB 341 Missile Wing and MANG 120th Airlift Wing. The City will open and staff the Emergency Operations Center for a public safety presence during the event.
- Neighborhood Council 8 is hosting an Ice Cream Social July 21, 2022 from 6:00-8:00 pm at Memorial Park.

With regard to the First United Methodist Church, Police Chief Jeff Newton and City Attorney Jeff Hindoen provided the following updates:

- Beginning January 1, 2022, the Great Falls Police Department (GFPD) responded to 164 calls for service that included 22 custodial arrests; 71 citations were issued [the bulk of which included open containers, disorderly conduct, obstructing and resisting arrest that includes assaults on peace officers; and other criminal activity.
- The Directed Engagement Team is still working diligently with downtown and mental health businesses to offer services when available.
- The City filed a lawsuit in District Court against the First United Methodist Church (FUMC) in May seeking to enforce the City's zoning ordinance that prohibits campground-type use in that zoning district, and requested that the Court issue a declaration to permanently enjoin FUMC from such use. City Attorney Hindoen and FUMC counsel had conversations that FUMC could simply take its own steps to remove that condition on its property that would remove the need and basis for the lawsuit. No firm dates were provided by FUMC. The City caused the complaint to formally be served last week. In response to that, counsel had further conversations with FUMC leadership. FUMC counsel advised that, consistent with the earlier conversations, FUMC would agree to prohibit any tent or camping activities on the property with an effective date of August 1.

In the event the FUMC wants to run a true emergency shelter, which is a permitted use in that zoning district, FUMC will need to submit a Conditional Use Permit application.

Commissioner McKenney inquired if the tents being vacated by August 1st was a recommendation from the attorney to his client or has FUMC agreed to this.

City Attorney Hindoen responded that counsel indicated FUMC agreed to make that prohibition and implement it effective August 1st.

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

Commissioner Tryon commented that obviously crime in that neighborhood and area has increased. He inquired the resources of GFPD in terms of dealing with the situation at the FUMC and surrounding neighborhood.

Police Chief Newton explained that, when officers and resources are sent to deal with that specific location, other areas of the City are not getting adequate attention.

Commissioner Tryon commented that he has been asked why the City is not fining the church \$500 per day for being in violation of the zoning ordinance. The City's hands have been tied in terms of taking any kind of enforcement action before obtaining a judgement from the court.

City Attorney Hindoien agreed. The piece of the enforcement process is ultimately having a court ruling in the City's favor or directs FUMC to comply with the City's zoning ordinance. The City filed in District Court under State Code and Title 76 provisions regarding local government regulation of land use, which is an alternative pathway to seeking to enforce ordinances in Municipal Court that have the potential opportunity for the \$500 per day fine.

As discussed, that \$500 per day fine does not come until, or if at all, an entire municipal court trial process has been conducted. The action was filed in District Court because he thought it could be done more expediently.

Commissioner Tryon noted that some people have said the City is allowing the FUMC to be treated in a way their business would not be treated if in violation of a zoning ordinance.

City Attorney Hindoien responded that is a fundamentally inaccurate observation. How the City has approached this issue, and certainly from the standpoint of staff trying to work through the CUP process and enforcement at the staff level, has been identical to how any other business or property owner was approached regarding a zoning violation.

If the August 1st deadline passes without FUMC living up to its promises and the City is still faced with the serious public health and safety issue, Commissioner Tryon commented that the public nuisance ordinance should also be considered.

If the August 1st deadline is not met, Commissioner Hinebauch inquired about the expected timeline for the civil case to move forward.

City Attorney Hindoien responded that FUMC is already on the clock for responding to the Complaint. If the situation is not resolved by August 1st, FUMC will also have to respond to the City's request to the Court for a ruling and an order that the encampment be stopped.

In addition to all of that, the City is looking at options beyond just staying within that civil litigation pathway.

Commissioner Hinebauch inquired the expected timeline for the judge to make a ruling on that.

JOURNAL OF COMMISSION PROCEEDINGS

July 19, 2022

In his experience, he thinks the judge will make a quick decision once the matter was fully briefed. It will still be a matter of weeks before the timelines run for FUMC to respond and the City to reply.

Commissioner Wolff pointed out there are unhoused people that are not living at the FUMC. The Police Department knows that they have a population that they need to serve all over the community.

Additionally, many entities across the community have been working very hard to identify other shelter opportunities. She pointed out that NeighborWorks has a plan for the Baatz supporting housing project, and the Great Falls Housing Authority is seeking more vouchers for supportive housing. It is hard for the unhoused people at FUMC to seek help for anything because if they leave their belongings are stolen. This is a very deep situation. The community, through the Continuum of Care and other entities, is working hard to provide some solutions to people who want solutions. There will be people who do not want solutions and they will find another place to go.

Mayor Kelly concluded that the City understands there is frustration in the community about the process. Homelessness is not something that is isolated to Great Falls. It is a problem throughout the entire country and dates back to the 60's.

As Commissioner Wolff alluded to, there is a group of agencies under the Continuum of Care that include Opportunities, Inc., Alluvian, Center for Mental Health, NeighborWorks, Rescue Mission, and other institutions. He suspects that once they get the news that those tent cities are to be taken down, there will be an added energy to the unhoused folks who do want housing to respond to the agencies that are there on a consistent basis.

Of the 30 that were surveyed a couple of weeks ago, 20 needed and wanted some help and 10 did not. They needed things like an address, Social Security number and an ID. Some people at FUMC are only there to deal, be with their friends, party, and intimidate others. However, there are other people at FUMC who genuinely are in need and the community has the resources to offer to them. It is a very sensitive community approach.

CONSENT AGENDA.

9. Minutes, July 5, 2022, City Commission Meeting.
10. Total Expenditures of \$5,090,035 for the period of June 16, 2022 through July 6, 2022, to include claims over \$25,000, in the amount of \$4,448,632.
11. Contracts List.

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

12. Set a public hearing for August 2, 2022 on Resolution 10471, Referring Ordinance No. 3246, an Ordinance amending the Official Code of the City of Great Falls to specifically prohibit any Marijuana Businesses from operating in the City of Great Falls, to a vote of the people at an election to be held on November 8, 2022.
13. Set a public hearing for August 2, 2022 for Resolution 10473, Referring Ordinance 3245, An Ordinance providing that the Charter of the City of Great Falls be amended to allow for one or more Elected Municipal Court Judges to a vote of the people at an election to be held on November 8, 2022.
14. Set a public hearing for August 2, 2022 on Resolution 10474, Amending Planning and Community Development Engineering Fees.
15. Approve the annual water meter equipment purchases for Fiscal Year 2023 from Ferguson Enterprises, Inc. in an amount not to exceed \$230,000.

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

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

John Hubbard, City resident, referred to Item 12 and commented marijuana has already been voted on.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

16. **CARTER COMMONS AFFORDABLE HOUSING PROPOSAL PUBLIC HEARING.**

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

Tyler Currence, Housing Solutions, LLC, reviewed and discussed the proposed Carter Commons Affordable Senior Living Housing project. The goal of the presentation is to solicit comments from the Commission and public on this proposal to be forwarded with their application to the Board of Housing that funds these projects. The PowerPoint presentation included:

JOURNAL OF COMMISSION PROCEEDINGS

July 19, 2022

Introduction

CARTER COMMONS

Affordable Senior Living



Great Falls, Montana



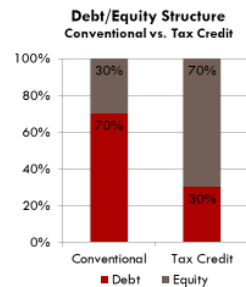
- Housing Solutions LLC
 - Formed in 2012
 - 9 Properties Completed & 1 Underway
 - 4 States
 - Idaho – Pocatello
 - Montana - Kalispell, Missoula, Glendive, Polson
 - North Dakota – Dickinson
 - Wyoming – Casper, Cody, Evanston
- Alex Burkhalter
 - 18 Years Experience
 - 22 Properties
 - 850 Apartment Homes
 - Idaho, Montana, North Dakota, Wyoming

Senior Projects



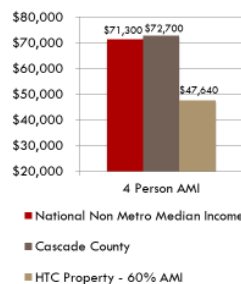
Housing Tax Credits

- Federal Program, enacted 1986
- 90% of New Affordable Rental Housing created with HTC's
- Administered by Individual States
- Success comes from Public/Private Partnership
- Assistance with Construction and Development Costs
 - By creating tax incentive for investors, equity is increased, and debt is lowered.
 - Lower debt servicing allows lower rents.
 - No rental or operating assistance



HTC's – Who Do They Serve?

- For Households at or below 60% AMI - Figures Published by HUD Annually
 - Cascade County Income Limit @ 60% AMI 4 people - \$47,640
 - Cascade County Income 100% AMI 4 People \$72,700
- Some units targeted deeper
 - 40% and 50%
- Typical resident is in entry level position
 - Retailers, Hotel's, Quick Service Food
- Elderly on fixed income



Montana Housing

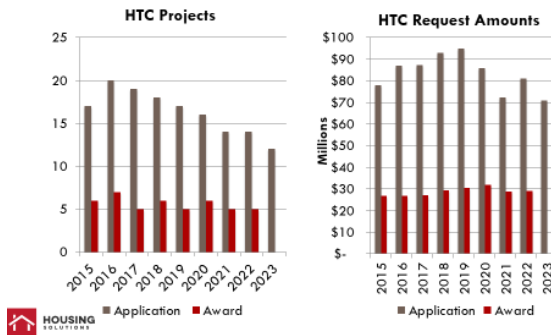
- State Agency (a division of the Department of Commerce) designated by the IRS to administer the the program
- 7-person board – appointed by Governor
- Monitors projects under development and throughout operations
- Enforcement of remedies against non-compliant projects
- Tasked with awarding the Housing Tax Credits annually
- Publish the Qualified Allocation Plan
- **Very strong demand for this valuable resource**



JOURNAL OF COMMISSION PROCEEDINGS

July 19, 2022

Housing Tax Credits in Montana



2023 Round Letter's of Intent

Name	City	Units	Request
ANHA LHTC #2	Crow Agency	37	\$6,435,000
Valley Court Apts	Glasgow	12	\$3,490,000
Bigfork Senior Housing	Bigfork	24	\$3,594,600
Cherry Orchard	Kalispell	24	\$6,180,000
Cabinet Aff Housing	Libby	24	\$6,500,000
Meadowlark	Butte	30	\$6,500,000
Creekside Apts 9%	Missoula	40	\$5,750,000
Sage Grouse Homes	Missoula	26	\$6,500,000
Yellowstone Plaza 9%	Belgrade	30	\$6,400,000
Centennial Village	Great Falls	48	\$6,500,000
Valley View Village	Helena	31	\$6,500,000
Carter Commons	Great Falls	25	\$6,400,000
Total Requested			\$70,749,600

2023 Round Letter's of Intent

Name	City	Units	Request
ANHA LHTC #2	Crow Agency	37	\$6,435,000
Cabinet Aff Housing	Libby	24	\$6,500,000
Meadowlark	Butte	30	\$6,500,000
Creekside Apts 9%	Missoula	40	\$5,750,000
Sage Grouse Homes	Missoula	26	\$6,500,000
Yellowstone Plaza 9%	Belgrade	30	\$6,400,000
Valley View Village	Helena	31	\$6,500,000
Carter Commons	Great Falls	25	\$6,400,000
Total Requested			\$50,985,000

A PROJECT FOR GREAT FALLS?

Affordable Senior Living



Project Highlights

- 25 Homes
 - For age 55+
 - 1 & 2 bed homes
 - New construction
 - Rents from \$595-\$950
- Community
 - Onsite Manager's Office
 - Community Room with Kitchen
 - Outdoor Patio
 - Crafting/multipurpose space
 - Card and Billiards room
 - Elevator Service
 - Secured Building Entry
- Energy & Green
 - LED Exterior Lighting
 - Motion sensing, dimmable switches
 - Energy Star Appliances
 - Low VOC paints and adhesives
 - Formaldehyde free laminates
 - Water efficient Landscaping
 - Smoke Free Policy
 - Project Location, walkable!
 - Redevelopment site

Building Concept



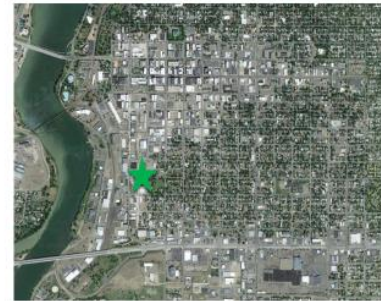
JOURNAL OF COMMISSION PROCEEDINGS

July 19, 2022

Unit Floor Plan



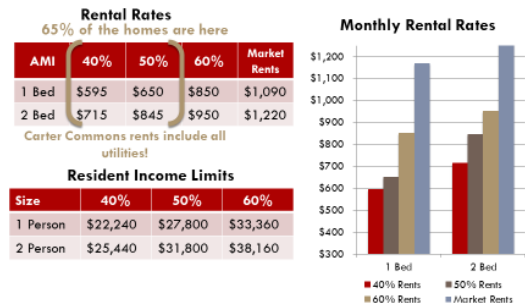
Location



Location



Affordability



Preliminary Market Study

- Senior Homes Needed!
 - ▣ 297 new **SENIOR** homes needed!
 - ▣ Low capture rate of 8.1%
 - ▣ Last year's market study found 0.1% vacancy rate in community across all rental types
 - ▣ 3rd largest city in Montana
 - Last senior development, Cascade Ridge, was funded in 2015!



Development Timeline

- Application and Award
 - ▣ Letter of Intent – April 11th
 - ▣ Invitation to Apply – May 17th
 - July 19th – Complete Application Due – August 1st
 - ▣ Projects Selected for Awards – October 17th
- Development
 - ▣ Complete Plans & Construction Start – June 2023
 - ▣ Construction Complete – June 2024



JOURNAL OF COMMISSION PROCEEDINGS
July 19, 2022



The project site location is near the corner of 5th Avenue and 3rd Street and is across the street from Carter Park and close to the River's Edge Trail. The site is zoned correctly for what they are looking to do and all of the infrastructures available are to that location.

As part of their letter of intent, a mini market study was conducted and concluded a huge need for new affordable senior homes in Great Falls. A full market study was also conducted. One thousand seven hundred sixty one units were surveyed and turned up a zero percent vacancy rate. There's undoubtedly a need for new affordable homes in Great Falls.

He recapped that Housing Solutions turned in its letter of intent in April. Eight projects were remaining in May and seven at this point. The completed application is due August 1, 2022. Assuming they get the green light in October 2022, they would move right into design with the architect, break ground in the Spring of 2023 and opening the doors in the Spring of 2024.

Mayor Kelly asked if there were any questions of the presenter.

Commissioner Hinebauch inquired how many projects are awarded across the state.

Mr. Currence responded 4 to 5.

Commissioner Wolff expressed appreciation to Housing Solutions and hopes this project is successful. As this survey shows and as the others have shown, this type of housing is so needed in Great Falls. She also recognized City resident Shyla Patera who advocates so strongly for housing for anybody of any ability to access and this project does that.

Commissioner McKenney noted the huge housing and senior housing need in this community. Should the project be awarded, there will be a waiting list as soon as it is announced. He inquired how Housing Solutions would choose renters.

Mr. Currence explained that there are Fair Housing and other guidelines they have to follow. The management company will also be working closely with the local Housing Authority on the wait list.

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

Commissioner McKenney inquired if income level was part of the decision making process.

Mr. Currence responded that these properties are restricted to 60% or below of the area median income. Their management company is very well trained in the compliance side of these projects and how to verify income. The Board of Housing, the entity that administers the tax credits, oversees all of that. They do annual audits of the files to make sure Housing Solutions is complying with what it promised to do and how incomes are being verified.

In response to Mayor Kelly, Mr. Currence reported that Housing Solutions is going for the 9% credits. With current construction costs and interest rates rising, it is becoming more and more difficult to use the 4% credits.

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

Sherrie Arey, Executive Director of NeighborWorks Great Falls, commented that this project is an extremely needed new development to come to Great Falls. The tax credits are highly competitive. She encouraged the Commission and staff to continue to help Housing Solutions, including written letters of support, so the project can come to Great Falls. The housing study conducted by NeighborWorks, Great Falls Development Authority and the realtors shows the need for these homes. What they hope can happen with a project like this is that it then frees up housing from those individuals that want to downsize and age in place in such a new facility close to downtown. She concluded that NeighborWorks highly supports this project. She thanked Housing Solutions for coming to Great Falls.

Jolene Schalper, Great Falls Development Authority (GFDA), reported that GFDA and its 200+ private sector businesses that support GFDA are adamantly in favor of this project and hope that it is awarded tax credits. With the need for housing in our community as GFDA has spoken about repeatedly and as the studies point to time and time again, Great Falls needs affordable housing options for seniors.

Secondly, speaking as a private resident who owns a business just a few blocks from this location, she is very excited to have a location such as this near her restaurant. It will be a lovely addition to the neighborhood. She urged the Montana Board of Housing to approve these credits.

Shyla Patera, North Central Independent Living Services, provided written comments in support of the Carter Commons project, noting housing is important for seniors and people with disabilities. This project will assist the City in promoting accessible, affordable and universally designed housing.

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

Commissioner Wolff expressed the excitement she has for this project and offered letters of support, if appropriate.

Commissioner McKenney commented that, as a realtor, he really sees the need for this project. It is stunning the need Great Falls has for housing at every level, beginning, affordable,

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

workforce, apartments and high-end housing. A positive to a project like this is that it creates movement in the marketplace. He is absolutely for this project and he hopes it goes forward.

Mayor Kelly concurred with all of the comments. Hearing no objection, he offered to send a letter from the City Commission backing the project and encouraging the Board of Housing to deliver those credits to Housing Solutions.

Mayor Kelly concluded the public hearing and wished Housing Solutions luck with its project.

17. BUSINESS IMPROVEMENT DISTRICT (BID) FY 2023 BUDGET AND WORK PLAN.

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

BID Community Director Joan Redeen, 318 Central Avenue, reported that a lot has transpired in the last year, both with work and on a personal level. After 13½ years, this will be her final report as the Community Director for the BID. As of July 1, Kellie Pierce is the new executive director of the BID office. Although she and her husband moved to Missoula to help care for their grandson, she will continue in a different role working remotely as Coordinator of Operations of the Downtown Great Falls BID office.

Before the Commission for approval is the FY 2023 BID budget and the work plan. The work of the BID is truly diverse and ever changing. This fiscal year the BID is bringing back two of its grant programs. The interior grant is available to both property and business owners with a maximum potential of \$5,000 per project for permanent improvements. The business incentive grant is a maximum grant of \$5,000 paid directly to property owners covering a month's rent for a brand new business that moves into the BID boundaries.

Some of the services the BID provides to its property owners includes flowers, trash removal, tree work, sound system, and graffiti removal. The big accomplishment this year was citywide way finding was officially launched. The BID completed installation of 57 motorist signs and 20 pedestrian signs. There are kiosks to be installed and likely some additional signage. The second greatest accomplishment this past fiscal year was the BID successfully added 20 new parcels and expanded to include the 700 block of Central, and portions of the 700 block in 1st Avenue South and 1st Avenue North.

The fourth annual ArtsFest Montana is scheduled for August 12-19. Nine artists will be in Great Falls for 10 days installing amazing works of art, that includes local indigenous artists, artists from Argentina and an artist from Los Angeles who recently appeared in a commercial for Porsche. The artists have followings and those followings create tourism for Great Falls.

Other ArtsFest activities include an artist workshop, painting tracks from the library to the story walk in Gibson Park, an artist reception, and an auction to raise money for future mural festivals.

Community Director Redeen also shared prior year statistics from Artsfest Montana, including that the BID has invested \$90,000 hosting the mural festival over the past three years.

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

She expressed appreciation to City staff in the Planning and Community Development Department, City Manager's Office, Finance Department, and the Legal Department for help in implementing many projects.

Mayor Kelly asked if the Commission members had any questions of BID Community Director Redeen or staff. Hearing none, Mayor Kelly asked if there were any comments from the public in support of the BID's FY 2023 Budget and Work Plan.

Jolene Schalper, Great Falls Development Authority, commented that GFDA is grateful to Joan Redeen for her legacy, and is enthusiastically supportive of Kellie Pierce. GFDA is in support of the budget as presented.

Sherrie Arey, Executive Director of NeighborWorks Great Falls and Treasurer of the BID, commented that she speaks highly in favor of the budget as presented. The grant program is a great accomplishment and continues to let people know the great things that are happening in the downtown community.

Mayor Kelly asked if there were any comments from the public in opposition to the BID's FY 2023 Budget and Work Plan.

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

Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission accept the FY 2023 Business Improvement District Budget and Work Plan.

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

Commissioner McKenney commented that his career background has been entrepreneurship. Since he was elected, he has attended BID meetings as an observer. He has never seen such a tightknit group of entrepreneurs that work together, take risks, and do an excellent job moving our community and businesses forward.

Many folks do not understand how important the downtown district is. When investors come into a community, they drive around the community and downtown is top on the list.

For many decades, downtown was not a place where you want to take investors. It has changed, mostly due to the work of the entrepreneurs, the work of the BID.

He is a firm proponent of what the BID is doing and recommends approval of this budget.

Commissioner Wolff noted that it has been a pleasure getting to know Joan Redeen, Kellie Pierce and the others. The young people who have moved in and invested their money into this community is just phenomenal. She cannot say enough about ArtsFest and the murals because it brings beautiful color to our community.

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

Mayor Kelly expressed appreciation to Joan Redeen, adding that she is a true community treasure, and extended the best of luck to Kellie Pierce in her new responsibility as well.

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

Motion carried 5-0.

18. TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) 2022/2023 BUDGET AND WORK PLAN (TBID 1307).

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

TBID Executive Director Rebecca Engum, 15 Overlook Drive, reported that she is representing a team of four people from Great Falls Montana Tourism. Great Falls Montana Tourism is the organization that represents both the Convention and Visitors Bureau and the Tourism Business Improvement District.

The TBID fund collection is estimated for FY23 to be \$772,693. The final amounts will be levied in August. These funds are collected from people staying in Great Falls' lodging facilities that have six rooms or more unless they stay over 30 days. These are considered exempt rooms if they stay 30 plus days and do not pay the TBID assessment or the lodging facility use or sales tax for the State of Montana. Room demand for FY22 was 27% higher than FY21, 22% higher than FY20 and 3% higher than FY19.

The FY23 plan reflects the rebuilding year that is ahead of the TBID with a new team and a new location and a few new priorities. Great Falls Montana Tourism will continue to use paid and owned media to attract leisure travelers, develop relationships to land meetings and conventions and grow our membership on the Convention and Visitors Bureau side.

TBID is renewing its commitment in FY23 to events and will be working to either develop or secure a new event that is of large scale and will be a signature cornerstone for Great Falls. Continuing in 2023 is their seven day per week guest services or Visitor Information Center services between May and September. TBID has a \$140,000 commitment to expanding air service for Great Falls for the fiscal year. Their new website will be completed and launched this year.

In 2021, Great Falls hosted 1.4 million overnight guests compared to 1 million in 2019. TBID is continuing its recovery journey from Covid-19. TBID is seeing a new traveler that is coming to and enjoying Great Falls, and meetings and conventions continue to lag behind where the industry was in 2019.

TBID has applied for ARPA funds to aid them in some much needed master planning for tourism in Great Falls. This effort, if funded, will provide a roadmap for new visitors and provide guidance for how Great Falls can develop over the next five years to be better positioned for growth and tourism and yet maintain the status of our community for the residents.

JOURNAL OF COMMISSION PROCEEDINGS

July 19, 2022

This FY23 budget is 31% higher than the FY22 budget and is based on actual and estimated assessment funds that have been collected between July 2021 and June 2022. Final quarter reporting will be due to the TBID at the end of this month for the City's preparation in August.

Mayor Kelly asked if the Commission members had any questions of TBID Executive Director Engum.

Commissioner Wolff requested clarification about the new market.

TBID Executive Director Engum responded that it is a new traveler, one that does not spend like the others have. What they have seen in the past is a little bit older of a demographic that invests in Made in Montana products, enjoys local businesses, and likes local food. However, this new traveler is not familiar with outdoor recreation. They do not spend money the way that the old traveler did and they really do not have a clear picture of who this person is, what attracts them and how to really get them to be positioned in our market. A lot of that has to do with how do we message to them on how to appropriately use our community versus the old traveler that knew how to use our community and not abuse it.

Mayor Kelly asked if there were any comments from the public in support of the TBID's 2022-2023 Budget and Work Plan.

Kellie Pierce, BID Executive Director, 318 Central, commented that the downtown BID office has developed a wonderful relationship with Rebecca Engum and her team. They are supportive of the BID's downtown revitalization efforts and couldn't do all that they do without the TBID's help and support in getting tourists downtown to enjoy the progress that is being made.

Jolene Schalper, Great Falls Development Authority, commented it is a pleasure working with Rebecca Engum. GFDA is pleased to support her and her team in their efforts and adamantly supports the budget moving forward.

No one spoke in opposition to the TBID's 2022-2023 Budget and Work Plan. Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission accept the 2022/2023 Tourism Business Improvement District Budget and Work Plan.

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

Motion carried 5-0.

19. **RESOLUTION 10469, INTENT TO INCREASE PROPERTY TAX.**
20. **RESOLUTION 10460, ANNUAL BUDGET RESOLUTION.**

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

JOURNAL OF COMMISSION PROCEEDINGS

July 19, 2022

City Manager Greg Doyon and Finance Director Melissa Kinzler provided and discussed the following combined presentation on Agenda Items 19 and 20, Resolution 10469 – Intent to Increase Property Tax, and Resolution 10460 – Annual Budget Resolution:



FY2023 Annual Budget Hearing

July 19, 2022



City Commission Priorities (February 2022)

1. Promote, educate and take action on the viability, sustainability and efficacy of the Police and Fire Departments
2. Explore the option of a Public Safety Levy
3. Approve and implement appropriate Crime Task Force recommendations
4. Commit to an intentional approach to the housing issue with community partners
5. Continue to work with community partners and the City's development review process to ensure Great Falls is a growing, business friendly community
6. Focus on City facilities and resources

1

2



Current Budget Environment

- Lingering COVID Impacts
- National Economic Conditions
 - Work Force!
 - Supply chain disruption
 - Inflation
- CARES/ARPA

As with other private and public entities, the City of Great Falls is not immune from impacts of these environmental factors.

Specific Impacts FY23

- Challenging Combination:
 - COVID "Recovery"
 - No Tax Increase or User Fees
 - Inflation
- Other Key Elements
 - Training
 - Fire Department Turnover
 - Police Department Retirements/Turnover/Promotions
- External Labor costs
- Capital Projects
- Undesignated Fund Balance Management
 - FY21 - \$552,501 used
 - FY22 - \$571,301 used
 - **FY23 Projected: \$7,885,396 or 20.83%**

3

4

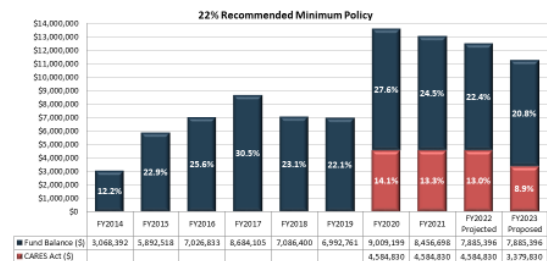


FY 23 Approach

To meet Commission Priorities and basic service expectations, utilize the following:

- Inflationary Factor
- Permissive Medical Levy
- Fund Balance
- CARES
 - \$1,205,000 for General Fund
 - \$472,000 for other funds
- ARPA
 - \$163,410- Department budget requests for one-time purchases

General Fund 10 Year Fund Balance



5

6

JOURNAL OF COMMISSION PROCEEDINGS

July 19, 2022



General Fund Tax & Entitlement Revenue

General Fund Revenue Segment	FY2021 Actual Increases	FY2022 Actual Increases	FY2023 Proposed Increases	Impact to Households
Newly Taxable Property	\$ 119,488	\$ 366,758	\$ 400,000 Amount not known until August	N/A
Inflationary Factor	\$ 0	\$ 0	\$ 641,691	\$100,000: \$8.36 \$200,000: \$16.72
Permissive Medical Levy	\$ 0	\$ 0	\$ 248,305	\$100,000: \$3.23 \$200,000: \$6.47
Entitlement Share	\$ 284,198	\$ 130,271	\$ 294,004	N/A
Total Revenue Increase	\$ 403,686	\$ 497,029	\$ 1,584,000	

Great Falls and Other Communities

* Each City's tax increases are a combination of some or all of the inflationary factor, carry-over mills, permissive levies, and voted levies



	Tax Increase* (\$200,000 home)	Assessment Increases	Utility Increases
Great Falls	\$23.19	Street - 0% Park - 0% Boulevard - 12% Street Lights - 4.5%	Water - 5% Sewer - 5% Storm Drain - 5% Sanitation - 10%
Bozeman	~ \$203.45	Street - 6% Forestry - 6% Parks - 15%	Water - 0% Sewer - 0% Storm - 9%
Billings	~ \$103.93	Street - 6% Park - 6%	Water - 2-3% Sewer - 2-3% Sanitation - 5%
Kalispell	~ \$60.00		
Helena	Not calculated yet but will be taking full inflationary factor and permissive medical levy		
Missoula	Waiting for new taxable values from DOR		
Butte	No increase anticipated		

7

8



American Rescue Plan Use

ARPA Use	FY2023 Budget	Source
Community Grants	\$3,000,000	
IT Network Security	\$140,270	Tier 1 Project
Civic Center AV Upgrades	\$171,331	Tier 1 Project
Fire Station Doors	\$425,000	Tier 1 Project
Fire Truck Refurbishment	\$1,299,337	Tier 1 Project
HR Office Remodel	\$500,000	Tier 1 Project
Parking Garage Security Improvements	\$52,786	Tier 1 Project
Miscellaneous Fire Department Equipment	\$88,410	FY2023 Above & Beyond Request
Park & Rec Admin Building ADA Restroom	\$75,000	FY2023 Above & Beyond Request
Total ARPA Usage in FY2023	\$5,752,134	
Remaining ARPA Balance	\$13,720,603	

CARES Act Use

CARES Act Use	Amount
FY22 Replenish Funds Impacted by COVID	\$1,141,151
Balance General Fund Budget in FY2023	\$1,205,000
Replenish Planning Fund in FY2023	\$297,500
Replenish Recreation Fund in FY2023	\$140,000
Replenish Multi-Sports Fund in FY2023	\$34,500
Total CARES Act Usage	\$2,818,151
Remaining CARES Act Balance	\$7,341,012

9

10



City-Wide Total Budget

	FY 2021 Actual	FY 2022 Amended	FY 2023 Proposed	Increase (Decrease)	% Change
Revenues					
Taxes	\$ 25,474,917	\$ 26,001,617	\$ 27,280,154	\$ 1,278,537	4.92%
Licenses and Permits	\$ 2,116,652	\$ 2,185,276	\$ 2,451,128	\$ 265,852	12.17%
Intergovernmental	\$ 28,158,870	\$ 24,496,097	\$ 15,575,147	\$ (9,320,950)	-37.44%
Charges for Services	\$ 50,109,799	\$ 49,378,217	\$ 52,176,709	\$ 2,797,472	5.67%
Fees and Forfeitures	\$ 857,643	\$ 817,500	\$ 831,300	\$ 14,800	1.71%
Internal Service	\$ 14,328,381	\$ 15,324,240	\$ 16,359,901	\$ 1,035,661	6.76%
Special Assessments	\$ 8,622,693	\$ 8,472,176	\$ 8,584,811	\$ 112,635	1.33%
Investment Income	\$ 115,826	\$ 20,650	\$ 20,650	\$ -	0.00%
Other	\$ 1,912,478	\$ 800,576	\$ 605,535	\$ (1,095,041)	-57.26%
Transfer In	\$ 2,892,679	\$ 5,589,121	\$ 2,498,405	\$ (3,090,716)	-55.30%
Issuance of Debt	\$ 6,423,758	\$ 9,940,000	\$ -	\$ (9,940,000)	-100.00%
Sale of Assets	\$ (41,528)	\$ -	\$ -	\$ -	0.00%
Total Revenue	\$ 141,192,169	\$ 143,426,490	\$ 126,383,940	\$ (17,042,550)	-11.88%
Expenses					
Personal Services	\$46,026,184	\$49,595,721	\$52,150,775	\$ 2,555,054	5.15%
Supplies	\$5,341,426	\$6,537,444	\$6,963,791	\$ 426,347	6.52%
Purchased Services	\$27,012,864	\$30,286,621	\$28,808,733	\$ (1,477,888)	-4.88%
Debt Services	\$6,831,385	\$7,321,282	\$6,564,098	\$ (757,184)	-10.34%
Contributions & Other	\$1,406,733	\$2,296,872	\$2,243,463	\$ (53,409)	-2.33%
Other	\$335,998	\$31,610	\$20,450	\$ (11,160)	-35.31%
Internal Service	\$13,063,616	\$13,902,078	\$15,338,263	\$ 1,436,185	10.33%
Capital Outlay	\$15,114,623	\$39,030,310	\$34,181,948	\$ (4,848,362)	-12.42%
Transfer Out	\$2,905,963	\$3,197,003	\$2,498,405	\$ (698,598)	-21.85%
Total Expenses	\$ 118,056,792	\$ 152,198,940	\$ 148,769,926	\$ (3,429,014)	-2.25%

General Fund Total Budget

	FY 2021 Actual	FY 2022 Amended	FY 2023 Proposed	Increase (Decrease)	% Change
Revenues					
Taxes	\$ 20,960,760	\$ 21,539,142	\$ 22,978,679	\$ 1,439,537	6.68%
Licenses and Permits	\$ 951,160	\$ 1,070,600	\$ 1,011,200	\$ (59,400)	-5.55%
Intergovernmental	\$ 9,014,619	\$ 9,012,215	\$ 9,464,998	\$ 452,783	5.02%
Charges for Services	\$ 1,194,149	\$ 1,189,958	\$ 1,200,461	\$ 10,503	0.88%
Fees and Forfeitures	\$ 753,720	\$ 770,000	\$ 770,000	\$ -	0.00%
Internal Service	\$ 961,965	\$ 1,004,150	\$ 1,040,044	\$ 35,894	3.57%
Investment Income	\$ 36,810	\$ 15,000	\$ 15,000	\$ -	0.00%
Other	\$ 106,531	\$ 144,322	\$ 156,364	\$ 12,042	8.34%
Total Revenue	\$ 33,973,714	\$ 34,745,387	\$ 36,656,746	\$ 1,911,359	5.50%
Expenses					
Personal Services	\$24,799,481	\$25,776,600	\$27,433,367	\$ 1,656,767	6.43%
Supplies	\$983,724	\$1,062,116	\$1,223,712	\$ 161,596	15.21%
Purchased Services	\$1,682,768	\$1,422,388	\$1,567,366	\$ 144,978	10.19%
Debt Services	\$309,773	\$309,182	\$308,616	\$ (566)	-0.18%
Contributions & Other	\$250,000	\$250,000	\$250,000	\$ -	0.00%
Other	\$39,174	\$21,160	\$20,000	\$ (1,160)	-5.48%
Internal Service	\$4,770,463	\$5,044,222	\$5,439,353	\$ 395,131	7.83%
Capital Outlay	\$31,655	\$0	\$0	\$ -	0.00%
Transfer Out	\$1,659,178	\$1,659,178	\$1,619,332	\$ (39,846)	-2.40%
Total Expense	\$ 34,526,216	\$ 35,544,845	\$ 37,861,746	\$ 2,316,901	6.52%

11

12

JOURNAL OF COMMISSION PROCEEDINGS

July 19, 2022



Proposed Rate, Assessment and Fee Adjustments

Department		Division	FY2023 Adjustment	Prior 2 Years Adjustments
Utility	Public Works	Water	5%	0%
Utility	Public Works	Sewer	5%	0%
Utility	Public Works	Storm Drain	5%	0%
Utility	Public Works	Sanitation - Commercial	10% (May '22)	0%
Utility	Public Works	Sanitation - Residential	10% (May '22)	0%
Assessment	Park & Rec	Natural Resources – Boulevard	12%	0%
Assessment	Park & Rec	Portage Meadows	5%	0%
Assessment	Park & Rec	Park Maintenance District	0%	0%
Assessment	Public Works	Street Maintenance	0%	0%
Assessment	Special Districts	Street Lighting Districts	4.5%	- 1.0%

13



Changes in FTEs

General Fund - Police	COPS Grant - Added 3 positions	3.00
Planning & CD	Removed 1 Development Engineer	(1.00)
CDBG/Housing Authority	Part-time Fair Housing Specialist to full-time	0.25
Library	Part-time clerk/custodian to full-time	0.38
Park & Recreation	Recreation/Pool hours moved to temporary/seasonal	(5.84)
Civic Center Facilities	Reorganization from PCD to Administration	(0.10)
Engineering	Re-instated Summer intern position	0.25
Total Increase (Decrease) in FY2023		(3.06)
Total FTEs in FY2023		509.60

15



Next Steps

- Today
 - Public Hearing - Intent to Increase Property Tax
 - Public Hearing - Annual Budget Resolution - Adopt or Continue
- August 16th
 - Adopt Mill Levy

17



Capital Outlay Major Projects

Reference: Budget Book Pages 131-135

Major Project	Project Budget
Street/BarSAA East Fiesta & Giant Springs Rd	\$1,268,369
Water Plant Filter Replacement Phases 2 & 3	\$6,000,000
Water Main Replacements	\$2,900,000
Sewer Lift Station #1	\$5,000,000
Sewer Plant Clarifier Repair	\$2,000,000
Central Ave & 3 rd St Storm Drain	\$1,200,000
Year 5 Park District Projects	\$484,220
6 Patrol Cars	\$239,760
Street Equipment (Sweeper, roller, dump truck)	\$666,160
Sanitation Sidelander	\$362,310
Various ARPA Projects	\$5,663,724
Total Capital Outlay Budget in FY2023	\$34,181,948

14



Making Progress

- Civic Center façade
- Park Maintenance District
- Recreation & Aquatics Center
- ARPA/CARES Projects
- **Crime Task Force**
 - COPS Grant added 3 new officers
 - Patrol Sergeants
 - Addressing some needs for both Fire/Police
- ECP Debt Paid!

16

City Manager Doyon commented that, for residents that have been interested in the City's budgeting process, there have been several work sessions about the proposed budget for next fiscal year. Those meetings were open to the public for people to participate, comment, and provide their perspective on the City's budgeting process and needs.

There is a Balancing Act program on the City's website for anyone that wants to take on the City's budget or a portion of it. It shows how difficult it is to actually come up with a budget.

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

When he transmits the budget to the Commission, he tries to tie the priorities of the Commission to the priorities in the budget. He categorized the Commission's three priorities: public safety, economic development, which includes housing, and properly resourcing City government to provide services including taking care of City employees.

For the staff, the budget process just never ends. Tonight's action is a formal milestone to adopt a budget that projects what staff thinks the City will be receiving in revenues. Once it is adopted by the Commission after a public hearing, staff will administer and monitor the budget and it will likely be adjusted throughout the year.

For folks that are interested in following budget discussions, quarterly updates are also provided to the City Commission to talk about how the funds are performing.

As mentioned with the Balancing Act tool, it is not as easy to develop the budget as one may think. Many times the budget is, in large part, already done for the Commission. Prior year obligations such as collective bargaining agreements, or other financial commitments such as debt service or legislative actions, drives some of the external impacts on the budget and how it is approached.

He knows that every taxpayer is dealing with a difficult economic season. The City, unfortunately, is not immune from some of those factors. Federal funding has been offered that is assisting the City. It is definitely not free money and will have to be repaid by the taxpayer at some point. It is important to be mindful about how the City uses those funds and allocates it to outside entities.

The City did not take the inflationary factor for the prior two budget cycles to give the taxpayers a break during Covid. He has shared with the Commission over the past year that it was highly unlikely that the City would be able to avoid it the third year. He also has shared that when the City accepts the Cops grant for more law enforcement officers, the Commission will definitely have to take the inflationary factor because what the City raises in taxes does not pay for police and fire together without the state's entitlement share. Property taxes are the primary funding mechanism for police, fire and other general fund departments. It will be impossible for the City to maintain expected service levels without taking an inflationary factor this year.

One of the primary goals for this upcoming budget was also to restore fund balance to meet the policy amount of 22%. He has warned the Commission during the budget process that not only has he been concerned about what is happening economically this year, but also about what next year might look like. There are going to be some operational impacts that are definitely going to affect the City organization. He wants to make sure that the City has a strong fund balance rolling into the FY24.

Staff also started educating the Commission and the public about tax increment financing (TIF) and tax abatements, which have a quiet, cumulative impact on the general fund just to finance basic activities. He understands why the economic development tools are utilized, but cautioned balance in the future. Fire, police and other core City service costs typically do not go down when a city grows. There has been a lot of growth here and there is public expectation to maintain those services as well.

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

One concern was one of the beneficiaries of a recent tax abatement has filed a property tax appeal. While it is within their right to do something like that, it is going to have an impact. That is why he is stressing the fund balance piece and restoring that for next year to help mitigate the impact of that appeal process as it works its way through the Department of Revenue which could be a two to three year process.

Manager Doyon said early in the budget process that he envisioned this kind of unusual three strand cord approach to the City's budget utilizing the City's existing revenue sources, CARES and ARPA funds. CARES and ARPA funds had to be utilized in a more aggressive way to offset Covid impacts, and inflation, and for not taking the tax increases over the last two years. He believes the budget meets the Commission's goals.

Finance Director Kinzler discussed the numbers and figures in PowerPoint slides 7-15 that included general fund tax and entitlement revenue, comparisons of Great Falls to other communities, the American Rescue Plan use, Cares Act use, city-wide total budget, general fund total budget, proposed rate, assessment and fee adjustments, capital outlay and major projects, and changes in the number of full-time employees.

Manager Doyon concluded that the City is making progress despite the budget challenges. The City is growing and Great Falls is turning a corner. This new energy and momentum is exciting to see. We should all be proud of what has been accomplished and he is excited about what the future holds for the community.

Mayor Kelly asked if the Commission members had any questions.

Commissioner Tryon received clarification that the entirety of the proposed property tax increase goes into the general fund and is not spread out to all City departments.

Mayor Kelly asked if there were any comments from the public in support of Resolution 10469. Hearing none, Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10469.

Rep. Lola Sheldon Galloway, suggested the City Commission consider contracting out certain services being conducted by City employees to save money and not raise taxes. She also commented that she is seeing more non-profits off the tax records and more brick and mortar businesses flipping the bill. She and her husband run a business and she does not feel like the City is their friend. She requested the Commission do them a favor by not increasing their property taxes.

Jeni Dodd, City resident, requested clarification about waiting for the taxable values from the Department of Revenue before determining the levy. She commented that the City's first responsibility is to its residents. She suggested the \$3 million be used for public safety rather than providing community grants to non-profits. Ms. Dodd also did not think it was fair that more and more food trucks are setting up in parking lots and not paying property taxes like the Galloways that own their own business. She concluded that most residents could not handle any more increases with the current price of food and gasoline.

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

Marci Marceau, County resident and owns businesses in the City limits, suggested the Commission find different ways to save money such as an audit for duplicative work done in local government. Everything is getting so expensive and it is the responsible taxpayers that carry the burden.

Julie Bass, City resident, suggested following through and fining the FUMC \$500/day, which would be \$90,000 for six months of the encampment.

Cayle Halberg, City resident, commented that raising taxes on people who own property during a pandemic and a time when there is national upheaval and the huge price index increases is the silliest thing the Commission could do. However, asking the government to not fund itself is probably not going to happen.

Judith Mortenson, City resident, believes the City needs a plan to address the unhoused coming into downtown. She suggested utilizing the fairgrounds and that all taxes be put towards it.

Mayor Kelly asked if staff wanted to respond to any of the questions or comments.

Finance Director Kinzler commented the action tonight pertains to the intent to increase property taxes. The City receives the Department of Revenue's valuations in August and will then set the mil levy that, if adopted, will include the increase in property taxes that the City is allowed to do.

City Manager Doyon pointed out that the City did not raise taxes the prior two years. It was made clear that, over the timeframe, it was unlikely the City would be able to sustain that a third year. He knew upon delivery of the budget that it probably would not be looked at favorably in the sense that he was recommending the Commission take that inflationary factor. The State of Montana has a statewide property tax cap, which prevents the City from exceeding one-half of the three-year rate of inflation. People think that the City can conduct its business and be immune from the inflationary factors that are occurring economically across the country, and that is not the case.

If the Commission chose to not raise taxes, then it would very likely affect the City's public safety posture. To put it bluntly, \$1 million to \$1.5 million would be eliminated from the budget.

Some of the suggestions have been looked at, such as private management of the golf courses. He appreciates the suggestion to work with the Legislators if they are open to talking about alternative funding options for municipalities instead of just relying on property taxes so heavily.

Mayor Kelly closed the public hearing on Resolutions 10469 and 10460 and asked the will of the Commission.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission adopt Resolution 10469 – Intent to Increase Property Tax.

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

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

Mayor Kelly commented that this is the 11th hour for commenting on the direction of the budget as its being proposed with the property tax increases. He hoped more people would come to the budget work sessions that are detailed and full of the philosophical and economical discussions and decisions. He encouraged those people who were in opposition to this budget to actively participate along the way. The ideas brought forward are not dismissed. However, at this point in time, they have been through a tremendous amount of conversation and negotiation at meetings that were all posted and open to the public.

He pointed out that, in addition to not raising taxes the past two years, none of the City's fees have been increased. The City is restricted by state law to raising property taxes to one-half of the average rate of inflation for three years. Nobody gets ahead in that situation. Our community is growing. There are services that are needed to help it grow to provide a larger tax base so these tax increases become less onerous over time.

As far as the comments made about non-profit organizations, the City has to look at the whole community, the services non-profits provide and not just property and business owners.

No one likes increased taxes. We all understand the burden of high gas prices and higher wages for employees. The City is not isolated from any of those pressures. However, the City does have services it provides to the community. In his opinion, it is done in a very efficient and effective way. The costs being passed on to the community are necessary to maintain those services to not only grow and make a better economic city, but a better place for all of us to live.

Commissioner Tryon commented that he does not want to have to raise taxes, but the Commission really does not have a choice. The Commission's hands are tied in city government as to what can be done. If the Legislature would give the City some other options, then maybe the Commission could look at some other ways to do this. Right now, the Commission's options are what they have before them.

The general fund is where public safety is funded. The Commission either has to cut the public safety level of services or raise taxes at this point. He is going to reluctantly vote in favor of this resolution, as he believes it is the responsible thing to do as a City Commissioner.

Commissioner McKenney commented that the Commission has done its homework. He was struck by the funding constraints municipalities have available – fees and property tax. The City only receives 26% of the local property tax, and 74% goes elsewhere.

The budget before the Commission is bare bones. It always has been and always will be bare bones. It does not meet the needs of our community. The Commission's number one priority is health and safety. The police and fire departments are understaffed right now. The City needs at least one more fire station, maybe two. All of the other City departments are understaffed. That will never change. The only way out of this situation is to grow our local economy. It has not grown in 40 years. Growing the economy means more jobs and more housing.

When we grow the economy, the tax base grows. The City is making progress. It is amazing what has happened in the past year and the future looks very bright. Unfortunately, it is a slow

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

grind transferring that growth to the tax rolls. In the meantime, the City has health and safety issues that need funding.

Local government does not have the funding sources of the state. He is going to do everything he can to support a growing local economy and the tax base so that we do not have to do this year after year. We have a growing economy. A growing community is usually a prosperous community and that is where we need to put our vision. A prosperous community. Today, we need this tax increase and he will be voting for it.

Commissioner Wolff concurred with the comments of her fellow commissioners. She also understands the burden that a tax increase has on the individual homeowner and the businesses. She asked that those that spoke in opposition see the services that City government provides - water, sewer, fire, police, etcetera - like a business too. The City pools are being so well used, especially with this hot weather. The cost of chlorine to keep that water safe has gone up over 200%. The City's inflationary factors have been huge, including diesel, gasoline, tires, and technology for communication for police officers and fire trucks out there helping people. The City and Commission have worked at this for months and delved into every small detail. As the Commission said when it set goals, we want to grow the economy here and to do that, we've got to have these services to attract developers and other businesses. Therefore, she will be supporting this Resolution.

Commissioner Hinebauch commented that any small business in our community and in this country has had to deal with increased wages, increased costs, and all the factors of inflation. He looks at it as bad business if the Commission does not take this inflationary factor. He would not run his business this way and hopes that the Commission would not run the City this way. By taking the one-half of the three-year average rate of inflation the City is still going to be behind.

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

Motion carried 5-0.

Finance Director Melissa Kinzler reported that the budget hearing is to address any questions or comments from the Commission or public and is held in conjunction with the Intent to Increase Property Tax because it is included in the proposed budget.

Mayor Kelly asked if the Commission members had any other questions regarding Resolution 10460 – Annual Budget Resolution. Hearing none, Mayor Kelly asked if there were any comments from the public in support of Resolution 10460.

Hearing none, Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10460.

Jeni Dodd, City resident, inquired why the City is providing \$3 million in grants to non-profits rather than using the \$3 million for public safety.

Rep. Lola Sheldon Galloway, cautioned the Commission about using CARES and ARPA money to balance the budget as it is one time use only. Rep. Galloway also reported that there

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

is a \$1.8 billion dollar increase at the state level right now and, as a legislator, requested input about what the needs are of the City of Great Falls because she wants it to benefit the citizens and businesses here in the city.

Marci Marceau, County resident, suggested the Commission find businesses that compliment Great Falls and give those businesses the incentives that are given to non-profits. She wants Great Falls to be a city of prosperity because of businesses, not because of handouts.

Judith Mortensen, City resident, commented that she grew up in Great Falls when there was a lot of prosperity and with many business people who were involved in building the infrastructure of this town. They felt responsible for making sure that there was an infrastructure and a balanced budget and they managed to do both for a long time. It is apparent to her that the Commission's job is to make sure that the infrastructure is funded and that the needs of this town are taken care of. If that takes a tax increase, residents have to get used to the idea that we have to pay for what we are asking for.

In response to Ms. Dodd, Mayor Kelly commented the CARES and ARPA funds came with restrictions. The majority of those those dollars, appreciating that they were one time only, were used to shore up some of the fund balances that were decreased because the Commission didn't take the tax increases over two years' time and the City was still offering services and didn't increase fees because of concern for the community, and to provide for additional public safety. The \$3 million dollars that is out there for community partnerships is not a handout. It is designed to meet the needs of the the low to moderate income community members who were vastly affected by the pandemic.

Commissioner Tryon added that since the beginning of the process, he advocated that ARPA money not be distributed to community partners. He thought the best use of the money would be one-time usages for the city and the needs within the City. He is only one of five and the consensus of the Commission was to allocate \$3 million dollars for that purpose. The Commission will be deliberating over the use and the applications for that money. There will be time to publicly vet and discuss those allocations.

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

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10460 – Annual Budget Resolution.

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

Mayor Kelly expressed appreciation to staff for the work that was done. The budget is never easy.

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

Motion carried 5-0.

JOURNAL OF COMMISSION PROCEEDINGS

July 19, 2022

Mayor Kelly called a recess at 9:45 pm and called the meeting back to order at 9:53 pm.

21. **ORDINANCE 3245, PROVIDING THAT THE CHARTER OF THE CITY OF GREAT FALLS BE AMENDED TO ALLOW FOR ONE OR MORE ELECTED MUNICIPAL COURT JUDGES AND SUBMITTING SUCH CHARTER AMENDMENT TO THE ELECTORS OF THE CITY OF GREAT FALLS.**

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

City Attorney Jeff Hindoen reported that the Charter of the City of Great Falls establishes a judicial branch consisting of a Municipal Court in which all misdemeanor criminal, traffic and municipal code infractions are prosecuted. The Great Falls Municipal Court serves as a court of record under Montana law and has, even in its prior form as a City Court (which was not a court of record), consisted of a single elected judge.

The City Commission has previously recognized the need for additional judicial branch staffing and in the past approved budget authority for the sitting Municipal Court Judge to hire an assistant part-time Municipal Court Judge under provisions in Montana law that allowed for that gesture. The 2021 Legislature, however, took steps to repeal that “hiring” authority in SB 127 and enacted a new requirement that all Municipal Court Judges serve in positions that are subject to election.

Montana Code Ann. § 3-6-201(1) provides that the City Commission “shall determine by ordinance the number of judges required to operate the municipal court.” The City’s current Charter language, however, provides that “[t]here shall be a municipal court and an elected municipal court judge as provided by Montana law”. (Emph. supplied).

Given the Commission’s prior recognition of the need for additional judicial resources and its present intention to allocate resources towards that additional judicial staffing as part of the FY 2022-23 budget, and the legislative change effected through SB 127, it is necessary to amend the Charter to remove that “singular” limitation on the number of elected municipal court judges to allow for the creation of a new and additional elected judge position.

Pursuant to Mont. Code Ann. § 7-3-103, an amendment to a self-government charter may only be made by submitting the question of the amendment to the electors of the local government. In this type of situation where the local government is itself proposing the charter amendment, the amendment must be proposed by ordinance. Ordinance 3245 will serve as the procedural vehicle for submitting the proposed Charter amendment to the electors of the City of Great Falls this upcoming November.

Adoption of Ordinance 3245 is the first step in sending the question to the electorate of removing that singular limitation language in the ordinance. At the next meeting, the Commission will act on a resolution to send this ordinance to the election administrator for the City voters to vote on.

The requested action is that the Commission conduct a public hearing and adopt or deny ordinance 3245.

Mayor Kelly asked if the Commission members had any questions.

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

Hearing none, Mayor Kelly asked if there were any comments from the public in support of Ordinance 3245.

Hearing none, Mayor Kelly asked if there were any comments from the public in opposition to Ordinance 3245.

Cayle Halberg, City resident, commented that he has worked as a public defender and in private practice representing clients in Municipal Court. He commented that the issue is not whether there are enough judges. The issue is whether the City Attorney's Office manages its caseload in a proper way. In his career, about 90% of charges, such as partner family member assault (PMFA) or assault cases, are dragged out for several weeks knowing that they do not have a complaining witness who wishes to appear and prosecute the case.

The prosecutor's job is to seek justice, not seek convictions. Instead of getting rid of those cases, they crowd the docket and then they end up dismissing these cases. There is usually anywhere from one to 15 cases set on the docket on a given day. That requires that those individuals take off several days because the City Attorney's Office does not do its job. He has represented individuals who worked in law enforcement and have been charged on the basis of almost no investigation whatsoever.

He suggested the Commission greatly weigh whether they need to adopt this amendment to the charter when considering that the Court, for the last several years, has been unable to call enough people in to conduct a jury trial. He had several cases end up in mistrials or he has had to waive the jury and proceed to a bench trial when it was not in his client's interests.

If the ordinance is approved to amend the charter, there will be increased budgeting expenses with wages, salaries, and benefits and the Commission will not get much in return.

He encouraged the Commission members to observe the work of the City prosecutors in the Municipal Court and to hear how they talk to individuals who come in there on driving citations or what some cop thinks is endangering the welfare of a child.

City Attorney Hindoien clarified that the requested action is that the Commission enact the ordinance that would put the question to the voters. There will be an opportunity at the next meeting where the Commission will be asked to approve a resolution that actually communicates the ordinance, if it is approved, to the election administrator. There will be upcoming conversations at a Commission meeting wherein the Commission will be asked to amend the current ordinance, if the charter amendment is approved by the voters, in order to even have a second judge, and further opportunities for the public to comment on the question of whether or not there is an actual need for a second judge position.

Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Tryon moved, seconded by Commissioner Wolff, that the City Commission adopt Ordinance 3245.

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

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

OLD BUSINESS**NEW BUSINESS****ORDINANCES/RESOLUTIONS**

22. DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL DISTRICT.

I. Resolution 10472, Resolution of Intention, to amend and restate the Downtown Urban Renewal Plan and to approve two storm drainage projects as urban renewal projects.

II. Ordinance 3247, Approving the amended and restated urban renewal plan for the Downtown Urban Renewal District and to approve two storm drainage projects as urban renewal projects.

Planning and Community Development Director Craig Raymond reported that the Commission adopted the Downtown Urban Renewal Plan in 2012 along with the creation of the Downtown Urban Renewal Tax Increment Financing District. The “DURP” essentially is the blueprint or a roadmap for how the City wants to accomplish what the Tax Increment Financing (TIF) district is intended to accomplish. On occasion, new needs and priorities present themselves that drive the need for change. The Commission has been through this a couple of times recently when staff brought an amendment to add the Civic Center Façade project into the plan. The Commission also approved an amendment for three new TIF programs that included façade renovation, environmental safety and code compliance and public safety programs.

The Commission is being asked to consider an additional amendment to the plan in order to help fund much needed public infrastructure improvements that are designed to benefit the greater public. The City’s Public Works Department is moving forward with two capital projects designed to address drainage issues within the Urban Renewal Plan Area. The first project is designed to resolve flooding and ice buildup problems currently taking place within the alley behind the Celtic Cowboy and Hotel Arvon. This alley section, known as 2nd Avenue Alley, is located between Park Drive and 2nd Street South. Because there is almost no slope in the alley and buildings on either side block out sunlight, water has a tendency to pond in the alley and then turn to ice in wintertime conditions. Pedestrians regularly traverse the alley because there is a parking garage on the south side of the alley that hotel guests use.

The second project is a much larger project designed to upgrade the capacity of the storm drainage network downtown. The proposed project area encompasses the streets and avenues bordered by 2nd Avenue North, 2nd Street, 4th Avenue South, and 5th Street. Additionally, the proposed project would include work from the intersection of 4th Avenue South and 2nd Street South to the east bank of the Missouri River. The project will involve adding storm drain inlets, increasing underground pipe capacity, and better conveying storm water to the Missouri River. The project is expected to take place between 2022 and 2027 and be divided up into four distinct

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022**

phases. The total cost of the project is estimated to be slightly over \$6.3 million. Funding for the project will come from three sources: ARPA Grant funds and City storm drain funds (\$3.8 million), and Downtown TIF funds (\$2.5 million). In order to reduce the financial impact on the TIF District's cash balance, the request will be done in \$500,000 increments over the five-year project period. The current balance in the District is \$4.1 million.

There has been an increase in construction activity throughout Great Falls. Staff is excited to see all of the new growth and new development. Infill or redevelopment projects are equally as exciting. Adequate storm water capacity and avoiding flooding is equally as important.

As part of the process, the Downtown Development Partnership reviewed the proposed projects and DURP amendment on June 22nd and voted to recommend approval of both. The Planning Advisory Board also considered the DURP Amendment and voted to affirm that the DURP was consistent with the Growth Policy.

The requested action is that the Commission adopt Resolution 10472 and to accept Ordinance 3247 on first reading and set a public hearing for August 16, 2022.

Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution of Intention 10472.

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

Engineer Russell Brewer commented this is a good project to address the flooding issues in the downtown business district due to high intensity, short duration storms that cause localized flooding areas. Great West Engineering looked at the 10-year storm and developed a plan that, throughout the next four phases, increase capacity of the system and reduce impacts to downtown. Also, this good project scored well for use of ARPA funds.

There being no one further to address the Commission, Mayor Kelly asked if there was any discussion amongst the Commissioners.

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission accept Ordinance 3247 on first reading and set the public hearing for August 16, 2022.

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.

JOURNAL OF COMMISSION PROCEEDINGS**July 19, 2022****CITY COMMISSION****23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Hinebauch expressed appreciation to Montana ESGR and MANG for the opportunity to experience the Chinook and Black Hawk as part of the Boss Lift program, and to Police Chief Jeff Newton and Captain Schaffer for setting up a ride along for him. He thanked them for all the work they do and appreciated the opportunity to see police work in action.

24. COMMISSION INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of July 19, 2022, at 10:12 pm.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: August 2, 2022



Commission Meeting Date: August 2, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

ITEM: \$25,000 Report
Invoices and Claims in Excess of \$25,000

PRESENTED BY: Finance Director

ACTION REQUESTED: Approval with Consent Agenda

LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT
<http://greatfallsmt.net/finance/checkregister>

**TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN
ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$25,000:**

ACCOUNTS PAYABLE CHECK RUNS FROM NEW WORLD	JULY 9, 2022 - JULY 20, 2022	721,733.55
ACCOUNTS PAYABLE CHECK RUNS FROM MUNIS	JULY 7, 2022 - JULY 20, 2022	2,091,821.59
MUNICIPAL COURT ACCOUNT CHECK RUN FOR ASIFLEX	JULY 1, 2022 - JULY 14, 2022	8,204.00

TOTAL: \$ 2,821,759.14

GENERAL FUND

CITY COMMISSION

MT LEAGUE OF CITIES & TOWNS	FY 23 MEMBERSHIP DUES	25,701.48
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SPECIAL REVENUE FUND

COVID RECOVERY

SHI INTERNATIONAL CORP	ARPA - SOPHOS NETWORK TREAT MONITORING SERVICES	140,269.60
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LIBRARY

MT STATE LIBRARY	MT SHARED CATALOG SERVICES FY23	26,422.70
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CENTRAL MONTANA AG TECH PARK TID

SCHUMAKER TRUCKING & EXCAVATING CONTRACTORS INC	OF 1658.1 CMATP TIF PHASE 4 STORM DRAIN FINAL PAY	32,678.64
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CAPITAL PROJECTS

DOWNTOWN TID

TALISMAN CONSTRUCTION SERVICES	CIVIC CENTER FAÇADE	141,319.53
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SEWER

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	86,524.79
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INTERNAL SERVICES FUND**HEALTH & BENEFITS**

SUN LIFE FINANCIAL	SUN LIFE DENTAL & VISION JUNE 2022	40,543.69
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CENTRAL GARAGE

MOUNTAIN VIEW CO OP	GASOLINE/ DIESEL	58,085.11
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TRUST AND AGENCY**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	54,820.00
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	51,792.58
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	67,327.58
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	144,836.78
US BANK	FEDERAL TAXES, FICA & MEDICARE	247,107.64
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	55,663.46
MONTANA MUNICIPAL INTERLOCK AUTHORITY	2ND QUARTER WC QUARTERLY ASSESSMENT	209,707.25

UTILITY BILLS

HIGHPLAINS LANDFILL	SANITATION CHARGES FOR JUNE 2022	108,847.92
NORTHWEST ENERGY	JUNE 2022 SLDR CHARGES	61,236.14
ENERGY KEEPERS	FOR THE MONTH OF JUNE 2022	63,180.00

CLAIMS OVER \$25000 TOTAL:

\$	<u>1,616,064.89</u>
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**CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION**

DATE: August 2, 2022

ITEM: CONTRACTS LIST
Itemized listing of administratively approved contracts.
(Listed contracts are available for inspection in the City Clerk's Office.)

PRESENTED BY: Lisa Kunz, City Clerk
ACTION REQUESTED: Ratification of Contracts through the Consent Agenda
MAYOR' S SIGNATURE: _____

CONTRACTS LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
A	Public Works - Engineering	Burns & McDonnell Engineering Company, Inc.	08/02/2022 – 12/30/2022	\$78,151	Professional Services Agreement for the 33 rd Street South Water Storage Tank Evaluation and Condition Assessment Project OF 1794.0
B	Public Works – Water Plant	Advanced Engineering and Environmental Services, LLC (AE2S)	08/02/2022 – 06/30/2023	\$75,520	Professional Service Agreement for Great Falls Water Treatment Plant (WTP) Instrumentation and Controls (I&C) Annual Maintenance and On-Call Services



Commission Meeting Date: August 2, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Purchase of Liquid Ammonium Sulfate (LAS)
From: Water Treatment Plant
Initiated By: Public Works Department
Presented By: Public Works
Action Requested: Approval of Bid

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/not accept) the low bid from Hawkins, Inc., and authorize staff to purchase liquid ammonium sulfate in the amount of \$960.00 per ton, up to the maximum amount of 100 tons for FY2022/23.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Staff Recommendation: Staff recommends that the City Commission accept the low bid from Hawkins, Inc. in the amount of \$960.00 per ton for liquid ammonium sulfate for FY 2022/23.

Summary: Liquid ammonium sulfate is used in combination with chlorine to generate monochloramines for longer lasting disinfection that produces fewer disinfection by-products (DBPs). Specifications and bid materials were prepared for the purchase of liquid ammonium sulfate for the Water Treatment Plant for the upcoming fiscal year. Notices were sent out to all prospective bidders and publicly advertised. The bid from Hawkins, Inc. was acceptable as submitted. Thatcher provided a price but wanted flexibility to evaluate the pricing on a quarterly basis.

Bids were accepted on July 6, 2022, for FY 2022/23 Water Treatment Plant chemical needs. Hawkins, Inc., with offices in Billings, Montana provided the lowest acceptable bid for liquid ammonium sulfate at \$960.00 per ton. This Commission action would award a contract for FY 2022/23.

Fiscal Impact: This price reflects a 66 % Increase from the FY 2021/22 contract price. The new contract would allow for the purchase of a maximum of 100 tons for a total cost of \$96,000.

Attachments/Exhibits: Bid Tabulation



BID TABULATION SUMMARY 2023 - WATER TREATMENT CHEMICALS

WATER PLANT

Page 1 of 1

Bids Taken at: Civic Center

Date: 7/6/2022

Tabulated by: DMcNeese

	Name & Address of Bidder	10% Bid Security (Yes/No)	Liquid Ammonium Sulfate LAS Approx. 100 tons Delivery 10 days ARO	PREVIOUS YEAR	Liquid Chlorine Approx. 80 tons Delivery 10 days ARO	PREVIOUS YEAR	Liquid Aluminum Sulfate Approx. 800 dry tons Delivery 7 days ARO (May-Sep)	PREVIOUS YEAR	Liquid Alum Cert of Chemical Analysis (Yes/No)	Liquid Alum Cert of Compliance w ANSI/NSF Standard 60 (Yes/No)
1	DPC (DX Industries, Inc.) P.O. Box 509 Hudson CO 80642-0509			NO BID						
2	Chemtrade Chemicals US LLC 90 East Haley Rd, Suite 200 Parsippany NJ 07054			NO BID						
3	Hawkins, Inc. 3100 E. Hennepin Ave. Minneapolis, MN 55413-2922	YES	.48/lb \$960/ton \$96,000 PO	.295/lb \$590/ton \$59,000 PO						
4	Kemira Water Solutions, Inc. 4321 W 6th Street Lawrence KS 66049			NO BID						
5	Thatcher Company of Montana PO Box 27407 Salt Lake City, &T 84127-0407	Non Responsive lack of fixed quote	.433/lb \$866/ton \$86,600 PO	.288/lb \$576/ton \$57,600 PO						
6	Chemical Montana Company 2000 Boulder Avenue Helena MT 59601	NO	NO BID	NO BID						
7	Univar Solutions 8201 S 212th Kent WA 98032	NO	NO BID	NO BID						
8										



Commission Meeting Date: August 2, 2022

CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Resolution 10474- A Resolution By The City Commission Of The City Of Great Falls, Montana, To Amend Planning and Community Development Engineering Fees In The City Of Great Falls

From: Craig Raymond, Director, Planning & Community Development

Initiated By: Craig Raymond, Director, Planning & Community Development

Presented By: Craig Raymond, Director, Planning & Community Development

Action Requested: Vacate public hearing set for August 2, 2022 and set public hearing on Resolution 10474 for August 16, 2022

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission vacate the public hearing set for August 2, 2022 and (set/not set) the public hearing for August 16, 2022”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Staff Recommendation: Staff requests that the Commission vacate the hearing set for August 2, 2022 and set a new public hearing for August 16, 2022

Background: Resolution 10474 has been prepared in order to adjust review fees related to Planning & Community Development third party consulting engineers reviewing new development infrastructure proposals. Staff originally prepared for an August 2, 2022 hearing date for the Commission to consider Resolution 10474 however the public hearing notice was not properly advertised. As such, a new hearing date must be set and staff will be sure to properly advertise the public hearing notice.

Attachments/Exhibits:

Resolution 10474
Sanderson 2022 Fee Schedule

RESOLUTION NO. 10474

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO AMEND PLANNING AND COMMUNITY DEVELOPMENT ENGINEERING FEES IN THE CITY OF GREAT FALLS

WHEREAS, Title 12 of the Official Code of the City of Great Falls (OCCGF) includes provisions for processing of permit applications for construction of or within city boulevards, sidewalks and streets; and

WHEREAS, Title 12 OCCGF includes a provision that the City Commission may, at its discretion, set and revise application fees by resolution; and

WHEREAS, Title 13 of the Official Code of the City of Great Falls (OCCGF) includes provisions for processing of permit applications for construction or modification of Water, Sewer and Storm Drainage Systems; and

WHEREAS, The City of Great Falls may find it beneficial and necessary to contract with third party engineering consultants to provide additional processing and review capabilities; and

WHEREAS, Title 13 OCCGF includes a provision that the City Commission may, at its discretion, set and revise application fees by resolution; and

WHEREAS, Title 17 of the Official Code of the City of Great Falls (OCCGF) includes provisions for processing of applications for land use and development projects; and

WHEREAS, Title 17 OCCGF includes a provision that the City Commission may, at its discretion, set and revise application fees by resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

1. Fees for plan review and engineer construction oversight shall be;

$$\text{Fee} = 3.3182 * ((\text{Infrastructure Cost})^{0.6593})$$
2. Engineer construction management and miscellaneous services shall be \$108.00 per hour
3. Direct costs associated with third party processing, review, oversight and/or consulting services shall be billed by the City to the project applicant
4. Resolution 10427 is hereby repealed

5. That this Resolution shall become effective upon adoption

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
August 16, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

CHARGE OUT RATES

EFFECTIVE FEBRUARY 16, 2022

STAFF PERSONNEL SERVICES

Staff Engineer I	\$110.00/hour
Staff Engineer II	\$125.00/hour
Project Engineer I	\$130.00/hour
Project Engineer II	\$140.00/hour
Senior Engineer I	\$175.00/hour
Senior Engineer II	\$210.00/hour
Principal	\$235.00/hour
Engineer Intern	\$70.00/hour
Expert Witness/Special Consultant	\$285.00/hour
Staff Planner I	\$95.00/hour
Staff Planner II	\$105.00/hour
Planner I	\$130.00/hour
Planner II	\$145.00/hour
Senior Planner I	\$155.00/hour
Senior Planner II	\$170.00/hour
Right-of-Way Agent	\$165.00/hour
Staff Landscape Designer I	\$95.00/hour
Staff Landscape Designer II	\$105.00/hour
Landscape Architect I	\$130.00/hour
Landscape Architect II	\$145.00/hour
Senior Landscape Architect I	\$155.00/hour
Senior Landscape Architect II	\$170.00/hour
Field Survey Technician I	\$80.00/hour
Field Survey Technician II	\$85.00/hour
Staff Surveyor I	\$105.00/hour
Staff Surveyor II	\$115.00/hour
Professional Land Surveyor	\$125.00/hour
Senior Professional Land Surveyor	\$175.00/hour
Graphic Artist	\$95.00/hour
Marketing Director	\$155.00/hour
CADD Technician I	\$85.00/hour
CADD Technician II	\$90.00/hour
Designer I	\$100.00/hour
Designer II	\$105.00/hour
Senior Designer I	\$120.00/hour
Senior Designer II	\$130.00/hour
Construction Inspector	\$85.00/hour
Construction Engineering Technician	\$100.00/hour
Senior Construction Engineering Technician	\$135.00/hour
Construction Engineer I	\$130.00/hour
Construction Engineer II	\$140.00/hour
Project Administrator	\$100.00/hour
Administrative/Clerical	\$85.00/hour

SURVEY CREW SERVICES

1-man Crew/2-man Crew	\$Per Job
Survey Equipment	\$15.00 /fieldwork hour
Survey Vehicle Mileage	\$.75 /mile
Scanner Equipment	\$150.00 /hour
Scanner Equipment (Hourly)	\$150 /hour
Scanner Equipment (Full Day)	\$1,050 /day

OUTSIDE CONSULTANTS

- 1) At cost if independently billed direct to client.
- 2) Cost plus 5% if billed through us.

INDEPENDENT LABORATORIES

- 1) At cost if independently billed direct to client.
- 2) Cost plus 5% if billed through us.

ADMINISTRATIVE EXPENSES

Administrative expenses
(including copies, prints, phone, postage, materials, and travel) 3.5% *

* based on professional services only, unless modified by contract

Vehicle Mileage IRS Rate

These rates are updated periodically to reflect market conditions. Rate increases will be reflected in future invoicing.



Commission Meeting Date: August 2, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10464 to Levy and Assess the General Boulevard District No. 3570

From: Melissa Kinzler, Finance Director

Initiated By: Annual Budget and Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission conduct public hearing and adopt Resolution 10464 to Levy and Assess the General Boulevard District No. 3570

Public Hearing:

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
 2. Mayor closes public hearing and asks the will of the Commission.
-

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10464.”
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission adopt Resolution 10464.

Background: The Park and Recreation Department, Natural Resources - Boulevard Division is responsible for the care and maintenance of over 15,000 street trees located within the General Boulevard District. Services provided within the District are pruning, removal, planting and streetscape design.

The budget development process begins in January of each year when the Natural Resources - Boulevard Division receives its midyear financial reports. The midyear reports, and subsequent reports, are used to determine the current financial position of the division. Information is gathered regarding the actual and anticipated expenses, future projects, goals and objective of the department.

After calculating all factors pertinent to the operation of the Natural Resources - Boulevard Division, an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commission for approval. For Fiscal Year 2023, the boulevard assessment is increasing 12% or \$10.29 for the average size lot to cover the increased costs of operations (i.e. personnel, tree planting, fuel, etc.). The last General

Boulevard increase of 5% was approved in Fiscal Year 2020. There were no assessment increases in Fiscal Years 2021 or 2022 to aid in the economic recovery from COVID-19.

In order to legally provide for the necessary assessment support, State laws require City Commission hearings and passage of authorizing resolutions. MCA Sections 7-12-4102, 4176, and 4179 authorize the City Commission to create and assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such district.

The City Commission adopted the FY2023 annual budget on July 19, 2022, which included the boulevard assessment as represented here. As part of the annual budget development and adoption procedures, the General Boulevard Maintenance District Assessment Resolution must be submitted for further City Commission action. A public notice and hearing is required prior to final passage of the assessment resolution.

Fiscal Impact: Adoption of Resolution 10464 will allow the City to finance the costs of work, improvements and maintenance conducted each year in the General Boulevard District.

The estimated assessment amount for the General Boulevard District for the next fiscal year is the amount reflected in the Fiscal Year 2023 Budget. This equates to an estimated assessment of \$0.012812 per square foot, for a total of \$454,599 and will result in an assessment of approximately \$96.09 for an average size lot of 7,500 square feet (7,500 sq. ft. x 0.012812 factor = \$96.09.)

Alternatives: The City Commission could choose to deny the adoption of Resolution 10464 to Levy and Assess the General Boulevard Maintenance District; however, the reduction in services to trim, prune, spray, and maintain the trees within the district would be harmful and devastating to the overall shelter and beauty provided by the street trees to the community.

Concurrences: Park and Recreation staff is responsible for the operation expenses of the Boulevard District Fund. Finance staff is responsible for assessing and collecting the revenues necessary to carry out the operations.

Attachments/Exhibits:

Resolution 10464

Map of the General Boulevard District

RESOLUTION NO. 10464

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING BOULEVARDS IN THE GENERAL BOULEVARD DISTRICT NO. 3570 OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023

WHEREAS, the Great Falls City Commission did create a General Boulevard Maintenance District No. 3570 by Resolution 3570 on January 2, 1946; and

WHEREAS, the City Commission did amend and exclude Lots 8-14, Block 34 of Boston and Great Falls Addition, from the boundaries of the General Boulevard District by Resolution 8132 on September 1, 1987, in accordance with Mont. Code Ann. § 7-12-4335; and

WHEREAS, the City intends to continue trimming, pruning, spraying, and otherwise maintaining the trees within said district, except when such maintenance conflicts with other provisions of the Official Code of the City of Great Falls; and

WHEREAS, on July 19, 2022, the City Commission adopted Resolution 10460, Annual Budget Resolution, in which the estimated assessment for such maintenance within the General Boulevard Maintenance District No. 3570 was reflected as FOUR HUNDRED FIFTY FOUR THOUSAND FIVE HUNDRED NINETY NINE DOLLARS (\$454,599); and

WHEREAS, in accordance with Mont. Code Ann. § 7-1-4127, notice was published setting forth that Resolution No. 10415 Levying and Assessing the Cost of Maintaining Boulevards in the General Boulevard Maintenance District No. 3570 would be brought before the Great Falls City Commission for public hearing on August 2, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

Section 1 – Maintenance Costs Assessed

The cost of maintaining boulevards in General Boulevard Maintenance District No. 3570, totaling \$454,599, be levied and assessed upon the properties in said district for the fiscal year ending June 30, 2023.

Section 2 – Maintenance Assessment Method

Each lot and parcel within the district be assessed in proportion to its square footage. The procedure for determining the square footage to be assessed is the total square footage as set forth in Exhibit “A” of Resolution 6202 adopted by the Great Falls City Commission on July 22, 1968, and presently on file in the office of the City Clerk.

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2022 and May 31, 2023.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 2nd day of August, 2022.

Bob Kelly, Mayor

ATTEST:

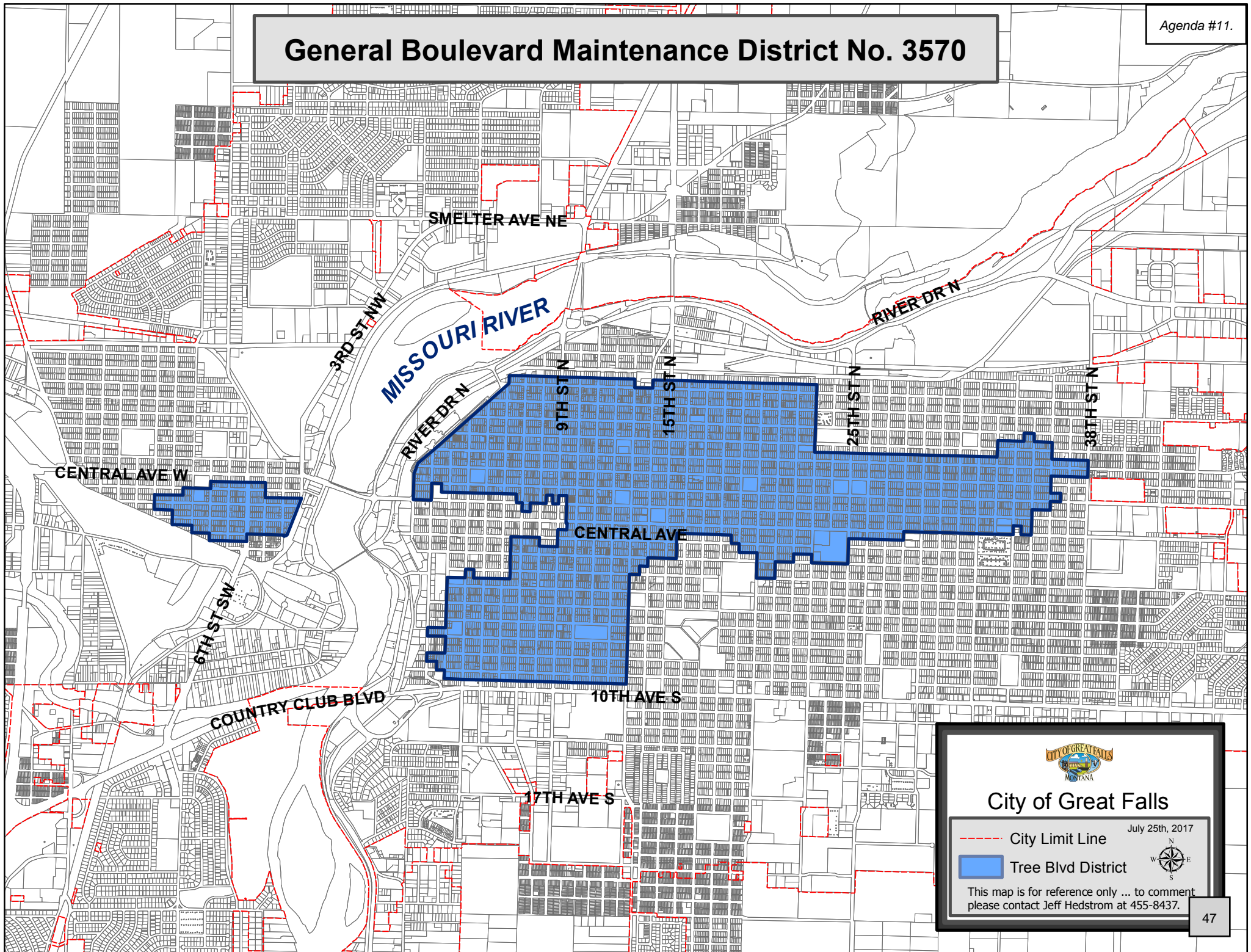
Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Jeff Hindoien, City Attorney

General Boulevard Maintenance District No. 3570



City of Great Falls

July 25th, 2017

- City Limit Line
- Tree Blvd District



This map is for reference only ... to comment
please contact Jeff Hedstrom at 455-8437.



Commission Meeting Date: August 2, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10465 to Levy and Assess Great Falls Park District No. 1

From: Melissa Kinzler, Finance Director

Initiated By: Annual Budget and Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission conduct public hearing and adopt Resolution 10465 to Levy and Assess Great Falls Park District No. 1

Public Hearing:

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
 2. Mayor closes public hearing and asks the will of the Commission.
-

Suggested Motion:

1. Commissioner moves:
 "I move that the City Commission (adopt/deny) Resolution 10465."
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission adopt Resolution 10465.

Background: On June 5, 2018, the City Commission adopted Resolution 10238 creating the Great Falls Park District Number 1. The boundaries of the District are the current incorporated limits of the City, as well as all properties later annexed thereto.

The Park District's overall purpose is to utilize assessment dollars and direct those monies to:

- Maintenance, repair, replacement, upkeep, installation, improvements, operation enhancement, construction, acquisition of land;
- Implementation of measures required to maintain public health and safety or meet legal or regulatory requirements;
- Purchase, replace and/or maintain equipment, tools or vehicles used to carry out the functions described herein; and/or

- Other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands, and equipment under the responsibility and care of the City of Great Falls Park and Recreation Department including but not limited to:
 - Public parks and park areas (as described in the City of Great Falls Park and Recreation Master Plan), recreation facilities, trails, open space, urban forest, medians, boulevards, pathways, sidewalks, public easements, and other facilities which are located in the city limits and/or are owned by the City.

The Park District's revenue may not be used for programming.

In FY2022, the City issued Park District bonds to provide matching funds for the grant received to build a new recreation and aquatics facility. Some Park District projects may be rescheduled to allow Park District funds to be used towards the new facility as construction is completed and to complete other current Park District projects. No final determinations have been made at this time.

The City Commission adopted the FY2023 annual budget on July 19, 2022, which included the Park District assessment as represented here. According to Mont. Code Ann. Sections 7-11-2021 and 1025, prior to annually levying assessments necessary to carry out the services to be performed in the District, each year the Commission shall specify the method of assessment for the lots of parcels of land located in the District, publish notice, and conduct a public hearing on such assessment before finally adopting a resolution levying assessments against the lots of parcels of land in the District. The Commission must annually adopt a resolution establishing the annual assessment for the District.

Fiscal Impact: The cost of the proposed improvements for the Great Falls Park District No. 1 is \$1,500,000 annually. Fiscal Year 2023 is year 5 of the assessment.

The annual assessment shall be based on the taxable value of each parcel within the District for a total of \$1,500,000 district-wide. The City will not receive current taxable value information from the Montana Department of Revenue until the beginning of August approximately. Therefore, based on last year's valuations, the estimated annual assessment for a \$100,000 market value property would be \$24.53.

Alternatives: The City Commission could choose to deny Resolution 10465 to Levy and Assess Great Falls Park District No. 1. However, the reduction in services and improvements to the park system including facilities and the urban forest or maintenance will not improve and facilities will deteriorate or close.

Concurrences: Park and Recreation staff is responsible for the operational expenses of the Park District Number 1. Finance staff is responsible for assessing and collecting the revenue necessary to carry out the operations.

Attachments/Exhibits:
Resolution 10465

RESOLUTION NO. 10465**A RESOLUTION LEVYING AND ASSESSING THE COST OF IMPROVEMENTS AND MAINTENANCE IN THE GREAT FALLS PARK DISTRICT NUMBER 1 OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023**

WHEREAS, the City Commission did create Great Falls Park District No. 1 (hereinafter “District”) by adoption of Resolution 10238 on June 5, 2018; and

WHEREAS, said Resolution 10238 set forth the boundaries of the District, the method of governing the District, the assessment method, estimated cost of the District and method of financing, payment of the assessment, list of properties available and the duration of the District. The District was established for the purpose of providing services including but not limited to:

- Maintenance, repair, replacement, upkeep, installation, improvements, operation enhancement, construction, reconstruction, acquisition of land;
- Implementation of measures required to maintain public health and safety or meet legal or regulatory requirements;
- Purchase, replace and/or maintain equipment, tools or vehicles used to carry out the functions described herein; and/or
- Any other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands, and equipment under the responsibility and care of the City of Great Falls Park and Recreation Department including but not limited to:
 - Public parks and park areas (as described in the City of Great Falls Park and

Recreation Master Plan), recreation facilities, trails, open space, urban forest, medians, boulevards, pathways, sidewalks, public easements, and other facilities which are located in the city limits and/or are owned by the City; and

WHEREAS, pursuant to Montana Code Annotated, Title 7, Chapter 11, Part 10 (the “Act”) and in accordance with the provisions of Title 7, Chapter 7, Part 44, the City is permitted to issue revenue bonds in one or more series (collectively, the “Bonds”) to fund costs of improvements in the District, and pursuant to Ordinance No. 3228 adopted on May 4, 2021, the City Commission established the authority of the City to levy assessments each year against the properties in the District in an amount necessary to pay debt service on any outstanding Bonds.

WHEREAS, on July 19, 2022, the City Commission adopted Resolution 10460, Annual Budget Resolution, in which the estimated assessment for such maintenance and improvements (including debt service on Bonds) within the District was reflected as ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000); and

WHEREAS, in accordance with Mont. Code Ann. § 7-11-1024 and § 7-1-4127, notice was published setting forth that Resolution No. 10465 Levying and Assessing the Cost of the Great Falls Park District No. 1 would be brought before the Great Falls City Commission for public hearing on August 2, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

Section 1 – Costs Assessed

The cost of maintenance and improvements (including debt service on Bonds) in the District, totaling \$1,500,000, be levied and assessed upon the properties in the District for the fiscal year ending June 30, 2023.

Section 2 –Assessment Method

Each lot or parcel of land, including improvements on the lot or parcel, will be assessed for that part of the cost of the District that its taxable valuation bears to the total taxable valuation of the properties within the District.

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2022 and May 31, 2023.

Section 4 – Office of Record

The official list of properties subject to potential assessment, fees or taxation of the District is on file and available for public inspection in the City Clerk’s office, and further that such list is the last completed property tax record maintained by the Department of Revenue for the county. The City Clerk’s office is designated as the office of record for the minutes to be maintained.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
this 2nd day of August, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Jeff Hindoien, City Attorney



Commission Meeting Date: August 2, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10466 to Levy and Assess Properties within Special Improvement Lighting Districts

From: Melissa Kinzler, Finance Director

Initiated By: Annual Budget and Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission conduct public hearing and adopt Resolution 10466 to Levy and Assess Properties within Special Improvement Lighting Districts

Public Hearing:

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
 2. Mayor closes public hearing and asks the will of the Commission.
-

Suggested Motion:

1. Commissioner moves:

 "I move that the City Commission (adopt/deny) Resolution 10466."
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission adopt Resolution 10466.

Background: There are currently 27 Special Improvement Lighting Districts (SLD's) with approximately 9,429 roadway lights. The majority (97%) of the roadway lights are owned by Northwestern Energy. The City pays a maintenance fee to Northwestern Energy for these lights in addition to a fee which covers the electrical transmission and distribution. The electrical supply for the street lights is currently being furnished by Energy Keepers. The remaining 3% of roadway lighting is City-owned. The Special Improvement Lighting District funds are administered by the Finance Department. The purpose of the funds is to maintain the light poles and furnish electrical supply for the lighting districts throughout the year. After determining financial factors pertinent to the operation of the special improvement lighting districts, an assessment amount for the next fiscal year is calculated, budgeted and presented to the City Commissioners for approval.

The City Commission adopted the FY2023 annual budget on July 19, 2022, which included the Street Lighting assessments as represented here. As part of the annual budget development and adoption

procedures, the Special Improvement Lighting Districts Assessment Resolution must be submitted for City Commission action. A public notice and hearing is required prior to final passage of the assessment resolution.

Fiscal Impact: Adoption of Resolution 10466 will allow the City to fund the operational and maintenance costs required in the Special Improvement Lighting Districts for the fiscal year.

The estimated assessment amount for the Special Improvement Lighting District funds for the next fiscal year is \$1,161,507. After review of the budget and the estimated assessment for Fiscal Year 2023, the total assessment amount reflects an aggregate 4.5% increase from the prior fiscal year. It is important to note that not all districts will have an increased assessment this year. Only those districts without a sufficient cash balance to cover the cost of operations will be increased (shown in Exhibit A). These districts have been using their cash balance for the past two years.

<u>BUDGETED</u>	<u>FISCAL YEAR</u>
<u>TOTAL ASSESSMENT</u>	
\$ 1,175,344	2016/2017 (27 Districts)
\$ 1,159,589	2017/2018 (27 Districts)
\$ 1,164,252	2018/2019 (27 Districts)
\$ 1,170,052	2019/2020 (27 Districts)
\$ 1,123,242	2020/2021 (27 Districts)
\$ 1,111,842	2021/2022 (27 Districts)
\$ 1,161,507	2022/2023 (27 Districts)

The Fiscal Year 2023 assessment per district is indicated on the Lighting Districts Maintenance Budget & Assessment Worksheet attached as Exhibit "A" and made a part of Resolution 10466.

Alternatives: The City Commission could choose to deny the adoption of Resolution 10466; however, there will either be a reduction in services or some districts may have a negative cash balance.

Concurrences: Public Works staff is responsible for the maintenance of all City-owned lights. Finance staff is responsible for assessing and collecting revenues.

Attachments/Exhibits:

Resolution 10466

Exhibit A

RESOLUTION NO. 10466

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING SPECIAL IMPROVEMENT LIGHTING DISTRICTS (SLD'S) NUMBERED 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1303, 1304, 1305, 1306, 1308, 1309 AND 1310 IN THE CITY OF GREAT FALLS, MONTANA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023

WHEREAS, the City Commission declares that the above-captioned Special Improvement Lighting Districts were created, lighting systems installed and that the City intends to continue maintenance of such lighting systems in said SLD's; and

WHEREAS, the City Commission declares that each lot or parcel of land contained in each of said SLD's will continue to be benefited by such lighting in the same manner as determined in the creation of each Special Improvement Lighting District; and

WHEREAS, on July 19, 2022, the City Commission adopted Resolution 10460, Annual Budget Resolution. The budgeted amounts for maintenance of the City's lighting systems were reviewed and adjusted. The newly adjusted assessment amount totals ONE MILLION ONE HUNDRED SIXTY ONE THOUSAND FIVE HUNDRED SEVEN DOLLARS (\$1,161,507); and

WHEREAS, in accordance with § 7-1-4127, MCA, notice was published setting forth that Resolution No. 10309 Levying and Assessing the Cost of Maintaining Special Improvement Lighting Districts (SLD's) Nos. 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1303, 1304, 1305, 1306, 1308, 1309 and 1310 in the City of Great Falls, Montana, would be brought before the Great Falls City Commission for public hearing on August 2, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

Section 1 – Maintenance Costs Assessed

The cost of maintenance for said lighting systems in the above-captioned SLD's totaling \$1,161,507 be levied and assessed upon the properties in said SLD's.

Section 2 – Assessment Method

Each lot and parcel within each SLD is hereby assessed a proportion of the maintenance costs attributed to the SLD in the proportion to which its assessable area (individual square feet) bears to the area of the whole special improvement lighting district (total square feet), exclusive of streets, avenues, alleys and public places. An assessment projection summary of each district, describing total cost, is attached hereto and, by this reference, incorporated herein as if fully set forth. The description of each lot or parcel of land within each SLD and the respective assessments

are set forth in the records of the Finance Department of the City of Great Falls, Montana and by this reference is also incorporated herein as if fully set forth.

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2022 and May 31, 2023.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 2nd day of August, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Jeff Hindoien, City Attorney

FY2023 LIGHTING DISTRICTS BUDGET & ASSESSMENT WORKSHEET
RESOLUTION 10466 - EXHIBIT "A"

	DISTRICT	DISTRICT TYPE	FUND	FY 2023 PROJECTED BEGINNING CASH	FY 2023 REQUESTED TOTAL EXPENSES	FY 2023 ESTIMATED ASSESSMENT	FY 2023 ENDING CASH	TARGET CASH BALANCE		FY 2022 ASSESSMENT	FY 2023 ASSESSMENT	\$ DIFF (+/-)	% DIFF (+/-)
1	18	STREET	8402	\$ 3,177	\$ 2,900	\$ 2,700	\$ 2,977	\$ 1,450		\$ 2,700	\$ 2,700	0	0%
2	650	PERIOD	8403	60,440	653	500	60,286	327		1,000	500	(500)	-50%
3	651	STREET	8404	2,207	2,231	2,000	1,976	1,115		2,000	2,000	0	0%
4	912	STREET	8405	20,821	11,154	10,000	19,666	5,577		10,000	10,000	0	0%
5	973	STREET	8406	24,123	100	40	24,063	50		40	40	0	0%
6	1067A	ALLEY	8407	4,061	5,354	4,400	3,107	2,677		4,000	4,400	400	10%
7	1105	STREET	8408	1,801	4,413	3,850	1,238	2,207		3,500	3,850	350	10%
8	1230	STREET	8409	515	217	170	468	109		170	170	0	0%
9	1255	STREET	8410	1,079	435	350	994	217		350	350	0	0%
10	1261	PERIOD	8411	17,060	9,663	7,000	14,397	4,832		7,000	7,000	0	0%
11	1269	PERIOD	8412	92,493	29,125	18,000	81,367	14,563		18,000	18,000	0	0%
12	1270	PERIOD	8413	26,176	13,092	8,500	21,584	6,546		8,500	8,500	0	0%
13	1289	STREET	8414	4,303	14,723	12,207	1,787	7,362		11,097	12,207	1,110	10%
14	1290	STREET	8415	1,299	1,280	900	919	640		900	900	0	0%
15	1294	SLDA	8416	99,118	146,144	135,000	87,975	73,072		133,000	135,000	2,000	2%
16	1298	SLDI	8417	(5,131)	24,200	13,240	(16,091)	12,100		10,185	13,240	3,055	30%
17	1295	SLDC	8418	79,397	59,009	54,000	74,387	29,505		54,000	54,000	0	0%
18	1296	SLDR	8419	839,324	1,045,519	855,750	649,555	522,760		815,000	855,750	40,750	5%
19	1297	SLDT	8420	8,164	31,052	27,500	4,612	15,526		25,000	27,500	2,500	10%
20	1302	ML3	8430	20,246	1,524	400	19,122	762		400	400	0	0%
21	1304	EC1	8432	8,605	2,177	1,500	7,927	1,089		1,500	1,500	0	0%
22	1306	ML4	8434	6,499	435	300	6,364	218		300	300	0	0%
23	1308	ECII & III	8436	9,933	2,177	1,000	8,756	1,089		1,000	1,000	0	0%
24	1310	ML5	8438	10,432	871	750	10,311	435		750	750	0	0%
25	1303	Stone Meadow 1	8440	11,246	1,128	350	10,467	564		350	350	0	0%
26	1305	Water Tower	8442	11,185	848	250	10,586	424		250	250	0	0%
27	1309	Stone Meadow 2	8444	3,349	1,177	850	3,022	589		850	850	0	0%
	ALL DIST	Fund 217	8401	135,180	-	-	135,180	-		-	-	-	-
				\$ 1,497,102	\$ 1,411,605	\$ 1,161,507	\$ 1,247,004	\$ 705,803		\$ 1,111,842	\$ 1,161,507	\$ 49,665	4.5%

City-Owned Lighting Districts

Aggregate % of Increase (Decrease) 4.5%



Commission Meeting Date: August 2, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10467 to Levy and Assess the Portage Meadows Maintenance District No. 1195

From: Melissa Kinzler, Finance Director

Initiated By: Annual Budget and Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission conduct public hearing and adopt Resolution 10467 to Levy and Assess the Portage Meadows Maintenance District No. 1195

Public Hearing:

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
 2. Mayor closes public hearing and asks the will of the Commission.
-

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (adopt/deny) Resolution 10467."
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission adopt Resolution 10467.

Background: In February 1977, Resolution 6913 created Special Improvement Maintenance District No. 1195 for the purpose of maintaining the Green Belt of the Portage Meadows Addition. The assessment covers the costs for materials, snow removal labor, water, mowing labor, fertilizer costs and labor, aerification labor, and tree pruning, which was part of the original Planned Unit Development.

The budget development process begins in January of each year when the Park & Recreation Department receives its midyear financial reports for the Portage Meadows Fund. The midyear reports and subsequent reports are used to determine the current financial position of the department. Information is gathered regarding the actual and anticipated expenses, future projects, goals and objective of the department.

After calculating all factors pertinent to the operation of the Portage Meadows Maintenance District, an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commissioners for approval. For Fiscal Year 2023, the Portage Meadows assessment is increasing 5%

or \$17.45 for the average size lot to cover the increased costs of operations (i.e. personnel, fuel, maintenance of the irrigation system, etc.). There were no assessment increases in Fiscal Years 2021 or 2022 to aid in economic recovery from COVID-19. The last Portage Meadows Maintenance District increase of 5% was approved in Fiscal Year 2020.

In order to legally provide for the necessary assessment support, State laws require City Commission hearings and passage of authorizing resolutions. MCA Sections 7-12-4102, 4176, and 4179 authorize the City Commission to create and assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such district.

The City Commission adopted the FY2023 annual budget on July 19, 2022, which included the Portage Meadows assessment as represented here. As part of the annual budget development and adoption procedures, the Portage Meadows Maintenance District Assessment Resolution must be submitted for City Commission action. A public notice and hearing is required prior to final passage of the assessment resolution.

Fiscal Impact: Adoption of Resolution 10467 will allow the City to finance the cost of repairs and maintenance required each year in the Portage Meadows Maintenance District.

The estimated assessment amount for Portage Meadows Boulevard Maintenance for the next fiscal year is the amount reflected in the Fiscal Year 2023 Budget. This equates to an estimated assessment of \$0.081393 per square foot, a total of \$68,515 and will result in an annual assessment of \$366.35 for an average lot of 4,501 square feet (4,501 sq. ft. x 0.081393 factor = \$366.35).

Alternatives: The City Commission could choose to deny Resolution 10467 to Levy and Assess the Portage Meadows Maintenance District; however, the City agreed to provide the services when the land area was donated to the City. The proposed assessment will allow for the recovery of costs incurred providing those services.

Concurrences: Park and Recreation staff members are responsible for the operational expenses for the Portage Meadows Maintenance District. Finance staff members are responsible for assessing and collecting the revenues necessary to carry out the operations.

Attachments/Exhibits:

Resolution 10467

Map of Portage Meadows Boulevard District

RESOLUTION NO. 10467

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING THE GREEN BELT PARK OF PORTAGE MEADOWS ADDITION IN THE CITY OF GREAT FALLS ON ALL REAL ESTATE IN SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 1195 FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023

WHEREAS, the City Commission did create and amend Special Improvement Maintenance District No. 1195 by Resolutions 6913, 6980, and 8426 on February 15 and July 17, 1977, and July 16, 1991, respectively; and

WHEREAS, the City intends to continue maintaining the Green Belt Park of Portage Meadows Addition within Special Improvement Maintenance District No. 1195; and

WHEREAS, on July 19, 2022, the City Commission adopted Resolution 10460, Annual Budget Resolution, in which the estimated costs for the assessment of such maintenance within Special Improvement Maintenance District No. 1195 was reflected as SIXTY-EIGHT THOUSAND FIVE HUNDRED FIFTEEN DOLLARS (\$68,515); and

WHEREAS, in accordance with § 7-1-4127, MCA, notice was published setting forth that Resolution No. 10467 Levying and Assessing the Cost of Maintaining the Green Belt Park of Portage Meadows Addition in the City of Great Falls on all Real Estate in Special Improvement Maintenance District No. 1195 would be brought before the Great Falls City Commission for public hearing on August 2, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

Section 1 – Maintenance Costs Assessed

The cost of care and maintenance in Special Improvement Maintenance District No. 1195, totaling \$68,515, be levied and assessed upon the properties in said district for the fiscal year ending June 30, 2023.

Section 2 – Maintenance Assessment Method

There are 188 properties contained within the boundaries of Portage Meadows Special Improvement Maintenance District No. 1195. The costs per property and the property list for Portage Meadows Special Improvement Maintenance District No. 1195 are set forth in the records of the City Clerk of the City of Great Falls. Said property is generally identified as each lot or parcel of land within Portage Meadows Additions #1, #2, and #3, excluding Blocks 4, 5, and 6 of Portage Meadows #1 Addition.

Assessments may be reviewed on an annual basis and the amount may be revised according to the following formula: cost plus ten percent (10%) divided by the total square feet of all of the lots within said district times the square feet of each lot. Costs shall be for expendable material, snow

removal labor, water, mowing labor, fertilizer costs and labor, aerification labor, and tree pruning costs.

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2022 and May 31, 2023.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 2nd day of August, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

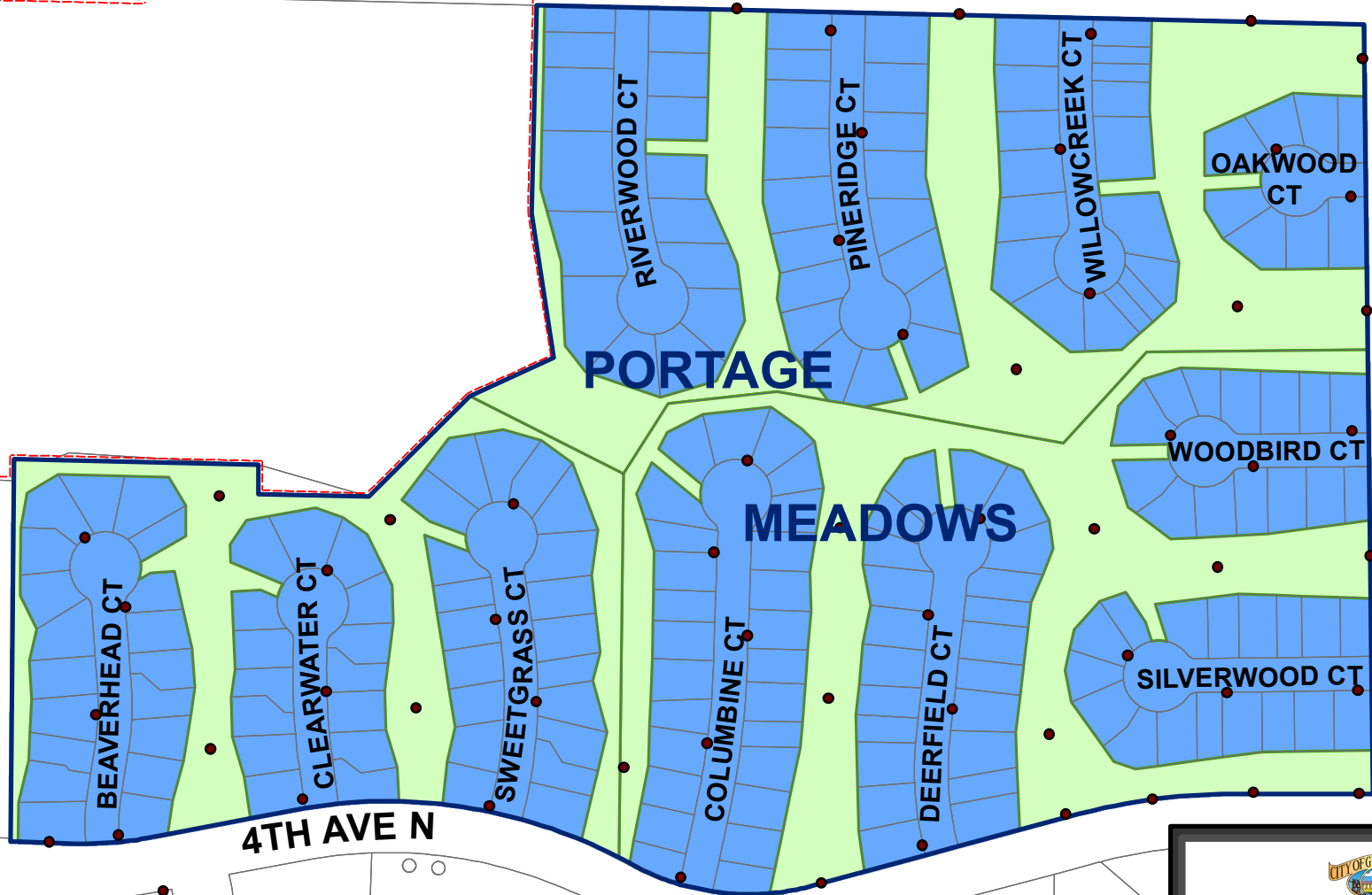
(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Jeff Hindoien, City Attorney

Portage Meadows Maintenance District No. 1195

Agenda #14.



52TH ST N

4TH AVE N

46TH ST N



City of Great Falls

June 12th, 2014

- City Limit Line
- Light Poles
- Green Belt Area
- Portage Properties



This map is for reference only ... to comment
please contact Jeff Hedstrom at 455-8437.



Commission Meeting Date: August 2, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10468 to Levy and Assess the Street Maintenance District

From: Melissa Kinzler, Finance Director

Initiated By: Annual Budget and Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission conduct public hearing and adopt Resolution 10468 to Levy and Assess the Street Maintenance District

Public Hearing:

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
 2. Mayor closes public hearing and asks the will of the Commission.
-

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (adopt/deny) Resolution 10468."
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission adopt Resolution 10468.

Background: The Street Division maintains approximately 383 miles of streets and alleys within the city limits. Maintenance consists of pavement rehabilitation and restoration, street cleaning, snow and ice removal, alley maintenance, and the nuisance weed program. In addition, Traffic Operations are funded through the Street Division and are responsible for the maintenance of all roadway signs, signals, and pavement markings.

During the budget process, information is gathered regarding the actual and anticipated expenses of the Street District Fund, future capital projects are reviewed, and the street maintenance assessment for the next fiscal year is discussed.

After calculating all factors pertinent to the operation of the Street Maintenance District, an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commission for approval. No assessment increase is proposed for Fiscal Year 2023. There were no assessment increases in Fiscal

Years 2021 or 2022 to aid in economic recovery from COVID-19. The last street maintenance increase of 10% was approved in Fiscal Year 2016.

The City Commission adopted the FY2023 annual budget on July 19, 2022, which included the street maintenance assessment as represented here. As part of the annual budget development and adoption procedures, the Street Maintenance Assessment Resolution must be submitted for City Commission action. A public notice and hearing is required prior to final passage of the assessment resolution.

ASSESSMENT OPTION

MCA Section 7-12-4425 states: "...The council shall pass and finally adopt a resolution specifying the district assessment option and levying and assessing all the property within the several districts..." The City uses the "assessable area" option under MCA Section 7-12-4422, to assess its street maintenance. The assessable area option defines assessable area by square footage caps. Four options for assessments exist:

Residential: Square footage caps per parcel of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c)(13) as defined by the Internal Revenue Code.

Downtown: Downtown District shall be defined as being within an area bounded on the north by Third Alley North, on the south by Third Alley South, on the east by Tenth Street and on the west by Park Drive. Any properties located in this area with a designated residential land use code of 111, 112 or 114 shall be excluded from the District and assessed as part of the Residential District.

Mixed-Use: A 'mixed-use' category consists of property equal to or greater than 112,000 square feet but less than 50% commercially developed. For the 'mixed-use' category, the Planning & Community Development Department shall annually identify all property equal to or greater than 112,000 square feet which are 50% or less commercially developed. Those properties shall be assessed 50% commercial and 50% at capped residential.

Commercial: 1 million square foot cap for all other property. The 1 million square foot cap for all other property encourages large green areas on some private properties within the City.

Fiscal Impact: Adoption of Resolution 10468 will allow the City to fund the cost of work, improvements and maintenance in the Street Maintenance District.

For Fiscal Year 2023, the street maintenance assessment will remain the same as Fiscal Year 2022. For an average-sized residential lot, the estimated assessment factor is \$0.014737 per square foot, or approximately \$110.53 (7,500 sq. ft. x 0.014737 factor = \$110.53.). The estimated total assessment for the District is \$4,583,265.

Alternatives: The City Commission could choose to deny Resolution 10468 to Levy and Assess the Street Maintenance District; however, there would be a significant reduction in services for street maintenance.

Concurrences: Public Works staff is responsible for the operational expenses of the Street Department. Finance staff is responsible for assessing and collecting revenues necessary to carry out the operations.

Attachments/Exhibits:

Resolution 10468

RESOLUTION NO. 10468

A RESOLUTION LEVYING AND ASSESSING THE COST OF STREET MAINTENANCE FOR STREETS AND ALLEYS IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2022 AND ENDING JUNE 30, 2023

WHEREAS, creation and alteration of Street Maintenance Districts is authorized pursuant to Mont. Code Ann. Title 7, Chapter 12, Part 44; and

WHEREAS, the Great Falls City Commission did provide for street maintenance pursuant to Ordinance 1687 adopted September 7, 1971; and

WHEREAS, the City Commission did amend and expand the scope of street maintenance services pursuant to Ordinance 2584 adopted February 5, 1991; and

WHEREAS, the City Commission finds and has determined that each and every lot or parcel within said district has been or will be specially benefited by said maintenance; and

WHEREAS, the City intends to continue maintaining streets and alleys within the corporate limits of the City of Great Falls; and

WHEREAS, on July 19, 2022, the City Commission adopted Resolution 10468, Annual Budget Resolution, in which the estimated assessment for such maintenance not offset by other revenues within the Street Maintenance District was reflected as FOUR MILLION FIVE HUNDRED EIGHTY-THREE THOUSAND TWO HUNDRED SIXTY FIVE DOLLARS (\$4,583,265); and

WHEREAS, in accordance with Mont. Code Ann. § 7-12-4426, notice was published setting forth that Resolution No. 10468 Levying and Assessing the Cost of Street Maintenance for Streets and Alleys in the City of Great Falls, Montana, would be brought before the Great Falls City Commission for public hearing on August 2, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

Section 1 – Maintenance Costs Assessed

The costs of maintenance, not offset by other revenues, in the Street Maintenance District, totaling FOUR MILLION FIVE HUNDRED EIGHTY-THREE THOUSAND TWO HUNDRED SIXTY FIVE DOLLARS (\$4,583,265) be levied and assessed upon the property in said district for the fiscal year ending June 30, 2023. The description of each lot or parcel of land within the Street Maintenance District and the respective assessments are set forth in the records of the Finance Department of the City of Great Falls, Montana, and by this reference incorporated herein as if fully set forth.

Section 2 – Maintenance Assessment Method

The percentage of the cost of maintenance for the assessable areas benefitted by the maintenance district as established in Mont. Code Ann. § 7-12-4425 shall be made as set forth in Mont. Code Ann. § 7-12-4422.

The Street Maintenance District shall be assessed according to factors based on the property classification and square footage with caps. Assessable areas within the Street Maintenance District shall be set with a square footage cap of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c)(13) as defined by the Internal Revenue Code, and a square footage cap of one million square feet for all other property. Downtown District shall be defined as being within an area bounded on the north by Third Alley North, on the south by Third Alley South, on the east by Tenth Street and on the west by Park Drive and any properties located within this area with a designated residential land use code shall be excluded from the District and assessed as residential. The Planning and Community Development Department shall annually identify all mixed-use property equal to or greater than 112,000 square feet which are 50% or less commercially developed. Those mixed-use properties shall be assessed 50% commercial and 50% capped residential.

No proration of the street maintenance assessment shall be made for any reason, including the fact that a particular property did not have paved streets for the entire taxable year.

Section 3 – Assessments Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2022 and May 31, 2023.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 2nd day of August, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Jeff Hindoien, City Attorney



Commission Meeting Date: August 2, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Public Hearing for Resolution No. 10471 “A Resolution Referring Ordinance No. 3246, an Ordinance Amending the Official Code of the City of Great Falls to Specifically Prohibit Any Marijuana Businesses from Operating in the City of Great Falls, to a Vote of the People at an Election to be Held on November 8, 2022”

From: City Attorney

Initiated By: City Commission

Presented By: City Attorney

Action Requested: Conduct a Public Hearing on Resolution No. 10471 (Referring City Code Amendment to Specifically Prohibit Marijuana Businesses to Vote of the People)

Public Hearing:

1. Mayor conducts public hearing pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt / deny) Resolution No. 10471.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Staff Recommendation: Staff recommends that the Commission adopt Resolution No. 10471.

Background: In response to the legalization of medical marijuana in Montana in the early 2000’s, the City Commission considered the issue of whether to allow such activities in the City or not back in 2010. After extensive public comment and consideration, the Commission ultimately took action in June of 2010 to enact Ordinance 3054 as a specific gesture to prohibit medical marijuana activities in the City by both (1) amending Official Code of the City of Great Falls (OCCGF) 17.4.070 and (2) enacting the following provision at OCCGF 17.20.3.070:

17.20.3.070 – Prohibited land uses. No use of land shall be permitted by right or conditionally permitted within the City of Great Falls that is in violation of federal, state or local law.

Both Ordinance 3054 and the City’s prohibition of medical marijuana activities have remained in effect and unchallenged for over a decade now.

In November of 2020, however, Montana voters approved Initiative 190 (I-190) to legalize a range of adult-use marijuana activities on a statewide basis. The language of I-190 as enacted by the voters contained a provision that would have expressly prevented the City of Great Falls (or any other self-governing municipality) from completely prohibiting commercial adult-use marijuana activities (*see I-190, Section 37*). However, the 2021 Legislature convened after the enactment of I-190 and took action to **repeal** that specific restriction as part of its passage of a revised statutory framework that now governs both medical and adult-use marijuana activities, i.e., HB 701 (*see HB 701, Section 106*).

As a self-governing municipality, the City is allowed to exercise any power not specifically prohibited and any limitation on its authority has to be express, not implied. The actions of the 2021 Legislature in very specifically removing the express limitation on charter municipality authority from the I-190-enacted law means that there can be no “implied” restriction on the City’s authority to prohibit adult-use marijuana activities.

In April of 2022, the City Commission conducted a public hearing to consider an appeal of City staff’s decision to not process or issue a Safety Inspection Certificate (SIC) to individuals seeking to operate an adult-use marijuana dispensary in the City. The staff’s decision to not process or issue the SIC was based on (1) the City’s long-standing ordinance relating to land use in violation of federal law; (2) the absence of any federal law changes regarding marijuana; and (3) the removal by the Legislature of the I-190 restriction on charter municipality authority to completely prohibit adult-use marijuana activities within the City.

After consideration of the presentation by the SIC appellant and public comment concerning the subject, the Commission took action to deny the SIC appeal but also directed staff to bring forward a proposed referendum package to refer an ordinance specifically prohibiting adult-use and medical marijuana-related activities to the voters of the City of Great Falls in November of 2022. Resolution 10471 contains that referendum package and is now being presented to the Commission for consideration and action.

Under Montana law (§ 7-5-132, MCA), the Commission may refer a proposed amendment to a City ordinance to a vote of the people. The proposed amendment in this case would amend the current OCCGF 17.4.070 and 17.20.3.070 provisions to include a specific reference to the adult-use and medical marijuana business categories now recognized by Montana law:

17.4.070 – Relationship of this Title to other regulations. In addition to meeting the regulations contained in this Title, development shall comply with all applicable regulations of Federal and State agencies. In all cases, the strictest of the applicable provisions shall apply. No use of land shall be permitted by right or conditionally permitted within the incorporated City limits that is in violation of federal, state or local law. **This prohibition includes, but is not limited to, any use of land for the marijuana business categories otherwise authorized by Mont. Code Ann. Title 16, Chapter 12, Parts 1 through 5 and Admin. R. Mont. § 42.39.401 et seq.**

17.20.3.070 – Prohibited land uses. No use of land shall be permitted by right or conditionally permitted within the City of Great Falls that is in violation of federal, state or local law. **This prohibition includes, but is not limited to, any use of land for the marijuana business categories otherwise authorized by Mont. Code Ann. Title 16, Chapter 12, Parts 1 through 5 and Admin. R. Mont. § § 42.39.401 et seq.**

If a majority of voters **approve** the proposed amendment to the OCCGF, the OCCGF will contain an elector-enacted prohibition specifically directed against any commercial marijuana business activities occurring within the City of Great Falls.

In the event that a majority of voters **do not approve** the proposed amendment, however, the City Commission has already begun the process of developing and considering an alternative regulatory framework under which those various commercial marijuana business categories would be allowed to operate within the City of Great Falls. That process is now underway and City staff anticipates the presentation of a draft regulatory framework to the Zoning Commission / Planning Advisory Board for review and consideration at its August 9, 2022 meeting.

The individuals who advanced the above-referenced SIC appeal back in April (Mr. and Ms. Yatsko) have very recently filed a lawsuit against the City, with that lawsuit seeking a declaration from the Court that:

- the cultivation and sale of adult-use marijuana is authorized by State law within the City of Great Falls;
- the City’s current Ordinance 3054 is preempted to the extent it conflicts with State law; and
- the City is required to process the Yatsko’s SIC appeal and (presumably) allow them to operate a commercial marijuana business in the City.

Although the Commission was already planning on the development and adoption of a “contingent” regulatory framework tied to the outcome of the proposed referendum process, this new litigation matter may impact the timeline and structure of the development and adoption process for that “contingent” framework.

Commission Action / Alternatives: The Commission could choose not to adopt Resolution 10471 and not refer the proposed ordinance amendment to the voters. That would leave the current OCCGF provisions intact and the City would be relying solely on the combination of those provisions and the City’s status as a charter municipality as the grounds for prohibiting any commercial marijuana activities within the City.

The City’s legal authority to prohibit commercial marijuana activities has now been directly challenged in litigation, so that question may ultimately be resolved in the judicial forum. Further, a decision to not consider and adopt Resolution 10471 would be inconsistent with the stated intentions of the Commission at its April 19, 2022 Special Meeting at which it considered the Yatsko’s SIC appeal.

Attachments/Exhibits:

Exhibit “A”: Resolution 10471 and Attachments

RESOLUTION NO. 10471**A RESOLUTION REFERRING ORDINANCE NO. 3246, AN ORDINANCE AMENDING THE OFFICIAL CODE OF THE CITY OF GREAT FALLS TO SPECIFICALLY PROHIBIT ANY MARIJUANA BUSINESSES FROM OPERATING IN THE CITY OF GREAT FALLS, TO A VOTE OF THE PEOPLE AT AN ELECTION TO BE HELD ON NOVEMBER 8, 2022**

WHEREAS, the City of Great Falls, Montana, established a charter form of government in 1986 with self-governing powers in accordance with Article XI, Section 5, of the Constitution of Montana; and

WHEREAS, the City of Great Falls is authorized by its Charter and Montana law to establish laws to protect the health, safety and welfare of the citizens of Great Falls; and

WHEREAS, the City Commission took action in June of 2010, in furtherance of those powers, to adopt Ordinance 3054 with the intention of prohibiting any medical marijuana activities in the City of Great Falls; and

WHEREAS, in November of 2020, a majority of the voters of the State of Montana, including a majority of the voters of Cascade County and the City of Great Falls, voted to approve Initiative Measure 190 (“I-190”), which legalized possession and use of limited amounts of marijuana for adults over the age of 21 and approved various categories of commercial marijuana business activities; and

WHEREAS, I-190, as passed by the voters, contained express limitations on the ability of a charter municipality like the City of Great Falls to completely prohibit certain adult-use marijuana providers and dispensaries from being located in the City; and

WHEREAS, the 2021 Montana Legislature took action to enact House Bill 701, which amended I-190 and created a different comprehensive structure to allow for and regulate commercial marijuana business activities in Montana; and

WHEREAS, one of the specific changes the Montana Legislature made to I-190 through HB 701 was to remove I-190’s express limitation on the ability of a charter municipality like the City of Great Falls to completely prohibit certain commercial marijuana business activities; and

WHEREAS, § 7-5-132, MCA allows the City Commission to refer a proposed ordinance specifically prohibiting all types of commercial marijuana business categories from operating within the City of Great Falls to a vote of the electors of the City; and

WHEREAS, the City Commission now wishes to submit the question of whether to specifically prohibit all types of commercial marijuana business categories from operating within the City of Great Falls to a vote of the electors of the City to be conducted on November 8, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

1. **REFERENCE:** The City Commission of the City of Great Falls has proposed an ordinance amending Sections 17.4.070 and 17.20.3.070 of the Official Code of the City of Great Falls to include a specific prohibition on all types of commercial marijuana business categories from operating within the City of Great Falls and hereby refers the proposed ordinance to a vote of the people at a municipal election to be held on November 8, 2022. A full copy of the proposed ordinance is attached hereto, marked as Attachment “1”, and by this reference made a part hereof.

2. **FORM OF BALLOT:** The form of the ballot shall be as provided by law and as follows:

Summary: Initiative Measure I-190 (I-190) was approved by the electors of the State of Montana (including the electors of Cascade County and the City of Great Falls) in the November 2020 General Election, legalizing possession and use of limited amounts of marijuana by adults over the age of 21 and legalizing certain commercial marijuana business categories. The Montana Legislature subsequently modified and repealed various portions of I-190 to create a different legal structure to allow for and regulate marijuana business activities relating to adult-use and medical marijuana. This ballot measure asks voters to approve or disapprove an amendment to the Official Code of the City of Great Falls that would specifically prohibit all of the forms of marijuana business categories otherwise authorized under Montana law from operating within the City of Great Falls. The use and possession of marijuana by adults over the age of 21 as now authorized by Montana law will not be impacted by this vote.

Proposal: The City Commission of the City of Great Falls has proposed an amendment to the Official Code of the City of Great Falls to specifically prohibit all types of marijuana business categories from operating within the City of Great Falls. These business categories include marijuana dispensaries (adult-use and medical), combined use, cultivation and manufacturing activities, testing laboratories and marijuana transportation facilities.

[] **FOR** amending the Official Code of the City of Great Falls to specifically prohibit all types of commercial marijuana business categories from operating within the City of Great Falls.

[] **AGAINST** amending the Official Code of the City of Great Falls to specifically prohibit all types of commercial marijuana business categories from operating within the City of Great Falls.

3. **CERTIFICATION:** The City Clerk shall certify this Resolution and attached proposed Ordinance amendment to the Cascade County Election Official as provided by law.
4. **EFFECTIVE DATE:** This Resolution shall be effective upon adoption.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 2nd day of August, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Jeff Hindoien, City Attorney

ATTACHMENT “1”

ORDINANCE 3246

AN ORDINANCE AMENDING TITLE 17, CHAPTER 4 AND CHAPTER 20, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO USE OF LAND WITHIN THE CITY OF GREAT FALLS FOR COMMERCIAL MARIJUANA BUSINESS ACTIVITIES

* * * * *

WHEREAS, the City of Great Falls is authorized by its Charter and Montana law to establish laws to protect the health, safety and welfare of the citizens of Great Falls; and

WHEREAS, the City Commission has, in the exercise of those powers, previously established Title 17 of the Official Code of the City of Great Falls (OCCGF), which establishes a comprehensive structure for development and land use within the City of Great Falls; and

WHEREAS, the City Commission took action in June of 2010 to adopt Ordinance 3054, as a component of the Title 17, Chapter 4 and Chapter 20, provisions regarding land use, to prohibit any medical marijuana activities in the City of Great Falls;

WHEREAS, in November of 2020, a majority of the voters of the State of Montana, including a majority of the voters of Cascade County and the City of Great Falls, voted to approve Initiative Measure 190 (“I-190”), which legalized both the adult use of marijuana under certain limitations and various categories of commercial marijuana business activities; and

WHEREAS, I-190, as passed by the voters, contained express limitations on the ability of a charter municipality like the City of Great Falls to completely prohibit certain adult-use marijuana providers and dispensaries from being located in the City; and

WHEREAS, the 2021 Montana Legislature took action to enact House Bill 701, which amended I-190 and created a different comprehensive structure to allow for and regulate commercial marijuana business activities in Montana; and

WHEREAS, one of the specific changes the Montana Legislature made to I-190 through HB 701 was to remove I-190’s express limitation on the ability of a charter municipality like the City of Great Falls to completely prohibit certain commercial marijuana business activities; and

WHEREAS, § 7-5-132, MCA allows the City Commission to refer a proposed ordinance specifically prohibiting all types of commercial marijuana business categories from operating within the City of Great Falls to a vote of the electors of the City; and

WHEREAS, the City Commission now wishes to submit the question of whether to amend OCCGF Title 17 to specifically prohibit all types of commercial marijuana business categories

from operating within the City of Great Falls to a vote of the electors of the City to be conducted on November 8, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, CONDITIONED UPON APPROVAL BY A VOTE OF THE ELECTORS OF THE CITY:

Section 1. The provisions of OCCGF Title 17, Chapter 4 and Chapter 20, are hereby proposed to be amended as depicted by Exhibit “A” attached hereto and by reference incorporated herein with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

Section 2. This proposed ordinance shall be in full force and effect immediately upon certification by the Cascade County Election Administrator of an election result showing that a majority of the electors of the City of Great Falls voting in the election to be conducted on November 8, 2022 have voted in favor of this proposed ordinance. In the event that the Cascade County Election Administrator certifies an election result showing that a majority of the electors of the City of Great Falls voting in that election have voted against this proposed ordinance, this ordinance shall be null, void and of no legal force or effect.

REFERRED TO THE VOTERS via Resolution 10471 by the City Commission of the City of Great Falls, Montana, this 2nd day of August, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Jeff Hindoien, City Attorney

Ordinance 3246 Exhibit "A"

Title 17 – LAND DEVELOPMENT CODE

Sections:**17.4.070 Relationship of this Title to other regulations.**

In addition to meeting the regulations contained in this Title, development shall comply with all applicable regulations of Federal and State agencies. In all cases, the strictest of the applicable provisions shall apply. No use of land shall be permitted by right or conditionally permitted within the incorporated City limits that is in violation of federal, state or local law. **This prohibition includes, but is not limited to, any use of land for the marijuana business categories otherwise authorized by Mont. Code Ann., Title 16, Chapter 12, Parts 1 through 5 and Admin. R. Mont. §§ 42.39.401 et seq.**

(Ord. No. 3246 (2022); Ord. 3194 (2019))

17.20.3.070 Prohibited land uses.

No use of land shall be permitted by right or conditionally permitted within the City of Great Falls that is in violation of federal, state or local law. **This prohibition includes, but is not limited to, any use of land for the marijuana business categories otherwise authorized by Mont. Code Ann., Title 16, Chapter 12, Parts 1 through 5 and Admin. R. Mont. §§ 42.39.401 et seq.**

(Ord. No 3246 (2022); Ord. No. 3054, § 1, 6-1-2010)



Commission Meeting Date: August 2, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Public Hearing for Resolution No. 10473, “A Resolution Referring Ordinance 3245, An Ordinance Providing that the Charter of the City of Great Falls be Amended to Allow for One or More Elected Municipal Court Judges” to a Vote of the People At An Election to Be Held on November 8, 2022

From: Legal Department

Initiated By: Legal Department

Presented By: Jeff Hindoien, City Attorney

Action Requested: Conduct Public Hearing on Resolution No. 10473 – Referring Ordinance 3245 (proposed Charter Amendment re Municipal Court Structure) to a Vote of the People

Public Hearing:

1. Mayor conducts public hearing pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
 2. Mayor closes public hearing and asks the will of the Commission.
-

Suggested Motion:

1. Commissioner moves:
 “I move that the City Commission (adopt / deny) Resolution No. 10473.”
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends that the Commission conduct a public hearing and adopt Resolution 10473.

Background: The Charter of the City of Great Falls establishes a judicial branch consisting of a Municipal Court in which all misdemeanor criminal, traffic and municipal code infractions are prosecuted. The Great Falls Municipal Court serves as a court of record under Montana law and has, even in its prior form as a City Court (which was not a court of record), consisted of a single elected judge.

The City Commission has previously recognized the need for additional judicial branch staffing and in the past approved budget authority for the sitting Municipal Court Judge to hire an assistant part-time Municipal Court Judge under provisions in Montana law that allowed for that gesture. The 2021

Legislature, however, took steps to repeal that “hiring” authority in SB 127 and enacted a new requirement that all Municipal Court Judges serve in positions that are subject to election.

Montana law provides that the City Commission “shall determine by ordinance the number of judges required to operate the municipal court.” § 3-6-201(1), MCA. The City’s current Charter language, however, provides that “[t]here shall be a municipal court and an elected municipal court judge as provided by Montana law”. (emph. supplied). Given the Commission’s prior recognition of the need for additional judicial resources (including but not limited to the recent Crime Task Force Recommendations) and the action it has already taken to include additional judicial branch staffing as part of the FY 2022-23 budget, and the legislative change effected through SB 127, it is necessary to amend the Charter to remove that “singular” limitation on the number of elected municipal court judges to allow for the creation of a new and additional elected judge position.

Under Montana law, an amendment to a self-government charter may only be made by submitting the question of the amendment to the electors of the local government. § 7-3-103, MCA. In this type of situation where the local government is itself proposing the charter amendment, the amendment must be proposed by ordinance. The Commission took action at its July 19, 2022 Regular Meeting to adopt Ordinance 3245 as the procedural vehicle for submitting the proposed Charter amendment to the electors of the City of Great Falls this upcoming November.

The Resolution now before the Commission is simply the mechanism through which (1) the actual ballot language is established and (2) the formal referral of Ordinance 3245 to the Cascade County Election Administrator will be accomplished.

Fiscal Impact: The fiscal impact of the proposed Resolution is no different than the fiscal impact of the action already taken by the Commission to adopt the underlying Ordinance placing the question before the electors for approval or rejection. If the electors approve the proposed Charter amendment in November, the City can move forward with operating a Municipal Court with two (2) elected Municipal Court judges. Consistent with its past recognition of the need for additional judicial resources and the Crime Task Force recommendations, the budget already approved by the Commission for FY 22-23 includes funding for the second elected judge position if the Charter amendment is approved by the electors.

Alternatives: If the Commission chooses to not approve the proposed Resolution, the proposed Charter amendment will not be referred to the electors in November and the current language of the Charter will remain intact.

Concurrences:

City Manager’s Office
Municipal Court

Attachments/Exhibits:

Resolution 10473

RESOLUTION NO. 10473

A RESOLUTION REFERRING ORDINANCE NO. 3245, AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF GREAT FALLS TO ALLOW FOR ONE OR MORE ELECTED MUNICIPAL COURT JUDGES AND SUBMITTING SUCH CHARTER AMENDMENT TO A VOTE OF THE ELECTORS OF THE CITY OF GREAT FALLS TO BE CONDUCTED AT AN ELECTION TO BE HELD ON NOVEMBER 8, 2022

WHEREAS, the electors of the City of Great Falls, Montana, established a charter form of government in 1986 with self-governing powers in accordance with Article XI, Section 5, of the Constitution of Montana, with that charter form of government including a judicial branch consisting of a City Court; and

WHEREAS, the electors of the City of Great Falls subsequently approved various amendments to the Charter in November of 2017, including an amendment to Article V to reflect that the City's judicial branch is now a Municipal Court of record; and

WHEREAS, Article V of the Charter of the City of Great Falls currently provides that "[t]here shall be a municipal court and an elected municipal court judge as provided by Montana law" and both the Municipal Court and its predecessor City Court have historically operated with a single elected judge; and

WHEREAS, the City Commission wishes to amend the Charter to remove the singular reference to "an elected municipal court judge" so as to allow the Municipal Court to operate with one or more elected judges; and

WHEREAS, § 7-3-103, MCA requires that any amendment to the Charter of the City of Great Falls be submitted and approved by the city electors during a regular election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

1. **REFERENCE:** Ordinance No. 3245, being an Ordinance Amending Article V of the Charter of the City of Great Falls to Allow for One or More Elected Municipal Court Judges, is hereby referred to a vote of the people at the general election to be held November 8, 2022. A full copy of Ordinance 3245 is attached hereto, marked Attachment "1," and by this reference is made a part hereof.
2. **FORM OF BALLOT:** The form of the ballot shall be as provided by law and similar to the following:

PROPOSAL: The City Commission of the City of Great Falls has proposed an amendment to the Charter of the City of Great Falls to allow the Great Falls Municipal Court to consist of more than one elected Municipal Court Judge by amending the current Charter language

as follows: “There shall be a municipal court ~~and an elected municipal judge~~ as provided by Montana law.”

- [] **FOR** amending the Charter of the City of Great Falls to allow for an additional elected Municipal Court Judge as provided for in Ordinance No. 3245.
 - [] **AGAINST** amending the Charter of the City of Great Falls to allow for an additional elected Municipal Court Judge, as provided for in Ordinance No. 3245.
3. CERTIFICATION: The City Clerk shall certify this Resolution and Ordinance No. 3245 to the Cascade County Election Official as provided by law.
 4. EFFECTIVE DATE: This Resolution shall be effective upon adoption.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 2nd day of August, 2022.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Jeffrey M. Hindoen, City Attorney

ATTACHMENT “1”

ORDINANCE NO. 3245

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS PROVIDING THAT THE CHARTER OF THE CITY OF GREAT FALLS BE AMENDED TO ALLOW FOR ONE OR MORE ELECTED MUNICIPAL COURT JUDGES AND SUBMITTING SUCH CHARTER AMENDMENT TO THE ELECTORS OF THE CITY OF GREAT FALLS

WHEREAS, the electors of the City of Great Falls, Montana, established a charter form of government in 1986 with self-governing powers in accordance with Article XI, Section 5, of the Constitution of Montana; and

WHEREAS, Article V of that Charter included a designated judicial branch consisting of a City Court and an elected City Court Judge; and

WHEREAS, the electors of the City of Great Falls subsequently approved various amendments to the Charter in November of 2017, including an amendment to Article V to reflect that the City's judicial branch is now a Municipal Court of record; and

WHEREAS, Article V of the Charter of the City of Great Falls now provides that "[t]here shall be a municipal court and an elected municipal court judge as provided by Montana law" and both the Municipal Court and its predecessor City Court have historically operated with a single elected judge; and

WHEREAS, prior to the 2021 Legislative Session, the Municipal Court Judge had authority under Montana law to hire an Assistant Part-Time Municipal Court Judge if additional judicial resources became necessary, with that position not being subject to election; and

WHEREAS, the 2021 Legislature removed that legal authority for the Municipal Court Judge to expand judicial resources through the hiring of an Assistant and enacted a new requirement that all Municipal Court Judges be elected;

WHEREAS, the City Commission now wishes to amend the charter to both (1) recognize the new Montana law that requires that all Municipal Court Judges serve in elected positions and (2) remove the limitation that the City's Municipal Court consist of only one elected judge; and

WHEREAS, Mont. Code Ann. § 7-3-103 requires that any amendment to the Charter of the City of Great Falls be submitted and approved by the city electors during a regular election.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1: That Article V of the Charter of the City of Great Falls be amended as depicted in Exhibit "A" attached hereto, removing the language indicated by ~~strikeout~~, and that such amendment be subject to a separate vote by the electors of the City of Great Falls;

Section 2: REFERRAL TO ELECTORS. This Ordinance shall be referred to the electors of the City of Great Falls at the General Election to be conducted in November of 2022.

Section 4: EFFECTIVE DATE. This Ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law, but the amendment to the Charter of the City of Great Falls reflected in said Ordinance shall be effective only if certified as approved by the electors as provided by law and then, if so approved, shall become effective on January 1, 2023.

APPROVED by the City Commission on first reading July 5, 2022.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading July 19, 2022.


Bob Kelly, Mayor

ATTEST:


Lisa Kunz, City Clerk



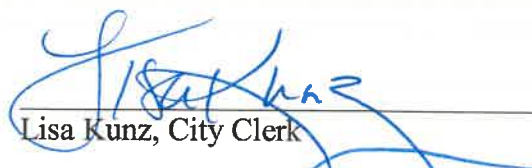
APPROVED FOR LEGAL CONTENT:


Jeffrey M. Hindoien, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3245 on the Great Falls Civic Center posting board and the Great Falls City website.




Lisa Kunz, City Clerk

Ordinance Exhibit "A"

Charter of the City of Great Falls
Article V Municipal Court

ARTICLE V – MUNICIPAL COURT

There shall be a municipal court and an elected municipal court judge as provided by Montana law.



Commission Meeting Date: August 2, 2022

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Construction Contract Award: Missouri River North Bank Stabilization Phase 1, O.F. 1693.0

From: Engineering Division

Initiated By: Public Works Department

Presented By: Public Works Department

Action Requested: Consider Bids and Approve Contract

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (award/not award) a contract in the amount of \$581,700.00 to Winkler Excavating, for the Missouri River North Bank Stabilization Phase 1, and authorize the City Manager to execute the necessary documents and to make the payments.”

2. Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.

Staff Recommendation: Approve construction contract award.

Summary:

The cooperative partnership of the City of Great Falls, Cascade County, Cascade County Conservation District (CCD), Recreational Trails Inc., and Northwestern Energy have identified a 1,440-foot stretch of bank line along the North side of the Missouri River where significant erosion is occurring. The project area is located on the north shore of the Missouri River (Black Eagle Reservoir) immediately west of the 9th Street Bridge. The project area is located adjacent to the City of Great Falls Wastewater Treatment Plant and Montana Refining Company site. The streambank is adjacent to a pedestrian path that runs parallel with the river.

Large portions of the bank line have sloughed off into the river creating an unstable condition and a safety hazard. The bank is so severely eroded that it has transformed into a vertical face that is very unstable. The height of the bank within the proposed reach is anywhere from 7 to 20 feet in vertical height. The erosion is currently threatening the Rivers Edge Trail and a 36-inch buried sewer line which are located approximately 30-60 feet from the edge of the bank. Providing bank stabilization measures along this stretch of reservoir will provide protection for the pedestrian path and sewer line; eliminate erosion and safety hazards; and reduce sediment deposition into the river.

Background:

In 2002, the CCD contracted Land and Water Consulting to prepare the Missouri River Urban Corridor Inventory & Assessment. The purposes of the study were to document existing conditions and provide potential restoration and enhancement opportunities for the urban shoreline along the Missouri River as it flows through Great Falls. The study identified the reach along the north bank which runs from the 9th Street Bridge upstream approximately 1,440 feet as the highest priority for bank stabilization. As a result the Cascade Conservation District sponsored the development of the Preliminary Engineering Report for Cascade Conservation District Urban Corridor/Black Eagle Reservoir Watershed Project, published November 2015. The report identified 3 separate areas within proposed project area (see Exhibit 1). Due to the overall estimated cost of approximately \$792,700 for all three reaches, it was decided to split the project into multiple phases. This will allow the project stakeholders to request grant funding to assist with the over cost of the project.

Workload Impacts:

Design phase engineering plans and specifications were completed by WWC Engineering with assistance from City Engineering staff and the City Utilities Division. WWC Engineering staff will provide construction phase engineering services and project inspection. City Engineering staff will provide project management.

Purpose:

The purpose of the project is to implement recommendations from the Preliminary Engineering Report for Cascade Conservation District Urban Corridor/Black Eagle Reservoir Watershed Project, published November 2015. This phase of the project will repair and reduce erosion along an 813-foot stretch of the north bank line of the Missouri River. The project will help preserve the pedestrian trail, the City sewer main, and conservation of soil.

Project Work Scope:

This phase of the project will install bank stabilization measures along 813 lineal feet of the north riverbank of the Missouri River that will provide protection for the pedestrian path and sewer line; reduce/eliminate erosion and safety hazards; and reduce sediment deposition into the river. The stabilization will utilize a combination of riprap, gabion baskets, vegetative armoring, and blank slope reduction to prevent further erosion. This phase of the project has been split into two reaches with a different bank stabilization typical section for each depending on the current streambank offsets from the adjacent pedestrian trail (identified as Reach 2 and Reach 3)

Reach 2 will consist of Class II riprap at a 2H:1V slope to an elevation 2 feet above the ordinary high-water mark. The voids in the riprap will be filled with native soil and vegetated with willow cuttings. The vegetative growth will provide long-term stabilization of the slope. A non-woven geotextile fabric will be used under the riprap to ensure treatments do not migrate into the existing soil. This area will be covered with a permanent erosion control mat and seeded with native grasses to promote vegetative growth for long-term stabilization of the slope.

Reach 3 will consist a series of stacked gabion baskets. The steeper treatment in the Reach 3 area is necessary due to the close proximity of the eroded streambank to the adjacent pedestrian trail and buried sanitary sewer main in this location. A non-woven geotextile fabric will be used under the gabion baskets to ensure treatments do not migrate into the existing soil. This area will be covered with a permanent erosion control mat and seeded with native grasses to promote vegetative growth for long-term stabilization of the slope. See Sheet 5 Typical Sections.

These alternatives were selected as each provided the most benefit for the project's stakeholders by providing the greatest renewable resource benefits, best long-term streambank protection while maintaining and preserving aquatic habitat, and favorable cost/benefit results.

Evaluation and Selection Process:

The specifications were advertised **two** times in the Great Falls Tribune. Three bids were received on July 20, 2022 ranging from \$581,700.00 to \$859,171.01. Winkler Excavating submitted the low bid.

Conclusion:

The project will result in repairing the river bank upstream of the 9th Street Bridge on the north bank of Missouri River. Providing bank stabilization measures along this stretch of river will provide protection for the pedestrian path and sewer line; reduce/eliminate erosion and safety hazards; and reduce sediment deposition into the river. In addition the installation of willows will create additional areas for aquatic life, fish, birds, and other forms of wildlife. The project has been selected and prioritized, and executed in accordance with the Public Works Capital Improvement Program and budgeted in the sanitary sewer utility enterprise fund. City staff recommends awarding the contract to Winkler Excavating., in the amount of \$581,700.00.

Fiscal Impact:

The attached bid tabulation summarizes bids that were received. The established budget for the stream bank mitigation project is \$530,333.00. The City was awarded a FEMA Hazard Mitigation Grant in the amount of \$397,749.75, the required local match amount is split between a grant from the NorthWestern Energy and the Missouri/Madison River fund in the amount of \$73,383.95. The remaining match funds of \$59,199.30 is programmed in Public Works Capital Improvements Plan utilizing Sanitary Sewer Enterprise Funds.

The project budget allocated \$130,600 for engineering fees and construction inspection. The remaining \$399,733.00 is allocated for construction. The low bid of \$581,700.00 leaves a \$181,967.00 difference in the project construction budget which will be split between the Sanitary Sewer Enterprise Fund and Park and Recreation.

Alternatives:

The City Commission could vote to deny award of the construction contract and re-bid or cancel the project. This action would result in delaying the project leading to continued erosion along the river bank increasing the risk to the safety of the public using the River's Edge Trail or failure of the sanitary sewer line in the vicinity. Delaying the project could lead to missing the 12/17/2023-deadline to submit for funding reimbursement. This would burden the City with expenses intend to be covered by grant funding.

Concurrences:

City Parks and Recreation Division, Cascade County, Recreational Trails Inc., Northwestern Energy, and the Missouri/Madison River Group recommend award of the contract.

Attachments/Exhibits:

Bid tabulation is attached.

Exhibit 1 - Vicinity Map

Sheet 5 – Typical Sections

CITY OF GREAT FALLS ENGINEERING
P.O. BOX 5021
GREAT FALLS, MT 59403

BID TABULATION SUMMARY

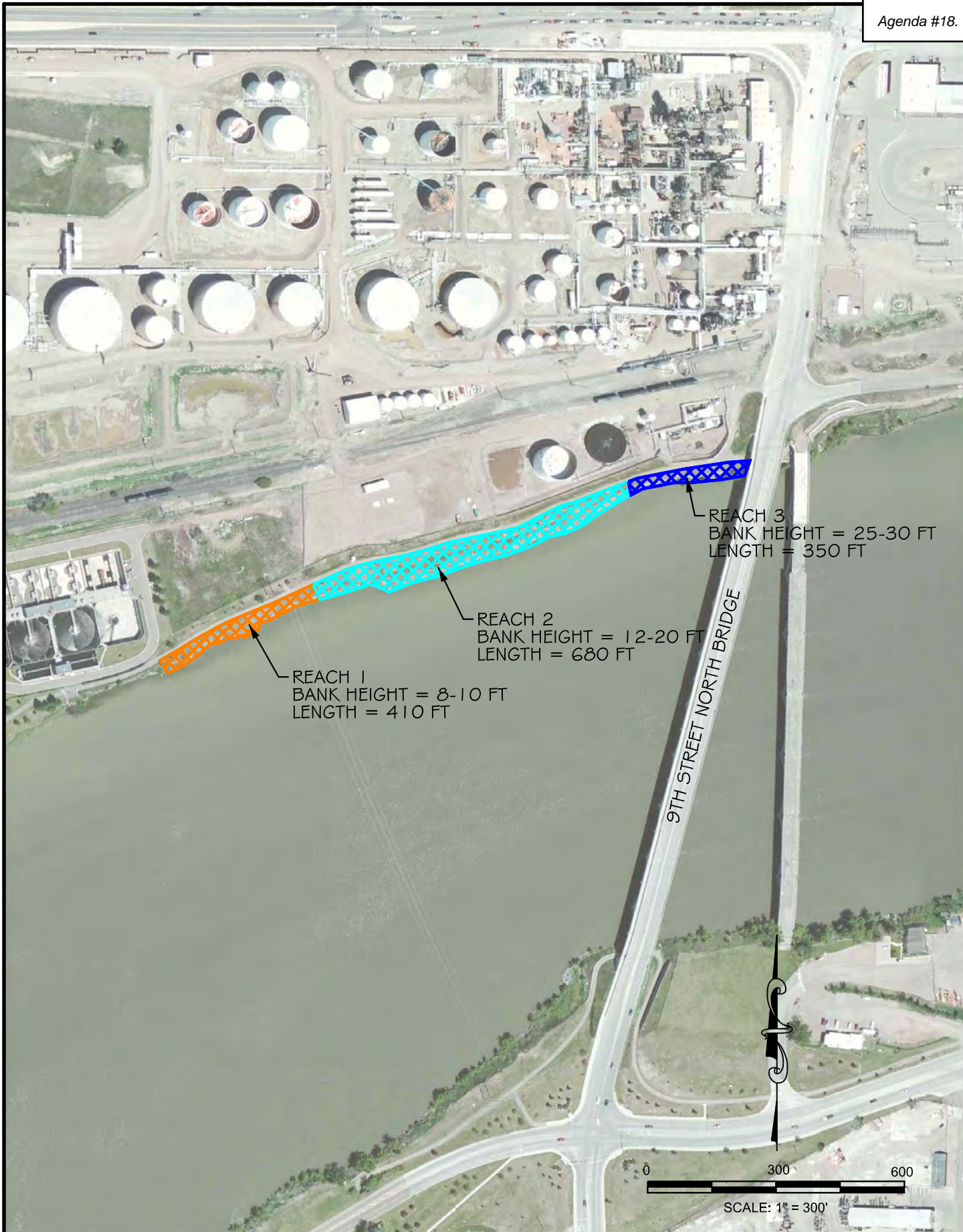
OF 1693.0 MISSOURI RIVER NORTH BANK STABILIZATION PHASE I

BIDS TAKEN AT CIVIC CENTER

DATE: 20-JUL-22

TABULATED BY: ROSA HUGG

	NAME & ADDRESS OF BIDDER	ACKNOWLEDGE ADD. #1	ACKNOWLEDGE ADD. #2	10% BID SECURITY	CERTIFICATE OF NON-SEGREGATED FACILITIES	CERTIFICATE OF COMPLIANCE WITH INSURANCE REQ.	TOTAL BID
1	WINKLER EXCAVATION	X	X	X	NOT SIGNED	NOT SIGNED	\$581,700.00
2	OLYMPUS TECH	X	X	X	X	X	\$772,798.00
3	SHUMAKER TRUCKING P.O. BOX 1279 GREAT FALLS, MT 59403	X	X	X	X	X	\$859,171.00
4							
5							
6							
7							
8							
9							
10	Engineer's Estimate						\$492,030.00



URBAN CORRIDOR/BLACK EAGLE RESERVOIR PROJECT

Project Site Map

DSGN	DATE	CKD
RDN	8/15	STH
REV	DATE	CKD

JOB #

CASCADE CONSERVATION
DISTRICT

12 3rd St. NW, Ste. 300
Great Falls, MT 59404
(406) 727-3603

PEN TABLE PATH: K:\Helena\CASCADE CD\15-09\EXHIBITS\CCD Color.dwg
8/28/2015 FILE PATH: K:\Helena\CASCADE CD\15-09\DON\Urban Corridor-Black Eagle Reservoir Exhibits.dwg

WWC ENGINEERING

1275 MAPLE STREET, SUITE F
HELENA, MT 59601
(406) 443-3962

EXHIBIT

1

89

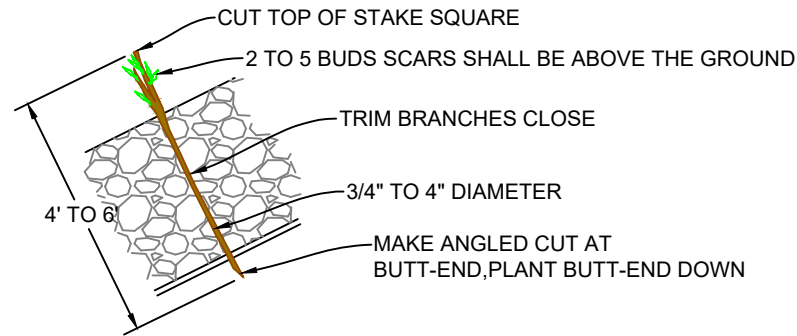
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PREPARED BY
WWC ENGINEERING
1275 MAPLE STREET, SUITE F
HELENA, MT 59601
(406) 443-3962
www.wwcengineering.com

CITY OF GREAT FALLS
MISSOURI RIVER NORTH BANK STABILIZATION PHASE 1
TYPICAL SECTIONS
CASCADE COUNTY, MONTANA

DESIGNED BY: MRS
DRAWN BY: CDC
CHECKED BY: DDP
DATE: 5/25/2022

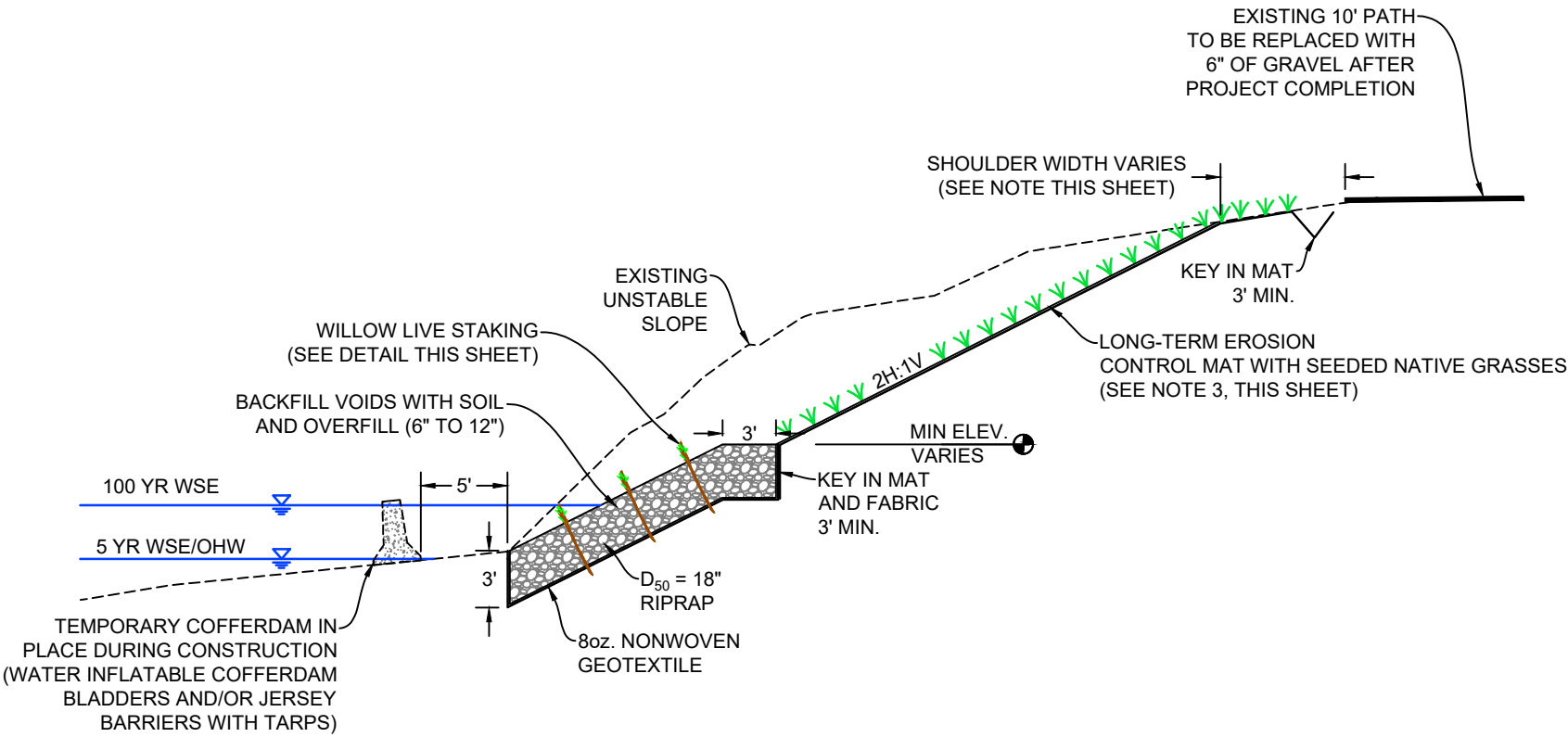
NO.	REVISION	BY	DATE
1	ADDENDUM #2 IN RED.	MRS	7/14/22



LIVE STAKE DETAIL

LIVE STAKE NOTES:

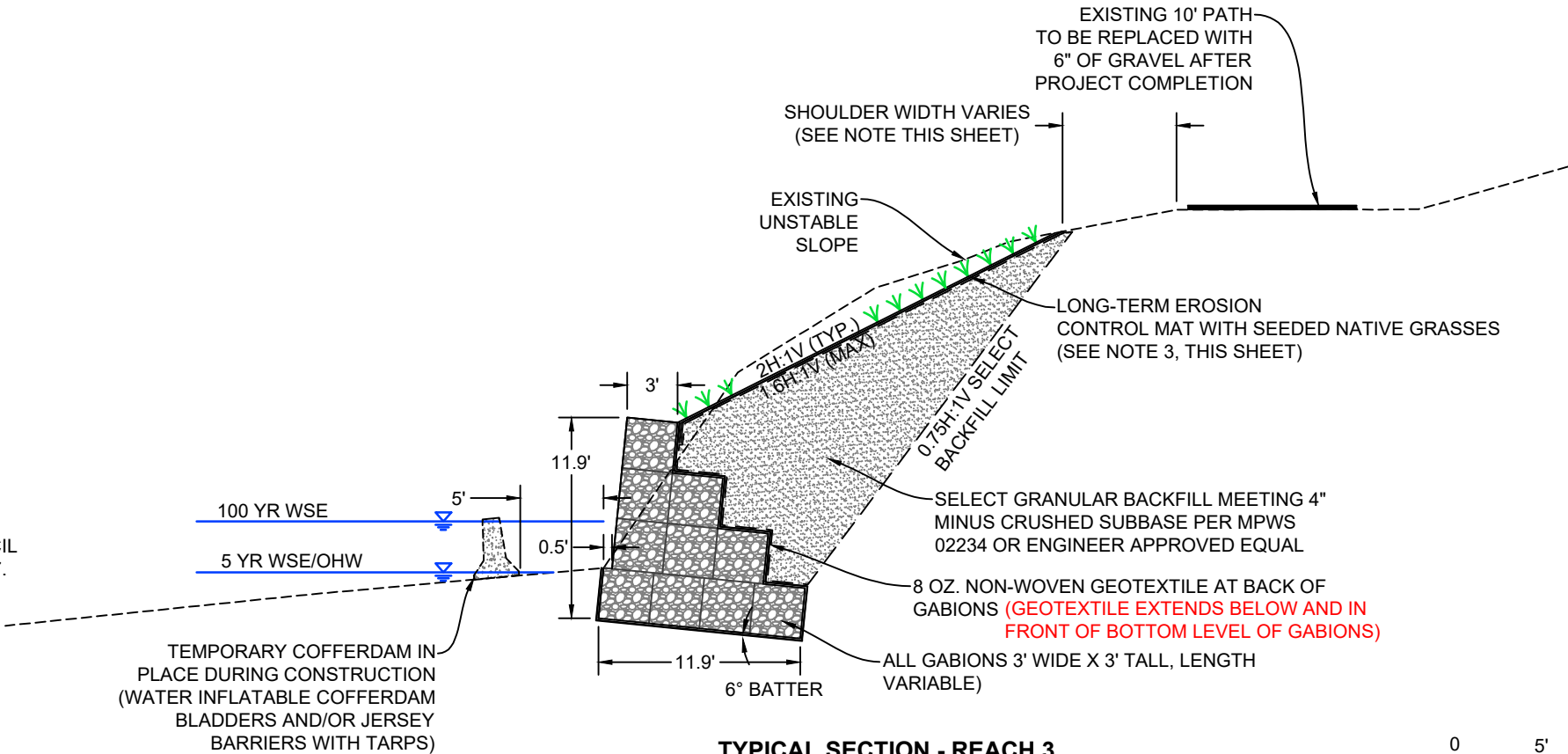
1. LIVE STAKE SPECIES SHALL BE SUBMITTED TO ENGINEER FOR APPROVAL PRIOR TO PROCUREMENT.
2. HARVEST AND PLANT STAKES DURING THE DORMANT SEASON.
3. USE HEALTHY, STRAIGHT AND LIVE WOOD AT LEAST 1 YEAR OLD.
4. MAKE CLEAN CUTS AND DO NOT DAMAGE STAKES OR SPLIT ENDS DURING INSTALLATION, USE A PILOT BAR IN FIRM SOILS.
5. PLANT STAKES AT 90° ANGLE TO THE SURFACE WITH $\frac{1}{4}$ OF THE STAKE STICKING OUT OF THE GROUND.
6. PLANT STAKES WITH 3 FEET SPACING BETWEEN INDIVIDUAL STAKES.
7. SOAK CUTTINGS FOR 24 HOURS (MIN.) PRIOR TO INSTALLATION.
8. TAMP THE SOIL AROUND THE STAKE.



TYPICAL SECTION - REACH 2

TYPICAL SECTION NOTES:

1. CONTRACTOR SHALL MAINTAIN A 2-FOOT MINIMUM SHOULDER WIDTH ADJACENT TO THE GRAVEL PATH AT 10% MAXIMUM SLOPE THROUGHOUT LENGTH OF PROJECT.
2. GABION BASKETS SHALL BE CONSTRUCTED AND INSTALLED PER MANUFACTURER'S RECOMMENDATIONS.
3. LONG-TERM EROSION CONTROL MAT SHALL MEET TYPE 4 SPECIFICATION REQUIREMENTS ESTABLISHED BY THE EROSION CONTROL TECHNOLOGY COUNCIL (ECTC) AND FEDERAL HIGHWAY ADMINISTRATION'S (FHWA) FP-03 SECTION 713.17.
4. Gabion baskets shall be made from galvanized steel with an additional protective polymeric coating



TYPICAL SECTION - REACH 3

0 5' 10'
SCALE: 1" = 10'

FINAL