



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

**CALL TO ORDER 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS**

**PROCLAMATIONS**

World Homeless Day and National Disability Employment Awareness Month.

**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. Appointments, Board of Adjustment/Appeals.
4. Appointment, Mansfield Center for the Performing Arts Advisory Board.
5. Miscellaneous reports and announcements from Boards and Commissions.

**CITY MANAGER**

6. 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.*

7. Minutes, September 18, 2018, Commission Meeting. -Pending-
8. Total Expenditures of \$4,137,464 for the period of September 1, 2018 through September 19, 2018, to include claims over \$5,000, in the amount of \$3,858,308.
9. Contracts List
10. Approve the purchase of one new 2019 Peterbilt 520 tandem axle truck to Peterbilt of

Missoula for \$121,337, and the purchase of one 2018 Heil PT 1000 25-yard rear load refuse packer to Kois Brothers Equipment Company Inc., of Great Falls for \$84,820, for a total purchase of \$206,157.

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

## **PUBLIC HEARINGS**

### **OLD BUSINESS**

### **NEW BUSINESS**

11. Amendment No.1 to Development Agreement with West Bank, LLC pertaining to West Bank Landing Urban Renewal Project.

*Action: Approve or deny Amendment No.1. (Presented by Melissa Kinzler)*

## **ORDINANCES/RESOLUTIONS**

### **CITY COMMISSION**

12. Miscellaneous reports and announcements from the City Commission.
13. 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. If a video recording is available it will be posted on the City's website at <https://greatfallsmt.net> after the meeting. 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:** Appointments, Board of Adjustment/Appeals

**From:** City Manager's Office

**Initiated By:** City Commission

**Presented By:** City Commission

**Action Requested:** Appoint two members to the Board of Adjustment/Appeals

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission appoint \_\_\_\_\_ and \_\_\_\_\_ to the Board of Adjustment/Appeals for three-year terms through September 30, 2021.”

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

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**Staff Recommendation:**

It is recommended that the City Commission consider appointing two members to the Board of Adjustment/Appeals for three-year terms through September 30, 2021.

**Summary:**

Mr. David Saenz was appointed to the Board of Adjustment/Appeals for a three-year term on January 19, 2016 with a term expiring September 30, 2018. Mr. Saenz has decided to step down from the board. Mr. David J. Carlson was appointed for a partial term on May 17, 2016. Mr. Carlson recently moved away from Great Falls, therefore he is not able to continue on the Board.

Advertising was done through the City Website and through the local media. The advertisement closed on September 20, 2018 with three applications being received.

**Background:**

The Board of Adjustment/Appeals consists of five members appointed by the City Commission. The Board hears and decides appeals regarding zoning, housing, and building codes and ordinances; hears and decides, requests for variances from standards set forth in zoning ordinances; hears and decides all other matters referred to the Board regarding zoning, housing, and building ordinances. Members serve three-year terms and, per Municipal Code, must reside within the City limits.

The International Building Code requires the Board of Adjustment's membership to be qualified by experience and training to pass on matters pertaining to building construction. The International Mechanical Code requires the Board of Adjustment's membership to include registered design professionals with structural engineering, electrical engineering, and architectural experience.

Continuing members of this Board are:

Jule Stuver	10/7/14 – 9/30/20
Kyle Palagi	4/19/16 – 9/30/20
Krista Smith	9/15/15 – 9/30/19

Members resigning from the Board are:

David Saenz	1/19/16 – 9/30/18
David J. Carlson	5/17/16 – 9/30/18

Citizens Interested in serving on the Board:

Joe McMillen  
Aspen Northerner  
Kelly Buschmeyer

**Alternatives:**

The Commission could choose to continue advertising to seek other citizen interest for the vacancies.

**Concurrences:**

Planning and Community Development Staff met with each of the candidates and concluded that all three applicants are qualified. Staff is recommending the City Commission appoint two members to the Board. A Board of Adjustment/Appeals meeting is scheduled for October 4th, 2018 and without these appointments, the meeting will have to be postponed for lack of quorum. All three candidates are aware of the schedule deadlines and will receive copies of the materials for the meeting with the understanding that only two members will be appointed.

ATTACHMENTS:

- ▣ Application - McMillen
- ▣ Application - Northerner
- ▣ Application - Buschmeyer




**BOARDS AND COMMISSIONS  
CITIZEN INTEREST FORM  
(PLEASE PRINT OR TYPE)**

**RECEIVED**

SEP 17 2018

Thank you for your interest. Citizen volunteers are regularly appointed to **the CITY MANAGER** various boards and commissions. This application subject to Montana Right to Know laws.

Board/Commission Applying For: <i>Board of Adjustment/appeals</i>		Date of Application: <i>9-17-18</i>
Name: <i>Joe MacMillen</i>		
Home Address: <i>3405 8th Ave N. GF MT 59401</i>		Email address: <i>coachjoe@bresnan.net</i>
Home Phone: <i>406-761-5213</i>	Work Phone: <i>406-761-5213</i>	Cell Phone: <i>406-231-8042</i>
Occupation: <i>Master Plumber / HVAC</i>	Employer: <i>Owner: All About You P+H</i>	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: <i>See attached</i>		
Educational Background: <i>See attached</i>		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities:  <i>N/A</i>		
Previous and current public experience (elective or appointive):  <i>N/A</i>		
Membership in other community organizations:  <i>N/A</i>		

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? <i>See Attached</i>	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? <i>See Attached</i>	
Additional comments: <i>N/A</i>	
Signature 	Date: <i>9-17-18</i>

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

**Return this form to:**  
City Manager's Office  
P.O. Box 5021  
Great Falls, MT 59403

Fax:  
(406) 727-0005

Email:  
kartis@greatfallsmt.net

# Joe McMillen

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## Experience

1996-2003 Talon Plumbing & Heating Great Falls, MT

### **Plumbing & Heating Tech**

- Started and completed plumbing apprenticeship.
- Performed 3 Years Plumbing & Heating Service
- Performed 3 Years Commercial Mechanical Construction
- Estimated, Performed, and Supervised Excavation & Utilities

2003-2004 Wadsworth Plumbing & Heating Great Falls, MT

### **Plumbing & Heating Superintendent**

- Performed & Managed Government Commercial Work
- Performed & Managed Ground Work for a 100 Million Dollar Malt Plant

2004-2006 Quality Plumbing & Heating Great Falls, MT

### **Project Manager & Senior Estimator**

- Competitively Estimating & Managing Projects. (Using Excel)
- Developed Company Standards & Training.
- Manage & Oversee 2 Other Sales/Estimating Employees.
- Manage and Oversee a 30 Man Workforce.
- Design & Manage Plumbing Systems
- HVAC Systems (In-floor, Duct Systems, Fresh Air Exchange & Waste Oil Burning)

2006-2013 Loebro Great Falls, MT

### **General Manager (Started New Plumbing & Heating Div.)**

- Competitively Estimating & Managing Projects. (Using Excel)
  - Developed Company Standards & Training.
  - Manage and Oversee Employees
  - Design & Manage Plumbing Systems
  - Started & Operated a Franchise Service Company Ben Franklin Plumbing
- HVAC Systems (In-floor, Duct Systems, Fresh Air Exchange & Waste Oil Burning)

2013–Current All About You Plumbing & Heating Great Falls, MT

**Business Owner**

- Competitively Estimating & Managing Projects. (Using Excel)
  - Developed Company Standards & Training.
  - Manage & Oversee Employees.
  - Design & Manage Plumbing Systems
  - Manage Finances & Fleet
  - Design & Execute Business Plan
- HVAC Systems (In-floor, Duct Systems, Fresh Air Exchange & Waste Oil Burning)

2004-2005 Club Boxing Great Falls, MT

**Boxing Promoter**

- Set Up Weekly Fights
- Payroll (Paid Fighters, Venue Employees, & Sub-Contractors)
- Managed Venue (Fighters, Ring Girls, Bar, Security, MT State Board of Athletics)

**Education**

- High School (Home School)(Finished with GED)
- Apprenticeship 5 Year Program (North Dakota School of Science & Tech.)
- Master Plumber (2007-Current) Over 11 Years

**My Interest In Serving On This Board**

I was born and raised in Great Falls. I have accomplished most of my goals as a plumber and local business man. I am interested in putting my skills and efforts into serving Great Falls and doing my part to help the community any way that I can.

**My Experience & Background Qualifying Me for This Position**

As you can see in my work history, I have a decent amount of construction experience. I am no stranger to attending meetings and communicating with people about problems and solutions. I have years of management experience managing construction, employees, maintenance, budgets, and business.






**BOARDS AND COMMISSIONS  
CITIZEN INTEREST FORM  
(PLEASE PRINT OR TYPE)**

*Thank you for your interest. Citizen volunteers are regularly appointed to the various boards and commissions. This application subject to Montana Right to Know laws.*

Board/Commission Applying For: <b>Board of Adjustment/Appeals</b>		Date of Application: <b>9/20/2018</b>
Name: <b>Aspen Northerner</b>		
Home Address: <b>512 1st Ave SW Great Falls, MT</b>		Email address: <b>aspen482@gmail.com</b>
Home Phone:	Work Phone: <b>406-453-8144</b>	Cell Phone: <b>406-868-5105</b>
Occupation: <b>Paralegal</b>		Employer: <b>Smith Oblander &amp; Meade, PC.</b>
Would your work schedule conflict with meeting dates?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain) <b>My employers are willing to be flexible, so attendance on that basis is not expected to be an issue.</b>		
Related experiences or background: <b>From my employment and personal interests over the last 20+ years, I have a gained a strong working knowledge of a variety of building codes, (including the IBC and IRC) the Land Development Code, and the planning, permitting, and review processes used by the City of Great Falls.</b>		
Educational Background: <b>High School diploma</b>		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities: <b>None</b>		
Previous and current public experience (elective or appointive): <b>None</b>		
Membership in other community organizations: <b>None</b>		

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? I believe I have the knowledge and perspective to benefit the City and its residents with the challenges we face regarding development, zoning and land use.	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? Working at a local sign shop I gained experience with local zoning and permitting requirements, which was bolstered by a familiarity and friendship with a wide variety of building and construction professionals that I still enjoy today. I closely followed the passage of the current Land Development Code, and during the last decade of working in the legal field I believe I have continued to develop a unique understanding of the challenges faced by the City in its goal of enforcing and interpreting its growth policy to provide minimum standards for the safety, welfare, development and economic stability for the benefit of all its residents, as well as the difficulties faced by those residents in complying with the wide variety of City regulations that must be addressed in the course of living and doing business in Great Falls.	
Additional comments:	
Signature: 	Date: 9-20-18

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kartis@greatfallsmt.net



**BOARDS AND COMMISSIONS  
CITIZEN INTEREST FORM  
(PLEASE PRINT OR TYPE)**

*Thank you for your interest. Citizen volunteers are regularly appointed to the various boards and commissions. This application subject to Montana Right to Know laws.*

Board/Commission Applying For: <b>Planning Advisory Board or Adjustments / Appeals Board</b>		Date of Application: <b>09/20/18</b>
Name: <b>Kelly Buschmeyer</b>		
Home Address: <b>47 37th Ave NW Great Falls, MT 59404</b>		Email address: <b>k_buschmeyer@yahoo.com</b>
Home Phone: <b>714-420-0242</b>	Work Phone: <b>406-577-2772</b>	Cell Phone: <b>714-420-0242</b>
Occupation: <b>Construction Management</b>	Employer: <b>Jackson Contractor Group</b>	
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: <b>I have worked on the design side, as well as the construction side for over the past 15 years. I also have worked for the Office of Historic Preservation, and have extensive experience working with multiple City offices and Public Works Departments.</b>		
Educational Background: <b>I have my Masters in Anthropology, with an emphasis in Historic Preservation / Archaeology. I am also a Certified Construction Manager with CMCI.</b>		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities: <b>I am a volunteer as a guardian ad litem, with CASA in Cascade County. I also volunteer with Race Montana when they need assistance. I was a volunteer for PAWS in Chicago (2015), and Cuddly Canines Rescue in Southern California from (2007-2010).</b>		
Previous and current public experience (elective or appointive): <b>N/A</b>		
Membership in other community organizations: <b>Member of the Construction Management Association of America, CMAA. Member of the Women in Transportation (WTS) - Chicago Chapter</b>		

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? <b>We moved to Great Falls July 2017, and I've been seeking different opportunities on how I can become more involved in the community. I was at the Builders Exchange yesterday morning, and was told that there were openings for the above noted Boards and that I could be of value if I applied.</b>	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? <b>I have worked in the A/E and construction industry for over 15 years. I have a wide variety of project experience from: infrastructure, aviation, transportation, federal, and commercial work. I also have a background in historic preservation, while working for the State of California.</b>	
Additional comments: <b>I think I would be a useful candidate for the Planning Advisory Board or Adjustments / Appeals Board. My experience working in different parts of the United States and different agencies, could be useful to the City of Great Falls. I will be more than happy to provide my resume and project history if you prefer. I look forward to hearing from you.</b>	
Signature <b>Kelly Buschmeyer</b>	Date: <b>09/20/18</b>

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kartis@greatfallsmt.net



**Item:** Appointment, Mansfield Center for the Performing Arts Advisory Board.

**From:** City Manager's Office

**Initiated By:** City Commission

**Presented By:** City Commission

**Action Requested:** Appoint one member to serve on the Mansfield Center for the Performing Arts Advisory Board.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission appoint \_\_\_\_\_ for the remainder of a three year term through December 31, 2020, to the Mansfield Center for the Performing Arts Advisory Board.”

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

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**Staff Recommendation:**

It is recommended that the City Commission appoint Christina Horton to the Mansfield Center for the Performing Arts Advisory Board for the remainder of a three year term.

**Summary:**

Larry Gomoll was appointed to the Mansfield Center for the Performing Arts Advisory Board in December 2011 and reappointed for a second term through December 2018 ~~2017~~. Mr. Gomoll has remained on the Board while the City advertised for the vacancy. The City received an application from Christina Horton on July 20, 2018.

The Mansfield Center for the Performing Arts Advisory Board was unable to establish a quorum for the September meeting. Staff has reviewed the application and has shared the application with the Board. Due to the recent quorum issue, staff is recommending the Commission appoint Ms. Horton. Their next scheduled meeting will be October 19th, 2018.

Background: The Civic Center Advisory Board was created in 1997 and was amended by Ord. 2928 in February of 2006 to change the name to the Mansfield Center for the Performing Arts Advisory Board. The Board acts in an advisory capacity to the City Commission and the City Manager on matters related

to the successful operation of the Civic Center as the Mansfield Center for the Performing Arts and public meeting rooms. The Board consists of five to seven members with an attempt to have representation from the areas of performing arts, conventions and meetings, and civic leaders.

Continuing members of this board are:

Carl Donovan	1/15/13 – 12/31/18
Kelly Manzer	1/01/14 – 12/31/19
Grant Harville	12/19/17 – 12/31/19
Allen Lanning	1/06/15 – 12/31/19
Patty Holmes Myers	1/ 1/16 – 12/31/18
Nancy Clark	11/7/17 – 12/31/18

**Alternatives:**

Advertise to seek other citizen interest.

**Concurrences:**

Mansfield Center for the Performing Arts Board meeting was scheduled for September 21, 2018, but a quorum was not established. Ms. Horton's application was shared with the Board by email. Board members have not individually voiced concerns on the appointment. Staff is recommending appointment rather than delaying for another month for the Board to make a recommendation.

ATTACHMENTS:

- Application - Horton



**BOARDS AND COMMISSIONS  
CITIZEN INTEREST FORM  
(PLEASE PRINT OR TYPE)**


**RECEIVED**

JUL 20 2018

CITY MANAGER

*Thank you for your interest. Citizen volunteers are regularly appointed to the various boards and commissions. This application subject to Montana Right to Know laws.*

Board/Commission Applying For: Mansfield Advisory Board		Date of Application: July 19, 2018
Name: Christina Horton		
Home Address: 2512 4th Ave N		Email address: chorton@cmrussell.org
Home Phone:	Work Phone: 406-727-8787	Cell Phone:
Occupation: Marketing and Events Manager		Employer: C.M. Russell Museum
Would your work schedule conflict with meeting dates?    Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: <i>The Russell</i> event planner for the last three years. Previously I spent five years as the Event Manager for the Seattle Mariners and, in that capacity, oversaw over 500 events and venue rentals each year.		
Educational Background: BA in Communication Studies, Minor in Business Administration from Seattle University		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities: Jail Ministry - Library Volunteer		
Previous and current public experience (elective or appointive):		
Membership in other community organizations:		

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission?  Management and operation of the Center is of interest to the C.M. Russell Museum as the Convention Center is a critical component of <i>The Russell</i> each year. Additionally, as a resident of Great Falls I feel the Mansfield Center for the Performing Arts is a valuable asset to the community.	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission?  I have ten years event planning and venue management experience.	
Additional comments:	
Signature 	Date: 7/19/18

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

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**Item:** Minutes, September 18, 2018, Commission Meeting. -Pending-

**From:** City Clerk's Office

**Presented By:** City Commission

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**Summary:**

Due to the length and complexity of the September 18, 2018 meeting, the minutes will be submitted for review and approval during the October 16, 2018 Commission Meeting.



**Item:** Total Expenditures of \$4,137,464 for the period of September 1, 2018 through September 19, 2018, to include claims over \$5,000, in the amount of \$3,858,308.

**From:** Fiscal Services

**Initiated By:** City Commission

**Presented By:** Melissa Kinzler, Fiscal Services Director

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ATTACHMENTS:

- ▣ 5000 Report



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

**PRESENTED BY:** Finance Director

**ACTION REQUESTED:** Approval with Consent Agenda

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

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

ACCOUNTS PAYABLE CHECK RUNS FROM SEPTEMBER 6, 2018 - SEPTEMBER 19, 2018	4,105,345.45
MUNICIPAL COURT ACCOUNT CHECK RUN FOR SEPTEMBER 1, 2018-SEPTEMBER 14, 2018	32,118.30
<b>TOTAL: \$</b>	<b><u>4,137,463.75</u></b>

**GENERAL FUND**

**POLICE**

ARMSCOR CARTRIDGE INC	AMMUNITION	6,668.78
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**FIRE**

STERLING VELTKAMP	PARAMEDIC EDUCATION	8,600.00
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**SPECIAL REVENUE FUND**

**POLICE SPECIAL REVENUE**

CLYDE ARMORY INC	RIFLE UPGRADES	32,763.50
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**HIDTA SPECIAL REVENUE**

SANDOVAL CUSTOM CREATION	CANON POLE CAMERA	5,951.00
DELL MARKETING LP	COMPUTERS & MONITORS HIDTA	10,465.65

**STREET DISTRICT**

GREAT FALLS SAND & GRAVEL INC	ASPHALTIC CONCRETE MATERIAL	5,910.52
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**LIBRARY FOUNDATION**

OVERDRIVE INC	MONTANA LIBRARY 2 GO CONTENT PURCHASES	11,163.90
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**PLANNING & COMMUNITY DEVELOPMENT**

GREAT FALLS TRANSIT DISTRICT	REIMBURSEMENT FOR TRANSIT PLANNING FROM UPWP FUNDS	23,197.82
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**SPECIAL REVENUE FUND (CONTINUED)**

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**FEDERAL BLOCK GRANTS**

NELSON COMFORT SOLUTIONS	CDBG RESIDENTIAL PLUMBING	8,938.29
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**ENTERPRISE FUNDS**

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**WATER**

UNITED MATERIALS OF GREAT FALLS	OF 1465.2 LOWER SOUTH SIDE WMR PH III	342,759.58
MIDCO DIVING & MARINE SERVICES, INC	OF 1625.7 INSPECTION & MAINTENANCE OF HILL 57 & 33RD ST RESERVOIRS	9,403.02
INDUSTRIAL AUTOMATION CONSULTING	OF 1519.6 WTP IMPROVEMENTS PHASE 1 - UV/CHEMICAL BLDG/ELECTRICAL BLDG	20,201.93
SLETTEN CONSTRUCTION CO	OF 1625.6 GORE HILL PUMP STATION PUMP REPLACEMENT	65,722.14
SLETTEN CONSTRUCTION CO	OF 1519.6 WTP IMPROVEMENTS PHASE 1 CONSTRUCTION	293,957.98

**SEWER**

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	241,274.04
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	12,500.00
CIP CONSTRUCTION TECHNOLOGIES	OF 1695.6 WEST BANK SANITARY SEWER MANHOLE LINING	13,207.14
CENTRAL EXCAVATION	OF 1674.7 SANITARY SPOT REPAIRS	17,709.12

**STORM DRAIN**

STATE OF MONTANA	1% WITHHOLDING FOR CENTRAL EXCAVATION	5,914.22
CENTRAL EXCAVATION	OF 1462.5 18TH ST S STORM DRAIN IMPROVEMENTS	585,507.61

**PARKING**

STANDARD PARKING	CONTRACT SERVICES FOR JULY 2018	28,815.56
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**CIVIC CENTER EVENTS**

MACLEAN-CAMERON ANIMAL ADOPTION CENTER	19-19 PAYOUT CESAR MILLAN SHOW	27,322.41
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**INTERNAL SERVICES FUND**

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**HEALTH & BENEFITS**

MONTANA MUNICIPAL INTERLOCAL AUTHORITY	EMPLOYEE HEALTH INSURANCE PREMIUM FOR SEPTEMBER 2018	785,617.10
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**INSURANCE & SAFETY**

KENCO SECURITY AND TECHNOLOGIES	CIVIC CENTER INSTALL CCTV SYSTEM	18,371.12
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**INTERNAL SERVICES FUND (CONTINUED)**

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**INFORMATION TECHNOLOGY**

DAVIS BUSINESS MACHINES INC	COPIER REPLACEMENT ADMIN/HR/LEGAL	14,995.00
DELL MARKETING LP	FY19 SERVER REPLACEMENTS	20,731.12

**CENTRAL GARAGE**

ALTEC NUECO LLC	2-FORESTRY BUCKET TRUCKS	231,900.00
MOUNTAIN VIEW CO-OP	FUEL	17,007.87

**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	27,309.00
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**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	49,439.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	7,491.97
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	109,724.62
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	135,967.73
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	279,266.93
POLICE SAVINGS & LOAN	EMPLOYEE CONTRIBUTIONS	13,418.00
US BANK	FEDERAL TAXES, FICA & MEDICARE	211,141.97
AFLAC	EMPLOYEE CONTRIBUTIONS	10,297.40
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	13,983.44

**UTILITY BILLS**

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ENERGY WEST RESOURCES INC	AUGUST 2018 MONTHLY CHARGES	11,080.63
TALEN TREASURE STATE	ELECTRICITY CHARGES FOR AUGUST 18	122,611.20

**CLAIMS OVER \$5000 TOTAL:** \$ 3,858,308.31



**Item:** Contracts List

**From:** City Clerk's Office

**Presented By:** City Commission

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ATTACHMENTS:

- ▣ Contracts List

**CITY OF GREAT FALLS, MONTANA**

**AGENDA: 9**

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: October 2, 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**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Public Works/ Engineering	Nalco Company LLC d/b/a Nalco Water	10/01/2018- 09/30/2019	N/A	Program Management Agreement Amendment No. 2 extends term of agreement from October 15, 2018 to September 30, 2019 due to mechanical complications at the Water Treatment Plant (CR 081517.10 E) (CR 060518.10)

<b>B</b>	Great Falls Police Department	CARFAX, Inc.	10/01/2018- Automatically Renews one year until either party provides 90 days written notice prior to any renewal date.	N/A	Agreement to provide Police Department with investigative tools and accident data
<b>C</b>	Great Falls Police Department	Chinook Windows	10/02/2018- 12/31/2018	\$2,400	Agreement for removing and installing three windows at the 911 Emergency Communications Center







**Item:** One New 2019 Tandem Axle Truck with New 2018 Rear Load Refuse Packer.

**From:** Doug Alm, Vehicle Maintenance Manager

**Initiated By:** Public Works Department

**Presented By:** Jim Rearden, Public Works Director

**Action Requested:** Approve Purchase.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/not approve) the purchase of one new 2019 Peterbilt 520 tandem axle truck to Peterbilt of Missoula for \$121,337, and the purchase of one 2018 Heil PT 1000 25-yard rear load refuse packer to Kois Brothers Equipment Company Inc., of Great Falls for \$84,820, for a total of \$206,157.”

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

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**Staff Recommendation:**

Staff recommends that the City Commission approve the purchase of one new 2019 Peterbilt 520 tandem axle truck to Peterbilt of Missoula for \$121,337, and one new 2018 Heil PT 1000 25-yard rear load refuse packer to Kois Brothers Equipment Company Inc., of Great Falls for \$84,820, through Sourcewell for a total of \$206,157.

**Background:**

Purpose

This unit will be used for residential solid waste collection.

Evaluation and Selection Process

The City of Great Falls has a membership with Sourcewell to view their competitive bid contracts. As a Sourcewell member, the City of Great Falls can interact directly with awarded vendors to facilitate a purchase. This also allows the City of Great Falls to work with the Sourcewell contract manager to verify pricing, answer contract questions, or any other questions that may arise. Through this process the City receives equipment in an expedited manner by purchasing ready to work equipment.

### Conclusion

The bid specifications from Sourcewell meet specifications for the tandem axle truck with rear load refuse packer.

### **Fiscal Impact:**

This vehicle will replace the City's 2003 Sterling Condor with a Leach 25-yard rear load packer, VIN #49HHBVCY13RM01776, Unit #905, with 158,306 miles on it. This vehicle is in poor condition and has been out of service for several months. Unit #905 has bad steering, a broken radiator, a hydraulic pump leak, bad springs, the packer cylinder leaks, the sweep cylinder leaks, the box to frame mount is bad, and the box mounts are cracked. The estimated cost for these repairs is \$15,000-\$20,000. Unit #905 will be declared surplus and may sold at a later date.

Funds for this purchase would come from the Sanitation Division FY 2019 Budget.

### **Alternatives:**

City Commission could vote to not approve the purchase of one new 2019 tandem axle truck with new 2018 rear load refuse packer.

### ATTACHMENTS:

- ❑ Acceptance and Award Peterbilt
- ❑ Form G Evaluation Peterbilt
- ❑ Peterbilt - Quote Rear Loader
- ❑ Acceptance and Award Heil
- ❑ Form G Evaluation Heil
- ❑ Kois - Quote Heil Rear Loader

**FORM E**  
**CONTRACT ACCEPTANCE AND AWARD**



(Top portion of this form will be completed by NJPA if the vendor is awarded a contract. The vendor should complete the vendor authorized signatures as part of the RFP response.)

NJPA Contract #: 081716-PMC

Proposer's full legal name: Peterbilt Motors Company

**Based on NJPA's evaluation of your proposal, you have been awarded a contract. As an awarded vendor, you agree to provide the products and services contained in your proposal and to meet all of the terms and conditions set forth in this RFP, in any amendments to this RFP, and in any exceptions that are accepted by NJPA.**

The effective date of the Contract will be November 15, 2016 and will expire on November 15, 2020 (no later than the later of four years from the expiration date of the currently awarded contract or four years from the date that the NJPA Chief Procurement Officer awards the Contract). This Contract may be extended for a fifth year at NJPA's discretion.

**NJPA Authorized Signatures:**

[Redacted Signature]  
\_\_\_\_\_  
NJPA DIRECTOR OF COOPERATIVE CONTRACTS  
AND PROCUREMENT/CEO SIGNATURE

Jeremy Schwartz  
(NAME PRINTED OR TYPED)

[Redacted Signature]  
\_\_\_\_\_  
NJPA EXECUTIVE DIRECTOR/CEO SIGNATURE

Chaa Coauette  
(NAME PRINTED OR TYPED)

Awarded on November 15, 2016

NJPA Contract # 081716-PMC

**Vendor Authorized Signatures:**

The Vendor hereby accepts this Contract award, including all accepted exceptions and amendments.

Vendor Name Robert P Woodall - Peterbilt Motors Company

Authorized Signatory's Title Asst General Mgr - Sales & Marketing

[Redacted Signature]  
\_\_\_\_\_  
VENDOR AUTHORIZED SIGNATURE

Robert P. Woodall  
(NAME PRINTED OR TYPED)

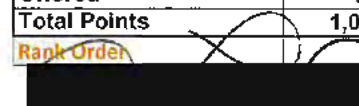
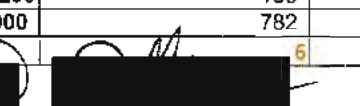




Executed on \_\_\_\_\_, 20\_\_

NJPA Contract # 081716-PMC



**Form G**  
**Class 6, 7, and 8 Chassis with Related Equipment, Accessories, and Services**

	Possible Points	Autocar, LLC	Bayshore Ford Truck Sales, Inc	Birmingham Freightliner, LLC	Hiab USA Inc	I-State Truck, Inc	Kenworth Truck Company	Long Lewis Western Star	Los Angeles Truck Centers	National Auto Fleet Group	Navistar, Inc.	Palmer Trucks, Inc	Peterbilt Motors Company	RWC International, LTD	Volvo Group North America
<b>Conformance to Terms/ Conditions to Include Documentation</b>	50	38	38	34		36	43	32	34	39	40	40	41	35	43
<b>Pricing</b>	400	306	276	255		285	339	242	269	331	328	306	325	281	336
<b>Financial, Industry and Marketplace Successes</b>	75	58	42	44		45	61	43	47	59	62	52	62	47	61
<b>Bidder's Ability to Sell/ Service Contract Nationally</b>	100	83	43	44		45	88	41	44	77	88	49	87	52	88
<b>Bidder's Marketing Plan</b>	50	40	30	30		30	40	27	32	40	41	36	32	37	43
<b>Value Added Attributes</b>	75	59	42	41		44	59	44	41	61	59	52	59	48	62
<b>Warranty Coverages and Information</b>	50	43	41	37		39	46	39	37	41	45	41	43	41	45
<b>Selection and Variety of Products and Services Offered</b>	200	156	121	124		132	170	111	127	179	165	127	159	121	151
<b>Total Points</b>	<b>1,000</b>	782	633	610		656	845	579	632	826	827	702	809	661	829
<b>Rank Order</b>		6	10	12		9	1	13	11	4	3	7	5	8	2

 Ginger Lina, CPPB, NJPA  
 Jonathan Zahn, JD, NJPA  
 Chris Robinson, JD, NJPA  
 Gregg Meierhofer, CPPO, NJPA  
 Keith Hanson, CPA, NJPA  
 Kim Austin, NJPA

<b>PETERBILT MOTORS COMPANY</b>			
<b>SOURCEWELL CONTRACT #018-716-PMC</b>			
Montana Peterbilt Missoula		City of Great Falls (pin # 16787)	
<b>PETERBILT MODEL</b>	520	<b>CHASSIS #</b>	INSERT CHASSIS #
<b>CAB &amp; CHASSIS LIST PRICE</b>	\$203,369	<b>PETERBILT MODEL</b>	<b>SOURCEWELL DISCOUNT</b>
<b>SOURCEWELL DISCOUNT %</b>	41.32%		
<b>SOURCEWELL DISCOUNT \$</b>	\$84,032		
<b>CAB &amp; CHASSIS PRICE</b>	\$119,337		
<b>TOTAL PRICE FOR ALL SOURCED GOODS/SERVICES</b>		\$2,000	
<b>TOTAL PRICE FOR CAB &amp; CHASSIS AND ALL SOURCED GOODS/SERVICES</b>		\$121,337	
		520	41.32%



Montana Peterbilt M501  
9550 Cartage Road

CITY OF GREAT FALLS  
1025 25TH Ave N.E.

Missoula, Montana United States 59807  
Phone: (406) 721-6100  
Fax: (406) 721-8885  
Email:

Great Falls, Montana United States 59401  
Phone: (406) 771-1401  
Fax:  
Contact Email:  
Prepared for: DOUG ALM

### Customer Quote

#### Equipment

Quantity Ordered:	1
Truck Price:	\$203,369
Dealer Options:	\$0
Equipment List Price:	\$203,369
Surcharges Not Subject to Discount:	\$0
Options Not Subject to Discount:	\$1,250
Factory Freight Cost:	\$3,025

Total Equipment Price: \$207,644

**NET Sale Price:** \$121,337

#### Miscellaneous

FET Tire Credit:	\$0	
Net Chassis FET:		\$0
State Tax:		\$0
Body/Trailer/Accessories FET:		\$0
Fees:		\$0
Other:		\$0

**Quotation Total:** \$121,337

Unpublished options may require review/approval.  
Dimensional and performance data for unpublished options may vary from that displayed in PROSPECTOR.

Printed:	9/10/2018 3:36:00 PM	<b>Complete</b>	Model Number:	Model 520
Effective Date:	Jul 1, 2018		Quote/DTPO/CO:	Q24050551
Prepared by:	ID: ToddWhitman		Version Number:	37.11

**Contract Award  
RFP 112014 #**

**FORM D**

**Formal Offering of Proposal**

**MOBILE REFUSE COLLECTION VEHICLES WITH RELATED EQUIPMENT, ACCESSORIES,  
AND SERVICES**

In compliance with the Request for Proposal (RFP) for MOBILE REFUSE COLLECTION VEHICLES WITH RELATED EQUIPMENT, ACCESSORIES, AND SERVICES the undersigned warrants that I/we have examined this RFP and, being familiar with all of the instructions, terms and conditions, general specifications, expectations, technical specifications, service expectations and any special terms, do hereby propose, fully commit and agree to furnish the defined equipment/products and related services in full compliance with all terms, conditions of this RFP, any applicable amendments of this RFP, and all Proposer's Response documentation. Proposer further understands they accept the full responsibility as the sole source of responsibility of the proposed response herein and that the performance of any sub-contractors employed by the Proposer in fulfillment of this proposal is the sole responsibility of the Proposer.

Company Name: The Heil Co.


Date: 11/19/2014

Company Address: 2030 Hamilton Place Blvd, Suite 200

City: Chattanooga, TN 37421

Contact Person: Larry Angel

Authorized Signature (ink only):

  
\_\_\_\_\_  
(Name printed or typed)





Contract Acceptance and Award

(To be completed only by NJPA)

NJPA 112014 # MOBILE REFUSE COLLECTION VEHICLES WITH RELATED EQUIPMENT, ACCESSORIES, AND SERVICES

The Heil Co.

Proposer's full legal name

Your proposal is hereby accepted and awarded. As an awarded Proposer, you are now bound to provide the defined product/equipment and services contained in your proposal offering according to all terms, conditions, and pricing set forth in this RFP, any amendments to this RFP, your Response, and any exceptions accepted or rejected by NJPA on Form C.

The effective start date of the Contract will be December 16, 2014 and continue for four years from the board award date. This contract has the consideration of a fifth year renewal option at the discretion of NJPA.

National Joint Powers Alliance® (NJPA)

NJPA Authorized signature:

[Redacted signature]

NJPA Executive Director

Dr. Chad Coquette

(Name printed or typed)

Awarded this 16th day of December, 2014 NJPA Contract Number 112014-THC

NJPA Authorized signature:

[Redacted signature]

NJPA Board Member

Scott Veronen

(Name printed or typed)

Executed this 16th day of December, 2014 NJPA Contract Number 112014-THC

Proposer hereby accepts contract award including all accepted exceptions and NJPA clarifications identified on FORM C.

Vendor Name THE HEIL CO.

Vendor Authorized signature:

[Redacted signature]

LARRY ANGEL

(Name printed or typed)

Title: GENERAL MANAGER - READY TRUCKS

Executed this 13th day of JANUARY, 2015 NJPA Contract Number 112014-THC

**FORM G**


**MOBILE REFUSE COLLECTION VEHICLES WITH RELATED EQUIPMENT, ACCESSORIES, AND SERVICES**

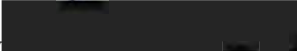
	Possible Points	Crane Carrier Company	Labrie Enviroquipo Group	McNeilus Companies	Pak-Mor Ltd	Routeware Inc.	Scranton Mfting Company Inc/New Way	The Heil Company
Conformance to Terms/ Conditions to Include Documentation	50	42.50	38.00	32.50	30.00	25.00	40.00	45.00
Pricing	400	312.50	327.50	333.75	275.00	237.50	307.50	343.75
Financial, Industry and Marketplace Successes	75	55.00	56.25	65.00	47.50	41.25	52.50	68.75
Bidder's Ability to Sell/ Service Contract Nationally	100	70.00	67.50	77.50	51.25	41.25	76.25	85.00
Bidder's Marketing Plan	50	38.75	38.75	36.25	32.50	31.25	37.50	42.75
Value Added Attributes	75	60.00	64.00	53.75	48.75	50.00	53.75	68.75
Warranty Coverages and Information	50	38.75	38.75	40.00	30.00	40.00	33.75	40.00
Selection and Variety of Products and Services Offered	200	116.25	152.50	145.00	133.75	110.00	155.00	167.50
<b>Total Points</b>	<b>1,000</b>	<b>733.75</b>	<b>783.25</b>	<b>783.75</b>	<b>648.75</b>	<b>576.25</b>	<b>756.25</b>	<b>861.50</b>

  
Ginger Lipe, CPPB, NJPA

12/3/2014  12/3/2014  
Tracy Plinske, NJPA

 12/3/2014  
Gregg Meierhofer, CPPO, NJPA

  
Jonathan Yahn, JD, NJPA

12/3/2014  12/3/2014  
Keith Hanson, CPA, NJPA



**EQUIPMENT COMPANY INC.**

**DENVER**  
5200 Colorado Blvd.  
Commerce City, CO 80022  
Phone: 303-298-7370  
Fax: 303-298-8527

**BILLINGS**  
2107 Harnish Blvd.  
Billings, MT 59101  
Phone: 406-652-3975  
Fax: 406-652-3744

**GREAT FALLS**  
1610 River Drive North  
Great Falls, MT 59401  
Phone: 406-452-2757  
Fax: 406-452-2799

Quote # 18-4096  
Date: 09/11/18

PAGE 1

Customer: 7725  
Quote to: CITY OF GREAT FALLS  
FISCAL SERVICES  
P.O. BOX 5021  
GREAT FALLS MT 59403-5021

\*\*\*\*\*  
\* QUOTE \*  
\*\*\*\*\*

**WE ARE PLEASED TO BE ABLE TO QUOTE YOU THE FOLLOWING EQUIPMENT:**

HEIL SOURCEWELL CONTRACT# 112014-THC  
CITY OF GREAT FALLS PIN# 16787

2018 Heil PT 1000 25 yard rear load refuse body with the following standard equipment features:

- 3.0 yd\* hopper
- Smooth side body construction
- Bolt on ANSI rear riding steps
- Tailgate service props
- Remote mount cast iron roller bearing gear pump
- Chrome plated single stage cylinder rods
- Quick-change UHMW ejector slides
- Wide trak easy-change carrier sides
- Underbody mounted oil tank
- Level/temperature/sight gauge for hydraulic oil tank
- Oil suction shut-off valve
- 10 micron return line filter
- 140 micron suction line strainer
- Regenerative valve for fast packer & reload times
- Neutral safety switch for automatic transmissions only
- Right side buzzer controls
- Right side packer controls
- Backup alarm
- Backup and license plate light
- Center mounted brake light
- Duplicate high and low mount stop, turn and tail lights
- Mid-body turn signals
- FMVSS #108 clearance lights & reflectors
- ICC reflective tape
- Rear camera bracket and flood lights-reverse activated
- Customers choice of one color finish paint
- Standard 1 year warranty
- ANSI Z 245.1-1999 compliant

Also included in base price:

\*\*\* CONTINUED NEXT PAGE \*\*\*



**EQUIPMENT COMPANY INC.**

DENVER  
5200 Colorado Blvd.  
Commerce City, CO 80022  
Phone: 303-298-7370  
Fax: 303-298-8527

BILLINGS  
2107 Harnish Blvd.  
Billings, MT 59101  
Phone: 406-652-3975  
Fax: 406-652-3744

GREAT FALLS  
1610 River Drive North  
Great Falls, MT 59401  
Phone: 406-452-2757  
Fax: 406-452-2799

Quote # 18-4096  
Date: 09/11/18

PAGE 2

Customer: 7725  
Quote to: CITY OF GREAT FALLS  
FISCAL SERVICES  
P.O. BOX 5021  
GREAT FALLS MT 59403-5021

\*\*\*\*\*  
\* QUOTE \*  
\*\*\*\*\*

**WE ARE PLEASED TO BE ABLE TO QUOTE YOU THE FOLLOWING EQUIPMENT:**

Body side access door and steps  
15,000# reeving cylinder  
Hyd. container roll-bar & controls  
Container lip and latch kit  
Push button safty shut-off kit at rear  
Hopper work light  
Backing assist lights  
Rear strobe light  
Bayne cart tipper  
Hot shift PTO  
Back up camera system  
Price complete w/mount at Kois Brothers Equipment  
in Great Falls, MT----- \$84,820.00

Best Regards,

Kevin Smerker  
Branch Manager



**Item:** Approve Amendment No. 1 to Development Agreement with West Bank LLC.

**From:** Melissa Kinzler, Finance Director

**Initiated By:** West Bank, LLC

**Presented By:** Melissa Kinzler, Finance Director

**Action Requested:** City Commission approve Amendment No. 1 to Development Agreement with West Bank, LLC pertaining to West Bank Landing Urban Renewal Project OF 1488.4

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**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission (approve/not approve) Amendment No.1 to Development Agreement with West Bank, LLC pertaining to West Bank Landing Urban Renewal Project."

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

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**Staff Recommendation:**

Staff recommends the City Commission approve Amendment No.1 to Development Agreement with West Bank, LLC pertaining to West Bank Landing Urban Renewal Project.

**Background:**

On August 2, 2016, The City Commission adopted Ordinance 3145 and a Development Agreement with West Bank, LLC pertaining to West Bank Landing Urban Renewal Project. The Development Agreement committed the City to issue Bonds in order to pay or reimburse West Bank, LLC for up to \$2,642,614 of costs of the Infrastructure Improvements. The Bonds will not be issued until there is sufficient increment to cover the aggregate principal amount of the Bonds (and pay debt service), to fund a deposit to the reserve account required by the Bond Resolution and to pay cost of issuance of the Bonds, and to provide coverage equal to at least 140% of the maximum annual debt service requirements required under the Bond Resolutions. The City estimates Bonds necessary to cover such costs is approximately \$3,000,000. The City does not presently have sufficient bonding capacity to issue the Bonds.

City staff was approached by representatives of West Bank, LLC about options for early reimbursements

for Infrastructure Improvements. After much discussion, representatives of West Bank, LLC decided that they would request cash payment now for part of the \$2,642,614 in Infrastructure Improvements. The amount requested from West Bank, LLC is \$700,000. The June 30, 2018 unrestricted cash balance of the West Bank Urban Renewal District fund was \$702, 621.13. The projected tax increment revenue in Fiscal Year 2019 will be sufficient to cover the principal and interest payments of the District's Series 2012 and 2009 Bonds.

**Fiscal Impact:**

Money will not be available for additional Infrastructure Improvement reimbursement requests until the unrestricted cash balance is sufficiently recovered. The \$700,000 cash payment will deplete the unrestricted cash balance of the fund until Tax Increment revenue is received in December, 2018. The Tax Increment revenue in Fiscal Year 2019 is projected to be at least \$460,000, while the debt service payments on the District's Series 2012 and 2009 Bonds will be \$210,174, leaving an projected unrestricted cash balance by the end of Fiscal Year 2019 of \$249,826.

The reimbursement now of \$700,000 will decrease the liability of the City of Great Falls under the current Development Agreement, thereby also decreasing future expenses for interest and issuance costs. The liability will be decreased to \$1,942,614 and the City remains obligated to issue Bonds to reimburse this amount when the District produces sufficient Tax Increment revenues to support debt service.

**Alternatives:**

The City Commission could not approve Amendment No. 1 to Development Agreement with West Bank, LLC pertaining to West Bank Landing Urban Renewal Project. This would mean West Bank, LLC would not be reimbursed until the City has sufficient bonding capacity to issue Bonds of \$3,000,000.

**Concurrences:**

The amended development agreement has been reviewed by a committee of City staff including representatives from Planning and Community Development, Finance, Public Works, City Clerks, and the City Manager's office. The City's legal counsel from Dorsey & Whitney, LLP, drafted the amended development agreement and was part of the discussions.

ATTACHMENTS:

- Amendment to Development Agreement

## AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT

THIS AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT is dated as of \_\_\_\_\_, 2018 (this “**Amendment**”), between the CITY OF GREAT FALLS, a municipal corporation of the State of Montana (the “**City**”), and WEST BANK LLC, a Montana limited liability company (the “**Developer**”).

### WITNESSETH:

WHEREAS, a DEVELOPMENT AGREEMENT dated as of August 2, 2016 (the “**Development Agreement**”), was entered into by and between the City and the Developer; and

WHEREAS, the City and the Developer desire to make certain amendments to the Development Agreement, as more specifically stated herein; and

NOW THEREFORE, the City and the Developer, each in consideration of the representations, covenants and agreements of the other, as set forth herein, mutually represent, covenant and agree as follows:

#### Section 1. Amendment of Development Agreement.

1.1. Section 2.1(c) of Development Agreement. Section 2.1(c) of the Development Agreement is amended and restated in its entirety as follows:

“(c) The City is committed to reimbursing the Developer for up to \$2,642,614 of costs of the Infrastructure Improvements as set forth on Exhibit B hereto.”

1.2. Sections 4 and 5 of Development Agreement. Sections 4 and 5 of the Development Agreement are amended and restated in its entirety as follows:

“Section 4. City Undertakings. Subject to the terms and conditions of this Agreement, the City agrees to (i) reimburse the Developer for costs of the Infrastructure Improvements with Tax Increment in the amount of \$700,000 and (ii) issue Bonds payable from Tax Increment in a principal amount sufficient to pay or reimburse the Developer for \$1,942,614 of costs of the Infrastructure Improvements, to fund a deposit to the reserve account required by the Bond Resolution and to pay costs of issuance of the Bonds. The City estimates that the aggregate principal amount of the Bonds necessary to cover such costs is approximately \$2,300,000. The Developer understands that the City does not presently have sufficient bonding capacity to issue the Bonds, such bonding capacity being dependent upon the receipt by the City of sufficient annual Tax Increment.

The City’s obligation to issue the Bonds is subject to the fulfillment of each and all of the following additional conditions precedent:

(a) There shall be sufficient Tax Increment to issue the Bonds (and pay debt service thereon) in an aggregate principal amount sufficient to pay or reimburse the Developer for \$1,942,614 of the costs of the Infrastructure Improvements, to fund a deposit to the reserve account required by the Bond Resolution and to pay costs of issuance of the Bonds, and to

provide coverage equal to at least 140% of the maximum annual debt service requirements required under the Bond Resolution.

(b) The Bonds shall be marketable at interest rates acceptable to the City. The Developer understands that the City does not guarantee the marketability of the Bonds or the interest rate thereon.

(c) No court or governmental or regulatory agency shall have enacted or issued any judgment, injunction, statute, rule, regulation or other order, nor shall any action suit, proceeding or investigation before any court or governmental or regulatory authority be pending, which prohibits or would prohibit, in whole or in part, the consummation of the proposed transactions.

(d) All required State and local governmental, regulatory and other third-party approvals or consents shall have been obtained.

(e) The City shall have received an opinion of Bond Counsel as to the tax-exempt status of interest on the Bonds.

Section 5. Payment or Reimbursement for Infrastructure Improvements. Payment or reimbursement by the City for the Infrastructure Improvements shall be subject to the following conditions and in accordance with the following procedures:

(i) With respect to the portion of the Infrastructure Improvements reimbursable from proceeds of the Bonds, the City shall have issued the Bonds.

(ii) (A) The Project (including Land acquisition) shall have been substantially completed at a cost of not less than \$32,000,000 and (B) the Infrastructure Improvements shall have been completed in their entirety and the City shall have delivered to the Developer written acceptance of the Infrastructure Improvements (which may be in the form of a Certificate of Completion or such other format as required by the City).

(iii) Any payment or reimbursement by City for costs of the Infrastructure Improvements will be based on paid or outstanding invoices for costs incurred by the Developer, its contractors and subcontractors or utility companies. The City may reject, in its sole discretion, any invoice to the extent it is not part of the Infrastructure Improvements.

(iv) The parties hereto agree that City will not be required to pay or reimburse costs of any Infrastructure Improvements unless at the time of such request (A) all of the Developer's representations as set forth in Section 2.2 are true and correct and (B) the Developer is not in breach of any covenant or undertaking as set forth in Section 3.

(v) The request for payment or reimbursement must be accompanied by a signed draw request substantially in a form attached as Exhibit D (the "**Developer's Certificate**") hereto and acceptable to the City, accompanied by the invoices and lien waivers (if relevant) from the contractors or subcontractors performing the work to be paid or reimbursed.



(vi) The City will cause payment or reimbursement for all properly submitted and allowable expenses to be paid within 30 days of satisfaction of the requirements of this Section 5, subject to compliance with City accounts payable procedures.”

Section 2. General Provisions.

2.1. No Additional Amendments. Except as set forth in Section 1 hereof, the terms and conditions of the Development Agreement shall otherwise remain unchanged with no additional amendment.

2.2. Execution Counterparts. This Amendment may be simultaneously executed in several counterparts, each of which will be an original and all of which will constitute one and the same instrument.

*[remainder of page left intentionally blank]*

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the \_\_\_\_ day of \_\_\_\_\_, 2018.

CITY OF GREAT FALLS, MONTANA

[SEAL]

By \_\_\_\_\_  
City Manager

Attest:

\_\_\_\_\_  
City Clerk

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara Sexe, City Attorney

STATE OF MONTANA     )  
  : ss.  
County of Cascade        )

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_ by Gregory T. Doyon, Lisa Kunz and Sara Sexe, as the City Manager, City Clerk and City Attorney of the City of Great Falls, Montana, respectively.

(Notarial Seal)

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_, Montana  
My Commission Expires: \_\_\_\_\_

WEST BANK LLC

\_\_\_\_\_  
Name:  
Title:

STATE OF MONTANA     )  
                                      : ss.  
County of Cascade        )

This instrument was acknowledged before me on \_\_\_\_\_, 20\_\_ by  
\_\_\_\_\_ of West Bank LLC, on behalf of said limited liability company.

(Notarial Seal)

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_, Montana  
My Commission Expires: \_\_\_\_\_