



City Commission Agenda
Civic Center, 2 Park Drive South, Great Falls, MT
Commission Chambers Room 206
April 3, 2018

CALL TO ORDER 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS

AGENDA APPROVAL

CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS

PROCLAMATIONS

Esophageal Cancer Awareness Month, National Service Recognition Day, Child Abuse Prevention Month, Week of the Young Child, Martin Luther King, Jr. and Public Safety Telecommunicators Week.

PETITIONS AND COMMUNICATIONS

(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 address for the record.)

1. Miscellaneous reports and announcements.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

BOARDS AND COMMISSIONS

3. Miscellaneous reports and announcements from Boards and Commissions.

CITY MANAGER

4. Miscellaneous reports and announcements from the 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.

5. Minutes, March 20, 2018, Commission Meeting
6. Total Expenditures of \$1,956,273 for the period of March 1, 2018 through March 21, 2018, to include claims over \$5,000, in the amount of \$1,704,280.
7. Contracts List
8. Approve cancellation of outstanding and unpaid checks over one (1) year old issued by City of Great Falls Municipal Court.

9. Approve the Professional Services Agreement in the amount of \$140,795.00 to Water & Environmental Technologies (WET) for the Vinyard Road Storm Water Management Area Master Plan, and authorize the City Manager to execute the Agreement.
10. Award a contract in the amount of \$131,350.00 to United Materials of Great Falls, Inc. for the Police Department Water Main Replacement/Re-route Project and authorize the City Manager to execute the construction contract documents.
11. Set Public Hearing for the CDBG and HOME Grant 2018/2019 Annual Action Plan for April 17, 2018.

Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

12. 2017/2018 Amended Annual Action Plan and acceptance of the proposed use of CDBG funds (Unallocated & Revolving Loan Funds).

Action: adopt or not adopt the 2017/2018 Amended Annual Action Plan; authorize or not authorize the submittal to the U.S. Department of Housing and Urban Development (HUD); and accept or deny the proposed use of funds. (Presented by Craig Raymond)

ORDINANCES/RESOLUTIONS

CITY COMMISSION

13. Miscellaneous reports and announcements from the City Commission.
14. Commission Initiatives.

ADJOURNMENT

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



Item: Minutes, March 20, 2018

From: City Clerk's Office

Presented By: City Commission

ATTACHMENTS:

- ▣ March 20, 2018 - - Draft City Commission Meeting Minutes

JOURNAL OF COMMISSION PROCEEDINGS

March 20, 2018

Regular City Commission Meeting
Commission Chambers Room 206

CALL TO ORDER 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

City Commission members present: Bob Kelly, Bill Bronson, Tracy Houck, Mary Sheehy Moe, and Owen Robinson. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Finance Director Melissa Kinzler; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

AGENDA APPROVAL

City Manager Greg Doyon noted that the Lincoln Elementary student leaders cancelled, and that the minutes were updated after original posting to correct the spelling of Chief Bowen's last name on page 8 of the Commission packet. No changes were proposed by the City Commission. The agenda was approved.

CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS

Commissioners Moe and Houck, and Mayor Kelly reported that they were each contacted by the same individual regarding the Buffalo Crossing Subdivision project. This person was informed that the members of the Commission couldn't talk with her about this project, and suggested to her that she attend the City Commission meeting to express her opinion.

PRESENTATION

Lincoln Student Leaders.

Cancelled.

PETITIONS AND COMMUNICATIONS

1. Miscellaneous reports and announcements.

Brett Doney, Great Falls Development Authority, 300 Central Avenue, announced three upcoming events recognizing entrepreneurs in the community.

John Hubbard, 615 7th Avenue South, discussed his electric bill and other matters not within the Commission's jurisdiction. Mayor Kelly reminded Mr. Hubbard this was a comment period to discuss matters within the jurisdiction of the City Commission.

NEIGHBORHOOD COUNCILS

2. **Miscellaneous reports and announcements from Neighborhood Councils.**

None.

BOARDS AND COMMISSIONS

3. **Miscellaneous reports and announcements from Boards and Commissions.**

Lonnie Hill, 610 4th Avenue SW, summarized facts and statistics regarding the proposed Park District Number 1 for the purpose of creating a city-wide park maintenance district to supplement current funding to address \$12.6 million in deferred maintenance projects, and he encouraged everyone to vote on the proposed Park District at the May 8th election.

CITY MANAGER

4. **Miscellaneous reports and announcements from the City Manager.**

City Manager Greg Doyon reported that the budget calendar will be out soon to the Commission. He reported on his recent trip to the Association of Governmental Risk Pools (AGRiP) conference in San Diego. He is also a member of the Montana Municipal Interlocal Authority (MMIA) board. He attended this conference because MMIA is considering a Captive, which is a way to do secondary insurance using your own funds.

Manager Doyon announced that he will be attending MMIA Board meetings on Thursday regarding employee benefits and Friday to set rates on property, liability, workers comp and health insurance.

He reported that, as a member of Montana League of Cities and Towns (MLCT), he has been appointed to a senior advisory committee that is a component of the State Emergency Response Commission.

Commissioner Bronson and Manager Doyon reviewed and were able to comment on the Tax Increment Financing (TIF) audit at a recent meeting in Helena. TIFs will continue to be talked about during the next legislative session.

Manager Doyon congratulated Park and Recreation Maintenance Mechanic Ted Fallat for his accomplishment of becoming a certified playground safety inspector.

Four firefighters are attending technical school to attain their certifications.

Manager Doyon further reported that Budget Analyst Kirsten Myre will take his place as the City's designee on the Downtown Development Partnership (DDP).

CONSENT AGENDA

5. Minutes, March 6, 2018, Commission Meeting.

6. Contracts List.
7. Total Expenditures of \$3,150,353 for the period of February 16, 2018 through March 7, 2018, to include claims over \$5,000, in the amount of \$2,897,300.
8. Resolution 10231, repealing Resolution 10069 regarding property addressed as 1905 4th St NE currently owned by MRO, Inc.
9. Award a contract in the amount of \$3,283,284.00 to Central Excavation for the 18th Street Storm Drain Improvements Phase 2B – 4th Avenue South to 8th Avenue South & 11th Avenue South to 15th Alley South project, contingent upon Montana Department of Environmental Quality concurrence, and authorize the City Manager to execute the necessary documents. **OF 1462.5**

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission approve the Consent Agenda as presented.

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

Motion carried 5-0

PUBLIC HEARINGS

10. **Preliminary Plat for the Buffalo Crossing Subdivision located in Government Lots 2 and 3, Section 11, Township 20 North, Range 3 East, P.M., City of Great Falls, Cascade County, MT.**

Planning and Community Development Director Craig Raymond reported that the subject property is a long, linear strip of land at the southeast corner of Central Avenue West and Bay Drive, located along the western edge of the Missouri River. The property is ±2.22 acres and zoned M-2, Mixed-use transitional. There are two structures on the property. One structure is a brick building at the corner of Bay Drive and Central Avenue West, which is proposed for renovation and reuse, and the second structure is a metal clad storage building that will be either demolished or relocated as part of future development.

The applicant is proposing to subdivide the property into six lots and create a project known as Buffalo Crossing. The northernmost lot would be created to redevelop the existing building, while five new lots are proposed for future development consistent with the M-2 zoning district. The lots in the preliminary plat would range in size from 10,245 square feet to 25,510 square feet.

The proposed lots meet all the requirements specified in the City's M-2 zoning district.

Additionally, because the property is located within the heart of the City, public infrastructure and services can be readily provided. He explained that roadway infrastructure already exists adjacent to the property with Bay Drive running in a north/south direction alongside the parcel to be subdivided. First Avenue SW and 2nd Avenue SW run perpendicular to the site and both terminate at Bay Drive. Bay Drive will be utilized for vehicular access for each lot at the time of development. Currently, no sidewalk exists; however, the owner does acknowledge that public sidewalks will be installed as each lot develops. The applicant will also be required to install boulevard trees and curbing along the east edge of Bay Drive. In addition to the sidewalk, shared use paths will be provided to connect Bay Drive sidewalk to the River's Edge Trail.

All utilities, including water, sewer, power, gas, and telephone, exist in the Bay Drive right-of-way. No extension of water or sewer mains is needed for the subdivision. Water services will be connected to the main at the time of development. It is anticipated that there is adequate sewer capacity for the typical amount of wastewater discharge associated with the proposed subdivision. Sewer services will need to be connected to the existing gravity main. With regard to storm water, the existing lot drains away from the river and towards Bay Drive. The City already has capacity to adequately handle storm water from the development as it is currently proposed. Additionally, site design methods will be employed that include low impact development concepts.

Unique features of the subject property are its relationship and proximity to the Missouri River and that a segment of the River's Edge Trail system runs along the back of the property, separated from the remaining property by a retaining wall. Director Raymond noted that a project such as this one was contemplated in the Missouri River Urban Corridor Plan; although, the vision which was depicted in the plan in 2004 for this specific property was a much more aggressive concept. The Plan's scope in purpose was in part to "recognize that some development patterns along the river corridor represented an opportunity for more desirable, sustainable development that would capitalize on the river as an amenity and a resource." Furthermore, this proposed subdivision conforms to the Plan in that:

- 1) The proposed subdivision and subsequent development will not have an adverse effect on the stream flows or hydrology of the river, nor have a substantial effect on the flood plain of the Missouri River;
- 2) Land and water based recreational values and opportunities associated with the river will be created, preserved, and enhanced, including public access to the river;
- 3) The subdivision will promote beneficial, sustainable economic development that utilizes the river as an amenity and will not have a negative effect on the ecological integrity and asset value; and
- 4) No major through transportation facilities are needed to serve this development nor are substantial transportation improvements proposed other than pedestrian facilities along Bay Drive and the aforementioned public connections to the River Edge Trail;

At the conclusion of a public hearing held on February 27, 2018, the Planning Advisory Board recommended that the City Commission approve the preliminary plat of Buffalo Crossing Addition, subject to the fulfillment of the following Conditions of Approval:

1. General Code Compliance. The proposed project shall be developed consistent with the conditions in this agenda report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. Amended Plat. Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by staff.

3. Utilities. The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.
4. Land Use & Zoning. Development of the property shall be consistent with allowed uses and specific development standards of the M-2 Mixed-Use Transitional district designation.
5. Stormwater Plan. A stormwater drainage plan meeting all City requirements shall be submitted in association with future development of the subdivision.
6. Trail Access. At the time of final platting, trail access easements running from Bay Drive to the existing trail in the subdivision shall be dedicated. The location and width of the easements shall be determined in consultation with the City's Park and Recreation Department.

Mayor Kelly declared the public hearing open.

Speaking in support of the Preliminary Plat for the Buffalo Crossing Subdivision were:

Lyle Meeks, NCI Engineering, 4509 N. Star Blvd., representing property owners Ken and Paula Holman, added that the property is fairly unusable in its current state because it is only about 90 feet wide and a quarter mile long. The owner is doing what he can to make the parcel ready for more appropriate development, including donating valuable acreage adjacent to the river for the River's Edge Trail, and will work with staff to ensure better public access to the River's Edge Trail at two or three locations within the subdivision.

Ron Staley, NC 2 Chairman, residing at 801 3rd Ave SW, noted that Mr. Meeks did an excellent job explaining to the council what will be taking place at the project site. At the conclusion of the presentation, three council members present at the meeting voted on the project - two were in favor, and one member abstained until she could get additional information. Mr. Staley inquired how the name "Buffalo Crossing" came about.

Mr. Meeks responded that this particular area of the Missouri River was well known throughout history as the primary crossing for the buffalo because the water was very shallow with bedrock.

Shyla Patera, 1013 7th Ave NW, commented that she was the NC 2 member that abstained. She is in favor of ADA infrastructure, but has questions about the development. As development progresses, she requested that the council be kept informed and updated.

Brett Doney, Great Falls Development Authority (GFDA), 300 Central Avenue, commented that in 2002 GFDA received an EDA Master Plan grant to start looking at the west bank of the river, and subsequent Brownfield Assessment grant. He provided a handout consisting of a few pages of the Missouri River Urban Corridor Plan, noting that this project ties in with the Plan. By doing the subdivision, GFDA hopes it will attract attention from businesses and developers to start looking at the area.

Speaking in opposition to the Preliminary Plat for the Buffalo Crossing Subdivision were:

Stuart Lewin, 615 3rd Ave N, commented he was a member of the committee that put together the Missouri River Urban Corridor Plan. His observation is that the Plan is not being adequately considered. He suggested that a committee review the entire area of the Missouri River corridor and make recommendations on what is in the best interest of the community. With regard to development, he opined the best use for the area is park land or open space.

Susan Colvin, 287 McIver Rd, reviewed portions of a handout consisting of a few pages of the Missouri River Urban Corridor Plan. She expressed trepidation about the project being six lots, and would rather it be subdivided into two lots. She further expressed concern about building on the smaller lots, parking, and the flood plain. Ms. Colvin thanked Mayor Kelly for informing her about ex parte communication.

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

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission approve the Preliminary Plat of the Buffalo Crossing subdivision and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.

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

Commissioner Bronson commented that the requested action tonight is to approve a subdivision plat. The Commission is not making any decisions tonight on what development might actually occur there. There will be other opportunities for the public and for advisory boards to comment on what might be most appropriate at that time.

He noted that he chaired the City/County Planning Board in 2004 when the Missouri River Urban Corridor Plan was considered. Page 26 of the Plan sets forth: "It is intended to be visionary yet non-prescriptive because development opportunities cannot be foretold and community values and needs change over time."

Commissioner Bronson concluded that, in terms of future development, anything that would be proposed there is fully consistent with the vision in the Plan; and specific development that is done will need to be in accordance with design review, building codes, or both.

Commissioner Moe added that the decision before the Commission is simply regarding the subdivision plat and she is in support of the motion. She shares the concerns expressed regarding parking, the proximity to the river, flood plain, and railroad. She inquired of Director Raymond if the subdivision, as proposed, cut through a building.

Director Raymond responded, possibly a metal storage building, but it will be demolished or relocated.

Commissioner Houck asked questions of Mr. Meeks regarding concerns about parking and the size of six lots rather than a smaller number of lots.

Mr. Meeks responded that six lots was a decision of the owners and the architect. In his experience with similar-type subdivisions, the owners could come back within a year with a replat that eliminates some property lines, or new owners will buy multiple lots. With regard to parking, the owner owns two lots on the west side of Bay Drive that are in cue for parking. In the development review process they will have to adhere to the City's parking requirements.

Commissioner Houck further inquired about final say regarding access points on the River's Edge Trail.

Director Raymond responded that if conditions have not been met, it could be reason for Commission denial of the final plat approval.

Commissioner Robinson and Mayor Kelly expressed their support of the project.

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

Motion carried 5-0

11. **Resolution 10230, Conditional Use Permit for a "Contractor Yard, Type II" land use located at 410 14th St SW.**

Planning and Community Development Director Craig Raymond reported that the applicant, Terrascapes, LLC, has submitted an application requesting a Conditional Use Permit (CUP) to allow for the formal and legal establishment of a "Contractor Yard, Type II" land use upon the subject property. The property is presently zoned M-2 Mixed-use transitional, wherein a Contractor Yard, Type II, land use is permitted upon receiving approval of a CUP and fulfillment of any required conditions.

A "Contractor Yard" is defined in OCCGF Title 17 as "a place and/or building, or portion thereof, that is used or is intended to be used by a contractor or builder with one (1) or more of the following: construction material storage, machinery storage or repair, including trucks and heavy equipment, shops, and office space." A Contractor Yard, Type II, is considered compatible in size and scope with industrial and commercial activities, as opposed to smaller scale businesses that would have no substantial impacts to a residential neighborhood.

Terrascapes, LLC, has been occupying the subject property and operating the business without the required CUP. Staff learned of this violation when the owner, Mr. Sykes, applied for a building permit for a project on the property. Staff has also received comments and complaints regarding the property since that time. As such, certain conditions of approval are owing to the neglected condition of the property and its effect on neighboring properties.

Terrascapes is a construction firm employing eight or more seasonal workers, offering lawn care, landscaping, nursery materials, snow removal, irrigation repair, full service lawn mowing, mulches, and construction. In order to accommodate the expanding business, the owner purchased the subject property comprised of six tracts of land, totaling 13.2 acres. The property was formally used by Carl Weissman & Sons metal salvage operations. The subject property has an existing 16,000 square foot warehouse in the southeast corner of the property. The western and northern portions of the property were filled with concrete rubble and then partially covered with dirt. The subject property is surrounded by urban development that includes a metal fabrication business to the southeast, automotive repair business to the east, nursery business to the south, and residential properties to the west and north. The applicant intends to renovate the lower level of the warehouse which is approximately 9,800 square feet, for his business operations and use portions of the west property for a nursery, landscape material storage, and outside equipment parking. The redevelopment includes site clean-up, building renovations, boulevard trees and landscaping along 5th Avenue Southwest, and landscape buffers along the residential properties to the west. A new driveway approach will be constructed, concrete parking spaces next to the warehouse installed, and gravel parking for equipment and seasonal employees.

At the conclusion of a public hearing held on February 13, 2018, the Planning Advisory Board/Zoning Commission recommended the City Commission approve the Conditional Use Permit, subject to the conditions of approval as outlined in the agenda report and resolution.

Mayor Kelly declared the public hearing open.

Speaking in support of Resolution 10230 were:

Braylen Sykes, Terrascapes, LLC, 1905 11th Street SW, commented that since purchasing the property a lot of time has been spent cleaning up the property. What he proposes for the property will be good for the neighborhood overall.

Ron Staley, NC 2 Chairman, residing at 801 3rd Ave SW, commented that this matter was presented to the council. Several neighbors concurred there has been a noticeable improvement in cleaning up the property.

Brett Doney, GFDA, 300 Central Avenue, commended staff for accommodating the business owner. He concluded that it is nice to see the property put to use by a growing Great Falls business.

Cheryl Higgins, 1517 3rd Avenue SW, inquired what would be required of the applicant for 3rd Avenue SW.

Director Raymond responded that property lines bordering residential zoned properties will require a landscape buffer. No sidewalks currently exist.

Speaking in opposition to Resolution 10230 was:

John Hubbard, 615 7th Avenue South, commented that he provided a map to the EPA of where his former employer, Carl Weissman & Sons, dumped toxic material on the property.

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

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 10230 for a Conditional Use Permit for a "Contractor Yard, Type II" land use located at 410 14th Street SW, Great Falls, MT, subject to fulfilling the listed conditions of approval.

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

Commissioner Moe noted she was impressed by the presentation made to the Planning Advisory Board/Zoning Commission.

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

Motion carried 5-0

12. **Resolution 10232, annexing 24th Ave S right-of-way adjoining Lot 4A of the Medical Tech Park Minor Subdivision and 24th Ave S right-of-way adjacent to Lot 2A and approval of a Final Plat for a 5-lot subdivision known as Rockcress Commons.**

Planning and Community Development Director Craig Raymond reported that the property under consideration is located just north of 24th Avenue South and is roughly between 20th Street South and 23rd Street South. It adjoins the City limits in an area known as the Med Tech Park Minor Subdivision.

The proposed development parcel, which is roughly 7.9 acres, was up until recently part of a much larger 29.4 acre property within the County. The property is vacant, used as pasture, and slopes gradually from south to north. On the north side of 24th Avenue South, an asphalt shared use path has previously been constructed and is proposed to be incorporated into the project. The overall project under consideration is for the eventual construction of a 124 unit multi-family project. The northern portion of the development proposal contains three apartment buildings as well as a Community Building and outdoor play area for the entire tenant base. The southern portion of the project contains four apartment buildings. The density of the proposed project is 15.6 units per acre with approximately 53% of developable area set aside for greenspace (landscaping, play areas and storm water control).

As was discussed during the annexation, zoning and preliminary plat approval phase of this project, the property was assigned a PUD zoning designation and the applicant to date has proposed development that is consistent with that vision.

The basis for decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, final plat, applicable environmental assessment, public hearing, City Commission recommendations, or additional information demonstrate that development of the proposed subdivision meets the requirements of Mont. Code Ann. 76-3-608. Findings of Fact are attached to the agenda report for Commission review and concurrence. Staff finds that the proposed final plat is consistent with these basis.

Public Notice for the City Commission Public Hearing for the rights-of-way annexation was published in the Great Falls Tribune on March 4, 2018.

At the conclusion of a public hearing held on February 27, 2018, the Planning Advisory Board recommended approval of the final amended plat and annexation request.

Commissioner Bronson commented he neglected to point out at the outset that he is going to recuse himself from discussion and vote on this matter for the reason being his wife is employed by NeighborWorks.

Mayor Kelly declared the public hearing open.

No one spoke in opposition to Resolution 10232 and final plat.

Speaking in favor of Resolution 10232 and final plat were:

Janna Cooper, TD&H Engineering, 1800 River Drive North, commented she would answer any questions the Commission may have.

Brett Doney, GFDA, 300 Central Avenue, commented in support of quality affordable housing.

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

Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission

adopt Resolution 10232.

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

Commissioner Robinson inquired if oversized pipes were required for future development and if those future developers were required to reimburse the proportionate cost of the upsizing.

Director Rearden responded that future developers would pay to get the infrastructure to and through their property for future development.

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

Motion carried 4-0-1 (Commissioner Bronson abstained)

Commissioner Houck moved, seconded by Commissioner Moe, that the City Commission approve the final plan of an Amended Plat of Lot 4A of the Correction of an Amended Plat of Lot 4 of the Amended Plat of the Medical Tech Park Minor Subdivision for Rockcross Commons, subject to the applicant fulfilling the listed conditions of approval.

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

Motion carried 4-0-1 (Commissioner Bronson abstained)

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

13. **Ordinance 3186, Amending Title 3, Chapter 6, of The Official Code of The City of Great Falls (OCCGF) Pertaining To Sale of Unclaimed Personal Property.**

City Attorney Sara Sexe reported that the Ordinance under consideration amends the Official Code of the City of Great Falls (OCCGF) Title 3, Chapter 6, pertaining to the sale of unclaimed personal property in Great Falls Police Department (GFPD) custody. Beginning in 2016, staff began examining issues with an overcrowding of unclaimed personal property in GFPD custody. A vast majority of the property being held by the GFPD has little or no value, and it has never been claimed by a rightful owner. This property comes into GFPD custody by a number of different means. The property may be obtained as evidence as part of investigations or cases which have been concluded or resolved. The property alternatively in many instances has been delivered to the GFPD because members of the public have no other way of disposing of the property. The property sits in custody sometimes in perpetuity with no means of disposal, creating obvious storage issues.

This problem is not specific to the City of Great Falls. This problem exists in many of the larger municipal and county jurisdictions throughout the state. Prior to the 2017 Montana Legislative Session, there was no clear legislative criteria as to how law enforcement agencies could dispose of this type of property. The Great Falls City Attorney's Office requested the Montana League

of Cities and Towns consider supporting legislative changes to the existing statutory scheme, to allow for alternative means of disposition of such property.

During the 2017 legislative session, the Montana League of Cities and Towns worked on legislation to establish criteria by which this type of property could be disposed. Senate Bill (SB) 200, introduced by Senator Edward Buttrey, passed and was signed into law. City Commissioner Bill Bronson, Assistant City Attorney Joseph Cik, and GFPD Captain John Schaffer attended both House and Senate Judiciary Committee sessions and testified as proponents of the Bill. SB 200 amended Mont. Code Ann. Title 7, Chapter 8, Part 1, pertaining to general provisions to local government and, specifically, Mont. Code Ann. § 7-8-105 allows for a process by which unclaimed personal property in possession of a peace officer or law enforcement entity of the local government may be disposed of.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission adopt Ordinance 3186.

Commissioner Houck stepped out of the meeting at 8:39 p.m. and returned at 8:42 p.m.

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

John Hubbard, 615 7th Avenue South, discussed a family ranch outside of Sun River that was broken into and numerous items stolen in 1953 and 1979. He was informed to check with the Sheriff's Department of that county.

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

Commissioner Houck encouraged people to use the online tool on the Police Department's webpage to report stolen items, especially bicycles.

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

Motion carried 5-0

CITY COMMISSION

14. **Miscellaneous reports and announcements from the City Commission.**

Commissioner Bronson announced that the Cascade City County Health Department recently received accreditation through the Public Health and Accreditation Board.

Commissioner Houck thanked all of the volunteers and everyone that participated in Western Art Week in Great Falls.

She also noted that City services are provided to everyone equitably and expressed appreciation to the Planning and Community Development staff for being business friendly.

Commissioner Robinson noted his recent absence and thanked the Commission.

Commissioner Moe reported that she has attended a few Neighborhood Council meetings. She was impressed with what Neighborhood Council 7 was doing to solicit input from neighbors to

create a vision for what they want the neighborhood to be in the future.

As a former legislator, she also responded to comments made during the City Manager's report concerning the legislature and TIF audit committee. She concluded that TIFs are an important tool for local governments to use. She hopes to see improvements in that area and that the State will continue to give local governments the flexibility that it continues to need.

Mayor Kelly announced that, for the fourth year in a row, Great Falls College MSU and a group called Partnering for Prevention is sponsoring an annual No More Violence Conference from April 2nd through April 6th. He commended those groups that are looking at problems in the community straight up, and trying to educate the community on issues and ways to make things better.

15. **Commission Initiatives.**

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of March 20, 2018, at 8:58 p.m.**

Motion carried 5-0

Mayor Bob Kelly

City Clerk Lisa Kunz

**Minutes Approved:
April 3, 2018**



Item: Total Expenditures of \$1,956,273 for the period of March 1, 2018 through March 21, 2018, to include claims over \$5,000, in the amount of \$1,704,280.

From: Fiscal Services

Initiated By: City Commission

Presented By: Melissa Kinzler, Fiscal Services Director

ATTACHMENTS:

- ▣ 5000 Report



ITEM: \$5,000 Report
 Invoices and Claims in Excess of \$5,000

PRESENTED BY: Fiscal Services Director

ACTION REQUESTED: Approval with Consent Agenda

LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT
www.greatfallsmt.net/fiscalservices/check-register-fund

TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN
ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:

ACCOUNTS PAYABLE CHECK RUNS FROM MARCH 8, 2018 - MARCH 21, 2018	1,902,872.66
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MARCH 1, 2018 - MARCH 14, 2018	53,400.00
TOTAL: \$	<u><u>1,956,272.66</u></u>

GENERAL FUND

OTHER ADMIN

CTA ARCHITECTS ENGINEERS	PHASE I CC EXTERIOR ENVELOPE REHAB ARCHITECTURAL SERVICES	22,640.68
--------------------------	--	-----------

FIRE

PIERCE FLOORING & DESIGN	FLOORING STATION 1 KITCHEN	8,045.69
--------------------------	----------------------------	----------

SPECIAL REVENUE FUND

ECONOMIC REVOLVING

FIRST CALL RESOLUTION LLC	BIG SKY TRUST FUND GRANT	85,500.00
---------------------------	--------------------------	-----------

ENTERPRISE FUNDS

WATER

TECHNICAL MARKETING MFG, INC	PUMP STATION PLC UPGRADE	6,064.15
LANDMARK STRUCTURES I, L.P.	OF 1625.2 GORE HILL TANK REPLACEMENT	68,567.15
BLACK & VEATCH CORPORATION	OF 1519.6 WTP IMP PH 1 CONSTRUCTION	69,190.35
SLETTEN CONSTRUCTION COMPANY	OF 1519.6 WTP IMP PH 1 CONSTRUCTION	572,336.57
STATE OF MONTANA	1% WITHHOLDING FOR SLETTEN CONSTRUCTION	5,781.18

ENTERPRISE FUNDS (CONTINUED)

SEWER

STATE OF MONTANA	OUTFALL CHARGE 2017	28,597.50
------------------	---------------------	-----------

SANITATION

CASCADE ENGINEERING, INC	96 GALLON REFUSE CONTAINERS	26,810.24
--------------------------	-----------------------------	-----------

CIVIC CENTER EVENTS

ALEXANDER TEMPLE CHURCH OF GOD IN TRUST	18-90 CASH OUT LOVE DON'T KNOW NO COLOR	9,758.17
--	--	----------

INTERNAL SERVICES FUND

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	FUEL	22,687.94
VERMEER ROCKY MOUNTAIN INC	STUMP CUTTER	45,000.00
CDW GOVERNMENT	COMPUTER EQUIPMENT FOR PD CARS	7,928.80

CC FACILITY SERVICES

MR GREEN LANDSCAPE SOLUTIONS	CIVIC CENTER SNOW REMOVAL	12,726.00
------------------------------	---------------------------	-----------

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	45,617.00
---------------------	---------------------------------	-----------

PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	43,579.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	8,321.89
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	52,593.98
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	64,504.56
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	122,643.37
POLICE SAVINGS & LOAN	EMPLOYEE CONTRIBUTIONS	14,271.00
US BANK	FEDERAL TAXES, FICA & MEDICARE	184,833.31
AFLAC	EMPLOYEE CONTRIBUTIONS	10,980.62
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	12,812.64

UTILITY BILLS

ENERGY WEST RESOURCES INC	FEBRUARY 2018 MONTHLY CHARGES	37,245.42
MONTANA WASTE SYSTEMS INC	FEBRUARY 2018 MONTHLY CHARGES	50,641.01
TALEN TREASURE STATE	ELECTRICITY CHARGES FOR FEB 2018	64,601.60

CLAIMS OVER \$5000 TOTAL: \$ 1,704,279.82



Item: Contracts List

From: City Clerk's Office

Presented By: City Commission

ATTACHMENTS:

- ▣ Contracts List

CITY OF GREAT FALLS, MONTANA

AGENDA: 7

COMMUNICATION TO THE CITY COMMISSION

DATE: April 3, 2018

ITEM: CONTRACTS LIST
Itemizing contracts not otherwise approved or ratified by City Commission Action
(Listed contracts are available for inspection in the City Clerk’s Office.)

PRESENTED BY: Darcy Dea, Deputy 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	Finance	OnLine Utility Exchange	Until either party provides notice of cancellation	\$30 per month plus \$2.60 per transaction	Subscriber Service Agreement to provide services for fraud detection, credit worthiness scores, supply business and consumer information, consumer reports, information pertaining to unpaid utility bills and other services. (CR 120109.5 – Resolution 9872) and Subscriber Service Agreement Addendum DMF, GLBA, CISP Compliance

B	Great Falls Police Department	George H. Bristol	03/20/2018-06/30/2018	\$2500	Professional Services Agreement to provide a 35 hour Defensive Tactics Instructor Development Course
C	Public Works	Grass Whackers LLC	04/03/2018-10/31/2018	\$35 per hour times the number of employees needed to cut each area or property, plus \$2.50 gas service charge	Nuisance Grass/Weeds Cutting & Removal 2018 Agreement for cutting grasses/weeds on City and private properties as assigned by Weed Investigator. ((\$5000-10,000 estimated per year)
D	Planning and Community Development	Thomas J. Skovron	Permanent	N/A	Roadway Easement to ensure future roadway connectivity to Dalea Drive. T20N R3E Sec 22 Lot 11
E	Public Works/Engineering	Nelson Architects	04/03/2018-06/30/2019	\$11,073.25	Professional Services Agreement for architecture services for the central garage, and street and sanitation building roof and exterior repairs project for bidding and project management OF 1733.0



Item: Cancellation of Outstanding and Unpaid Checks from Municipal Court over a year old.

From: Jo Griner, Municipal Court Supervisor

Initiated By: Jo Griner, Municipal Court Supervisor

Presented By: Jo Griner, Municipal Court Supervisor

Action Requested: Approve cancellation of outstanding and unpaid checks over a year old issued by City of Great Falls Municipal Court.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (Approve/Deny) the cancellation of City of Great Falls checks that remain outstanding, and unpaid, for a period of one (1) year or longer as authorized by section Mont. Code Ann. §7-6-4303 and authorize redistribution to the General Fund and the Municipal Court Unclaimed Restitution Fund.”

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

Staff Recommendation:

Staff recommends that the City Commission approve the cancellation of checks that remain outstanding, and unpaid, for the period of one (1) year or longer.

Summary:

Mont. Code Ann. §7-6-4303, authorizes the City Commission to cancel municipal checks that have remained outstanding and unpaid for a period of one (1) year or longer. Attached is the required list of the instruments to be cancelled including the check number, date, amount, and payee. Municipal Court sends out two separate letters with affidavits to the address on record for the payee. If no response is received, a request to cancel the checks is sent to the City Commission. If a payee comes forward any time after the checks are cancelled, Municipal Court will generate a replacement check. All affidavits for replacement checks, that have been returned to the City, have had checks re-issued. The last time the City Commission approved cancellation of checks, issued by the Great Falls Municipal Court Department, was September 5, 2017.

Fiscal Impact:

The total amount of the checks that are written off (\$2,259.33) is placed in the General Fund miscellaneous revenue and/or the Municipal Court Unclaimed Restitution Fund.

ATTACHMENTS:

- Redacted List of Checks

Unclaimed Restitution and Bonds

Type	Date Issued	Check No.	Restitution Check Amt.	Bond Check Amt.	Physical Check
Restitution	8/8/2013	26410	\$25.00		No
Restitution	2/14/2014	27043	\$50.00		No
Restitution	3/7/2014	27111	\$60.00		No
Restitution	11/17/2014	30759	\$2.00		No
Restitution	2/17/2015	31097	\$50.00		No
Restitution	2/27/2015	31178	\$50.00		No
Restitution	5/15/2015	31466	\$75.00		No
Restitution	5/15/2015	31506	\$25.00		No
Restitution	8/31/2015	31868	\$100.00		No
Restitution	10/13/2015	32039	\$20.00		No
Restitution	11/30/2015	32191	\$100.00		No
Bond	1/15/2016	32314		\$585.00	No
Restitution	2/16/2016	32402	\$300.00		No
Bond	2/16/2016	32409	\$150.00		No
Restitution	4/29/2016	32663	\$50.00		No
Restitution	5/31/2016	32752	\$129.00		No
Other	6/30/2016	32867	\$50.00		No
Other	6/30/2016	32890	\$1.00		No
Bond	7/27/2016	32964	\$30.00		No
Other	9/14/2016	33086	\$4.00		No
Restitution	9/16/2016	33101	\$50.00		No
Restitution	9/16/2016	33109	\$50.00		No
Restitution	10/18/2016	33220	\$50.00		No
Restitution	10/18/2016	33248	\$16.66		No
Restitution	11/30/2016	33366	\$150.00		No
Restitution	12/14/2016	33428	\$3.34		No
Restitution	12/30/2016	33477	\$33.33		No
Restitution	12/30/2016	33509	\$50.00		No
			\$1,674.33	\$585.00	
			TOTAL	\$2,259.33	



Item: Professional Services Agreement: Vinyard Road Storm Water Management Area Master Plan – O.F. 1476.6

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Professional Services Agreement

Suggested Motion:

1. Commissioner moves:

"I move the City Commission (approve/not approve) the Professional Services Agreement in the amount of \$140,795.00 to Water & Environmental Technologies (WET) for the Vinyard Road Storm Water Management Area Master Plan, and authorize the City Manager to execute the Agreement."

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

Background:

Significant Impacts

Continued development along the northern fringe of the City has created a need for a regional storm water management facility to control and treat storm runoff before draining to Watson Coulee. Recent development in this area includes the Eagles Crossing, Northview, Stone Meadows, Thaniel, and West Ridge subdivisions. Current phases of Thaniel and West Ridge Additions have been required to provide temporary storm water management facilities to reduce impacts to downstream private property. Because of the continued development, lack of downstream storm drain facilities and the expense to modify, remove and/or relocate temporary facilities, there is a need for a regional storm water management facility. The Master Plan will provide the blue print for a regional storm water management facility that will serve long term development in the area. It will also address the more immediate stormwater management needs of the current and future phases of the Thaniel and West Ridge Additions. Those immediate needs include stormwater conveyances and flow attenuation and treatment. The developers of Thaniel and West Ridge have secured 40 acres of land adjacent to those developments for the purpose of storm water management. A portion of the 40 acres will also serve as right-of-way for a storm drain

trunk main and 43rd Avenue NE/NW.

This land is located east of the intersection of Vinyard Road and 6th Street NW. The City has made arrangements with the developers to eventually transfer ownership of the land and stormwater management area to the City.

Citizen Participation

Any private or public property related access, right-of-way, and/or permitting will be coordinated between the respective property owners, public agencies, City and WET. There are currently no construction related activities within the scope of this Agreement.

Workload Impacts

WET has indicated they have the available resources to perform the engineering work scope and complete the master plan by September 2018.

Purpose

Reasons to provide proper storm water management in the Watson Coulee drainage basin include:

1. the downstream area between 6th Street N.W. and Vaughn Road is drained by natural and manmade channels which are relatively flat, narrow and slow draining. These channels have limited capacity to handle increased peak flows;
2. between Vaughn Road and the Sun River, the drainage is routed into a large detention pond and then through twin box culverts to the river. These facilities were designed and constructed by the U.S. Army Corps of Engineers for flood control in West Great Falls. The design capacity did not assume significant upstream urbanization.
3. The West Great Falls Flood Control & Drainage District has expressed concern regarding storm water runoff into the basin; and
4. U.S. Clean Water Act regulations require stormwater runoff from urban areas to be treated before discharging to water bodies such as the Sun and Missouri Rivers. The City is permitted (MPDES MS4) for these discharges.

Project Work Scope

Basic engineering services include topographic and utility surveys; wetland delineation; geotechnical investigation; storm water hydrological and hydraulic modeling; design engineering for the stormwater management area including ponds, wetlands, and conveyance facilities; design engineering for the trunk storm drains and 43rd Avenue NE/NW; cost estimates and funding splits; and construction phasing and scheduling.

Evaluation and Selection Process

WET has been selected on a rotational basis to provide the professional services in accordance with the City's Architect, Engineer and Surveyor Selection Policy and also based on their staff's familiarity with work scope and the ability to perform the engineering work scope in an acceptable time frame.

Conclusion

City staff recommends awarding the Professional Services contract to WET for the Vinyard Road Storm Water Management Area Master Plan in the amount of \$140,795.00.

Fiscal Impact:

The scope of services includes cost estimates for the improvements along with developer and City cost splits. The Thaniel and West Ridge developments will be responsible for proportional shares of the

engineering costs herein associated with improvements serving each development master plan area.

City storm drainage and street funding is available to cover the Professional Services fees. The City will be reimbursed by the West Ridge and Thaniel developers for their portion of the fees as identified by the Master Plan.

Alternatives:

The City Commission could vote to deny the approval of the Professional Services Agreement.

ATTACHMENTS:

- 1476.6 Professional Svcs Agreement

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into by and between the **CITY OF GREAT FALLS, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 5021, Great Falls, Montana 59403-5021, hereinafter referred to as "City," and Water & Environmental Technologies, 1321 8th Avenue North, Great Falls, MT, hereinafter referred to as "Consultant."

In consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree as follows:

1. **Purpose:** City agrees to hire Consultant as an independent contractor to perform for City services described in the Scope of Services attached hereto as Exhibit "A" and by this reference made a part hereof.

2. **Term of Agreement:** This Agreement is effective upon the date of its execution through _____, 20__. Both parties reserve the right to cancel this Agreement by providing a written thirty (30) day notice to the other party. The parties may extend this agreement in writing prior to its termination.

3. **Scope of Work:** Consultant will perform the work and provide the services in accordance with the requirements of the Scope of Services.

4. **Payment:** City agrees to pay Consultant One Hundred and Fourty Thousand and seven hundred and Ninety Five dollars (\$140,795.00) per Standard Unit Rate Schedule for services performed pursuant to the Scope of Services. Any alteration or deviation from the described work that involves extra costs will be performed by Consultant after written request by the City, and will become an extra charge over and above the contract amount. The parties must agree upon any extra charges in writing.

5. **Independent Contractor Status:** The parties agree that Consultant is an independent contractor for purposes of this Agreement and is not to be considered an employee of the City for any purpose. Consultant is not subject to the terms and provisions of the City's personnel policies handbook and may not be considered a City employee for workers' compensation or any other purpose. Consultant is not authorized to represent the City or otherwise bind the City in any dealings between Consultant and any third parties.

Consultant shall comply with the applicable requirements of the Workers' Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. Consultant shall maintain workers' compensation coverage for all members and employees of Consultant's business, except for those members who are exempted by law.

Consultant shall furnish the City with copies showing one of the following: (1) a binder for workers' compensation coverage by an insurer licensed and authorized to provide workers'

compensation insurance in the State of Montana; or (2) proof of exemption from workers' compensation granted by law for independent contractors.

6. **Indemnification:** To the fullest extent permitted by law, Consultant shall fully indemnify, defend, and save City, its agents, representatives, employees, and officers harmless from and against any and all claims, actions, costs, fees, losses, liabilities or damages of whatever kind or nature arising from or related to Consultant's performance of this Agreement and Consultant's work on the Project or work of any subcontractor or supplier to Consultant.

7. **Insurance:** Consultant shall purchase and maintain insurance coverage as set forth below. The insurance policy must name the City, (including its elected or appointed officers, officials, employees, or volunteers), as an additional insured and be written on a "primary—noncontributory basis, and on an occurrence, not a claims made basis." Consultant will provide the City with applicable additional insured endorsement documentation substantially similar or identical to the example set forth below. Each coverage shall be obtained from an insurance company that is duly licensed and authorized to transact insurance business and write insurance within the state of Montana, with a minimum of "A.M. Best Rating" of A-, VI, as will protect the Consultant, the various acts of subcontractors, the City and its officers, employees, agents, and representatives from claims for bodily injury and/or property damage which may arise from operations and completed operations under this Agreement. All insurance coverage shall remain in effect throughout the life of this Agreement and for a minimum of one (1) year following the date of expiration of Consultant's warranties. All insurance policies must contain a provision or endorsement that the coverage afforded will not be canceled, materially changed, or renewal refused until at least thirty (30) days prior written notice has been given to Consultant, City, and all other additional insureds to whom a certificate of insurance has been issued. All insurance documentation shall be in a form acceptable to the City.

Insurance Coverage at least in the following amounts is required:

1.	Commercial General Liability (bodily injury and property damage)	\$1,000,000 per occurrence \$2,000,000 aggregate
2.	Products and Completed Operations	\$2,000,000
3.	Automobile Liability	\$1,000,000 combined single limit
4.	Workers' Compensation	Not less than statutory limits
5.	Employers' Liability	\$1,000,000
6.	Professional Liability (E&O) (only if applicable)	\$1,000,000 per occurrence \$2,000,000 aggregate

Consultant may provide applicable excess or umbrella coverage to supplement Consultant's existing insurance coverage, if Consultant's existing policy limits do not satisfy the coverage requirements as set forth above.

Additional Insured Endorsement Example:

POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY
CG 20 26 07 04

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – DESIGNATED
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.

8. Professional Service: Consultant agrees that all services and work performed hereunder will be accomplished in a professional manner.

9. Compliance with Laws: Consultant agrees to comply with all federal, state and local laws, ordinances, rules and regulations, including the safety rules, codes, and provisions of the Montana Safety Act in Title 50, Chapter 71, MCA. As applicable, Consultant agrees to purchase a City safety inspection certificate or special business license.

10. Nondiscrimination: Consultant agrees that all hiring by Consultant of persons performing this Agreement will be on the basis of merit and qualification and will not

discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, national origin, or other class protected by state and/or federal law.

11. Default and Termination: If either party fails to comply with any condition of this Agreement at the time or in the manner provided for, the other party, at its option, may terminate this Agreement and be released from all obligations if the default is not cured within ten (10) days after written notice is provided to the defaulting party. Said notice shall set forth the items to be cured. Additionally, the non-defaulting party may bring suit for damages, specific performance, and any other remedy provided by law. These remedies are cumulative and not exclusive. Use of one remedy does not preclude use of the others. Notices shall be provided in writing and hand-delivered or mailed to the parties at the addresses set forth in the first paragraph of this Agreement.

12. Modification and Assignability: This document contains the entire agreement between the parties and no statements, promises or inducements made by either party or agents of either party, which are not contained in this written Agreement, may be considered valid or binding. This Agreement may not be enlarged, modified or altered except by written agreement signed by both parties hereto. The Consultant may not subcontract or assign Consultant's rights, including the right to compensation or duties arising hereunder, without the prior written consent of City. Any subcontractor or assignee will be bound by all of the terms and conditions of this Agreement.

13. Ownership and Publication of Materials: All reports, information, data, and other materials prepared by the Consultant pursuant to this Agreement are the property of the City. The City has the exclusive and unrestricted authority to release, publish or otherwise use, in whole or part, information relating thereto. Any re-use without written verification or adaptation by the Consultant for the specific purpose intended will be at the City's sole risk and without liability or legal exposure to the Consultant. No material produced in whole or in part under this Agreement may be copyrighted or patented in the United States or in any other country without the prior written approval of the City.

14. Liaison: City's designated liaison with Consultant is Jim Young P.E. and Consultant's designated liaison with City is Richard West P.E.

15. Applicability: This Agreement and any extensions hereof shall be governed and construed in accordance with the laws of the State of Montana.

16. Binding: This Agreement and all of the covenants hereof shall inure to the benefit and be binding upon the City of Great Falls and the Consultant respectively and their partners, successors, assigns and legal representatives. Neither the City nor the Consultant shall have the right to assign, transfer or sublet their interest or obligations hereunder without written consent of the other party.

17. **Amendments:** Any amendment or modification of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of the Agreement.

IN WITNESS WHEREOF, Consultant and City have caused this Agreement to be executed and intend to be legally bound thereby as of the date set forth below.

CITY OF GREAT FALLS, MONTANA

CONSULTANT

By _____
Gregory T. Doyon, City Manager

Date _____

By  _____

Print Name Richard J. West

Title Great Falls Office Manager

Date March 22, 2018

ATTEST:

(Seal of the City)

Lisa Kunz, City Clerk

* APPROVED AS TO FORM:

By _____
Sara R. Sexe, City Attorney

* By law, the City Attorney may only advise or approve contract or legal document language on behalf of the City of Great Falls, and not on behalf of other parties. Review and approval of this document was conducted solely from the legal perspective, and for the benefit, of the City of Great Falls. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.

EXHIBIT A
Scope of Services



Vinyard Road Storm Water Management Area Master Plan- O.F. 1476.6

PROJECT OVERVIEW

Water & Environmental Technologies (WET) is pleased to provide this proposal to the City of Great Falls Public Works Department for civil engineering design and planning services for the Vinyard Road Storm Water Management Area. This Scope of Services defines the work tasks, deliverables, cost, and schedule for completion of the project.

SCOPE OF WORK

WET will complete general civil engineering design and master planning services. The project will include the 90% design of a section of future roadway (43rd Ave. NW), the 90% design of a large diameter storm drain outfall /collector main, the storm water SWMM modelling of a portion of the basin, and the conceptual master planning of a 40-acre area to contain portions of the roadway (43rd Ave. NW) and the regional storm water detention and treatment facilities. The area of interest is shown in the attached Exhibit C, and specific details of each element are described below.

1. **Task 1. Roadway Design-43rd Ave NW/NE Design** - Complete a 90% design of the projected 43rd Ave NW/NE roadway from 6th Street NW easterly to the Cox/S&L property line on the mid-section line of Section 26 (directly east of the existing lift station).
2. **Task 2. Storm Water Model –** Compile a hydrology and hydraulic model of the basin above the project area to include the areas south and above the future 43rd Avenue NE roadway/storm drain (approximately 470 acres) to meet requirements of the City of Great Falls Storm Drainage Design Manual (SDDM) latest edition, based on the hydrology and hydraulics section of the manual dated June 1990 edition and the current draft 2017 edition assuming they have identical hydrology, hydraulic flow and detention requirements. The majority of this area has been modelled under other projects and this effort will be mainly

combining and updating the existing model inputs. The objective is to properly size the new storm drain pipe in 43rd Ave. to accommodate any logical future inflows.

3. **Task 3. Storm Water Collector Main Design** - Complete a 90% design of a storm drain collector pipe which will proceed along 43rd Avenue NE from the Cox / S&L property line just east of the new lift station approximately 0.24 miles westerly to 3rd Street NW and then northerly into the proposed storm drain pond area (approximately 2100 LF total length).
4. **Task 4. Storm Water Detention/Treatment Master Plan** - Prepare a master plan and 30% design of a storm drain detention/treatment system which will be located in the 40-acre parcel along Vinyard Road to be conveyed to the City. The system will include a series of detention and treatment cells which may include a variety of treatment mechanism as required to provide appropriate treatment of storm waters generated in the basin. The intent is to provide a master plan and 30% design of the portion of the 40 acre project area that will be utilized to detain and treat the flow from the basin area served by the 43rd Ave storm drain including cell layout/configuration, intercell piping, treatment systems, typical x-sections, and phasing strategies. The remainder of the 40 acre parcel will be used to show conceptual level general layouts and footprints of ponds and systems to treat future storm waters from the remainder of the basin which is not served by the 43rd Ave drain pipe. The master plan will be designed to enable the site to be constructed in phases as development proceeds in the basin.

SERVICES OF ENGINEER

WET shall provide professional engineering and technical services as described below. The services will include serving as the City of Great Falls professional engineering representative, providing professional engineering consultation, and providing engineering associated support services.

Project Administration & Reporting: This task includes administrative tasks such as contract administration, budget tracking and invoicing; and general coordination such as conference calls, other coordination calls/meetings and correspondence related to working and communicating with the various City departments. This task also includes quality control review of all project deliverables. The reporting effort will include an analysis and report regarding the apportionment of construction and design costs to the landowners that will be contributing flows into the 43rd Ave. storm drain and wetland system. The analysis and report will also describe an implementation and construction phasing strategy for the wetland/pipe system construction.

Topographic and Utility Survey: Complete a comprehensive survey of property pins, utilities, and site topography within the 40 acre project area. Specific tasks to be completed include the following:

- Complete a One Call Locate.
- Complete a detailed survey of the connection points to the existing streets, water, and sewer utilities, and survey all existing features in the 40 acre detention pond project area.
- Complete a topographic survey of the project area in sufficient detail to provide design level mapping.
- Complete a survey tie-in to all existing control points, property pins and corner monuments in the project area.
- Survey and tie-in all test pits, wetland delineations, and the Calumet Oil line excavations.

Wetland Delineation: Complete a wetland delineation as required for USACE determination of wetland classification. Specific tasks to be completed include the following:

- Review available soils and wetland data for the area.
- Complete a field delineation of the entire project area using USACE methods.
- Prepare and send report to USACE for determination.
- Coordinate with USACE on any follow-up recommendations.

Geotechnical Investigation: Complete a geotechnical investigation as required for pond and roadway design. Specific tasks to be completed include the following:

- Review all available soils data and mapping of the area.
- Complete a One Call utility locate.
- Excavate backhoe test pits in the project area including the pond area and the roadway area. It is estimated that 6-10 pits will be completed. Excavation to be completed by subcontractor.
- Log all test pits and obtain soil samples of all representative soils for lab classification. It is estimated that 8 soil samples will be analyzed. Soil analysis to be completed by subcontractor.
- Prepare soil log reports for all test pits.
- Complete reconnaissance of the entire roadway alignment to detect any stability issues.
- Prepare memo style summary report of investigation.

Storm Water Model: Storm Drain Analysis and Detention Calculations – Computer Model to SDDM requirements using EPA Storm Water Management Model (SWMM) computer program. Specific tasks to be completed include the following:

- Includes completing a storm water analysis of the contributory area that will be logically directed into the 43rd Ave Storm drain pipe. Most of this area has been previously modelled under previous projects including Thaniel, S & L, Stone Meadows, Eagles Crossing and the Morrison-Maierle Master Plan. These existing Models will be combined into a single model that accurately predicts the future flows in the 43rd Ave. Storm drain. Re-modelling of previously modelled areas will not be required.
- Includes modeling of pre-development storm water runoff.
- Includes the total detention requirement for the fully-developed storm water collection area based on 100-year post development storm events comparison to pre-development 2-year storm events.
- The final developed detention area/volume for contribution to the overall City of Great Falls Vinyard Road Regional Detention Pond originating in the basin north of 43rd Ave will be calculated using the Morrison-Maierle Master Plan outputs.
- Includes preliminary storm conveyance design (does not include detailed design deliverables, plan/profiles or specifications to be completed under other sections) including the following tasks:
 - Assembly of the existing Thaniel Addition, Stone Meadows Addition, Westridge Addition (currently being prepared by S&L Development) and Eagles Crossing.
 - Addition of SWMM models and data and use of the previously completed City of Great Falls Master Plan model, to the extent practical.
 - Preparation of the Storm Water Report.

Storm Water Collector Main Design: Complete a design of the Storm main along 43rd Avenue NW to include the following details and assumptions:

- Design pipe size, slope, and depths (plan/profile) to the 90% condition in 43rd Avenue NW from the regional detention facility to the Cox / S & L property line just east of the existing lift station.
- Pipeline sizing design will be based on the master plan SWMM computer model hydraulic calculations and the respective 90% 43rd Avenue roadway design.
- The design will include City of Great Falls typical inlets at the roadway intersections to provide adequate street flow interception capacity, mainline pipe sizing based on

reinforced concrete pipe design criteria and schematic / preliminary layout of connection to intercell piping in the detention / retention facility area.

- Establish preliminary RCP pipeline, inlet and inlet piping technical specifications suitable to establish materials required by developers during future construction.
- Prepare a preliminary cost estimate of the pipeline system.

Storm Water Detention/Treatment Master Plan: Complete a conceptual Master Plan and storm water detention/treatment design according to the following details and assumptions:

30% Design of the 43rd Ave Storm Pipe Detention Pond

- Design detention/retention pond master plan layout for the pond structures as necessary to detain and treat the stormwater flow from the 43rd storm drain. Calculate surface area, volume, planning level preliminary elevations and rough earthwork estimates in conjunction with the overall treatment plan.
- Determine a schematic intercell storm water piping system and preliminary strategy for water surface elevation controls as necessary for function of the storm water treatment unit, systems, wetlands and final discharge, bypass, and overflow systems.

Preliminary Plan of the Entire Vinyard Storm Drain Pond Acreage

- Prepare a preliminary footprint pond layout to be used in future plan preparation as each portion of the development area is completed by developers. The storm volumes from the Morrison-Maierle master plan and the Thaniel Master Plan will be used to prepare this conceptual level plan.
- A planning level conceptual cost estimate including the areal footprint, pond depths, volume and earthwork of the pond system.

Roadway Design - 43rd Ave NW/NE: Complete a design of 43rd Avenue NW/NE according to the following details and assumptions:

- Prepare detailed horizontal alignment and vertical grade for the roadway including plan and profile sheets. Alignment selection will be coordinated with City Planning and Engineering staff.
- Prepare a City standard roadway typical section including surfacing and backslope.
- Prepare roadway cross-sections and establish and map construction limits.
- Produce a grading plan and compute grading quantities and surfacing quantities.
- Complete preliminary drainage inlet / culvert design adequate for cost estimating.

- Prepare a complete construction quantity and cost estimate of the roadway.

The intersections will be depicted but complete detailed design of curb grades with intersecting roadways will not be produced as they will depend on developer design.

ASSUMPTIONS/EXCLUSIONS:

The following items are not included in the Scope of Services:

- Bidding plans, final specifications, bid documents, special provisions, or measurement and payment documents.
- Permitting, including local, state, and federal storm water permits needed for construction (310, 404, SWPPP, etc.).
- Pavement design will be as per City Standard and will not require a AASHTO design.
- Montana Department of Environmental Quality (DEQ) submittals or Review Fees.
- Encroachment permits for Cascade County Roads Department or the City of Great Falls.
- Cascade County or City of Great Falls required archeological resources inventory if determined necessary by the Montana State Historic Preservation Office (SHPO).
- Preparation of detailed control structure, and intercell piping drawings.
- Preparation of final grading plans and pond systems or treatment systems.
- Preparation of fencing plans.

PROJECT SCHEDULE

A project schedule is included in Exhibit B. Schedule will be coordinated with City of Great Falls officials to ensure that all deliverables meet City needs.

PROJECT COST

The cost to complete the above-described scope of work is **\$140,795.00**. A detailed project engineering cost estimate is included in Exhibit E. A current Unit Price Schedule is included in Exhibit D to accommodate any additional work requested by the City.

LIST OF EXHIBITS

- Exhibit A - Scope of Services
- Exhibit B - Project Schedule
- Exhibit C - Project Location Map
- Exhibit D - WET Standard Unit Rate Schedule
- Exhibit E - Engineering Cost Estimate

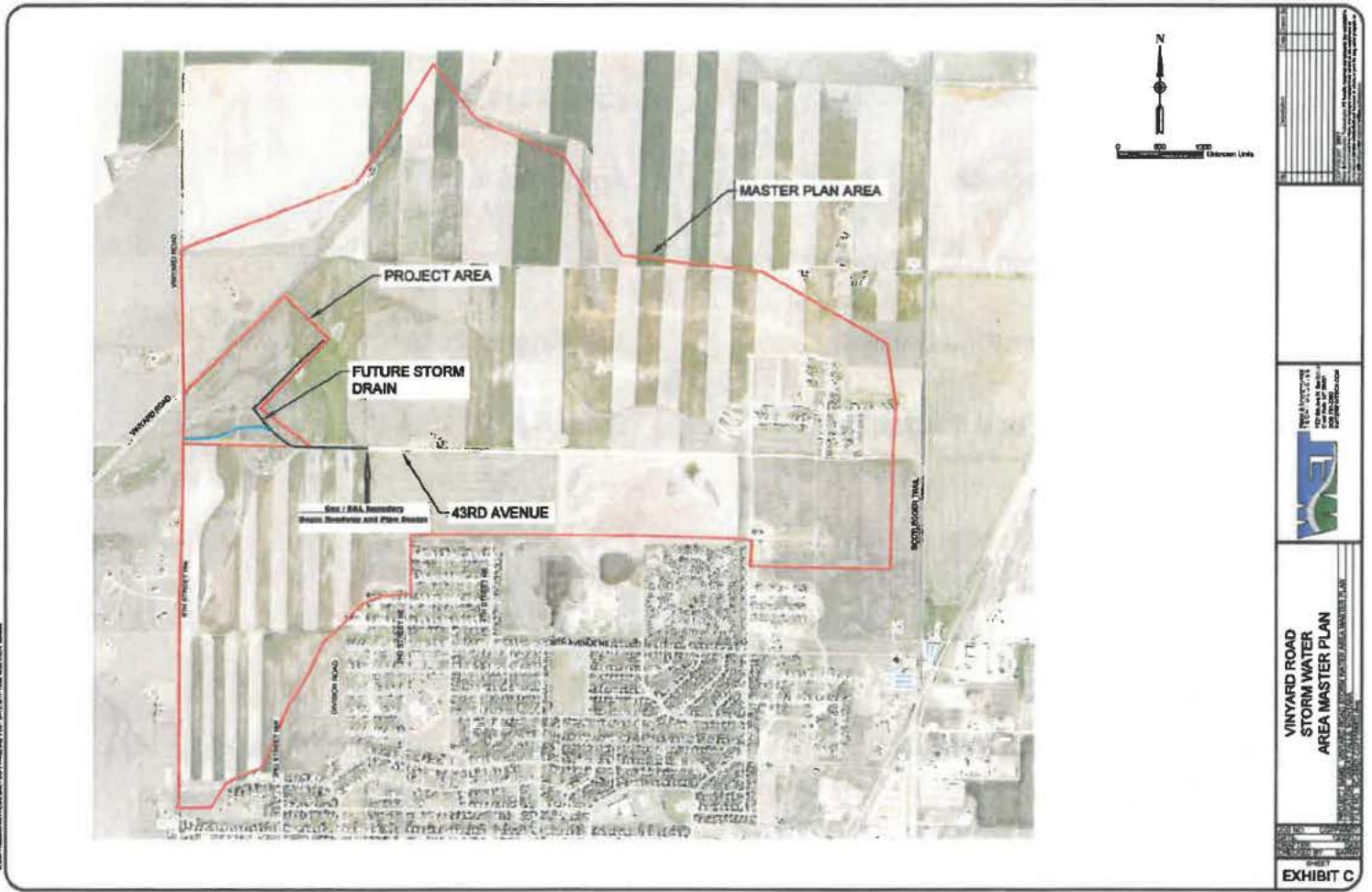
EXHIBIT B

Vinyard Road Storm Water Management Area Master Plan- O.F. 1476.6

Project Schedule

Notice to Proceed	April 2018
Survey and Geotech	April- May 2018
Roadway Design and Storm Model	June-July 2018
Storm Collector Pipe Design	July-August 2018
Storm Water Pond Master Plan	Sept. – Nov. 2018

The design of the Roadway and the Storm Model will occur simultaneously. The design of the storm collector pipe and detention treatment will require output from the storm model to finalize those elements. The Wetland delineation may be required to be completed in the spring by the COE to better define site vegetation and hydraulics.



ALL INFORMATION ON THIS SHEET IS THE PROPERTY OF THE CITY OF DENVER. IT IS TO BE USED ONLY FOR THE PROJECT AND AREA IDENTIFIED HEREON.



**EXHIBIT E
Engineering Cost estimates - Vinyard Road Storm Water Management Area Master Plan- O.F. 1476.6**

Task	Senior Project Manager/Engineer II		Senior Engineer II		Geologist		AutoCAD Manager/Staff Eng. I		Surveyor/UAS Operator		Senior Environmental Professional I		Admin		TOTAL LABOR Hours	TOTAL LABOR Cost	Per Diem	Travel	Other Direct Costs	Total Expenses	TOTAL OF LABOR AND EXPENSES
	Rate	Total	Rate	Total	Rate	Total	Rate	Total	Rate	Total	Rate	Total	Rate	Total							
I Project Administration & Reporting																					
A. Contract Administration	8.0	1,000	-	-	-	-	-	-	-	-	-	-	3.0	375	13.0	1,375			\$ 300	\$ 300	\$ 1,675
B. Progress Reports/ Meetings	20.0	1,700	20.0	1,700	-	-	4.0	350	-	-	-	-	2.0	170	46.0	3,920					\$ 4,290
C. Cost Accounting/ Pricing Review	8.0	1,000	16.0	2,000	-	-	-	-	-	-	-	-	1.0	50	25.0	2,050					\$ 2,100
D. Oath Control /Assurance	15.0	1,430	-	-	-	-	-	-	-	-	-	-	3.0	110	18.0	1,540					\$ 1,650
Subtotal	51.0	5,130	36.0	4,400	-	-	4.0	350	-	-	-	-	7.0	285	104.0	8,330			\$ 300	\$ 300	\$ 11,000
II Project Survey																					
A. Land survey - project site	-	-	-	-	-	-	4.0	350	-	-	-	-	-	-	4.0	350					\$ 350
B. Resurvey	1.0	100	-	-	-	-	-	-	19.0	1,440	-	-	-	-	20.0	1,540	\$ 80	\$ 240	\$ 600	\$ 600	\$ 2,480
C. Wet area measurement	-	-	1.0	100	-	-	4.0	350	-	-	-	-	-	-	5.0	400					\$ 500
D. Wet area mapping of project area	-	-	1.0	100	-	-	20.0	1,600	-	-	-	-	-	-	21.0	1,700					\$ 1,800
Subtotal	1.0	100	1.0	100	-	-	28.0	2,300	19.0	1,440	-	-	-	-	44.0	3,490	\$ 80	\$ 240	\$ 600	\$ 600	\$ 3,970
III Geotechnical Investigation																					
A. Test of soil samples	-	-	1.0	100	10.0	1,200	-	-	-	-	-	-	-	-	11.0	1,100	\$ 30	\$ 240	\$ 1,200	\$ 1,470	\$ 1,720
B. Test for bearing capacity of soil	-	-	1.0	100	-	-	-	-	-	-	-	-	-	-	1.0	100					\$ 100
C. Wet area measurement	-	-	1.0	100	4.0	400	2.0	200	-	-	-	-	-	-	7.0	700					\$ 700
D. Photo slide mount	-	-	-	-	5.0	500	-	-	-	-	-	-	-	-	5.0	500					\$ 500
E. Utility observation/verification	-	-	1.0	100	5.0	500	2.0	200	-	-	-	-	-	-	8.0	800					\$ 800
Subtotal	-	-	8.0	800	22.0	2,600	7.0	700	-	-	-	-	-	-	33.0	3,300	\$ 30	\$ 240	\$ 1,200	\$ 1,200	\$ 5,040
IV Wetland Definition																					
A. Field Definition	-	-	1.0	100	-	-	-	-	6.0	600	6.0	600	-	-	12.0	1,200	\$ 30	\$ 240	\$ 120	\$ 370	\$ 1,970
B. Database Review	2.0	200	-	-	-	-	-	-	-	-	-	-	-	2.0	200						\$ 200
C. Coordination with Army Corps	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-						\$ 0
Subtotal	2.0	200	-	-	-	-	-	-	6.0	600	6.0	600	-	-	12.0	1,200	\$ 30	\$ 240	\$ 120	\$ 370	\$ 2,170
V Storm Water Modelling																					
A. Collection and transportation modeling SWMM model	4.0	400	30.0	3,000	-	-	10.0	1,000	-	-	-	-	-	-	44.0	4,400					\$ 4,800
B. Alternative SWMM Model and Best Management Practices	8.0	800	30.0	3,000	-	-	10.0	1,000	-	-	-	-	-	-	48.0	4,800					\$ 5,200
C. Hydrological Assessment and Modeling	4.0	400	20.0	2,000	-	-	10.0	1,000	-	-	-	-	-	-	34.0	3,400					\$ 3,800
D. Size of stormwater detention	4.0	400	24.0	2,400	-	-	10.0	1,000	-	-	-	-	-	-	38.0	3,800					\$ 4,200
E. Storm Water Management Report	8.0	1,000	25.0	3,125	-	-	8.0	800	-	-	-	-	4.0	200	43.0	4,325			\$ 200	\$ 200	\$ 4,725
Subtotal	28.0	2,800	110.0	11,000	-	-	50.0	5,000	-	-	-	-	4.0	200	134.0	13,425			\$ 400	\$ 400	\$ 14,625
VI Storm Drain Trunk Main design																					
A. Preliminary Trunk Pipe Plan and Profile	15.0	1,050	45.0	3,150	-	-	20.0	1,400	-	-	-	-	-	-	80.0	8,400					\$ 9,250
B. Typical Section, Storm Drain Details	1.0	100	10.0	1,000	-	-	14.0	1,400	-	-	-	-	-	-	25.0	2,500					\$ 2,600
C. Preliminary Storm Drain	1.0	100	20.0	2,000	-	-	-	-	-	-	-	-	-	-	21.0	2,100					\$ 2,200
D. Quantity and Cost estimate	2.0	200	10.0	1,000	-	-	10.0	1,000	-	-	-	-	-	-	22.0	2,200					\$ 2,400
Subtotal	19.0	1,350	75.0	6,550	-	-	44.0	4,800	-	-	-	-	-	-	127.0	12,900					\$ 13,950
VII Roadway Design of 4th Ave N																					
A. Construction, alignment, location and City staff	24.0	2,400	-	-	-	-	12.0	1,200	-	-	-	-	-	-	36.0	3,600					\$ 3,600
B. Highway alignment and grade design	30.0	3,000	-	-	-	-	20.0	2,000	-	-	-	-	-	-	50.0	5,000					\$ 5,000
C. Highway stationing and design	20.0	2,000	-	-	-	-	10.0	1,000	-	-	-	-	-	-	30.0	3,000					\$ 3,000
D. Interchange section	15.0	1,500	-	-	-	-	2.0	200	-	-	-	-	-	-	17.0	1,700					\$ 1,900
E. Highway design	15.0	1,500	-	-	-	-	10.0	1,000	-	-	-	-	-	-	25.0	2,500					\$ 2,500
F. wet/dry/soil/rock/soil/rock	12.0	1,200	-	-	-	-	10.0	1,000	-	-	-	-	-	-	22.0	2,200					\$ 2,200
G. earthwork and soil/rock	12.0	1,200	-	-	-	-	10.0	1,000	-	-	-	-	-	-	22.0	2,200					\$ 2,200
H. Summary Tables/Notes/Details	15.0	1,500	-	-	-	-	10.0	1,000	-	-	-	-	-	-	25.0	2,500					\$ 2,500
Subtotal	123.0	12,300	-	-	-	-	74.0	7,400	-	-	-	-	-	-	197.0	19,700					\$ 19,700
VIII Storm Drainage Detention / Treatment Pond Plan																					
A. 4th Ave Drain Pond 30% Layout, Slope, Profile, Intersect Point	10.0	1,000	60.0	6,000	-	-	20.0	2,000	-	-	-	-	-	-	90.0	9,000					\$ 9,000
B. Pond Pond preliminary Layout and Mirrors	10.0	1,000	40.0	4,000	-	-	10.0	1,000	-	-	-	-	-	-	60.0	6,000					\$ 6,000
C. Treatment System Selection/Development	10.0	1,000	30.0	3,000	-	-	5.0	500	-	-	-	-	-	-	45.0	4,500					\$ 4,500
D. Storm Drain Final Construction/Assurance	1.0	100	10.0	1,000	-	-	5.0	500	-	-	-	-	-	-	16.0	1,600					\$ 1,600
E. Quantity and Cost estimate	4.0	400	15.0	1,500	-	-	10.0	1,000	-	-	-	-	-	-	29.0	2,900					\$ 2,900
F. Design Construction/Assurance	4.0	400	15.0	1,500	-	-	5.0	500	-	-	-	-	-	-	24.0	2,400					\$ 2,400
Subtotal	48.0	4,800	120.0	12,000	-	-	55.0	5,500	4.0	400	-	-	-	-	127.0	12,700					\$ 12,700
WET services Total																					
	204	\$ 36,500	445	\$ 65,625	25	\$ 2,975.00	341	\$ 60,000	29	\$ 2,010	32	\$ 2,400	37	\$ 4,600	1,161	\$ 130,365	\$ 130	\$ 1,200	\$ 4,000	\$ 4,000	\$ 148,795
Subsequent Services-																					
PROJECT TOTAL																					
																					\$ 140,795

Reimbursable Expenses:
Mission @ \$0.00/mile
Per diem @ \$50.00/day



Standard Unit Rate Schedule
January 1, 2018 - December 31, 2018

Labor Rates:

Staff Title	Rate
Officer/Principal: Hydrogeologist, Engineer, etc.	\$145.00/hour
Senior III: Hydrogeologist, Engineer, etc.	\$135.00/hour
Team Leader/Senior II: Hydrogeologist, Engineer, etc.	\$125.00/hour
Senior I/Professional: Hydrogeologist, Engineer, etc.	\$110.00/hour
Senior Biologist	\$100.00/hour
Project II: Hydrogeologist, Engineer, etc.	\$105.00/hour
Project I: Hydrogeologist, Engineer, etc.	\$95.00/hour
Staff II: Hydrogeologist, Engineer, etc.	\$85.00/hour
Staff I: Hydrogeologist, Engineer, etc.	\$80.00/hour
Survey Technician	\$75.00/hour
GIS Manager	\$110.00/hour
GIS/IT Specialist	\$75.00/hour
Environmental Technician	\$70.00/hour
AutoCAD Manager	\$90.00/hour
Land Surveyor	\$90.00/hour
Drafting/AutoCAD	\$75.00/hour
CPA Accountant/Administrative Manager	\$75.00/hour
Administrative Staff	\$55.00/hour

Equipment Rental, Materials, Supplies & Services:

Water Probe	\$25.00/day
Oil/Water Interface Probe	\$40.00/day
YSI Combo Meter	\$80.00/day
Ph, SC, Temp Meter	\$40.00/day
Marsh-McBirney Flow Meter	\$75.00/day
Photoionization Detector	\$80.00/day
Standard Survey Equipment	\$40.00/day
Trimble GPS (sub meter)	\$50.00/day
GNSS Survey Unit	\$125.00/hour or \$500.00/day
Unmanned Aerial Vehicle (UAV)	\$1,500/day or quote
2" Rediflo Pump/Controller	\$100.00/day
4" Rediflo Pump/Controller	\$125.00/day
Transducer	\$25.00/day or \$300.00/month
Field Computer	\$25.00/day
Analytical Services	Quote
Subcontracted Services	Quote
Other materials, equipment and supplies	Quote
Additional Insurance (if required)	At Cost
Technical Computer Use (models, etc.)	\$10.00/hour
Photocopies	\$0.10/page
Color Copies	
	8.5"x11" \$1.00/page
	11"x17" \$2.00/page
	24"x36" \$5.00/page
	36"x48" \$8.00/page



Item: Construction Contract Bid Award: Police Department Water Main Replacement/Re-route, O. F. 1684

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Approve Contract for Office File 1684

Suggested Motion:

1. Commissioner moves:

"I move the City Commission (award /not award) a contract in the amount of \$131,350.00 to United Materials of Great Falls, Inc. for the Police Department Water Main Replacement/Re-route and authorize the City Manager to execute the construction contract documents."

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

Staff Recommendation:

Approve construction contract award.

Summary:

Four bids were received and opened for this project on March 21, 2018. The bids for this project ranged from \$131,350.00 to \$158,741.00 with United Materials of Great Falls, Inc. submitting the low bid.

Background:

This project will replace/re-route the water main along the north side of the Police Department and east side of Energy West and will also replace the Police Department's water service.

This project is being completed in cooperation with the Montana Department of Environmental Quality (DEQ).

City engineering staff, in conjunction with utility staff, designed the project and will perform construction inspection and contract administration duties.

This project will replace the water service to the Police Department which has been failing with increasing frequency. It is currently tapped to the water main in Park Drive. The breaks on this service line are causing extensive damage to property and disrupting water service to the Police Department. The water service breaks are primarily due to corrosive soils, age and type of pipe material used.

The new water service will be tapped off the new water main which will replace existing ductile iron water main installed in 1983. The new main will be installed in the roadway and moved out of Energy West's parking lot area.

This project will replace approximately 480 lineal feet of 8-inch ductile iron water main with 8-inch PVC water main; replace 1 fire hydrant; 2 water service connections; 170 lineal feet of 2-inch copper; 500 square yards of gravel; and 450 square yards of asphalt pavement.

City staff recommends awarding the contract to United Materials in the amount of \$131,350.00. United Materials has executed all the necessary documents. This project was originally bid on February 21, 2018. Bids were rejected due to errors in the low bid. The other bids exceeded our budget.

Fiscal Impact:

This project is being funded through the Police Department, Water Capital Improvement Fund, and Street Department Maintenance Fund.

Alternatives:

The City Commission could vote to award the construction contract to the second bidder, award to a different bidder, or reject bids and not rebid the project, repairing breaks as they occur in the future.

Concurrences:

DEQ has reviewed and approved the plans and specifications for this project.

ATTACHMENTS:

- Bid Tab for Police Department Water Main Replacement/Re-route, O. F. 1684

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

OFFICE FILE 1684
 POLICE DEPARTMENT WMR - REBID

BIDS TAKEN AT CIVIC CENTER
 21-MAR-18
 KARL WAMBACH

	NAME & ADDRESS OF BIDDER	ACK. ADD. #1	ACK. ADD. #2	10% BID SECURITY	CERT. OF NON-SEC. FACILITIES	CERT. OF COMPLIANCE WITH INSURANCE REQ.	TOTAL BID
1	CAPCON 4417 14TH AVENUE SOUTH GREAT FALLS, MT 59405	N/A	N/A	✓	✓	✓	\$135,875.50
2	UNITED MATERIALS, INC. P.O. BOX 1690 GREAT FALLS, MT 59403	N/A	N/A	✓	✓	✓	\$131,350.00
3	BOLAND CONST. PO BOX 7107 GREAT FALLS, MT 59406	N/A	N/A				DID NOT BID
4	GERANIOS ENTERPRISES PO BOX 2543 GREAT FALLS, MT 59403	N/A	N/A	✓	✓	✓	\$147,657.00
5	CENTRAL EXCAVATION 3701 RIVER DRIVE NORTH GREAT FALLS, MT 59405	N/A	N/A				DID NOT BID
6	WILLIAMS CIVIL CONST. PO BOX 1152 BOZEMAN, MT 59771	N/A	N/A	✓	✓	✓	\$158,741.00
7							
8							
9							
10							



Item: CDBG Public Needs Hearing Date for 2018/2019 Annual Action Plan

From: Craig Raymond, Director, Planning and Community Development

Initiated By: Maria Porter, CDBG/HOME Administrator, Planning and Community Development

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

Action Requested: Set Public Hearing for the 2018/2019 Annual Action Plan for April 17, 2018.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for April 17, 2018.”

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

Staff Recommendation:

Staff recommends that the City Commission set April 17, 2018, as the public hearing date for the 2018/2019 Annual Action Plan.

Summary:

As part of the CDBG process, the City Commission is asked to set the Annual Action Plan Public Hearing Date.

Background:

CDBG and HOME programs are federal programs administered by HUD to help fund local community development programs including affordable housing, anti-poverty efforts, public service assistance, and community infrastructure projects. The primary goal of these programs is to assist low and moderate income (LMI) persons improve their quality of life in their respective communities. State and local governments receive funding from HUD based on a formula derived from population statistics.

The Annual Action Plan is developed each year by Planning and Community Development staff, based on input from the community and City Commission, to implement the broader community goals outlined in the Community's Consolidated Plan. Additionally, staff is recommending broad changes to the Citizen Participation Plan and grant award procedures this year. As such, community input during the public hearing will be important to gauge response to proposed amendments.

Citizen Participation

The Proposed Annual Action Plan will be made available to the citizens of Great Falls for review and comment for a 30-day period. The public needs hearing on April 17, 2018, is a forum to allow the citizens of Great Falls the opportunity to express their views on needs that should be addressed in the upcoming Annual Action Plan.

Workload Impacts

In accordance with federal regulations, administrative responsibilities will result from the acceptance and use of the CDBG and HOME funds. The CDBG/HOME Administrator will be responsible for the environmental reviews, contract development, project monitoring, invoice processing, federal reporting, and other HUD requirements to implement the Plan.

Purpose

A public hearing will assist with community engagement in the Grant Process for the 2018/2019 Annual Action Plan.

Conclusion

The public hearing provides the citizens of Great Falls an important opportunity to comment on community needs.

Fiscal Impact:

The 2018/2019 Community Development Block Grant award is estimated, based on last year's allocation, to be \$702,709. Home Investment Partnership funds awarded are estimated to be \$191,100. The Cities CDBG/HOME program is self-sustained by federal funds with no impact to City general or other funds.

Alternatives:

The hearing is required for the City to be awarded 2018/2019 CDBG and HOME funding. The City Commission may choose not to hold the public hearing and thereby not receive the funds.

ATTACHMENTS:

- Grant Schedule



City of Great Falls

CDBG/HOME Annual Action Plan Schedule

Commission Work Session to discuss Grant funding Priorities & Policies	November 21, 2017
Public Needs Assessment- Neighborhood Councils (1/31, 2/19, 2/22, 3/1), Community Survey, and Stakeholder Focus Group (3/5/18)	January 26, 2018- March 16, 2018
City Commission Work Session to review Community Data, City Commission Meeting to set date for Public Needs Hearing	Tuesday April 3, 2018
15 day comment period for proposed Citizen Participation Plan	March 30, 2018- April 16, 2018
City Commission Meeting to vote on Grant Policies and Citizen Participation Plan, <u>Public Needs Hearing</u>	Tuesday April 17, 2018
City Commission Meeting to vote on Goals to be included in Annual Action Plan	Tuesday May 1, 2018
Proposed 2018/2019 Annual Action Plan completed and available for review.	Tuesday May 8, 2018
30 day comment period for proposed 2018/2019 Annual Action Plan	May 8, 2018 – June 8, 2018
ConPlan/Annual Action Plan submitted to HUD	By June 30, 2018



Item: 2017/2018 Annual Action Plan Amendment and CDBG Timeliness Projects

From: Planning and Community Development Department

Initiated By: Maria Porter, CDBG/HOME Administrator

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

Action Requested:

Adoption of the 2017/2018 Amended Annual Action Plan and a cceptance of the proposed use of CDBG funds (Unallocated & Revolving Loan Funds).

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (adopt/not adopt) the 2017/2018 Amended Annual Action Plan; (authorize/not authorize) the submittal to the U.S. Department of Housing and Urban Development (HUD); and (accept/deny) the proposed use of funds, due to Timeliness, for the 2017/2018 Community Development Block Grant Program (CDBG)."

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

Staff Recommendation:

The Planning and Community Development staff recommends that the City Commission adopt the proposed Amended Annual Action Plan, authorize submittal to the U.S. Department of Housing and Urban Development (HUD), and accept the proposed use of CDBG funds.

Summary:

The amended 2017/2018 Amended Annual Action Plan includes the addition of new projects to address a Timeliness Notification from HUD and removes six existing projects which must be eliminated due to conflict of interest concerns raised by HUD. The Planning and Community Development Department proposes the revised list of projects to expend funds by May 2, 2018 and ensure the Timeliness Requirement is met.

Background:

The Annual Action Plan portion of the Consolidated Plan includes the proposed use of CDBG and

HOME funds for the 2017-2018 fiscal year. The Consolidated Plan is a five year comprehensive planning strategy required by HUD. The 2017/2018 Annual Action Plan will be in its third year of implementing this five year plan.

Significant Impacts

The City is at risk of becoming non-compliant with the regulatory timeliness requirements for its Community Development Block Grant (CDBG) funds. The expenditure of these funds by May 2, 2018, has a significant impact to the CDBG Program. First, it would keep the City in compliance which protects future funding. Second, as HUD has requested, it will decrease the line of credit in the Revolving Loan Fund and CDBG unallocated funds. Lastly, it will immediately provide funding for more projects to benefit Low to Moderate Income Persons, increasing the CDBG impact in the community.

Citizen Participation

A 30-day comment period beginning March 7, 2018, through April 6, 2018, was established to receive citizen input on the proposed 2017/2018 Amended Annual Action Plan. Notice of the Annual Action Plan Amendment was published in the *Great Falls Tribune* on March 16, 2018. A copy of the proposed Amended Annual Action Plan has been available for review in the City's Planning and Community Development Department Office, the Great Falls Public Library, and on the City of Great Falls web page. Following the 30 day public comment period, the final Amended Annual Action Plan will be submitted to HUD. The final Annual Action Plan will be on file in the City Clerk's office.

Workload Impacts

In accordance with federal regulations, increased administrative responsibilities will result from the additional Timeliness projects. The CDBG/HOME Administrator will be responsible for the expedited environmental reviews, contract development, project monitoring, invoice processing, federal reporting, and other HUD requirements.

Purpose

The purpose of the 2017/2018 Annual Action Plan Amendment and proposed Timeliness Projects is to remain in compliance with federal regulations. The City's CDBG line-of-credit must not exceed 1.5 times its annual grant amount by May 2nd of each year. The fiscal regulation includes Program Income and the Revolving Loan Fund in the line-of-credit calculation. The 2017/2018 program year was delayed due to the time length of HUD approval. This resulted in less time to expend project funds. As of March 13, Great Falls is at 1.75 times annual grant amount. As a result, the City must expend \$172,208 by the May 2nd deadline. This amount will decrease naturally through CDBG activities but not to the quantity that is needed to remain in compliance. As a result, new Timeliness Projects were identified for the amended 2017/2018 Annual Action Plan. These projects supplement existing projects and replace others that cannot be executed due to conflict of interest issues.

Project Work Scope

2017/2018 Annual Action Plan Amendment includes:

Removal of the following Annual Action Plan AP-35 Projects:

- Neighborhood Housing Services, Inc- Affordable Housing Construction
- Great Falls Development Authority- Job Creation
- Habitat for Humanity Opportunities Inc. – Roof
- Paris Gibson Square - ADA Bathroom
- Rural Dynamics, Inc.- Rent Reporting

Addition of the following Projects (please see attached project list for more details):

- Great Falls Housing Authority - boiler purchase; entry door system; and furnaces - \$40,000
- Great Falls Public Works - sidewalk and curb ramps - \$27,495
- Great Falls Park and Recreation - Kranz Park Play Structure - \$45,000
- Great Falls Park and Recreation - Kranz Park Pavillion and Amenities - \$28,000

These projects plus administrative costs will allow the City to expend its required Timeliness funds by the May 2, 2018, deadline.

Evaluation and Selection Process for New Projects

The CDBG Timeliness projects that were chosen by Planning and Community Development staff based on the following criteria:

- Consistency with the 2015-2019 Consolidated Plan
 - Plan identifies needs in Housing Assistance, Economic Development, and Public Improvements;
- Consistency with the Department's Community Needs Survey;
- Ability to expend funds by May 2 deadline;
- Concurrence from HUD on project eligibility;

Fiscal Impact:

The Timeliness Projects and Amended Annual Action Plan will not influence the City Budget. The funding that will be expended is CDBG reallocated funds from the removed projects and unallocated funds in the Revolving Loan Fund.

Alternatives:

The City Commission may choose to approve the 2017/2018 Amended Annual Action Plan and proposed list of Timeliness Projects as presented, amend the proposal, or reject the amendment and/or project list. Delaying action on this the proposal would put the City at risk of not meeting the rapidly approaching May 2nd deadline. Rejecting the proposal will result in the City becoming noncompliant and failing to meet HUD's May 2nd Timeliness Test. This would lead to a warning from HUD and the return of all excess funds to the federal government.

ATTACHMENTS:

- FY17 Annual Action Plan Press Release & Amendment
- Timeliness Project List



Home to the
Lewis & Clark National
Historic Trail
Interpretive Center

Proud Home of
Malmstrom Air
Force Base
&
Montana Air
National Guard

Over 60 parks & 40
miles of trail along the
Missouri River

Home of the C.M.
Russell Museum

Ranked as one of the
most affordable places
to live in the country

City of Great Falls
#2 Park Drive South
P.O. Box 5021
Great Falls, MT 59403
(406)-455-8450
www.greatfallsmt.net

PRESS RELEASE FOR IMMEDIATE RELEASE

DATE: March 7, 2018
CONTACT: Maria Porter, CDBG/HOME Administrator – 455-8407

AMENDMENT TO THE 2017-2018 ANNUAL ACTION PLAN AND 2015-2019 CONSOLIDATED PLAN

GREAT FALLS, Montana – The City of Great Falls Planning & Community Development Department is announcing a revision to its Community Development Block Grant (CDBG) Program's Annual Action Plan for 2017-2018, as published on October 24, 2017. As revised, the amended 2017-2018 Annual Action Plan is a component of the FFY 2015-2019 Consolidated Plan of Planning and Community Development objectives and proposed use of funds for the Community Development Block Grant (CDBG) Program. The City of Great Falls proposes that the FFY 2017-2018 Annual Action Plan be amended, in accordance with its Citizen Participation Plan and the regulations governing the CDBG Program. The amendments listed below are proposed for public review and comment:

Annual Action Plan AP-35 Projects

Removal of the below Projects:

- Neighborhood Housing Services, Inc- Affordable Housing Construction
- Great Falls Development Authority- Job Creation
- Habitat for Humanity
- Opportunities Inc. – Roof
- Paris Gibson Square - ADA Bathroom
- Rural Dynamics, Inc.- Rent Reporting

In response to the project removal, the City will need to proceed with the stipulation identified in the Annual Action Plan (AP-35 Projects: Introduction): *If necessary, un-programmed funds and Revolving Loan Funds will be expended if the City becomes at risk of being non-compliant with the regulatory timeliness requirements for its Community Development Block Grant (CDBG) funds.*

A public comment period is in effect for Wednesday, March 7 thru Friday, April 6, 2018. Comments on the proposed amendments are requested in writing by 5:00 pm Friday, April 6, 2018 at the address listed below or emailed to mporter@greatfallsmt.net:

Civic Center
Planning & Community Development Department
2 Park Drive South, Great Falls, MT 59403

The proposed amendments are available for review from, Wednesday, March 7 thru Friday, April 6, 2018, on the City of Great Falls web page (www.greatfallsmt.net) and at the following two public locations:

Great Falls Public Library (301 2nd Avenue North)
Planning & Community Development Department (Civic Center, Room 112)
(End)

#	Project Name
1	Great Falls City Code Enforcement
2	Great Falls City Revolving Loan Fund Servicing
3	Neighborhood Housing Services, Inc—Affordable Housing Construction
4	2017 DPL Program
5	2017 RIF Program
6	2017 W&S Program
7	Great Falls Development Authority—Job Creation
8	2017 CDBG Administration
9	Public Works-Sidewalk/Ramps
10	Meals in Wheels Program-Food Assistance
11	Boys & Girls Club Scholarships
12	Young Parent Education Center Scholarships
13	Habitat for Humanity
14	Center for Mental Health-Passages Group Home
15	P&R Community Recreation Center- ADA Bathroom
16	P&R Park ADA Sidewalks
17	Opportunities Inc.—Roof
18	Paris Gibson Square—ADA Bathroom
19	YWCA- Floor
20	Park & Rec CRC/Nat Scholarships
21	Quality Life Concepts- Floor
22	Rural Dynamics, Inc.—Rent Reporting
23	2017 HOME Project CHDO
24	2017 HOME Admin.
25	2017 HOME Project

Table ~~73~~ - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

**2017/2018 USE OF FEDERAL GRANT FUNDS
COMMUNITY DEVELOPMENT BLOCK GRANT
Timeliness Projects**

Affordable Housing

2940-71-742

	<u>Funding</u>	<u>Project #</u>	<u>Acct #</u>
Great Falls Housing Authority	\$40,000	CD721830	47330
Affordable Housing Rental Rehab. - Purchase two new boilers for Austin Hall, new entry door system and purchase 40 furnaces for Parkdale Amp 1 and Amp 2.			

Public Facility Improvements

2940-71-742

	<u>Funding</u>	<u>Project #</u>	<u>Acct #</u>
GREAT FALLS CITY PUBLIC WORKS – SIDEWALK AND RAMPS	\$27,495	CD721809	49310
Grant program to provide assistance to low income homeowners to remove and replace hazardous sidewalks within the city limits and replacement of existing intersections with ADA accessible ramps			
GREAT FALLS CITY PARK & RECREATION – KRANZ PARK- PARK STRUCTURE	\$45,000	CD721831	49310
Park and Recreation staff will remove the existing play structure and install a new ADA compliant structure to meet the needs of many children in the neighborhood.			
GREAT FALLS CITY PARK & RECREATION – KRANZ PARK- PAVILION AND AMENITIES	\$28,000	CD721832	49310
Purchase 20'x24' open Pavilion, 4 ADA compliant picnic tables, and 2 concrete garbage receptacles.			

March 16, 2018