



City Commission Agenda

for

January 19, 2010

Please Note: The City Commission agenda format allows citizens to speak on each issue prior to Commission action. We encourage your participation. Please keep your remarks concise and to the topic under consideration.

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

Young Marines Marine Corps League

ROLL CALL

INTRODUCTION OF CITY STAFF

PROCLAMATION

Outstanding Volunteer Service

NEIGHBORHOOD COUNCILS

1. Swearing In Ceremony
2. Miscellaneous reports and announcements.

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 5 minutes*)

3. Miscellaneous reports and announcements.

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

4. Labor Agreement, Plumbers and Fitters Local #41. Action: Approve or deny Agreement. (***Presented by: Linda Williams***)
5. Request for Proposals for Operation and Management of City's Convenience Center. Direct City Manager to prepare RFP. Action: Approve or deny motion. (***Presented by: Greg Doyon***)
6. Adopt and Amend Financial Policies and Procedures. Action: Approve or deny amendments to Policies and Procedures. (***Presented by: Coleen Balzarini***)

ORDINANCES/RESOLUTIONS

7. Ord. 3049, Interim Zoning Ordinance for Medical Marijuana Establishments. Action: Accept Ord. 3049 on first reading and set public hearing for February 2, 2010. (***Presented by: Michael Haynes and Chad Parker***)

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.*

8. Minutes, January 5, 2010, Commission meeting.
9. Total Expenditures of \$2,047,660 for the period of December 31, 2009, through January 18, 2010, to include claims over \$5000, in the amount of \$1,818,145.
10. Contracts list.
11. Grants list.
12. Set public hearing for February 16, 2010, on Res. 9874 to establish water, sewer, and storm drain utility service rates effective March 1, 2010.
13. Approve Change Order No. 1 in the amount of \$272.50 and final payment in the amount of \$578.12 to Kuglin Construction and Final Payment to the State Miscellaneous Tax Fund in the amount of \$5.84 for the 2009 CDBG Handicap Ramps.
14. Approve final payment to Kuglin Construction and the State Miscellaneous Tax Division in the amount of \$500 for the 22nd Street South Storm Drain Extension.
15. Approve final payment to Ed Boland Construction, Inc. and the State Miscellaneous Tax Fund in the amount of \$9,649.24 for the Compost Facility Water Main Extension.

Action: Approve Consent Agenda or remove items for further discussion and approve remaining items.

BOARDS & COMMISSIONS

16. Appointments, Community Development Council. Reappoint Adam Gill and Susan McCord to three-year terms through January 31, 2013, and appoint three new members to the Community Development Council.
17. Appointments, City-County Health Board. Reappoint Sue Anne Warren for a three-year term through December 31, 2012, and appoint one member as the Mayor's representative to the City-County Health Board.
18. Miscellaneous reports and announcements.

CITY MANAGER

19. Miscellaneous reports and announcements.

CITY COMMISSION

20. Appointment, Policy Coordinating Committee. Appoint one member to serve as the City representative on the Policy Coordinating Committee.
21. Miscellaneous reports and announcements.

MOTION TO ADJOURN



ITEM LABOR AGREEMENT: BETWEEN THE CITY OF GREAT FALLS AND THE PLUMBERS AND FITTERS LOCAL #41

INITIATED BY The Plumbers and Fitters Local #41

ACTION REQUESTED APPROVAL OF LABOR AGREEMENT

PREPARED & PRESENTED BY Linda Williams, Human Resources Manager

REVIEWED & APPROVED BY Greg Doyon, City Manager

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (approve/deny) the Labor Agreement between the City of Great Falls and the Plumbers and Fitters Local #41, and authorize the City Manager to execute said labor agreement.

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

Staff Recommendation: Approve labor agreement.

Background:

This labor agreement covers six employees: four plumbers and two inspectors. The previous two year agreement expired 12/31/09. The terms of the proposed agreement are for an eighteen (18) month period from January 1, 2010 through June 30, 2011. The economic impact is 3.25% effective 1/1/10 and 1.5% effective 7/1/10. The 3.25% is the same amount each of the other collective bargaining units, as well as exempt employees, received as a cost of living increase effective 7/1/09. The 1.5% is the same cost of living adjustment the Electrician, Painter and Police Protective Association contracts will receive effective 7/1/10. There are three other labor agreements that expire June 30, 2010 (MPEA, Crafts Council and Fire).

The major changes from the previous agreement are:

1. Article 24, Duration
The dates were changed to reflect the duration of the agreement, 1/1/10 – 6/30/11. This change will bring the contract timeframe consistent with the other labor agreements, all of which run on a fiscal year, July 1 through June 30.
2. Schedule A
The salary schedule was updated to reflect a 3.25% increase effective 1/1/10, and a 1.5% increase effective 7/1/10 (with 50¢/hr. deferred to pension, resulting in a net effect of reducing the hourly rate 11¢/hr.). The total City pension contribution will increase from \$2.75/hr. to \$3.25/hr.
3. Schedule B, Item 2(A): Pension
The amount the City contributes into the Plumbers' and Pipefitters' National Pension Fund was updated to reflect the current amount of \$2.75/hr. Employees voted to defer 50¢/hr. towards their pension 7/1/10, increasing the contribution amount to \$3.25/hr.
4. Schedule B, Item 2B: Health Insurance
The contribution rates were changed to reflect current City and employee contribution amounts in effect 7/1/09, with the current contribution percentages (90% City, 10% employee).

Concurrences:

The Plumbers' members voted to ratify the proposed agreement on December 29, 2009.

Fiscal Impact:

3.25% effective 1/1/10; 1.5% effective 7/1/10

Alternatives:

The City Commission could vote to deny the labor agreement.

Attachments/Exhibits:

1. Proposed eighteen (18) month labor agreement between the City of Great Falls and the Plumbers and Fitters Local #41 (2 originals).

A G R E E M E N T

BETWEEN

CITY OF GREAT FALLS

AND

PLUMBERS AND FITTERS LOCAL NO. 41

January 1, 2010 – June 30, 2011

TABLE OF CONTENTS

	<u>Page</u>
ARTICLE 1	
Recognition and Purpose	1
ARTICLE 2	
Successors	1
ARTICLE 3	
Definitions	1
ARTICLE 4	
Union Security	2
ARTICLE 5	
Strikes and Lockouts	3
ARTICLE 6	
Management Rights	4
ARTICLE 7	
Employee Rights/Grievance	4
ARTICLE 8	
Wages and Pay Periods	5
ARTICLE 9	
Hours of Work and Overtime	6
ARTICLE 10	
Call Back	6
ARTICLE 11	
Seniority	7
ARTICLE 12	
Probationary Periods (For Work Evaluations Only)	7
ARTICLE 13	
Holidays	8
ARTICLE 14	

Vacation	9
ARTICLE 15	
Sick Leave	9
ARTICLE 16	
Rest Break	11
ARTICLE 17	
Jury Duty	11
ARTICLE 18	
Leave of Absence	11
ARTICLE 19	
Hot Meal	11
ARTICLE 20	
Longevity	12
ARTICLE 21	
Affirmative Action Policy	12
ARTICLE 22	
Supplemental Agreement	12
ARTICLE 23	
Savings Clause	13
ARTICLE 24	
Duration	13
SCHEDULE A	15
SCHEDULE B	17

THIS AGREEMENT, made and entered into at Great Falls as of the ____ day of January, 2010, by and between the CITY OF GREAT FALLS, MONTANA, hereinafter referred to as the "CITY", and the PLUMBERS AND FITTERS LOCAL NO. 41, hereinafter referred to as the "UNION", who have mutually agreed as follows:

ARTICLE 1

RECOGNITION AND PURPOSE:

The CITY recognizes the respective UNION signatory hereto as the exclusive representative of all of its employees who are subject to the terms of the Agreement, for the purpose of collective bargaining in respect to rates of pay wages, hours of employment, working conditions and all other conditions of employment. The CITY recognizes that the employees covered by this Agreement are maintenance, service, and new work employees, including assigned meter installation. The present recognized jurisdiction of the Plumbers and Fitters Local No. 41 shall be maintained during the term of this Agreement.

ARTICLE 2

SUCCESSORS:

In order to effectuate the purpose of this agreement, the parties agree that this agreement shall be binding upon their successors or assigns.

ARTICLE 3

DEFINITIONS:

- A. "Employee" and "employees" shall mean employees of the CITY who are members covered by this Agreement, but excluding supervisory employees and management employees as defined by Montana Law.
- B. "Permanent employee" means an employee who is assigned to a position designated as permanent in the CITY's Budget.
- C. "Temporary employee" means an employee assigned to a position designated as temporary in the CITY's Budget, created for a definite period of time, not to exceed nine (9) months.
- D. "Full-time employee" means an employee who normally works forty (40) hours a week.

- E. Base Pay defined as: Employee's hourly pay rate in that category to which an employee is ordinarily assigned exclusive of longevity or any other special allowances.

ARTICLE 4

UNION SECURITY:

4.1 Employees who are members of the UNION on the date this AGREEMENT is executed shall, as a condition of continuing employment, maintain their membership in the UNION. All future employees performing work within the jurisdiction of the UNION involved shall, as a condition of continuing employment become members of such UNION within thirty (30) days of the date of their employment and the UNION agrees that such employees shall have thirty-one (31) days from date of employment within which to pay UNION's initiation fees and dues. If the employee fails to pay initiation fees or dues within thirty-one (31) days or fail to effectuate the provisions of Section 59-1603(5) of the Montana Statutes, the UNION may request in writing that the employee be discharged. The CITY agrees to discharge said employee upon written request from the UNION involved. CITY agrees not to discriminate against any employee for membership in the UNION or for lawful UNION activities, provided such activities do not interfere with the efficient operation of the various departments of the CITY.

Employees qualifying under Section 59-1603(5) shall pay an agency fee, equivalent to the regular initiation fee, and UNION dues as provided for in the local union, for the purpose of administering the AGREEMENT.

The CITY shall notify the UNION in writing of employees hired that may be affected by this AGREEMENT within five (5) days from the date of hire and said employee shall be notified to make contact with the UNION.

4.2 The CITY agrees to deduct the UNION monthly dues and initiation fees from each employee's wages upon written authorization of the employee. The deductions shall be made once each month and the total of such deductions made payable to the UNION.

4.3 It is understood the UNION shall have the right to use Business Agents, Shop Committees, or Stewards to adjust grievances as they arise. The CITY agrees that local Business Agents for the UNION shall be given access by the CITY to members of the UNION at the places of business of the CITY during hours of operation for the purpose of ascertaining whether the terms of this AGREEMENT are being observed if the agent does not disrupt the normal CITY operations, except for unsafe conditions.

4.4 The UNION will notify the CITY in writing what representative (Business Agent, Shop Committee or Stewards) it will use in matters relating to grievances, interpretation of the AGREEMENT, or in any other matters which affect the relationship between the CITY and UNION.

4.5 The UNION agrees to indemnify, defend, and to hold the CITY harmless against any and all claims, demands, suits, costs or fees which may be sought or incurred by the CITY as a result of any action taken by the CITY under the provisions of Article 4.

4.6 In consideration for the "save harmless" clause above, the CITY agrees that the UNION shall maintain the exclusive right to defend, settle, mitigate damages, litigate and /or take whatever action is necessary or it deems proper with respect to a person who sues the CITY for action taken by the CITY under Article 4.1. If the CITY unilaterally determines that it desires attorneys to represent it in defense of such actions, it shall do so at its own cost and not at cost of the UNION. It is further agreed that the CITY shall promptly notify the UNION of any such action and if filed and the UNION shall, at its own option, defend such actions and/or settle under the circumstances above described.

ARTICLE 5

STRIKES AND LOCKOUTS:

5.1 The parties hereto pledge their efforts to reach agreement on any difficulties that arise during the life of this AGREEMENT.

5.2 It is mutually agreed that there will be no strikes, lockouts or cessation of work by either party on account of labor difficulties during the life of this AGREEMENT.

5.3 It is agreed that the above provision shall not apply in the event no collective bargaining settlement is reached at the termination date of this AGREEMENT.

5.4 It shall not be a violation of this AGREEMENT to refuse to cross a legal picket line.

5.5 The UNION and the CITY agree that "strikes" or "lockouts" will not prevent the UNION or the CITY from providing emergency operation of the water and wastewater systems and/or other systems that are essential to the health, welfare, and safety of the public.

5.6 The UNION may "strike" the CITY on any issue that the CITY does not agree to settle by binding arbitration. The CITY may "lockout" the UNION on any issue that the UNION does not agree to settle by binding arbitration.

ARTICLE 6

MANAGEMENT RIGHTS:

The CITY shall have the right to operate and manage its affairs in such areas as but not limited to:

- (a) direct employees;
- (b) hire, promote, transfer, assign, and retain employees;
- (c) relieve employees from duties because of lack of work or funds or under conditions where continuation of such work is inefficient and nonproductive;
- (d) maintain the efficiency of CITY operations;
- (e) determine the methods, means, job classifications, and personnel by which the CITY operations are to be conducted;
- (f) take whatever actions may be necessary to carry out the missions of the CITY in situations of emergency;
- (g) establish the methods and processes by which work is performed, including the utilization of advancements of technology.

The foregoing enumeration of the CITY Management's Rights shall not be deemed to exclude other functions not specifically covered by this AGREEMENT.

ARTICLE 7

EMPLOYEE RIGHTS/GRIEVANCE:

7.1 Grievances or disputes which may arise, including the interpretation of the AGREEMENT, shall be settled in the following manner:

Step 1:

The Division Supervisor will attempt to resolve any grievances that arise in his Division.

Step 2:

A. If the employee is not satisfied with the Division Supervisor's decision, he may reduce the Grievance to writing and submit to the UNION for evaluation. The written grievance shall contain the following information:

- 1. The nature of the grievance and the facts on which it is based.
- 2. The provisions of the AGREEMENT allegedly violated if applicable.
- 3. The remedy requested.

B. No grievance shall be considered or processed unless it is submitted within

ten (10) working days of the first knowledge and no later than ten (10) working days of first occurrence.

Step 3:

If within ten (10) working days the grievance has not been resolved, it may be submitted to the City Manager or his designee for adjustment.

Step 4:

The City Manager shall render a decision within fifteen (15) working days.

7.2 Waiver: If a grievance is not presented within the time limits set forth above, it shall be considered "waived." If a grievance is not appealed to the next step in the specific time limit or any agreed extension thereof, it shall be considered settled on the basis of the CITY's or UNION's last answer. If the CITY or UNION does not answer a grievance or an appeal thereof within the specified time limits, the UNION or CITY may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the CITY and the UNION.

ARTICLE 8

WAGES AND PAY PERIODS:

Attached hereto and made a part hereof as Schedule A is a list of the agreed wage schedule, classifications, and rates of jobs of employees covered by and for the duration of this AGREEMENT. Exclusive of unforeseen emergencies, all employees covered by this AGREEMENT shall be paid at least semi-monthly. The CITY will make every effort to have paychecks by 4:00 p.m. on payday.

ARTICLE 9

HOURS OF WORK AND OVERTIME:

9.1 Subject to the special work schedules set forth herein, the normal work week shall consist of five (5) days of eight (8) continuous hours each, except for a normal lunch period. Any schedule other than Monday through Friday will be worked out with employees, and the UNION will be notified.

9.2 One and one-half (1½) times the regular straight time rate will be paid for all hours worked in excess of eight (8) hours in one day or forty (40) hours in any one week. In no case shall overtime pay be paid twice for the same hours worked.

9.3 CITY agrees that each permanent full-time employee will be given the opportunity of working at least forty (40) hours of each work week except those in which any of the holidays provided for herein occur; during work weeks in which any said holidays fall upon any work day, CITY agrees that each permanent full-time employee will be given the opportunity of working thirty-two (32) hours of work week specified herein. The CITY and UNION will discuss the maximum number of hours in the work week prior to any reduction of hours on the part of the CITY. Holidays shall be counted as days worked in computing the initial forty (40) hours for overtime purposes. Nothing in this section shall be interpreted as a limitation on the right of the CITY to lay off employees as otherwise provided in this AGREEMENT.

ARTICLE 10

CALL BACK:

10.1 An employee called in for work at a time other than his (her) normal scheduled shift (off duty) will be compensated for a minimum of two (2) hours for 6:00 a.m. - 8:00 a.m. and up to 11:00 p.m. on a normal work day and four (4) hours minimum at all other times paid at one and one-half (1½) times the employee's regular rate except on Saturdays and Sundays where the employee called in will be compensated for a minimum of two (2) hours between 6:00 a.m. and 4:30 p.m. An extension or earlier report to a regularly scheduled shift on duty does not qualify the employee for the two (2) hour minimum; however, the employee must be notified by 10:00 p.m. in order to qualify for an early report.

10.2 The CITY may assign such employee to any work which he/she normally performs during the call-back period.

ARTICLE 11

SENIORITY:

11.1 Seniority means the rights secured by permanent full-time employees by length of continuous service with the CITY. Seniority shall not be effective until a six (6) month probationary period has been successfully completed, after which seniority shall date back to the date of last hiring. Seniority rights shall apply to layoffs, scheduling of vacations, and transfers; that is, the last employee hired shall be the first laid off.

- A. Seniority shall be broken when an employee:
 - 1. terminates voluntarily or retires;
 - 2. is discharged;
 - 3. is absent for one (1) working day without properly notifying the Employer.
 - 4. fails to report for work after layoff within three (3) working days after being notified by mail at his/her last known address;

- B. No new permanent employees will be hired until all laid off employees who have seniority in that classification who are qualified to fill the open job have been given the opportunity to return to work.

ARTICLE 12

PROBATIONARY PERIODS (FOR WORK EVALUATIONS ONLY):

12.1 All newly hired or rehired (after twelve (12) months absence) employees will serve satisfactorily a six (6) month probationary period.

12.2 All employees will serve a six (6) month probationary period in any dissimilar job in which the employee has not served a probationary period.

12.3 At any time during the probationary period, a newly hired or rehired (after twelve (12) months absence) employee may be terminated at the sole discretion of the CITY.

ARTICLE 13

HOLIDAYS:

13.1 Full-time employees shall be granted the following holidays each calendar year:

- a. New Year's Day, January 1
- b. Martin Luther King Day, third Monday in January
- c. Lincoln's and Washington's Birthday, third Monday in February
- d. Memorial Day, last Monday in May
- e. Independence Day, July 4
- f. Labor Day, first Monday in September
- g. Veterans Day, November 11
- h. Thanksgiving, fourth Thursday and Friday in November
- i. Christmas, December 25
- j. Every year in which a general election is held throughout the State (General Election Day)

13.2 Designated holidays falling on an employee's regularly scheduled day off, as provided in 2-18-603, MCA, shall be entitled to receive a day off with pay on the day preceding the holiday or on another day following the holiday in the same pay period. If a day off cannot be provided, the employee will receive eight (8) hours of pay at the regular rate of pay.

13.3 If the employee is required to work on the designated holiday and is not given a day off in lieu of the holiday, he/she will be paid at one and one-half (1½) times the regular hourly rate plus holiday pay.

13.4 If the employee is required to work on the designated holiday and is given a day off in lieu of the holiday, the employee will receive pay at the regular rate for every hour worked on the holiday.

13.5 An employee must be in a pay status either the last regularly scheduled working day before or the first regularly scheduled working day after a holiday is observed to be eligible to receive holiday benefits.

ARTICLE 14

VACATION:

Vacation shall be earned and accumulated as provided in the Revised Codes of Montana.

Vacation time earned but not used at the time of termination shall be paid the employee at his/her base pay. Vacation time shall be granted at the time requested insofar as possible, subject to the requirement of service. Vacations shall be posted and the most senior employee shall have the first choice as to his/her vacation time; also he/she shall be given a choice of a split vacation if he/she so desires.

Vacations shall be posted so as to start on January 1 and end on December 31 of each year. If an employee desires to take his/her vacation other than the period requested he/she must contact his/her immediate supervisor and arrange for same. All vacations are to be based on each employee's anniversary day of hire.

All vacations will be posted between November 1 through December 31. Any protest over vacation dates must be submitted, in writing to the division head before January 1 or no adjustments will be made.

In the case of vacation schedules, seniority shall govern by division with the most senior employee given first (1st) choice of when he/she shall take his/her vacation. Employee may split vacation provided that in no event may be less than one week to be taken at any time nor may more than two vacation periods be scheduled in any one calendar year except that, with the approval of the division head, an employee may schedule as many as five (5) of his days to be taken one day at a time as long as all other vacation time is taken in at least one week segments and no more than two periods throughout the year. Seniority shall apply on first split only.

ARTICLE 15

SICK LEAVE:

15.1 Sick leave shall be earned and accumulated as provided in the Montana Codes Annotated.

15.2 Employee may take sick leave for the following reasons:

- (1) Personal illness, including doctor and dentist appointments. Employees are requested to give 24 hour prior notice of doctor and dentist appointments, except in case of emergencies, or unforeseen circumstances.
- (2) When urgently needed to care for an employee's spouse, children, mother, father, or any other member of the household who is ill; this may not exceed three (3) days at any one time.
- (3) When there is a death in the immediate family, five (5) days sick leave may be granted.

- (4) The "immediate family" shall mean: spouse, children, mother, father, sisters, brothers, grandparents, grandchildren and corresponding in-laws.

15.3 The Employer may require appropriate verification and or doctor's release for any absence which is charged to sick leave. If such verification is requested and not provided, the request for sick leave shall be disallowed.

15.4 Employees are required to follow the following two steps in order to be eligible for payment of sick leave pay:

- (1) Report thirty (30) minutes prior to shift to his/her supervisor the reason for absence.
- (2) If the absence is for more than one (1) day in length, the employee must keep his/her division head informed of his/her condition, when physically possible.

15.5 Worker's compensation benefits, which are received by an employee during sick leave, shall be deducted from compensation due the employee and shall be credited to the employee's sick leave.

15.6 "Leave of Absence" time shall not be deducted from normal sick leave or vacation time and shall be taken without compensation until the employee's return to his/her regular job.

15.7 Death Benefits: All personnel shall receive Public Employee's Retirement System death benefits which presently are as follows for beneficiaries of members who die before retirement:

- (1) Lump Sum. All contributions to P.E.R.S. plus interest and one (1) month's salary for each year of service up to six (6) years.

15.8 Sick Leave Donations: Sick leave utilized must not exceed the amount accrued by the employee. If an employee is ill and has exhausted his/her sick leave credits, and needs more time away from work, he/she may utilize his/her accrued annual leave. If an employee is ill and has exhausted all his/her sick leave and vacation leave credits, and needs more time away from work, members of the UNION may donate one (1) day of sick leave to any CITY employee on an individual basis. Requests for donations must be approved by management. Maximum employee can receive or donate is fifteen (15) days in a calendar year.

ARTICLE 16

REST BREAK:

There shall be a fifteen (15) minute break midway in the first (1st) half of a shift and midway in the second (2nd) half of shift for all employees covered under the terms of this AGREEMENT.

ARTICLE 17

JURY DUTY:

An employee who is under proper summons as a juror shall collect all fees and allowances payable as a result of their service and forward the fees to the CITY. Juror fees shall be applied against the amount due the employee from the CITY. An employee may elect to charge the juror time off as annual leave and not remit the juror fees to the CITY. The CITY may request the Court to excuse an employee summoned for jury duty if needed for proper operations of the City.

An employee dismissed before three (3) p.m. will be required to report back to work if not on annual leave.

ARTICLE 18

LEAVE OF ABSENCE:

Employees are eligible to apply for a leave of absence without pay for a period not to exceed six (6) months. The granting and extent of a leave of absence without pay is at the discretion of the City. During such leave, the employee shall not accrue any benefits, including but not limited to sick leave and vacation leave. Employees must self-pay health insurance premiums while on an approved leave of absence.

ARTICLE 19

HOT MEAL:

In the event an employee is required to work more than two (2) hours overtime following a regular shift and for each additional five (5) hours of overtime he/she shall be provided a hot meal by the CITY and be given a reasonable amount of time to eat. Employee will not be paid for any time utilized to eat.

For health purposes, all employees shall be provided clean-up facilities prior to meals. Morning meal limited to \$4.50 and evening meal to \$9.00.

ARTICLE 20

LONGEVITY:

For purposes of longevity only, time shall be computed from the date of an employee's permanent date of hire. The first payment under this provision will be made in December of 2002 for the longevity earned during the period of July 1, 2001 through June 30, 2002. The following schedule of benefits shall be paid to employees who accrue seniority in the time elements stipulated.

Longevity Plan: Subsequent to the completion of ten (10) full years of employment, employees who otherwise qualify will receive supplemental longevity pay as provided in the following schedule:

<u>YEARS OF TENURE</u>	<u>LONGEVITY PAY ALLOWANCE</u>
After 10.0 years through the end of the 15th year	\$10.00 per month
After 15.0 years through the end of the 20th year	\$20.00 per month
After 20.0 years through the end of the 25th year	\$30.00 per month
After 25.0 years through the end of the 30th year	\$40.00 per month
After 30.0 years or more years	\$50.00 per month

Longevity pay will be paid to the eligible employees in a lump sum amount once each year in December for any longevity pay earned as of the previous June 30th. The maximum payment to be for twelve (12) months.

ARTICLE 21

AFFIRMATIVE ACTION POLICY:

The UNION and the CITY agree to cooperate in an Affirmative Action program to ensure that no individuals shall be discriminated against with respect to compensation, hours or conditions of employment because of age, race, religion, sex, national origin, marital status, or public assistance status.

ARTICLE 22

SUPPLEMENTAL AGREEMENT:

22.1 During the term of this AGREEMENT and any extensions hereof, no collective bargaining shall be had upon any matter covered by this AGREEMENT or upon any matter which has been raised and disposed of during the course of the collective bargaining which resulted in the consummation of this AGREEMENT, unless mutually agreed by both parties.

ARTICLE 23

SAVINGS CLAUSE:

In the event any Federal or State law or final decision of a court of competent jurisdiction ruling conflicts with any provision of the AGREEMENT, the provisions so affected shall no longer be operative or binding upon the parties, but the remaining portion of the AGREEMENT shall continue in full force and effect. The CITY and the UNION agree to meet as soon as possible for the purpose of negotiation on the provision or provisions so affected.

ARTICLE 24

DURATION:

This AGREEMENT shall continue in full force and effect from January 1, 2010 through June 30, 2011; and thereafter, it shall be considered automatically renewed for successive periods of twelve (12) months unless at least sixty (60) days prior to the end of any twelve (12) month's effective period either party shall serve written notice upon the other it desires cancellation, revision, or modification of any provision or provisions of this AGREEMENT. In this event, the parties shall attempt to reach an agreement with respect to the proposed change or changes; and at least forty-five (45) days prior to the expiration date of the AGREEMENT, meetings to consider such changes shall be held by the parties.

In the event the parties do not reach a written agreement by the expiration date of or in the particular year as provided herein, then this AGREEMENT shall in all respect be deemed void and terminated.

The parties hereto by written agreement may extend said period for the purpose of reaching a new agreement.

IN WITNESS WHEREOF, the UNION and the CITY have caused this AGREEMENT to be executed in their names by their duly authorized representatives at Great Falls, Montana, this ____ day of January, 2010.

FOR THE CITY OF GREAT FALLS

FOR THE UNION

City Manager

Plumbers and Fitters, Local #41

City Attorney - Reviewed for Legal Content

ATTEST:

City Clerk

SCHEDULE A

CITY OF GREAT FALLS, MONTANA
AND
PLUMBERS AND FITTERS LOCAL NO. 41

The following changes and additions are hereby made a part of the agreement dated the _____ day of January, 2010, between the City of Great Falls, Montana, and the Plumbers and Fitters Local No. 41, as fully and completely as if the same were set forth in its entirety therein.

During the term of this AGREEMENT, the following rates will be paid:

	<u>January 1, 2010</u>		<u>July 1, 2010</u>	
	3.25% increase = 81¢/hr.		1.5% increase = 39¢/hr. Defer: 50¢ on pension = net decrease of 11¢/hr.	
<u>TITLE</u>	<u>New Hire</u>	<u>6 months</u>	<u>New Hire</u>	<u>6 months</u>
Maintenance Plumbers	\$22.31	\$22.94	\$22.20	\$22.83
Plumbing Inspectors	\$22.31	\$22.94	\$22.20	\$22.83
Master of Record	\$22.31	\$22.94	\$22.20	\$22.83
Apprentice:		<u>1/1/10</u>		<u>7/1/10</u>
1 st year - 55% of Journeyman rate:		\$12.62		\$12.56
2 nd year - 65% of Journeyman rate:		\$14.91		\$14.84
3 rd year - 75% of Journeyman rate:		\$17.21		\$17.12
4 th year - 85% of Journeyman rate:		\$19.50		\$19.41
5 th year - 95% of Journeyman rate:		\$21.79		\$21.69

Work for the City that ordinarily would not require a building inspector's permit for new construction by any company, private or public, shall be considered "maintenance work." In exception to the aforesaid, the City maintenance plumbers shall be allowed to do remodeling and new work for the City. Water meter installation, repair and maintenance shall be performed utilizing management's discretion.

II

All plumbing work for the City of Great Falls shall be accomplished by licensed plumbers, in accordance with Montana State Law and state and local code. All recognized pipe related work performed by other jurisdictions at the present time shall continue.

Work not requiring a permit is defined as maintenance work. Maintenance work includes the stopping of leaks in drains, soil, waste or vent pipe, clearing of stoppages, and repairing of leaks in pipes, valves, or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

The Master Plumber is responsible for assuring that all work performed by City Plumbers is in compliance with state and city plumbing codes.

III

Whenever the City requests temporary employees for maintenance work, the UNION shall furnish such employees; and they shall receive the same rate of pay and union pension contributions as provided in the current contract with the City.

IV

Upon approval to recruit for a position covered by this agreement, the City will notify the UNION and request a list of qualified personnel. Said list of qualified personnel must complete a City application packet and will be considered along with applicants obtained through the City's normal recruitment practices.

SCHEDULE B

CITY OF GREAT FALLS, MONTANA
AND
PLUMBERS AND FITTERS LOCAL NO. 41

SPECIAL CONDITIONS

1. Special Conditions - Inspectors:

- A. The UNION shall have jurisdiction over those employees of the CITY classified as Plumbing Inspectors only.
- B. Applicants for the position of Plumbing Inspector shall possess at least one of the following qualifications:
 - (1) Master's license in the plumbing field;
 - (2) Certification as a degreed, registered engineer with a minimum of one year's work experience in the appropriate discipline at the time of employment;
 - (3) A bachelor's degree in engineering with a minimum of three year's work experience in the appropriate discipline at the time of employment;
 - (4) A minimum of five year's work experience in the appropriate discipline at the time of employment.
- C. Any inspector assigned to the Building Inspection Division who is qualified, whether covered by this Agreement or not, may be required to perform the normal duties of any other inspector assigned to said Division when:
 - (1) Said inspector is absent due to illness, vacation or other authorized absence;
 - (2) An emergency situation exists (i.e., flood, fire, earthquake, or other act of God);
 - (3) Necessary for efficiency of operation.

2. Plumbing Inspectors, Maintenance Plumbers and Master of Record:

- A. PENSION:
The CITY shall contribute two dollars and seventy-five cents (\$2.75) effective 1/1/10, increasing to three dollars and twenty-five cents (\$3.25) effective 7/1/10 to the Plumbers and Pipefitters National Pension Fund for each hour for which a Plumbing Inspector, Maintenance Plumber or Master of Record receives pay.

B. HEALTH INSURANCE:

The Employer agrees to provide non-occupational health and accident insurance coverage for each insurable regular employee and insurable dependents thereof immediately following the period of exclusion provided by the terms of the master policy.

A City health insurance contribution in the amount listed below will be added to the employee's gross pay. This portion of the employee's gross pay is hereinafter referred to as the "Contribution." As part of this collective bargaining agreement, employees are required to participate in the city's health insurance plan on either a pre-tax or post-tax basis. If an employee elects to participate on a pre-tax basis, the employee shall authorize a payroll deduction from the employee's gross pay equal to the City's contribution. This deduction from the employee's gross pay will be paid into a fund maintained to provide health benefits for eligible employees.

If an employee elects to participate on a post-tax basis, the Contribution shall be taxable income to the employee and the employee shall authorize the payment of the Contribution value, after its deemed receipt, toward the employee's health insurance.

It is hereby acknowledged that both employee and employer retirement contributions will be required on this additional gross income, causing a decrease to the net income of the employee. It is also the intent of the employees and the City that the Contribution be excluded from the determination of the employee's "regular rate" of compensation as that phrase is defined under 29 U.S.C. § 207(e)(4). In the event that any subsequent law, court, arbitrator, or other lawful authority determines that the inclusion of the City's health insurance contribution in the employee's gross pay should be included in overtime compensation calculations, then the parties agree that there will be a corresponding adjustment to the affected hourly rate, pay or benefit to carry out the intent of this provision. The intent of such adjustment will be to result in the least net financial effect on both the employee and the employer.

*The City's contribution of the composite rate will increase with future increases to the composite rate.

The CITY agrees to contribute the following amounts, not to exceed ninety (90) percent of the premium, for each eligible employee covered by this Agreement into the City's Health Insurance Plan. Any additional premium charges after 1/1/10 and all increases in premiums through 6/30/10 will be shared to maintain the City's 90 (ninety) percent contribution of the total premium and the employee's contribution of 10%.

Type of Coverage	7/1/09	
	City Composite Contribution	Employee
Employee	\$783	\$ 21
Employee & Spouse	\$783	\$ 80
Employee & Child(ren)	\$783	\$ 76
Family	\$783	\$105

- a. The City reserves the right to add to the benefit plan in effect prior to August 1, 1988, with no obligation to negotiate, and retains the right to delete or modify any or all the added benefits with no obligation to negotiate.

Effective 7/1/97, the City reserves the right to add to, delete from, or modify the benefit plan, with no obligation to negotiate, and retains the right to delete or modify any or all of the added benefits with no obligation to negotiate.

- b. The City shall be at liberty to make an independent selection of the insurance carrier, including the option of partially or fully self-funding with no obligation to negotiate.
- C. The CITY will designate one (1) Master of Record who shall be paid sixty cents (60¢) per hour worked over the regular rate. The Master of Record is responsible for assuring that the work performed by CITY Plumbers is in compliance with State and City Plumbing Codes. The Master of Record performs duties which require him/her to regulate peers.

3. Apprentices

- A. PENSION:
Employers contributing to the Plumbers and Fitters National Pension Fund for apprentices shall be remitted at the rate of 50% of the contribution rate for journeyman. Therefore, the City shall contribute one dollar and thirty-eight cents (\$1.38) effective 1/1/10, increasing to one dollar and sixty-three cents (\$1.63) effective 7/1/10 to the Plumbers and Fitters National Pension Fund for each hour for which an apprentice receives pay, to the Apprentice Training Fund.
- B. HEALTH INSURANCE
The City agrees to contribute the same amounts as listed in Item 2 (B) above.



Item: City Commission to consider directing the Public Works Department to issue Request for Proposals to operate and manage the City's Convenience Center.

From: Greg Doyon – City Manager

Initiated By: Commissioner Fred Burow

Presented By: Greg Doyon – City Manager

Action Requested: Direct Public Works Department to issue an RFP for operation and management of the City Convenience Center

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission direct the City Manager to prepare a Request for Proposals to operate and manage the City's Convenience Center.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Background: At its January 5, 2010, Work Session, the Commission held a goal setting session for the upcoming year. Several challenges facing the community were discussed by the Commission including long term plans for the City's Convenience Center and the continuance of recycling programs.

At the Commission's January 13, 2010, agenda setting session, Commissioner Burow requested that the Commission consider directing an RFP to solicit Convenience Center management and operations to an outside party – similar to recent actions taken by the Cascade County Commissioners.

If approved, the City Manager will direct the Public Works Department to prepare and issue the RFP. The RFP will request proposals that explain operation and management of the Convenience Center, options for continuing and promoting recycling, and all related costs to City and non-City residents who use the facility.

In order for the RFP to be comprehensive enough to meet the City's short and long terms goals, it will take a little time for it to be drafted. It is anticipated that an RFP could be issued within approximately 30 days. Please advise if the Commission wants to review the RFP's content prior to issuance.



Item: City of Great Falls Financial Policies and Procedures – Amend & Adopt
From: Greg Doyon, City Manager
Initiated By: Commissioner Jolley
Presented By: Coleen Balzarini, Fiscal Services Director
Action Requested: Amending City of Great Falls Financial Policies and Procedures

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission amend the City of Great Falls Financial Policies and Procedures to reflect a level of detailed reporting of vendor payment transactions provided to the City Commission at \$1,000 and above.”

Or

“I move that the City Commission amend the City of Great Falls Financial Policies and Procedures setting the level of detailed reporting of vendor payment transactions provided to the City Commission at \$5,000 and above; and incorporating on-line posting of a Check Register by Fund for the same time period as the dates reflected on the report presented to the City Commission at each Commission Meeting.”

Or

“I move that the City Commission amend the City of Great Falls Financial Policies and Procedures to reflect continuation of the current practice of providing detailed reporting of vendor payment transactions provided to the City Commission at \$5,000 and above.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Background:

Since 2004, Fiscal Services has provided a report to the City Commission at each meeting, reflecting all vendor payment transactions that are \$5,000 or greater. At this level, detailed information regarding Vendor name, dollar amount, purpose of the payment, and the Fund responsible for the payment is provided for 88% of all transactions occurring since the prior

Commission Meeting. Previous to 2004 the level of reporting was at \$500 or \$1,000 depending upon the desire of the various Commissions in office at the time. Approval by the City Commission of the Expenditure Report through the Contract's List is a ratification action since payment has already occurred.

Citizen Participation: The current Commission has expressed a desire to provide transaction reporting in greater detail than is currently provided by the \$5,000 report.

Workload Impacts: Currently, the amount of staff time required to compile the \$5,000 report is approximately 3 hours per report. There are two reports compiled each month for presentation to the City Commission for approval. Approximately 88% of all transactions are listed on the \$5,000 report. If the reporting threshold is lowered to \$1,000, it is anticipated that the preparation time for each report will require 8 hours per report and will capture approximately 92% of all transactions.

Fiscal Impact: The cost of the additional reporting is approximately \$1,800 per year or 120 additional hours of Fiscal Services direct staff time per year. There is also additional review time required from the various departments prior to release for Commission action to verify that the transcribed data fairly reflects the description of the transaction.

Alternatives: Another alternative is to continue preparing the \$5,000 report and also post a "Check Register by Fund" on-line that encompasses all checks issued from Fiscal Services during the reporting period. This allows citizens the opportunity to review all transactions and the opportunity to direct questions regarding any such transaction to the appropriate staff during working hours. The Check Register by Fund for the reporting period of January 6 to January 13, 2010, is 76 pages in length. The report is generated by the accounting system and therefore requires much less processing time while providing full reporting of all transactions.

Attachments: Sample of the Check Register by Fund pages 1 – 10 (General Fund only)

Selection Criteria:

From Date : 01/06/2010

To Date : 01/13/2010

or

From Period :

To Period :

Bank Code : ALL

Page Break by Fund: Y

Include Vendor No.: Y

Print Recap Only .: N

CITY OF GREAT FALLS
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
01/06/2010	202256	9	JOHNSON MADISON LUMBER	REPAIR & MAINT SUPPLIES	100-2115-522.23-99		1/2010	23.60
							Total	23.60
01/06/2010	202273	82	NORTHWESTERN ENERGY	07078348	100-6433-562.34-12		1/2010	7.25
				07223878	100-2111-522.34-12		1/2010	7.66
				07249121	100-6433-562.34-12		1/2010	8.30
				07249188	100-6433-562.34-12		1/2010	49.40
				07249196	100-6433-562.34-12		1/2010	8.26
				07249212	100-6433-562.34-12		1/2010	16.52
				07249220	100-6433-562.34-12		1/2010	6.51
				07249238	100-6433-562.34-12		1/2010	22.63
				07249246	100-6433-562.34-12		1/2010	16.52
				07249253	100-6433-562.34-12		1/2010	16.52
				07249261	100-6433-562.34-12		1/2010	6.51
				07249279	100-6433-562.34-12		1/2010	19.54
				07250186	100-6433-562.34-12		1/2010	8.26
				07250194	100-6433-562.34-12		1/2010	50.05
				07250202	100-6433-562.34-12		1/2010	16.52
				07250210	100-6433-562.34-12		1/2010	55.58
				09812272	100-6433-562.34-12		1/2010	18.97
				09973629	100-6433-562.34-12		1/2010	10.48
				12082467	100-6433-562.34-12		1/2010	74.27
				12321493	100-6433-562.34-12		1/2010	7.10
				12607271	100-6433-562.34-12		1/2010	7.34
				13247382	100-6433-562.34-12		1/2010	7.10
				13469564	100-6433-562.34-12		1/2010	15.09
				13537824	100-1493-511.34-12		1/2010	45.97
				14491047	100-6433-562.34-12		1/2010	7.10
				14517288	100-6433-562.34-12		1/2010	34.49
				15998792	100-6433-562.34-12		1/2010	7.10
				16056376	100-2141-522.34-12		1/2010	148.27
				16167934	100-2123-522.34-12		1/2010	7.10
				16992463	100-6433-562.34-12		1/2010	7.10
				17882077	100-6433-562.34-12		1/2010	7.76
				18207118	100-6433-562.34-12		1/2010	17.82
							Total	739.09
01/06/2010	202279	127	FEDERAL EXPRESS CORP	EVIDENCE INTAKE UNIT/NY/L	100-2111-522.31-11		1/2010	90.33
							Total	90.33
01/06/2010	202282	198	MASCO JANITORIAL SUPPLY	REPAIR & MAINT SUPPLIES	100-2114-522.23-99		1/2010	52.45
							Total	52.45
01/06/2010	202285	293	DAVIS BUSINESS MACHINES	EQUIP, FURN, FIXTURES	100-2111-522.24-99		1/2010	82.02
							Total	82.02
01/06/2010	202286	312	CITY COUNTY HEALTH DEPA	INSTITUTION GRANTS/SUBS	100-1511-511.57-12		1/2010	125,000.00
							Total	125,000.00
01/06/2010	202287	367	PICKWICK'S OFFICE WORKS	OFFICE SUPPLIES	100-2111-522.21-99		1/2010	379.39
				OFFICE SUPPLIES	100-1414-511.21-99		1/2010	204.98
				OFFICE SUPPLIES	100-1414-511.21-99		1/2010	4.60
							Total	588.97

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
01/06/2010	202293	638	EXPRESS PERSONNEL SERVI	40 HRS @ 14.77 12/14-12/1	100-1361-512.35-99		1/2010 Total	1,181.60 1,181.60
01/06/2010	202297	949	CHAMBER OF COMMERCE	REF,PUBLICITY,TAXES,DUES	100-1411-511.33-51		1/2010 Total	437.00 437.00
01/06/2010	202306	1972	MONTANA LAW ENFORCEMENT	TRAVEL,CONFERENCES&SCHOOL TRAVEL,CONFERENCES&SCHOOL	100-2124-522.37-19 100-2124-522.37-19		1/2010 1/2010 Total	208.00 208.00 416.00
01/06/2010	202315	3805	CENTRAL LOCK & KEY	EQUIP, FURN, FIXTURES	100-2112-522.24-99		1/2010 Total	4.00 4.00
01/06/2010	202318	4851	GREAT FALLS PRE-RELEASE	PROFESSIONAL SERVICES	100-1365-511.35-71		1/2010 Total	1,872.83 1,872.83
01/06/2010	202338	8270	MASTERCARD PROCESSING C	PROFESSIONAL SERVICES	100-1111-511.35-99		1/2010 Total	304.95 304.95
01/06/2010	202344	9116	IACP	84 TRAINING KEYS SUBSCRIP	100-2124-522.33-11		1/2010 Total	588.00 588.00
01/06/2010	202350	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	100-1411-511.31-32		1/2010 Total	87.46 87.46
01/06/2010	202354	11443	SUTTON MEGHAN	SUB JUDGE FEES @ 40.00 HR	100-1363-512.35-11		1/2010 Total	420.00 420.00
01/06/2010	202359	12104	HESEL-FALLS NEUROPSYCH	BEMBENEK/HALLORAN/STEVENS	100-2126-522.35-18		1/2010 Total	580.00 580.00
01/06/2010	202366	12707	CONRAD VETERINARY HOSPI	RABIES CERT # 81337	100-0000-268.90-01		1/2010 Total	15.00 15.00
01/06/2010	202367	12707	MELISSA SCHOTT	RABIES CERT # 81325 SPAY CERT # 08 857	100-0000-268.90-01 100-0000-268.90-03		1/2010 1/2010 Total	15.00 200.00 215.00
01/06/2010	202368	12707	JENNIFER TORRES	RABIES CERT # 81516 SPAY CERT # 08 926	100-0000-268.90-01 100-0000-268.90-03		1/2010 1/2010 Total	15.00 200.00 215.00
01/06/2010	202369	12707	JENN JOVIN	PAWSABILITY REFUND/DOG 09	100-0000-344.60-02		1/2010 Total	65.00 65.00
01/06/2010	202372	12965	GUNARAMA WHOLESALE INC	4 GLOCK M/22-40SW/4 NEW H	100-2126-522.22-95		1/2010 Total	1,656.00 1,656.00
01/06/2010	202373	13091	CAPITAL COMMUNICATIONS	REPAIR & MAINT SUPPLIES	100-2114-522.23-99		1/2010 Total	70.50 70.50
01/06/2010	202377	13335	INTERIOR MOTIVES	PROFESSIONAL SERVICES	100-1414-511.35-99		1/2010 Total	345.00 345.00

CITY OF GREAT FALLS
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
01/13/2010	202380	9	JOHNSON MADISON LUMBER	EQUIP, FURN, FIXTURES	100-2411-522.24-19		1/2010	47.90
				REPAIR & MAINT SUPPLIES	100-2115-522.23-99		1/2010	253.08
				REPAIR & MAINT SUPPLIES	100-2115-522.23-99		1/2010	56.63
				REPAIR & MAINT SUPPLIES	100-2115-522.23-99		1/2010	26.48
				REPAIR & MAINT SUPPLIES	100-2115-522.23-99		1/2010	32.95
				REPAIR & MAINT SUPPLIES	100-2115-522.23-99		1/2010	20.94
				Total				437.98
01/13/2010	202382	22	PACIFIC STEEL	OPERATING SUPPLIES	100-6433-562.22-99		1/2010	80.86
				Total				80.86
01/13/2010	202383	25	PROBUILD (FORMERLY POUL	REPAIR & MAINT SUPPLIES	100-2114-522.23-99		1/2010	13.99
				REPAIR & MAINT SUPPLIES	100-2115-522.23-99		1/2010	23.46
				REPAIR & MAINT SERVICES	100-2411-522.36-12		1/2010	16.62
				Total				54.07
01/13/2010	202384	26	PUBLIC DRUG CO INC	EQUIP, FURN, FIXTURES	100-2411-522.24-15		1/2010	511.75
				EQUIP, FURN, FIXTURES	100-2412-522.24-15		1/2010	516.60
				Total				1,028.35
01/13/2010	202386	39	SULLIVANS COMPUTERS & E	EQUIP, FURN, FIXTURES	100-2411-522.24-15		1/2010	7.00
				Total				7.00
01/13/2010	202387	40	BIG R STORES (CSWW INC)	OPERATING SUPPLIES	100-6433-562.22-99		1/2010	1.99
				OPERATING SUPPLIES	100-2411-522.22-12		1/2010	39.90
				Total				41.89
01/13/2010	202390	64	FLEET SUPPLY	OPERATING SUPPLIES	100-6433-562.22-99		1/2010	15.98
				OPERATING SUPPLIES	100-6433-562.22-99		1/2010	1.15
				Total				14.83
01/13/2010	202391	65	GENERAL DISTRIBUTING CO	REPAIR & MAINT SERVICES	100-2411-522.36-59		1/2010	29.76
				Total				29.76
01/13/2010	202396	77	GREAT FALLS TRIBUNE	PROFESSIONAL SERVICES	100-1111-511.35-99		1/2010	137.70
				OPERATING SUPPLIES	100-2123-522.22-96		1/2010	828.85
				PRINTING & PUBLISHING	100-1361-512.32-11		1/2010	282.88
				TRAVEL, CONFERENCES & SCHOOL	100-1411-511.37-94		1/2010	276.40
				PRINTING & PUBLISHING	100-2141-522.32-99		1/2010	295.84
				0001523991	100-1414-511.32-51		1/2010	51.80
				Total				1,873.47
01/13/2010	202397	81	QWEST	COMMUNICATION SERVICES	100-6411-561.31-99		1/2010	44.14
				DEC/JAN VISITOR CENTER PH	100-1493-511.31-31		1/2010	140.18
				PHONE SERVICE DECEMBER 09	100-1361-512.31-31		1/2010	49.48
				Total				233.80
01/13/2010	202398	82	NORTHWESTERN ENERGY	November 2009 charges	100-6411-561.34-12		1/2010	330.75
				November 2009 charges	100-2411-522.34-12		1/2010	301.86
				November 2009 charges	100-2111-522.34-12		1/2010	555.93
				November 2009 charges	100-2411-522.34-12		1/2010	90.87
				November 2009 charges	100-2411-522.34-12		1/2010	78.89
				November 2009 charges	100-2411-522.34-12		1/2010	115.65

CHECK DATE	CHECK NUMBER	VENDOR# NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
01/13/2010	202398	82 NORTHWESTERN ENERGY	November 2009 charges	100-2411-522.34-12		1/2010	109.59
			November 2009 charges	100-6433-562.34-12		1/2010	127.03
			November 2009 charges	100-6411-561.34-12		1/2010	19.16
						Total	1,729.73
01/13/2010	202399	83 ENERGY WEST RESOURCES I	December 2009 charges	100-2411-522.34-15		1/2010	1,348.66
			December 2009 charges	100-2411-522.34-15		1/2010	1,443.68
			December 2009 charges	100-1493-511.34-15		1/2010	152.31
			December 2009 charges	100-6433-562.34-15		1/2010	566.18
			December 2009 charges	100-6411-561.34-15		1/2010	730.58
			December 2009 charges	100-6411-561.34-15		1/2010	3,098.75
			December 2009 charges	100-6433-562.34-15		1/2010	163.28
			December 2009 charges	100-2411-522.34-15		1/2010	1,217.04
			December 2009 charges	100-6433-562.34-15		1/2010	17.00
			December 2009 charges	100-6433-562.34-15		1/2010	499.06
			December 2009 charges	100-6433-562.34-15		1/2010	226.42
			December 2009 charges	100-2111-522.34-15		1/2010	2,500.84
			December 2009 charges	100-6433-562.34-15		1/2010	17.00
			December 2009 charges	100-6433-562.34-15		1/2010	182.35
			December 2009 charges	100-2411-522.34-15		1/2010	481.09
			December 2009 charges	100-2411-522.34-15		1/2010	1,487.37
						Total	14,131.61
01/13/2010	202400	84 A T KLEMENS & SONS	REPAIR & MAINT SERVICES	100-2411-522.36-12		1/2010	208.05
			REPAIR & MAINT SERVICES	100-2411-522.36-12		1/2010	148.00
						Total	356.05
01/13/2010	202401	88 ADVANCED LITHO PRINTING	OFFICE SUPPLIES	100-2411-522.21-11		1/2010	270.00
						Total	270.00
01/13/2010	202405	108 PETTY CASH/ARTIS KRISTA	DESK FILE HOLDER FOR JURY	100-1361-512.21-99		1/2010	23.37
			PATTON OPEN HOUSE SUPPLIE	100-1411-511.21-99		1/2010	20.66
			PATTON OPEN HOUSE SUPPLIE	100-1411-511.35-99		1/2010	20.11
						Total	64.14
01/13/2010	202407	130 CLERK & RECORDER	Recording costs	100-6411-561.33-11		1/2010	6.00
						Total	6.00
01/13/2010	202409	137 SHIP-IT	COMMUNICATION SERVICES	100-2411-522.31-11		1/2010	14.95
						Total	14.95
01/13/2010	202410	142 NORTHWEST PIPE FITTINGS	REPAIR & MAINT SUPPLIES	100-6433-562.23-72		1/2010	788.30
						Total	788.30
01/13/2010	202412	162 ASSOCIATED VETERINARY S	RABIES CERT # 81400	100-0000-268.90-01		1/2010	15.00
						Total	15.00
01/13/2010	202413	177 ALARM SERVICE INC	PROFESSIONAL SERVICES	100-6433-562.35-99		1/2010	50.00
						Total	50.00
01/13/2010	202414	191 RYANS CASH & CARRY	OPERATING SUPPLIES	100-2411-522.22-94		1/2010	17.08
						Total	17.08

CITY OF GREAT FALLS
CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
01/13/2010	202415	198	MASCO JANITORIAL SUPPLY	OPERATING SUPPLIES	100-6433-562.22-94		1/2010	54.03
				OPERATING SUPPLIES	100-6433-562.22-94		1/2010	51.40
				OPERATING SUPPLIES	100-6433-562.22-94		1/2010	41.70
							Total	147.13
01/13/2010	202418	367	PICKWICK'S OFFICE WORKS	OFFICE SUPPLIES	100-2411-522.21-32		1/2010	38.04
				OFFICE SUPPLIES	100-2411-522.21-32		1/2010	17.99
				OFFICE SUPPLIES	100-2411-522.21-32		1/2010	7.20
				OFFICE SUPPLIES	100-2411-522.21-11		1/2010	13.49
				OFFICE SUPPLIES	100-2411-522.21-11		1/2010	79.68
				OFFICE SUPPLIES	100-2411-522.21-11		1/2010	29.97
				OFFICE SUPPLIES	100-2411-522.21-11		1/2010	13.49
				OFFICE SUPPLIES	100-1111-511.21-99		1/2010	58.00
				OFFICE SUPPLIES	100-1411-511.21-99		1/2010	5.96
				OFFICE SUPPLIES	100-1414-511.21-99		1/2010	63.96
				OFFICE SUPPLIES	100-1471-511.21-99		1/2010	42.34
				OFFICE SUPPLIES	100-2411-522.21-32		1/2010	49.68
				OFFICE SUPPLIES	100-2411-522.21-32		1/2010	55.98
				OFFICE SUPPLIES	100-1471-511.21-99		1/2010	41.00
				OFFICE SUPPLIES	100-2111-522.21-99		1/2010	16.37
				OPERATING SUPPLIES	100-2112-522.22-99		1/2010	198.99
				EQUIP, FURN, FIXTURES	100-2112-522.24-99		1/2010	198.00
				OFFICE SUPPLIES	100-1471-511.21-99		1/2010	107.97
				OFFICE SUPPLIES	100-2411-522.21-32		1/2010	59.39
				OFFICE SUPPLIES	100-1111-511.21-99		1/2010	28.50
				OFFICE SUPPLIES	100-2411-522.21-11		1/2010	215.94
				OFFICE SUPPLIES	100-2411-522.21-32		1/2010	32.99
				OFFICE SUPPLIES	100-1471-511.21-99		1/2010	22.45
				OFFICE SUPPLIES	100-1471-511.21-99		1/2010	19.02
				OFFICE SUPPLIES	100-2411-522.21-32		1/2010	27.99
							Total	1,444.39
01/13/2010	202419	388	NATIONAL LAUNDRY CO	OPERATING SUPPLIES	100-2115-522.22-95		1/2010	182.88
				OPERATING SUPPLIES	100-6433-562.22-95		1/2010	6.32
				OPERATING SUPPLIES	100-6433-562.22-95		1/2010	6.32
				OPERATING SUPPLIES	100-6433-562.22-95		1/2010	6.32
							Total	201.84
01/13/2010	202420	405	CRESCENT ELECTRIC SUPPL	REPAIR & MAINT SUPPLIES	100-2411-522.23-99		1/2010	94.50
							Total	94.50
01/13/2010	202423	506	ANIMAL MEDICAL CLINIC P	PROFESSIONAL SERVICES	100-2141-522.35-99		1/2010	137.50
				PROFESSIONAL SERVICES	100-2141-522.35-99		1/2010	75.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		1/2010	105.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		1/2010	15.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		1/2010	25.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		1/2010	25.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		1/2010	164.00
				PROFESSIONAL SERVICES	100-2141-522.35-99		1/2010	96.00
							Total	642.50
01/13/2010	202424	506	ANIMAL MEDICAL CLINIC P	RABIES CERT # 81430/81408	100-0000-268.90-01		1/2010	30.00
							Total	30.00

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
01/13/2010	202427	638	EXPRESS PERSONNEL SERVI	32 HRS @ 14.77 PER HR	100-1361-512.35-99		1/2010 Total	472.64 472.64
01/13/2010	202428	643	KOIS BROTHERS EQUIPMENT	REPAIR & MAINT SUPPLIES	100-6433-562.23-17		1/2010 Total	38.20 38.20
01/13/2010	202429	846	NFPA	RESIDENTIAL SPRINKLERS	100-2412-522.33-11		1/2010 Total	89.10 89.10
01/13/2010	202430	919	KRANZ FLOWERS AND GIFTS	PROFESSIONAL SERVICES	100-1111-511.35-99		1/2010 Total	46.49 46.49
01/13/2010	202431	966	ENTENMANN-ROVIN CO	BADGES	100-0000-152.90-99		1/2010 Total	523.73 523.73
01/13/2010	202435	1271	AMTOP	R. KNOTT, J.RENTFRO	100-6433-562.37-71		1/2010 Total	400.00 400.00
01/13/2010	202436	1302	CARR SHERYL	REIMBURSEMENT FOR CHRISTM INTERNET REIMBURSEMENT JA	100-2111-522.22-99 100-2111-522.31-31		1/2010 1/2010 Total	18.04 55.28 73.32
01/13/2010	202437	1332	CARPS DRAIN CLEANING	STA 2 SINK REPAIR	100-2411-522.36-12		1/2010 Total	272.50 272.50
01/13/2010	202443	2193	CULLIGAN WATER CONDITIO	DEC GYM WATER SUPPLY	100-2111-522.22-99		1/2010 Total	22.00 22.00
01/13/2010	202445	2286	HEIMAN FIRE EQUIPMENT I	ISI CAMERA REPAIR	100-2411-522.36-59		1/2010 Total	291.15 291.15
01/13/2010	202447	2499	OFFICE CENTER INC (THE)	REPAIR & MAINT SERVICES RENTALS	100-2411-522.36-91 100-6411-561.53-32		1/2010 1/2010 Total	70.30 60.00 130.30
01/13/2010	202449	3264	BOYD COFFEE CO	OPERATING SUPPLIES	100-1411-511.22-99		1/2010 Total	117.00 117.00
01/13/2010	202450	3716	MONTANA ASSOC OF CHIEFS	FEES/BAMBENEK/HALLORAN/ST	100-2126-522.33-51		1/2010 Total	200.00 200.00
01/13/2010	202451	4062	PETTY CASH/MCCAMLEY RAN	OPERATING SUPPLIES TRAVEL,CONFERENCES&SCHOOL	100-2411-522.22-95 100-2411-522.37-59		1/2010 1/2010 Total	14.95 28.50 43.45
01/13/2010	202453	4813	DAVIDSON TRAVEL	TRAVEL,CONFERENCES&SCHOOL TRAVEL,CONFERENCES&SCHOOL	100-2411-522.37-17 100-2411-522.37-17		1/2010 1/2010 Total	947.40 553.40 1,500.80
01/13/2010	202454	4876	ACE HARDWARE	REPAIR & MAINT SERVICES REPAIR & MAINT SERVICES	100-2411-522.36-12 100-2411-522.36-12		1/2010 1/2010 Total	49.99 199.96 249.95

CITY OF GREAT FALLS
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
01/13/2010	202456	4929	HOOK-FAST SPECIALTIES I	DAC NAMEPLATE	100-2411-522.22-95		1/2010 Total	16.06 16.06
01/13/2010	202463	5847	FIRE PROTECTION PUBLICA	INSP CODE ENFORCE BOOKS	100-2412-522.33-11		1/2010 Total	156.86 156.86
01/13/2010	202464	6169	UNITED PARCEL SERVICE	LEUPOLD PRODUCT/OR/OTTO	100-2111-522.31-11		1/2010 Total	13.36 13.36
01/13/2010	202468	6928	VOLK, ROY D & DIANE N	TAX REFUNDS	100-0000-268.10-01		1/2010 Total	3,881.00 3,881.00
01/13/2010	202469	6928	MABERRY, DAVID LOREN &	TAX REFUNDS	100-0000-268.10-01		1/2010 Total	60.00 60.00
01/13/2010	202470	6967	BIG SPRING WATER PRODUC	8 MO CREDIT.CHARGED 4 COO	100-2111-522.22-99		1/2010 Total	304.80 304.80
01/13/2010	202473	7796	INNOVATIVE POSTAL SERVI	SIC MAILING - 1ST NOTICE COMMUNICATION SERVICES	100-2412-522.31-11 100-2411-522.31-11		1/2010 1/2010 Total	1,314.95 382.18 1,697.13
01/13/2010	202474	7828	MONTANA BROOM & BRUSH S	MOP HEADS, PAPER TOWELS TOILET PAPER, FLOOR STRIP	100-2411-522.22-94 100-2411-522.22-94		1/2010 1/2010 Total	378.94 198.40 577.34
01/13/2010	202476	8270	MASTERCARD PROCESSING C	RED WARRANT FOLDERS OPERATING SUPPLIES OFFICE SUPPLIES EQUIP, FURN, FIXTURES	100-1361-512.21-99 100-2411-522.22-94 100-2411-522.21-32 100-2411-522.24-99		1/2010 1/2010 1/2010 1/2010 Total	164.00 278.08 53.95 98.00 594.03
01/13/2010	202478	8479	CASCADE COUNTY PRINT SH	PRINTING & PUBLISHING	100-1471-511.32-99		1/2010 Total	120.00 120.00
01/13/2010	202480	8699	INDIAN HAMMER VETERINAR	RABIES CERT # 81453/81431	100-0000-268.90-01		1/2010 Total	60.00 60.00
01/13/2010	202481	8915	FERGUSON ENTERPRISES IN	EQUIP, FURN, FIXTURES REPAIR & MAINT SUPPLIES	100-6433-562.24-11 100-6433-562.23-72		1/2010 1/2010 Total	132.95 45.73 178.68
01/13/2010	202482	9468	IDENTITY SCREENPRINTING	OFFICE SUPPLIES	100-2411-522.21-32		1/2010 Total	10.00 10.00
01/13/2010	202483	9689	GLACKEN & ASSOCIATES	BEALL/SLAUGHTER/MITCHELL	100-2124-522.37-19		1/2010 Total	675.00 675.00
01/13/2010	202484	10073	SUN CLEANERS	FIRE CHIEF CLASS A UNIFOR	100-2411-522.22-95		1/2010 Total	42.80 42.80
01/13/2010	202490	10858	VERIZON WIRELESS	COMMUNICATION SERVICES COMMUNICATION SERVICES	100-2111-522.31-32 100-2112-522.31-32		1/2010 1/2010	63.44 163.70

CITY OF GREAT FALLS
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
01/13/2010	202490	10858	VERIZON WIRELESS	COMMUNICATION SERVICES	100-2114-522.31-32		1/2010	96.25
				COMMUNICATION SERVICES	100-2115-522.31-32		1/2010	578.68
				COMMUNICATION SERVICES	100-2124-522.31-32		1/2010	33.38
				COMMUNICATION SERVICES	100-2125-522.31-32		1/2010	64.20
				COMMUNICATION SERVICES	100-2141-522.31-99		1/2010	159.27
				FP INSP CARD	100-2412-522.31-32		1/2010	51.13
				HAZMAT CARD	100-2461-521.31-32		1/2010	51.01
				COMMUNICATION SERVICES	100-6411-561.31-32		1/2010	156.77
				COMMUNICATION SERVICES	100-6433-562.31-32		1/2010	123.95
				COMMUNICATION SERVICES	100-6433-562.31-32		1/2010	123.95
				COMMUNICATION SERVICES	100-6433-562.31-32		1/2010	123.95
				DES CELLS	100-2461-521.31-32		1/2010	153.87
				FP CELLS	100-2412-522.31-32		1/2010	166.09
				OPS CELLS	100-2411-522.31-32		1/2010	323.32
							Total	2,432.96
01/13/2010	202491	10864	LOPEZ ROBERT	REIMBURSE FOR REQUIRED ME	100-2115-522.35-18		1/2010	20.00
							Total	20.00
01/13/2010	202492	11101	NDRPA-NPSI	TERRY KAIN NPSI COURSE RE	100-6433-562.37-71		1/2010	480.00
							Total	480.00
01/13/2010	202494	11222	WCS TELECOM	LONG DISTANCE	100-2411-522.31-31		1/2010	32.02
							Total	32.02
01/13/2010	202498	11369	VISION NET INC	MT TELECOMMUNICATIONS EXC	100-1361-512.31-31		1/2010	249.00
							Total	249.00
01/13/2010	202502	11505	CADWELL PATTY	MILAGE REIMBURSEMENT	100-1113-511.37-15		1/2010	331.32
							Total	331.32
01/13/2010	202504	12002	EVERSON VICKI	VOLUNTEER SNACKS FOR VISI	100-1493-511.29-19		1/2010	138.51
							Total	138.51
01/13/2010	202507	12154	PARKER CHAD	EQUIP, FURN, FIXTURES	100-1471-511.24-99		1/2010	199.99
				HELENA MT	100-1471-511.37-99		1/2010	99.55
							Total	299.54
01/13/2010	202512	12579	RAILROAD MANAGEMENT CO	LICENSE 302040 SEWER PIPE	100-6433-562.33-53		1/2010	549.04
							Total	549.04
01/13/2010	202513	12644	MADESC	ANNUAL DUES	100-2461-521.33-51		1/2010	20.00
							Total	20.00
01/13/2010	202515	12707	GRASS WINDS VETERINARY	RABIES CERT # 81522	100-0000-268.90-01		1/2010	15.00
							Total	15.00
01/13/2010	202516	12707	CONRAD VETERINARY HOSPI	RABIES CERT # 81513	100-0000-268.90-01		1/2010	15.00
							Total	15.00
01/13/2010	202517	12707	MELISSA HOVE	RABIES CERT # 81510	100-0000-268.90-01		1/2010	15.00
							Total	15.00

CITY OF GREAT FALLS
 CHECK REGISTER BY FUND

CHECK DATE	CHECK NUMBER	VENDOR#	NAME	INVOICE# / DESCRIPTION	G/L NUMBER	PROJECT	PERIOD/ YEAR	AMOUNT
01/13/2010	202518	12707	GENEVIEVE EKNESS	SPAY CERT # 08 908	100-0000-268.90-03		1/2010 Total	200.00 200.00
01/13/2010	202519	12707	GABE SIBLEY	RABIES CERT # 81511	100-0000-268.90-01		1/2010 Total	15.00 15.00
01/13/2010	202522	12873	BRESNAN COMMUNICATIONS	PSA ADVERTISEMENT EUDL GR	100-2191-522.35-99	211003	1/2010 Total	1,180.00 1,180.00
01/13/2010	202524	12934	HILLS PET NUTRITION SAL	PROFESSIONAL SERVICES PROFESSIONAL SERVICES	100-2141-522.22-99 100-2141-522.22-99		1/2010 1/2010 Total	183.75 218.75 402.50
01/13/2010	202529	13177	BIG TEE	ANSUL FOAM	100-2411-522.24-19		1/2010 Total	2,450.00 2,450.00
01/13/2010	202535	5839	GUEST SERVICES INC	NFA MEALS ENG OPP	100-2411-522.37-59		1/2010 Total	232.20 232.20
01/13/2010	202536	5839	GUEST SERVICES INC	NFA MEALS FF1C MCINTOSH	100-2411-522.37-59		1/2010 Total	129.30 129.30
102 Checks ** Fund Total								180,919.11



Item: Ordinance 3049; Interim Zoning Ordinance for Medical Marijuana Establishments

From: Michael Haynes, Director Planning and Community Development, and Chad G. Parker, Acting City Attorney

Initiated By: Michael Haynes, Director Planning and Community Development, and Chad G. Parker, Acting City Attorney

Presented By: Michael Haynes, Director Planning and Community Development, and Chad G. Parker, Acting City Attorney

Action Requested: Accept Ord. 3049 on first reading and set public hearing for February 2, 2010.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission accept Ordinance 3049 on first reading and set public hearing for February 2, 2010.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Staff Recommendation: It is the recommendation of the Planning and Community Development Department and the Acting City Attorney that the City Commission adopt Ordinance 3049 to allow sufficient time and to investigate the zoning and health, welfare, and safety impacts of Medical Marijuana Establishments and promulgate rules to regulate the same.

Background: On November 2, 2004, Montana voters adopted the Medical Marijuana Act, which is codified at § 50-46-101, MCA, et seq. At that time the Act did not provide any language to address the multitude of logistical issues relating to law enforcement’s ability to ensure caregivers’ and patients’ compliance with the Act’s prohibitions, nor did it address the concerns of local governments about its application in their communities and the parameters under which a local government has authority to regulate its effects through zoning or other mechanisms. The Legislature has failed to address these issues in subsequent legislative sessions and State agencies have not promulgated administrative rules addressing local government concerns.

Further, the City of Great Falls, like the other large communities throughout Montana, is receiving ever increasing numbers of inquiries related to the licensing and inspection of proposed Medical Marijuana Caregiver Establishments and the current zoning ordinances do not sufficiently address the concerns of the citizenry and the City government in light of the potential effects these establishments may have on the community. Because of this, the Planning and Community Development Department and the City Attorney's Office has presented Ordinance 3049 to provide staff sufficient time to appropriately facilitate licensing and regulation of these legal businesses without exposing the community to the harms which existed with marijuana prior to its transition from illicit to medical use and continue to exist in the absence of legislative action.

Ordinance 3049 does not place additional restrictions on caregivers and patients beyond what currently exists in the Montana Medical Marijuana Act relating to numbers of plants and patients/caregiver relationships, rather it merely halts the expansion of existing caregiver operations and the establishment of new operations during the effective period of the interim ordinance. This will continue to allow the Department of Public Health and Human Services to enroll and register new qualifying patients to caregivers and enroll and register caregivers during the interim period and will not inhibit qualifying patients' ability to receive medical marijuana within the Act's parameters.

Section 76-2-306, MCA, allows a city to adopt an interim ordinance establishing a temporary moratorium on the licensing and operation of establishments for the immediate preservation of the public peace, property, health, or safety. Such interim ordinance would have immediate effect upon approval and passage by the City Commission.

Concurrences: City Administration, the Great Falls Police Department, the Great Falls Fire Department.

ORDINANCE 3049

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, IMPOSING A TEMPORARY MORATORIUM ON THE OPENING, OPERATION, AND LICENSING OF ANY ESTABLISHMENTS THAT GROW, SELL, OR DISTRIBUTE MEDICAL MARIJUANA, AND DIRECTING THE STUDY OF NEW PROPOSED ORDINANCES TO REGULATE SUCH ESTABLISHMENTS

WHEREAS, on November 2, 2004, Montana voters adopted the Medical Marijuana Act, which is codified at § 50-46-101, MCA, et seq., and at that time and in subsequent legislative sessions the legislature failed to include language or authorize State agencies to promulgate administrative rules concerning a multitude of logistical issues surrounding the Act and the concerns of local governments about its application in their communities and the parameters under which a local government has authority to regulate its effects; and,

WHEREAS, the Medical Marijuana Act permits the cultivation, manufacture, delivery, transfer, and transportation of marijuana or paraphernalia by a qualified patient or a caregiver, as those terms are defined in the Act; and,

WHEREAS, establishments that grow, sell or distribute medical marijuana or paraphernalia are currently permitted within certain zoning districts established by the City of Great Falls; and,

WHEREAS, establishments that grow, sell, or distribute medical marijuana or paraphernalia could have a blighting or detrimental effect on neighborhoods or on nearby schools or recreational facilities, and can through such blighting effect create a public nuisance; and,

WHEREAS, section 76-2-306, MCA, permits a city to adopt an interim zoning ordinance for the immediate preservation of the public peace, property, health, or safety, which interim zoning ordinance may take effect immediately; and,

WHEREAS, State law allows the City to adopt an interim zoning ordinance to protect public safety, health, and welfare without following the procedures otherwise required preliminary to the adoption of zoning ordinances, and such interim ordinances may prohibit uses that may be in conflict with a contemplated zoning proposal, which the legislative body is considering within a reasonable time; and,

WHEREAS, the City Commission of the City of Great Falls has determined that the licensing, opening, or operation or any establishments that grow, sell, or distribute medical marijuana or paraphernalia within the City limits of the City of Great Falls, could be immediately

detrimental to, harmful to, and a threat to the peace, property, health, safety, and welfare of the City and its inhabitants, until such time as the City has had an opportunity to further study such issue and an opportunity to adopt appropriate ordinances, zoning or otherwise, to appropriately deal with any such establishments; and,

WHEREAS, after first having provided lawful public notice, as required by section 76-2-306(2), MCA, the City Commission conducted a public hearing on February 2, 2010, with respect to this proposed Ordinance, and invited public comment.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Great Falls, Montana, as follows:

Section 1: All the recitals set forth above are hereby adopted as Findings of Fact.

Section 2: The terms “marijuana,” “paraphernalia,” “qualifying patient,” and, “caregiver,” have the meaning attributed to those terms by the Medical Marijuana Act.

Section 3: The City of Great Falls hereby directs the Great Falls Planning and Community Development Department to investigate and study the effect of the opening of establishments that grow, sell, or distribute medical marijuana or paraphernalia and to make recommendations concerning new zoning ordinances that could be adopted to better regulate and/or deal with such establishments, to limit, prohibit, or abate any negative effect implicating the health, safety, and/or welfare of the citizenry of the City of Great Falls, Montana, or blight, upon the City of Great Falls, Montana (and its entire zoning jurisdiction and its inhabitants), or the schools, recreational facilities, or neighborhoods located therein.

Section 4: The City of Great Falls hereby directs the City of Great Falls Planning and Community Development Department to present the findings of its investigation and its recommendations to the Great Falls Planning Board, and that the Planning Board shall then provide its recommendation to the City Commission, so that the City Commission may consider the issue within approximately three (3) months of the date of the enactment of this Ordinance.

Section 5: Until such new ordinances, zoning or otherwise, are adopted and in order to deal with the issues described above, any establishments attempting to grow, sell, or distribute medical marijuana or paraphernalia are hereby prohibited from being opened, operated, or licensed within the City of Great Falls. The prohibition in the preceding sentence shall not apply to a qualifying patient who possesses not more than six (6) marijuana plants and one (1) ounce of usable marijuana solely for that patient’s own use, nor shall it apply to a caregiver who possesses not more than six (6) marijuana plants and one (1) ounce of usable marijuana solely for each of his or her qualifying patient’s use. During the period of this interim ordinance, the number of plants in a caregiver’s possession may not exceed the number of plants allowed under the Medical Marijuana Act for the number of qualifying patients, which were registered to him or her on the effective date of this ordinance.

Section 6: Any individual, entity, or establishment that violates the terms of the restrictions set forth above shall be deemed to be creating a public nuisance, and shall be subject to prosecution in the same manner as one who violates City ordinances, and shall be subject to the general penalty section set forth in section 1.4.070 of the City Code of Great Falls, and shall further be subject to such civil action to enjoin or abate the public nuisance, as the City deems appropriate. Such ability of the City to prosecute and/or enjoin or abate is in addition to any other remedies available to the City, at law or equity.

Section 7: This Ordinance is made expressly retroactive and shall apply to all applications for building permits, zoning variances, conditional use permits, zoning changes, and all other applications for building and land use permits, business licenses, safety inspections certificates, development activity, land use activity, land use changes, and any other applications for approval or any type or nature, which had been received by the City of Great Falls and not yet granted as of the effective date of this Ordinance.

Section 8: In the event any word, phrase, clause, sentence, paragraph, section, or other part of this Ordinance set forth herein is held invalid by a court of competent jurisdiction, such judgment shall affect only that part held invalid, and the remaining provisions thereof shall continue in full force and effect.

Section 9: This Ordinance shall take effect immediately upon its adoption by the City Commission of the City of Great Falls, Montana, and signing by the Mayor thereof.

APPROVED by the City Commission on first reading January 19, 2010.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading February 2, 2010.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Chad Parker, Acting City Attorney

State of Montana)

County of Cascade : ss

City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that I did post, as required by law and as prescribed and directed by the City Commission, Ordinance 3049 in three places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;

On the Bulletin Board, first floor, Cascade County Court House;

On the Bulletin Board, Great Falls Public Library

(Seal of the City)

Lisa Kunz, City Clerk

Regular City Commission Meeting

Mayor Winters presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE – Boy Scouts Jaren Hanson and Travis Messer, Troop 1, Anthony Anderson, Troop 26; Venture Scout Kirsten Hanson, Crew 1; and, Cub Scouts Mack Fangmeier, Webelo, Pack 14, and Ricky Schwartz, Tiger Cub, Pack 14, assisted with the flag ceremony.

ROLL CALL: City Commissioners present: Michael J. Winters, Bob Jones, Bill Bronson, Mary Jolley and Fred Burow. Also present were the City Manager, Acting City Attorney, Directors of Fiscal Services, Park and Recreation, Planning and Public Works, Executive Director of the Housing Authority, the Interim Library Director, Fire Chief, Police Chief and the City Clerk.

NEIGHBORHOOD COUNCILS

NC 3 Drawing.

1. COUNCIL 3 DRAWING OF TIE VOTE OF WRITE-IN CANDIDATES.

Due to tie votes between four write-in candidates for the third, fourth and fifth seats on Neighborhood Council 3, Mayor Winters drew the names of John Sturgeon, Larry Boggs and Laura J. Fay.

**Swearing In Ceremony
of Neighborhood Council
Representatives.**

2. SWEARING IN CEREMONY OF NEIGHBORHOOD COUNCIL REPRESENTATIVES.

Mayor Winters swore in three elected and two write-in candidates as neighborhood council representatives.

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

NC 7.

3A. Aaron Weissman, NC 7, introduced himself and commented that he is serving his third term on the council. Mr. Weissman thanked Mayor Winters for including the scouts in the flag ceremony. He reported that the council is working on a goals document for the lower north and south sides of Great Falls that will be presented to the Commission.

NC 8.

3B. Karen Grove, NC 8, welcomed the new Commissioners. Ms. Grove reported that the meetings for Neighborhood Council 8 are held on the third Thursday of each month at 6 p.m. at the Pre-Release Center.

NC 4.

3C. Sandra Guynn, NC 4, welcomed the new Commissioners. Ms. Guynn commented that she liked hearing that the new Commission was open to listening to the neighborhood councils and the public.

PETITIONS AND COMMUNICATIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Winters opened the meeting to Petitions and Communications.

Seatbelts, ECP.

4A. Ron Gessaman, 1006 36th Avenue NE, welcomed the new Mayor and Commissioners to a new term. Mr. Gessaman read portions of an article regarding a South Carolina seatbelt program that rewarded drivers with fast food and cash. He suggested a similar program be implemented in Great Falls.

Mr. Gessaman noted that last night's ECP Board meeting was canceled. Mayor Winters respectfully requested that the new Commission be given some slack with regard to ECP until it could get up to speed. At that time, the Commission will report on ECP as it relates to the community.

Mr. Gessaman continued and read portions of ECP's bylaws citing that the regular meetings are to be held the first Monday of every month. City Manager Gregory T. Doyon responded that, as he previously explained, discussions were put on hold with the intent to wait until both bodies could convene to have a discussion about the consultant's report. Mr. Gessaman continued that the Board should have elected a Chair and Vice-Chair at its regular meeting in January.

Mayor Winters responded that Mr. Gessaman's comments will be taken under advisement. No apology is necessary from the City Manager as he was acting in the best interest of the new City Commission.

ECP.

4B. Aart Dolman, 3016 Central Avenue, welcomed the new Commissioners. Mr. Dolman referred to SME's Form 990 and noted page 6 referred to its written document retention and destruction policy. Mr. Dolman requested that staff request a copy of that policy for him. Fiscal Services Director Coleen Balzarini responded that she could make that request on Mr. Dolman's behalf, but there is no requirement to release that policy. Mr. Dolman then requested a written documentation of Ms. Balzarini's request. Mayor Winters directed Mr. Dolman to make his request in writing to the City Commission.

GFDA Board appointments, Downtown Loan Fund, and congressional delegation meeting in Washington D.C.

4C. Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, welcomed the new GFDA Board members that the Commission would be choosing later during the meeting. He noted the Board meetings are held the first Wednesday of every odd month at 8 a.m. and are usually held at the Great Falls Area Chamber of Commerce. He welcomed everyone to attend those meetings.

Mr. Doney reported that the new Downtown Loan Fund has received commitments from five banks (\$60,000 each) for a \$300,000 line of credit

to match the \$300,000 from the City.

Lastly, he reported that a team has been sent to Washington D.C. almost every winter to meet the congressional delegation and staff to discuss issues of importance to the Great Falls region. That trip is tentatively set for the week of March 8th and he hopes there will be City participation.

Respect, congratulations and condolences.

4D. John Hubbard, stated he was “Shut Up and Get Out, formerly John Hubbard and John Angry.” Mayor Winters interrupted and respectfully requested Mr. Hubbard state his correct name for the record. Mr. Hubbard responded that he hasn’t thrown him out yet. Mayor Winters responded that wasn’t his intent, but respect will be reciprocal with this new Commission. Mr. Hubbard then stated his name, John Hubbard, 615 7th Avenue South. He congratulated Mayor Winters and also expressed his condolences for being tasked with straightening out issues from the last Commission.

Mayor Winters complimented Mr. Hubbard for doing well in his race for the mayor position and hopes he will keep up his civic interests.

PUBLIC HEARINGS

Res. 9870. Adopted.

5. RESOLUTION 9870, CONDITIONAL USE PERMIT TO ALLOW A WORSHIP FACILITY ON THE SOUTH 51 FEET OF LOTS 1 AND 2, BLOCK 373, ORIGINAL TOWNSITE TO GREAT FALLS (111 6TH STREET SOUTH)

Planning Director Mike Haynes reported that Item 5 is for a Conditional Use Permit to allow a worship facility to operate at 111 6th Street South. The Land Development Code sets forth a table that lists uses by zoning district. Uses are permitted by right, prohibited, or allowed with conditional use approval. The property at 111 6th Street South is zoned C-4 Central Business Core District. In the C-4 zoning district, a worship facility is permitted with conditional use approval.

The River of Hope Church applied for a conditional use permit to allow a worship facility to operate in the existing building at 111 6th Street South. On November 10, 2009 the City Zoning Commission passed a motion recommending the City Commission grant the conditional use permit while noting the impact that worship facilities downtown may have on establishments involved with serving alcohol and/or gaming. Specifically, per state code, approval of the conditional use permit would preclude the issuance of a liquor license to new businesses on 6th Street South if their entrance is within 600 feet of the entrance to the church. Also, per city code, a new casino could not open within a 600 foot radius of the property boundary of 111 6th Street South.

Mr. Haynes requested that the City Commission adopt Resolution 9870 to allow a worship facility to operate at 111 6th Street South.

Mayor Winters declared the public hearing open.

No one spoke in opposition to Resolution 9870.

Speaking in favor of Resolution 9870 were:

Aaron Weissman, 315 4th Avenue North, on behalf of NC 7, reported that the council voted affirmatively on this matter provided that the church files a parking plan that meets all of the city's parking requirements. Mr. Weissman suggested in the future that parking plans be filed before requests come before the Commission or Neighborhood Councils.

Mr. Haynes noted that the agenda report states that the church could not meet the minimum parking requirement. However, based on the abundance of on-street parking, other opportunities for parking offered by neighbors and off-peak use of parking spaces by church members, staff determined it was acceptable.

Steve Anderson, 5405 7th Avenue South, owner of the property, commented that he did get parking permission from Pat's Auto Body and Mr. Tune Up which would provide 60 parking spaces. Mr. Anderson noted that he has been in the building since 1974. A lot of the people in that area need help. Victor and Trina Garza reach out to those people, as well as young kids to help them get off the street.

Victor Garza, 3508 7th Street NE, Pastor of River of Hope Church, commented that he wants to work with the city to make the community better. His goal is to help those children that run the streets at night, and to help those that are overlooked and less fortunate to get on the right track. He noted that most days there are not many cars parked on that street. He believes the church will be an asset and not an eyesore.

Mayor Winters closed the public hearing.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Resolution 9870.

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

Commissioner Bronson commented that any organization providing social services is doing the community good and is a strong reason to grant a conditional use permit. He also reminded the Commission that federal law, in the exercise of protecting First Amendment rights to the free exercise of religion, may, in some instances, trump other considerations.

Motion carried 5-0.

OLD BUSINESS**NEW BUSINESS****CDBG Policies Reaffirmed, Citizen Participation Plan Adopted, and the 2010-2011 CDBG Funding Priorities Approved.****6. CDBG POLICIES, ADOPT CITIZEN PARTICIPATION PLAN, AND APPROVE THE 2010-2011 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING PRIORITIES.**

Planning Director Mike Haynes reported that this item relates to CDBG (Community Development Block Grant) funds that are received from HUD (Department of Housing & Urban Development) for use in local communities to assist primarily low and moderate income residents.

Every year, the City of Great Falls, like all entitlement communities, must comply with federal regulations pertaining to receipt, prioritization and distribution of CDBG funds.

Staff is asking the Commission to reaffirm the Community Development Block Grant policies, adopt the Citizen Participation Plan and to approve the 2010-2011 CDBG general funding priorities. Mr. Haynes noted that actual proposed funding commitments will come before the City Commission for consideration later in the year after the Community Development Council (CDC) has ranked and prioritized applications for funding and made specific funding recommendations.

The CDBG policies date back to 1994 and have been reaffirmed annually since then with one amendment in 2005.

The Citizen Participation Plan was adopted with the HUD Consolidated Plan in 2005 and has been reaffirmed by the Commission annually. This year, the five year Consolidated Plan will also be submitted to HUD. Acceptance of the CDBG policies and adoption of the Citizen Participation Plan for use in the 2010-2015 Consolidated Plan is required by HUD.

Based on the national objectives and regulations of the CDBG program, participation by applicants in the CDBG application workshop and testimony given at the community needs hearing held during the December 15, 2009, City Commission meeting, staff is recommending approval of the priorities for the 2010 program year.

Approval of the funding priorities will set the base for the 2010-2011 Annual Action Plan to be submitted to HUD as part of the 2010-2015 Consolidated Plan by May 15, 2010, for the use of the 2010-2011 funds.

Mr. Haynes further noted that an orientation meeting will be held for the Community Development Council on February 4, 2010, at 5:15 pm in the Rainbow Room at the Civic Center. CDBG regulations and goals will be

discussed. The methodology of scoring and prioritizing projects within each funding area will be explained and reviewed. He encouraged anyone interested in acquiring fundamental knowledge about the program and the allocation process to attend that meeting.

Mr. Haynes requested that the City Commission reaffirm the CDBG policies, adopt the Citizen Participation Plan and to approve the 2010-2011 CDBG general funding priorities.

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission reaffirm the CDBG Policies, adopt the Citizen Participation Plan, and approve the 2010-2011 Community Development Block Grant Funding priorities.

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

Commissioner Jolley inquired if the percentages were the same as the previous year. CDBG Administrator Chris Imhoff responded that the percentages vary every year depending on projects and prior commitments. She explained what each percentage of the funds was used for leaving little “wiggle room” for changing percentages.

City Manager Doyon asked Ms. Imhoff to explain the portion of the agenda report that states “five percent of the funds are being recommended for use in the Economic Development priority, which historically is not very competitive.” Ms. Imhoff responded that CDBG rules regarding economic development require tracking the jobs created with CDBG money forever. It would be hard to do that for large amounts of funding. She believes the city has attempted to use other sources of funding for economic development and reserving CDBG funds for things it can accomplish. There has been a lot of emphasis to use the funds for ADA projects in the past five years.

Commissioner Jolley asked if Ms. Imhoff was tracking the jobs created by the economic development monies awarded to the Great Falls Development Authority last year and was informed no.

Mayor Winters asked if there were any inquiries from the public.

Brett Doney, Great Falls Development Authority, urged the Commission to amend the funding priorities or table the motion to a future meeting. He believes the number one need in Great Falls is higher wage job opportunities and to build an industrial tax base for the city to relieve the city’s fiscal constraints. Mr. Doney explained the difficulties of trying to compete with other cities in attracting industries without having “shovel ready” sites or rail served land. He provided Montana Specialty Mills as an example of the difficulty trying to find a place to relocate in Great Falls. If a

site isn't identified for Montana Specialty Mills to build this year, it will relocate elsewhere. Mr. Doney reported that GFDA requested \$400,000 at the CDBG hearing in December to help with the infrastructure of an industrial park. He commented that investing in public infrastructure that increases the value of property and increases the value of the tax base is a much better use of economic development funds.

Chris Imhoff clarified that, due to the timeline for CDBG and HOME, the priorities need to be established now because on February 4, 2010, the Community Development Council (CDC) will start working towards prioritizing the allocations.

Ms. Imhoff also pointed out that CDBG requires 70% of all the funds be spent on low to moderate income persons. There are lists of what are eligible activities. Ms. Imhoff expressed that it would be incredibly hard to use the funding to develop something. She again explained that funding could be used for infrastructure if the company promised it could create so many jobs for low to moderate income persons. She concluded that she truly does not believe what Mr. Doney discussed would be the best use for CDBG funds or would even be eligible.

Motion carried 4-1 (Commissioner Burow dissenting).

**Positron Viper Public
Safety Telephone System
Purchase Approved.**

**7. PURCHASE OF POSITRON VIPER PUBLIC SAFETY
TELEPHONE SYSTEM IN THE AMOUNT OF \$230,666.94 AND
COMMIT TO QWEST AND POSITRON MAINTENANCE
PROGRAMS FOR A TOTAL COST OF \$178,972.59 OVER THE
NEXT FIVE YEARS.**

Police Chief Cloyd Grove reported that staff is asking approval to purchase a new public safety telephone system, as well as approval of the maintenance contracts. The current system was installed in 2004 and is outdated. Qwest advised that it would not be able to satisfy any maintenance contracts this year. The 911 system has not worked on one of the police stations for about two months due to the unavailability of parts or software. Chief Grove explained over the years 911 quarters have been saved in order to purchase items needed. The original amount of this purchase will come from those reserved funds. He also reported that the GFPD applied for and was granted additional state funding in the amount of \$35,231 to help with this purchase.

Commissioner Burow moved, seconded by Commissioner Jolley, that the City Commission approve the purchase of the Positron Viper Public Safety Telephone System in the amount of \$230,666.94 and commit to Qwest and Positron maintenance programs for a total cost of \$178,972.59 over the next five years.

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

Commissioner Jones commended Chief Grove and his supervisors for the professionally operated 911 Center that the city and county enjoy.

Commissioner Burow asked, and was responded to affirmatively, that the purchase of the equipment as well as the maintenance costs will be shared between the four user entities.

Mayor Winters asked if there were any inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

**Corrected Res. 9456.
Adopted.**

8. CORRECTED RESOLUTION 9456, ANNEXING LOT 1, BLOCK 2, FIRST ADDITION TO GREAT FALLS CLINIC ADDITION.

Planning Director Mike Haynes reported that this item is a correction to Annexation Resolution 9456 passed and recorded in 2005. Recently it was discovered that through a scrivener's error the word "Clinic" was missing from the subdivision name in the resolution which should have read "First Addition to the Great Falls Clinic Addition."

Mr. Haynes requested that the City Commission adopt Corrected Resolution 9456 so it can be re-filed with the Clerk & Recorder's Office.

Commissioner Bronson moved, seconded by Commissioner Jones, that the City Commission adopt Corrected Resolution 9456.

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

Commissioner Jolley inquired and was informed that "scrivener's error" meant an unintended error in a legal document.

Mayor Winters asked if there were any inquiries from the public.

Ron Gessaman, 1006 36th Avenue NE, suggested extra time be given to review legal documents.

Motion carried 5-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

9. Minutes, December 15, 2009, Commission meeting.
10. Total expenditures of \$4,066,461 for the period of December 9-30, 2009, to include claims over \$5,000, in the amount of \$3,748,142.
11. Contracts list.
12. Grant list.
13. Lien Release list.
14. Approve final payment to Dick Anderson Construction, Inc. and the State Miscellaneous Tax Fund in the amount of \$8,145.70 for the Water Treatment Plant Headhouse Floor Replacement. **OF 1332.6**
15. Approve purchase of trail easement from Holman Grain for the extension of River's Edge Trail in the amount of \$1,511.65.
OF 1126.9
16. Approve Mitigation Agreement with the Montana Department of Fish, Wildlife & Parks relating to the Bay Drive Trail Phase II project.
OF 1126.9

Commissioner Jones moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as presented.

Mayor Winters asked if there was any discussion amongst the Commissioners or inquiries from the public.

With regard to Item 16, Commissioner Jolley inquired if the city had ever entered into a similar agreement with Fish, Wildlife and Parks (FWP) in the past. Mr. Haynes responded that any time an improvement is made that is deemed to affect the river, FWP can require mitigation before issuing a permit.

Commissioner Jolley expressed concern about the cost estimate if it had never been done in the past.

Mr. Haynes clarified that Park and Recreation and Public Works staff will perform the in-kind work using city equipment.

To fully answer Commissioner Jolley, Mayor Winters asked staff to research if the city has ever entered into a mitigation agreement in the past and to report back to the Commission.

Motion carried 5-0.

BOARDS & COMMISSIONS

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Gregory T. Doyon encouraged the Commission to attend the appropriation meeting previously mentioned by Mr. Doney that is set for January 13, 2010, at the Great Falls Area Chamber of Commerce from 9:00-11:00 a.m. It is important for the governing body to be in on those discussions to articulate priorities in terms of funding to get back to Washington D.C.

Due to time limitations, Mr. Doyon noted that the Leadership Philosophy, Vision Statement and Mission Statement, and City Commission goals in connection with the budget objectives were not reviewed or discussed during the work session. He encouraged the Commission to update the stale language therein and make any necessary adjustments.

Mr. Doyon was pleased to report that efforts are moving forward to combine the Planning and Community Development Departments. He jokingly noted that the new, unique name is the "Planning and Community Development Department." He asked for patience while the logistics are worked out.

Mr. Doyon also noted the intent to improve the working relationships with the neighborhood councils. There was some thought to moving supervision of that department under the Assistant City Manager but, after discussions with Mr. Haynes, that department will stay under the direction of Planning and Community Development Department.

CITY COMMISSION

**Commissioner Bob Jones
Appointed Mayor Pro
Tempore.**

19. APPOINTMENT, MAYOR PRO TEMPORE.

Article III, Section 3 of the City Charter sets forth that the Mayor Pro Tempore shall serve in the absence of the elected Mayor. The City Commissioners shall elect from among themselves a Mayor Pro Tempore no later than one month after taking office.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission appoint Commissioner Robert Jones to serve as Mayor Pro Tempore effective immediately for a two year term or until the Commission has held an election.

Mayor Winters asked if there were any inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

Commissioners Burow and Bronson appointed as ex-officio members and Greg Doyon appointed as staff liaison to the Great Falls Development Authority.

20. APPOINTMENT, GREAT FALLS DEVELOPMENT AUTHORITY.

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission appoint Commissioner Fred Burow and Commissioner Bill Bronson as ex-officio members and appoint Greg Doyon as the staff liaison to the Great Falls Development Authority Board.

Mayor Winters asked if there were any inquiries from the public. Hearing none, Mayor Winters called for the vote.

Motion carried 5-0.

21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Bronson noted the young people in the audience and welcomed their attendance to watch democracy in action.

Mayor Winters thanked everyone for attending the City Commission meeting.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, Commissioner Burow moved, seconded by Commissioner Bronson, that the regular meeting of January 5, 2010, be adjourned at 8:30.

Motion carried 5-0.

Mayor Winters

City Clerk

Minutes Approved: January 19, 2010



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

PRESENTED BY: Fiscal Services Director

ACTION REQUESTED: Approval with Consent Agenda

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

MASTER ACCOUNT CHECK RUN FOR JANUARY 6, 2010	570,529.96
MASTER ACCOUNT CHECK RUN FOR JANUARY 13, 2010	443,346.48
MUNICIPAL COURT ACCOUNT CHECK RUN FOR DECEMBER 31, 2009	45,405.30
WIRE TRANSFERS FROM DECEMBER 30, 2009 TO JANUARY 8, 2010	196,848.23
WIRE TRANSFERS FROM JANUARY 11, 2009 TO JANUARY 18, 2009	791,529.71
TOTAL: \$	2,047,659.68

GENERAL FUND

OTHER ADMIN

CITY COUNTY HEALTH DEPARTMENT	SECOND HALF ANNUAL CONTRIBUTION FOR 2009-2010	125,000.00
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SPECIAL REVENUE FUND

CTEP PROJECT

THOMAS DEAN & HOSKINS INC	BAY DRIVE PHASE ONE CONSTRUCTION INSPECTION, SURVEY, TESTING, & ADMIN	21,981.05
THOMAS DEAN & HOSKINS INC	BAY DRIVE PHASE TWO REVISE PLANS & SPECS FOR EXPANDED PROJECT AREA	21,989.62

SUPPORT & INNOVATION

GREAT FALLS BUSINESS	NOV 2009 TAX DISTRIBUTION FOR BID	79,173.16
GREAT FALLS TBID	NOV 2009 TAX DISTRIBUTION FOR TBID	78,822.45

FEDERAL BLOCK GRANTS

NEIGHBORWORKS	PURCHASE FORECLOSED PROPERTY AT 736 26TH AVE NE	117,161.47
SLETTEN CONSTRUCTION CO	PMT 2 MCLAUGHLIN RESEARCH INSTITUTE DOORS, FRAMES, & CABINETRY	54,437.72

HOME GRANTS

NEIGHBORWORKS	PMT 3 NHS DOWN PMT ASSISTANCE	10,615.84
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DEBT SERVICE**WEST BANK URBAN RENEWAL**

US BANK NA	TAX INCREMENT REV. BOND SERIES 2009A	43,396.78
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ENTERPRISE FUNDS**WATER**

THATCHER CO	SODIUM METABISULFITE & T-FLOC POLYMER	5,656.15
DICK ANDERSON CONSTRUCTION	FINAL PMT WTP HEADHOUSE FLOOR REPLACEMENT	8,064.24
DANA KEPNER CO - BILLINGS	100 EA SINGLE PORT RADIO READ UNITS	13,500.00

SEWER

ED BOLAND CONSTRUCTION	PMT #1 BAY DRIVE FORCE MAIN REPAIRS	139,706.27
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ELECTRIC

SOUTHERN	PMT OF ENERGY SUPPLY EXPENSE DEC 09	650,000.00
MT DEPT OF REVENUE	ADMINISTRATION PENALTY PER PSC RENEWABLE ENERGY	23,260.00

INTERNAL SERVICES FUND**HEALTH & BENEFITS**

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS DEC 22 - 28, 2009	58,978.91
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS DEC 29 - JAN 4, 2010	94,472.54
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS JAN 5 - JAN 11, 2010	141,529.71

TRUST AND AGENCY**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	32,053.30
CASCADE COUNTY TREASURER	FINES & FORFEITURES COLLECTIONS	7,771.00

UTILITY BILLS

NORTHWESTERN ENERGY	DECEMBER 2009 CHARGES SLD'S	61,993.69
NORTHWESTERN ENERGY	NOVEMBER 2009 CHARGES	5,697.60
ENERGY WEST RESOURCES INC	DECEMBER 2009 CHARGES	22,883.70

CLAIMS OVER \$5000 TOTAL:

\$	<u>1,818,145.20</u>
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CITY OF GREAT FALLS, MONTANA

AGENDA: 10

COMMUNICATION TO THE CITY COMMISSION

DATE: January 19, 2010

ITEM: CONTRACT 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: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR'S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Planning and Community Development	Holman Grain 154 East Portage Road Floweree, MT 59440	Current – Completion of Construction	N/A	N/A	Agreement to allow City access across T20N, R3E, S11, Govt Lots 2 and 3 (COS 1091) to an easement to construct a bicycle and pedestrian trail OF 1126.9
B	Planning and Community Development	Duct Doctor Services 823 49 th Street South Great Falls, MT 59405	As soon as possible	671-7161	\$3,318	Removal of debris from supply trunk; air cleaning of all ceiling registers; removal of debris and cleaning from fresh air intake.

C	Public Works - Engineering	Kenneth Arutunian Trust (Hardee's Restaurant Property on 10 th Avenue South)	In effect for perpetuity from date of execution (unless otherwise released)	N/A (First Interstate Bank will pay recording and filing fees)	N/A	Utility easement for Sanitary Sewer Main Relocation for First Interstate Bank Development at 10 th Avenue South & 26 th Street South (Lot 4, Black Eagle Falls Addition to the Townsite of Great Falls, W½ of SW¼ of Section 8, T20N, R4E) OF 1546
D	Planning and Community Development	Central Cleaning & Restoration 1110 Central Avenue Great Falls, MT 59401	12/2009 – 01/2010	671-7161-572-3612	\$5,328.90	Order Number CG000057 charges for emergency water damage restoration and remodel in convention center restrooms

**CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION**

**AGENDA: 11
DATE: January 19, 2010**

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Grants through the Consent Agenda

MAYOR’S SIGNATURE: _____

GRANTS

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	GRANT AMOUNT REQUESTED	CITY MATCH (INCLUDE FUND MATCH TO BE PAID OUT OF)	PURPOSE
A	Planning Department Ellen Sievert-Historic Preservation Officer	Montana Historic Preservation Office, Montana Historical Society, 1410 8 th Avenue, P.O. Box 201202, Helena, MT 59620-1202	04/01/2010 - 03/31/2011	\$5,500	\$16,102 – City/Planning \$ 5,004 - County	Certified Local Government Grant Application for the next fiscal year. Grant funds offset historic preservation officer salary or operating costs for the preservation program.



Item: Set public hearing for Resolution 9874 Establishing Water, Sewer and Storm Drain Utility Service Rates effective March 1, 2010

From: Martha Capps, Operations Supervisor

Initiated By: Public Works and Fiscal Services

Presented By: Coleen Balzarini, Fiscal Services Director, & Jim Rearden, Public Works

Action Requested: Set Public Hearing

Suggested Motion:

1. Commissioner moves:

“I move the City Commission set a public hearing for February 16, 2010, on Resolution 9874 to establish water, sewer, and storm drain utility service rates effective March 1, 2010”.

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

Staff Recommendation: Staff recommends the City Commission set a public hearing for February 16, 2010, on Resolution 9874 to establish water, sewer, and storm drain utility service rates effective March 1, 2010.

Background: Each year, staff reviews and analyzes the financing needs of the water, sewer, and storm drain funds. The review ensures the City has adequate funding necessary for day to day operations, and provide for any capital improvements, emergency main breaks, or replacements. These funds also provide the financing to run the Water and Wastewater Treatment Plants effectively. Adjustments in utility rates are also necessary to provide adequate revenue to finance the capital improvements program, and meet debt service coverage requirements and to maintain appropriate reserves. Staff is recommending 5% increases in each of the water and sanitary sewer rates, and no increase in storm drain rates. Staff has found moderate annual increases to service rates are more effective in meeting revenue needs as opposed to sporadic large increases. The average annual service rate and fee increase for the 10 year period 2000-2009 is 2.92% for water, 4.71% for sewer and 3.63% for storm drain

The Black & Veatch Management Consultants study done in April of 2001 provided the City with a 10 year guideline of minimal, but necessary rate increases, based on annual averages of 3.0% inflation, 0.5% growth, capital reserves of \$500,000 and required minimum debt service coverage of 125%. The water rate change also applies to Fire Hydrant charges. Fire hydrants are integral to the water system as a whole, and included as a monthly charge within the rate

structure rather than a once a year special assessment. Also included are water and sewer connection and tapping fees, which do not have any impact upon monthly water and sewer bills. They are one time charges for the initial connection to the existing service lines.

Concurrences: Representatives from Public Works, and Fiscal Services work together throughout the process.

Fiscal Impact: Comparisons of current versus proposed charges, rate and fee structures are attached. With the proposed rates beginning March 1, 2010, the average residential utility bill will increase approximately 4.30%, or \$1.92. This is derived from water and sewer utility service rate increases of 5% each and a 0% increase in the storm drain utility service rate.

Alternatives: The City Commission could choose to not set the public hearing and thereby deny Resolution 9874.

Attachments/Exhibits:

- A. Current versus proposed service rates
- B. Public Notice for Mailing and Publication
- C. Resolution 9874 w/ Appendix A

RESOLUTION 9874
ESTABLISHING WATER, SEWER, AND STORM DRAIN SERVICE RATES

A RESOLUTION TO ESTABLISH WATER, SEWER, AND STORM DRAIN SERVICE RATES IN ACCORDANCE WITH 13.02.040 OCCGF, EFFECTIVE APRIL 1, 2010

WHEREAS:

The City Commission of the City of Great Falls, met and conducted the hearing in the regular session on Tuesday, March 16, 2010 at the Civic Center, Great Falls, Montana, at 7:00 p.m. and did consider the cost of operation, equipment, facilities, debt service, and capital improvements for the Water, Sewer, and Storm Drain systems;

13.02.040 OCCGF states: "All rates or fees for use of the utility systems or for permits, licenses, connections or inspections shall be defined by resolution and approved by the City Commission. . ."

NOW, THEREFORE:

The City Commission of the City of Great Falls does hereby establish water, sewer, and storm drain service rates for City customers as follows:

Water, Sewer, and Storm Drain Utility Service Rates as shown in Appendix A

Passed by the Commission of the City of Great Falls, Montana, on this 16th day of March, 2010.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

James W. Santoro, City Attorney

**CITY OF GREAT FALLS, MONTANA
RESOLUTION 9874**

pg 2 of 2

		Water Service Line Size (inches)										
		(3/4") 0.75	1.00	1.25	1.50	2.00	3.00	4.00	6.00	8.00	10.00	12.00
CONNECTION FEES												
WATER												
	2010	\$ 335	\$ 372	\$ -	\$ 453	\$ 490	\$ 738	\$ 948	\$ 1,469	\$ 2,455	\$ -	\$ 4,922

Fee shall be ADDED TO: General Plumbing Permit for extension to new buildings; or, Inspection Permits for larger diameter pipe.

SEWER												
Single Family Residential	2010	\$ 184										
Commercial & Multi Family Units	2010	\$ 184	\$ 344	\$ -	\$ 675	\$ 1,418	\$ 2,701	\$ 4,868	\$ 7,034	\$ 10,791	\$ 14,922	\$ 20,760

Connection Fees are for connection of service line to WATER AND SEWER mains, and do not include installation or general plumbing permits. There is no fee to connect to the STORM SEWER SYSTEM.

Call City of Great Falls Community Development for more information @ 406-771-1180

Inspections and the associated fees are for the inspection and approval of all water and sewer service work and connections under OCCGF, Title 13
Call City of Great Falls Engineering for more information @ 406-771-1258

Where one meter serves one multi-purpose development, either mobile home, multiple family housing units, local business, commercial, industrial, residential use zones or variance, the connection charge will be based upon the size of the water tap. If there is no water tap, the charge will be based upon the the sewage being discharged on the same ratio as for other sewer connections.

TAPPING FEES (Water) Fee for any new or replacement tap being made on a water main.

1 to 5 taps	Fee per Tap:	2010	\$ 360	\$ 378	\$ -	\$ 570	\$ 719
6 or more taps	Fee per Tap:	2010	\$ 322	\$ 353	\$ -	\$ 570	\$ 719

INCLUDED in this fee is installation of a corporation stop on the main, and furnishing of corporation stop, curb stop and box. NOT INCLUDED, and to be BILLED EXTRA, is the cost of saddles, clamps and other extraneous fitting required for the tap.

TURN ON/OFF

Flat fee of :	2010	\$ 35	After Hours	2010	\$ 60
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WATER TREATMENT PLANT (WTP)

Laboratory Fees	Akalinity	Hardness	pH	Specific Conductance	Total Coliform & E. coli. P/A	Total Coliform & E. coli. MPN	Turbidity	HPC
2010	\$ 19	\$ 26	\$ 10	\$ 10	\$ 21	\$ 25	\$ 10	\$ 30

WASTEWATER TREATMENT PLANT (WWTP)

Industrial Discharge Permit Application Fees (Based upon Wastewater Discharge Quantity)

Gallons per Day (GPD)	0 to 10,000	10,001 to 25,000	25,001 to 100,000	Over 100,000	+PLUS	per 100,000 GPD, or portion thereof
2010	\$ 96	\$ 154	\$ 198	\$ 198	\$ 59	

Hauled Waste Disposal Fees

0 to 100 Gallons	2010	No Charge	Disposal of wastes from holding tanks of privately owned recreational vehicles must be discharged directly from the recreational vehicle and must not exceed 100 gallons
Over 100 Gallons	2010	\$ 20	per 1,000 gallons, or portion thereof, for hauled waste or all other discharges.

Additional Fees

Additional fees may be charged for necessary testing prior to acceptance of wastes classified as non-domestic or industrial in nature.

CITY OF GREAT FALLS, MONTANA
Current Fees vs. Proposed Fees
pg 2 of 2

Water Service Line Size (inches)

CONNECTION FEES		(3/4")										
		0.75	1.00	1.25	1.50	2.00	3.00	4.00	6.00	8.00	10.00	12.00
WATER	2009	\$ 319	\$ 354	\$ -	\$ 431	\$ 466	\$ 703	\$ 903	\$ 1,399	\$ 2,338	\$ -	\$ 4,688
	2010	\$ 335	\$ 372	\$ -	\$ 453	\$ 490	\$ 738	\$ 948	\$ 1,469	\$ 2,455	\$ -	\$ 4,922

Fee shall be ADDED TO: General Plumbing Permit for extension to new buildings; or, Inspection Permits for larger diameter pipe.

SEWER

Single Family Residential	2009	\$ 175										
	2010	\$ 184										
Commercial & Multi Family Units	2009	\$ 175	\$ 327	\$ -	\$ 643	\$ 1,350	\$ 2,572	\$ 4,636	\$ 6,700	\$ 10,277	\$ 14,212	\$ 19,771
	2010	\$ 184	\$ 344	\$ -	\$ 675	\$ 1,418	\$ 2,701	\$ 4,868	\$ 7,034	\$ 10,791	\$ 14,922	\$ 20,760

Connection Fees are for connection of service line to WATER AND SEWER mains, and do not include installation or general plumbing permits. There is no fee to connect to the STORM SEWER SYSTEM.

Call City of Great Falls Community Development for more information @ 406-771-1180

Inspections and the associated fees are for the inspection and approval of all water and sewer service work and connections under OCCGF, Title 13
 Call City of Great Falls Engineering for more information @ 406-771-1258

Where one meter serves one multi-purpose development, either mobile home, multiple family housing units, local business, commercial, industrial, residential use zones or variance, the connection charge will be based upon the size of the water tap. If there is no water tap, the charge will be based upon the the sewage being discharged on the same ratio as for other sewer connections.

TAPPING FEES (Water)

Fee for any new or replacement tap being made on a water main.

1 to 5 taps	Fee per Tap:	2009	\$ 342	\$ 360	\$ -	\$ 543	\$ 685
		2010	\$ 360	\$ 378	\$ -	\$ 570	\$ 719
6 or more taps	Fee per Tap:	2009	\$ 307	\$ 337	\$ -	\$ 543	\$ 685
		2010	\$ 322	\$ 353	\$ -	\$ 570	\$ 719

INCLUDED in this fee is installation of a corporation stop on the main, and furnishing of corporation stop, curb stop and box. NOT INCLUDED, and to be BILLED EXTRA, is the cost of saddles, clamps and other extraneous fitting required for the tap.

TURN ON/OFF

Flat fee of :	2009	2009	2009
After Hours	\$ 35	\$ 60	\$ 60
	2010	\$ 35	2010 \$ 60

WATER TREATMENT PLANT (WTP)

Laboratory Fees	Akalinity	Hardness	pH	Specific Conductance	Total Coliform & E. coli. P/A	Total Coliform & E. coli. MPN	Turbidity	HPC
2009	\$ 19	\$ 26	\$ 10	\$ 10	\$ 21	\$ 25	\$ 10	\$ 30
2010	\$ 19	\$ 26	\$ 10	\$ 10	\$ 21	\$ 25	\$ 10	\$ 30

WASTEWATER TREATMENT PLANT (WWTP)

(Based upon Wastewater Discharge Quantity)

Gallons per Day (GPD)	0 to 10,000	10,001 to 25,000	25,001 to 100,000	Over 100,000	+PLUS	per 100,000 GPD, or portion thereof
2009	\$ 92	\$ 147	\$ 189	\$ 189	\$ 56	
2010	\$ 96	\$ 154	\$ 198	\$ 198	\$ 59	

Hauled Waste Disposal Fees

0 to 100 Gallons	2009	No Charge	Disposal of wastes from holding tanks of privately owned recreational vehicles must be discharged directly from the recreational vehicle and must not exceed 100 gallons
	2010	No Charge	Disposal of wastes from holding tanks of privately owned recreational vehicles must be discharged directly from the recreational vehicle and must not exceed 100 gallons
Over 100 Gallons	2009	\$ 20	per 1,000 gallons, or portion thereof, for hauled waste or all other discharges.
	2010	\$ 20	per 1,000 gallons, or portion thereof, for hauled waste or all other discharges.

Additional Fees

Additional fees may be charged for necessary testing prior to acceptance of wastes classified as non-domestic or industrial in nature.

**PUBLIC NOTICE
PUBLIC HEARING ON RESOLUTION 9874
TO ESTABLISH WATER, SEWER, AND STORM DRAIN
UTILITY SERVICE RATES**

The City of Great Falls is proposing to raise water and sewer utility service rates, effective March 1, 2010. The increases are necessary to meet bonded debt coverage, to keep up with inflation, to cover the cost of service, and provide for necessary capital improvements.

Residential customers typically have a 1" meter and use 1,250 cubic feet of water per month with a winter average of 573 cubic feet of water per month. A typical residential customer would see rate increases as follows:

- *A water bill increase from \$23.58 to \$24.75 per month**
 - *A sewer bill increase from \$14.83 to \$15.58 per month, and**
 - *A storm drain bill will not increase.**
- These monthly bills include base service charges of \$5.12 for water, \$1.96 for fire hydrant, \$5.94 for sewer, and \$1.32 for storm drain**

The metered water rates would increase:

From \$0.89 to \$0.93 per hundred cubic feet for the first 300 cubic feet per month, and from \$1.49 to \$1.56 per hundred cubic feet for all water over 300 cubic feet per month.

The sewer rates would increase:

From \$1.22 to \$1.28 per hundred cubic feet for the first 300 cubic feet per month, and from \$2.02 to \$2.12 per hundred cubic feet for all water over 300 cubic feet per month.

The storm drain rates would not increase.

Commercial customers would see rate increases of 5% for all water and sewer services.

A public hearing will be held on February 16, 2010 at 7:00 p.m. in the Civic Center Commission Chambers, 2 Park Drive. Please mail any comments to City Clerk, City of Great Falls, PO Box 5021, Great Falls, MT 59403

For further information, contact a Utilities Customer Service Representative at 727-7660 or in Room 104 of the Civic Center, 8:00 am to 5:00 pm

Publish Public Notices

1st Notice – Friday, JANUARY 29, 2010

2nd Notice – Friday, FEBRUARY 5, 2010

3rd Notice – Friday, FEBRUARY 12, 2010



Item: Change Order No. 1 and Final Payment – 2009 CDBG (Community Development Block Grant) Handicap Ramps, O. F. 1565.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Change Order No. 1 and Final Pay Request

Suggested Motion:

1. Commissioner moves:

"I move the City Commission approve Change Order No. 1 in the amount of \$272.50 and Final Payment for the 2009 CDBG Handicap Ramps, O. F. 1565.1, in the amount of \$578.12 to Kuglin Construction and \$5.84 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

Staff Recommendation: Approve Change Order No. 1 and Final Payment Request.

Background:

Significant Impacts

This change order involves additional work required to maximize the benefits of the CDBG grant. Over the course of the project additional sidewalk and sodding was added to several handicap ramp corners to increase functionality and better tie into existing landscaping. Any unused funds from the original \$100,000.00 grant are forfeited back to the Federal CDBG program. Overall \$99,998.89 of the \$100,000.00 CDBG grant will be spent towards the project.

Workload Impacts

City engineering staff applied for and was awarded the CDBG grant, designed the project, and performed construction inspection and contract administration duties. The Community Development Department is administering the CDBG program and is performing grant and other administrative duties.

Purpose

This project constructed Americans with Disabilities Act (ADA) approved handicap ramps at intersections along 8th Avenue North, 7th Avenue North, and 2nd Avenue South. These improvements will allow better access for pedestrians and promote walking in the City. This is the 9th phase of what is hoped to be an ongoing series of CDBG funded projects to install handicap ramps on a citywide basis. These projects are related to a program to repair hazardous sidewalks.

Project Work Scope

Approximately 800 linear feet of new curb and gutter, 4,100 square feet of new sidewalk for handicap ramps, 284 square feet of truncated domes, and 3,700 square feet of new sod was installed on this project. Six existing horseshoe style drainage inlets were replaced with new curb style inlets during this project as well.

Evaluation and Selection Process

Three bids were received and opened for this project on June 24, 2009. Kuglin Construction submitted the low bid of \$116,520 and the City Commission awarded the contract on August 18, 2009. Change Order No. 1 will increase the final contract value to \$116,792.50.

Conclusion

City staff recommends approving Change Order No. 1 to Kuglin Construction in the amount of \$272.50 and making the Final Payments. City staff has verified that Kuglin Construction has completed all work and punch-list items in accordance with the plans and contract. The project was completed within the contract time. The two year warranty period started at the time of substantial completion which was October 23, 2009.

Fiscal Impact:

The additional funding of \$272.50 will come from the CDBG grant. Storm Drain Funds in the amount of \$24,430.87 were used to replace the drainage inlets.

Alternatives:

The City Commission could vote to deny Change Order No. 1 and Final Payment.

Attachments/Exhibits:

1. Change Order No. 1 and Application for Final Pay is attached. (Not available online; on file in City Clerk's Office.)



Item: Final Payments: 22nd Street South Storm Drain Extension, O. F. 1447.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Final Payments

Suggested Motion:

1. Commissioner moves:

"I move the City Commission approve final payments of \$495.00 to Kuglin Construction and \$5.00 to the State Miscellaneous Tax Division for the 22nd Street South Storm Drain Extension, O. F. 1447.1, and authorize the City Manager to execute the final payment documents."

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

Staff Recommendation: Approve final payments.

Background:

Significant Impacts

This project extended storm drain pipe south from an existing storm drain manhole near the intersection of 7th Avenue South and 22nd Street to 10th Avenue South. The Montana Department of Transportation (MDT) will connect the 10th Avenue South storm drain piping to this new pipe when 10th Avenue is reconstructed this year.

Workload Impacts

City engineering designed the project, and performed construction inspection and contract administration duties.

Purpose

The storm drain piping installed under this contract provides a tie in for a future storm water collection system on 10th Avenue South. The 10th Avenue South storm drain system currently discharges storm water into the gutter of 23rd Street between 10th and 9th Avenues South.

Project Work Scope

An agreement was entered into with MDT in June of 2009, to redirect 10th Avenue South storm water from discharging onto 23rd Street. This project was designed to extend storm drain pipe from 8th Avenue South to 10th Avenue South along 22nd Street. However, conflicts in the 8th Avenue South intersection with other utilities under the roadway dictated a design change. The storm drain needed to be lowered in the 8th Avenue South intersection to obtain required clearances. A change order was approved by the commission on October 20, 2009. The piping was lowered and extended north 263 feet to tie into the 7th Avenue South manhole.

Conclusion

City staff recommends approving final payments to Kuglin Construction and the State Miscellaneous Tax Division. The total final construction cost was \$147,200, which includes the original contract award amount of \$73,711.00 plus the change order for \$73,489.00.

The two-year warranty period began on October 16, 2009 when the project was substantially complete. Punchlist items were completed in December 2009.

Fiscal Impact:

This project was funded with storm drain utility funds. MDT reimbursed the City for a portion of the work. MDT paid \$90,611.00 towards the construction of the storm main and \$14,655.00 for construction engineering and inspection.

Alternatives:

The City Commission could vote to deny approval of the final payments.

Attachments/Exhibits:

Final Payments (Not available online; on file in City Clerk's Office.)



Item: Final Payment – Compost Facility Water Main Extension, O.F. 1553

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

“I move the City Commission approve Final Payment for the Compost Facility Water Main Extension, O. F. 1553 in the amount of \$9,552.75 to Ed Boland Construction, Inc., and \$96.49 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

Staff Recommendation: Approve final payment request.

Background:

Significant Impacts

This project extended a water main along 33rd Avenue NE east of Highway 87. This main will serve the City’s future Composting Facility. The roadway section of 33rd Avenue NE was also improved with a geotextile fabric and a 12-inch gravel roadbase. These road improvements will allow for asphalt paving, if required, in the future

Workload Impacts

City engineering staff designed the project, and performed construction inspection and contract administration duties.

Purpose

The new 12-inch water main will serve the future City Composting Facility planned for 33rd Avenue NE and 19th Street NE, and provide for future development and annexation of properties in the area. 33rd Avenue was also improved by removing the existing substandard gravel roadway and replacing it with a geotextile fabric along with 12-inches of new gravel roadbase. The new roadway section will allow for future paving in the area if traffic

demands require it.

Project Work Scope

Approximately 2,360 linear feet of new 12-inch water main, 2 new fire hydrants, 7,300 square yards of geotextile fabric and 7,700 square yards of 12-inch gravel roadbase were installed on this project.

Evaluation and Selection Process

Seven bids were received and opened for this project on July 8, 2009. Ed Boland Construction, Inc. submitted the low bid of \$199,680.00 and the City Commission awarded the contract July 21, 2009.

Conclusion

City staff has verified that Ed Boland Construction, Inc has completed all work and punch list items in accordance with the plans and contract. The City can accept the project and execute the Final Payment. The project was completed within the contract time. The two year warranty period started at the time of substantial completion which was September 25, 2009. The delay between substantial completion and final pay was due to the final pay application only recently being submitted by the contractor.

Fiscal Impact:

The final project cost was \$192,984.70, which is \$6,695.30 lower than the originally awarded amount. The difference is mainly due to extra or unforeseen work not being required on this project. Because of the nature of underground utility work and the age of the infrastructure, unknown conditions are often discovered. This project encountered very few of these conditions. Funding for this project came from the Water and Sewer Funds which will utilize the site initially.

Alternatives:

The City Commission could vote to deny Final Pay

Attachments/Exhibits:

1. Application for Final Payment is attached. (Not available online; on file in City Clerk's Office.)



Item: Appointments to the Community Development Council

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Reappoint two members and appoint three new members to the Community Development Council.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission make the following appointments to the Community Development Council:

- Reappoint Adam Gill and Susan McCord to three-year terms through January 31, 2013,
- Appoint _____ to a three-year term beginning February 1, 2010, through January 31, 2013,
- Appoint _____ to fill the remainder of a three-year term through January 31, 2011,
- Appoint _____ to fill the remainder of a three-year term through January 31, 2011.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Staff Recommendation: It is recommended that the City Commission reappoint Adam Gill and Susan McCord and appoint two new members to the Community Development Council.

Background: The terms of Adam Gill and Susan McCord expire on January 31, 2010. Mr. Gill and Ms. McCord are interested in and eligible for reappointment. The term of Russell Boham expires on January 31, 2010. Mr. Boham is not interested in reappointment. John Martin resigned from the Council. Mr. Martin's term was not up until January 31, 2011; therefore, it is necessary to appoint one member to fill the remainder of his term. Jerome Patton has moved from Great Falls and resigned. Mr. Patton's term was up on January 31, 2011; therefore, it is necessary to appoint one member to fill the remainder of his term.

Purpose

To ensure citizen participation in the CDBG allocation process, a ten-member volunteer advisory board is appointed by the City Commission. The Community Development Council makes funding recommendations for projects applying for CDBG funding to the City Commission. Members must live within the city limits.

Evaluation and Selection Process

Advertising was done in the *Great Falls Tribune* and on the City of Great Falls Website.

Continuing members of this board are:

Carrie Koppy
Aaron Kueffler
Dale Schwanke
Maria Valandra
Sandie Wright

Citizens interested in serving on this board:

Tina Cubbage
Darren Fike
Steven Hurin
Jill Kanewischer-Martinez
Robert Dean Rudeseal

Concurrences: Not applicable.

Fiscal Impact: Not applicable.

Alternatives: Advertise to seek other citizen interest.

Attachments/Exhibits: Applications (Not available online; on file in City Clerk's Office.)



Item: Appointments to the City-County Health Board
From: City Manager's Office
Initiated By: City Commission
Presented By: City Commission
Action Requested: Appoint members to the City-County Health Board

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission reappoint Sue Anne Warren for a three-year term through December 31, 2012, and appoint _____ as the Mayor's representative to serve on the City-County Health Board.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Recommendation: It is recommended that the City Commission reappoint Sue Anne Warren to a three-year term through December 31, 2012, and appoint one additional member as the Mayor's representative to the City-County Health Board.

Background: Lyle Meeks was appointed to the City-County Health Board in 2004. Mr. Meeks has served two full terms and is not eligible to be reappointed. Sue Anne Warren was appointed to the Board in October of 2008 to fill the remainder of a term. Ms. Warren is eligible for and interested in reappointment.

The vacancy created by Lyle Meeks allows for one new member to be appointed by the City Commission. The Mayor, or his representative, is eligible to serve on the Board. Alicia Thompson, Executive Director of the CCHD, has requested that a member of the City Commission consider filling this vacancy.

Purpose

The Board consists of seven members, two appointed by the City Commission with members serving a three-year term. The City-County Health Board is concerned with the operation and management of the City-County Health Department.

Evaluation and Selection Process

Announcements regarding the opening were placed in the *Great Falls Tribune* and on the City's Website.

Citizens interested in serving on this Board:

Paul L. Kathrein
Randy Kuiper
Robert Dean Rudeseal

Concurrences: The Executive Director of the City-County Health Department recommends this reappointment and has requested a member of the City Commission consider serving on the Board.

Fiscal Impact: Not applicable.

Alternatives: Continue advertising to seek further citizen interest.

Attachments/Exhibits:

Board Applications (Not available online; on file in City Clerk's Office.)



Item: Appointment - Policy Coordinating Committee (PCC)
From: Andrew Finch, Senior Transportation Planner
Initiated By: Planning and Community Development Department
Presented By: Mike Haynes, Director of Planning and Community Development
Action Requested: Appoint PCC Representative

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ to serve as our representative on the Policy Coordinating Committee.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Staff Recommendation: That the Commission appoint one of its members to serve as its representative on the Policy Coordinating Committee for transportation planning.

Background: The Great Falls Metropolitan Transportation Planning Process is a federally mandated program designed to provide a cooperative, comprehensive and continuing process for identifying, prioritizing and funding the transportation needs of the City of Great Falls and surrounding growth areas. The planning process is guided by the Transportation Advisory Committee (TAC), a group of technical transportation practitioners representing various area transportation stakeholders. The role of the TAC is to advise the Policy Coordinating Committee (PCC), which is the representative body ultimately responsible for overseeing transportation planning within the Great Falls Metropolitan Area.

The City most recently reaffirmed its commitment to participation in the Transportation Planning Process in a 2005 Cooperative Agreement among the various agencies involved in transportation in the Great Falls area. This Agreement outlined the roles, responsibilities and mutual understandings of the cooperating and participating agencies. In the Agreement, as well as in the PCC’s Bylaws, the PCC representatives are listed as:

- Commission Designee – City of Great Falls
- Chairman – Board of Cascade County Commissioners
- Chairman – Great Falls Transit District Board
- Chairman – Great Falls Planning Advisory Board
- Chairman – Cascade County Planning Board
- District Administrator – Montana Department of Transportation
- District Administrator – Federal Highway Administration (Non-voting)

Prior to the 2005 Cooperative Agreement, the City’s PCC representative was the Mayor. The City’s representative is now referred to as the “*Commission Designee, City of Great Falls.*” The new agreement

identified only a “Commission Designee” to give the City Commission more flexibility in appointing its representative. In addition, there are no stated limitations on length of service of the appointee. Therefore, the Commission has the ability to keep, remove or change its appointee as it sees fit.

In early 2006, the Commission appointed former Commissioner Rosenbaum as its PCC representative. With his departure from the Commission, a new representative must be appointed. Because the PCC is a policy-making body, and because the PCC appointee will represent the City Commission, staff recommends that the City Commission select and appoint one of its own as its designated PCC representative.

Concurrences: None.

Fiscal Impact: None.

Alternatives: The City Commission could alternatively:

1. Appoint a non-commission member to act as its representative to PCC. However, it should not be a TAC member; or,
2. Not appoint an individual to serve as its representative on PCC, effectively choosing to not participate in the Great Falls Metropolitan Transportation Planning Process.