



City Commission Agenda

for

November 3, 2009

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

ROLL CALL

PRESENTATIONS

Official City of Great Falls Ornament: Great Falls 125th Anniversary Vinegar Jones Cabin

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

2. Ord. 3046, Assign City Zoning to Castle Pines Addition, Phase VIII. Assigns zoning classification of R-3 Single-family high density district. Action: Accept Ord. 3046 on first reading and set public hearing for December 1, 2009. (**Presented by: Bill Walters**)
3. Res. 9871, Little Shell Tribe Recognition. Action: Adopt or deny Res. 9871. (**Presented by: Commissioner Bronson**)

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.*

4. Minutes, October 20, 2009, Commission meeting.
5. Minutes, October 23, 2009, Special Commission meeting.
6. Total Expenditures of \$1,543,994 for the period of October 15-29, 2009, to include claims over \$5000, in the amount of \$1,330,958.
7. Contracts list.
8. Lien Release list.
9. Award construction contract to Phillips Construction LLC in the amount of \$53,674 for the Gore Hill Sanitary Sewer Relocation.
10. Approve Change Order No. 1 in the amount of \$3000.28 and final payment in the amount of \$3,465.28 to River City Concrete and final payment to the State Miscellaneous Tax Division in the amount of \$35 for the 2009 Valley Gutters and Handicap Ramps.

11. Approve the Utilities Agreement with the Montana Department of Transportation for the reconstruction of 10th Avenue South, from 26th to 20th Street.

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

BOARDS & COMMISSIONS

12. Minor Plat of Salvation Army Addition. Action: Approve or disapprove Minor Plat and grant a variance. (*Presented by: Bill Walters*)
13. Miscellaneous reports and announcements.

CITY MANAGER

14. 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*)

15. Miscellaneous reports and announcements.

CITY COMMISSION

16. Miscellaneous reports and announcements.

MOTION TO ADJOURN



Item: Ordinance 3046 to Assign City Zoning to Castle Pines Addition, Phase VIII

From: Charles Sheets, Planner I

Initiated By: Harold Poulsen, Property Owner and Developer

Presented By: Bill Walters, Interim Planning Director

Action Requested: City Commission accept Ordinance 3046 on first reading and set a public hearing for December 1, 2009, to consider adoption of Ordinance 3046.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3046 on first reading and set a public hearing for December 1, 2009.”

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

Zoning Commission Recommendation: At the conclusion of a public hearing held August 25, 2009, the Zoning Commission passed a motion recommending the City Commission assign a City zoning classification of R-3 Single-family high density district to Castle Pines Addition, Phases VIII - IX, upon annexation to the City.

Background: The City Commission during a meeting held September 15, 2009, conditionally approved the Preliminary Plat of Castle Pines Addition, Phases VIII – IX. The developer now requests approval of the final plat and annexation of Phase VIII of the Preliminary Plat. The subdivision is between 15th and 16th Streets South along 29th Avenue South and consists of 14 single-family residential lots ranging in size from 7600 to 8326 square feet.

For additional information, please refer to the attached Vicinity/Zoning Map and reduced drawing portion of the Final Plat.

Similar to Castle Pines Addition, Phases III, V, VI and VII, the developer is working with NeighborWorks, which intends to acquire 10 or more lots in the subdivision to accommodate construction of “self-help” program homes. The remaining lots will be sold by the developer to others to build single-family residences. Those lots not involved with the “self-help” program

will be annexed simultaneously with the filing of the final plat and the “self-help” program homes will not be annexed until after the homes are constructed.

Within the subdivision, 15th and 16th Streets South connect to 27th Avenue South, which extends west to 13th Street South. The future Phase IX of the preliminary plat will extend 29th Avenue South to the west and connect to 13th Street South. Roadways within the subdivision will be improved to City standards with paving, curb and gutter. Sidewalks will be installed as a part of the building permit for the single-family residences.

City water and sewer mains will be installed. Easements will be provided within the plat for the installation of private utilities. Based on land contours, the area generally slopes to the northwest. The Master Plan Agreement which accompanied Castle Pines Addition Phase I indicates the developer of Phase I and the City participated jointly in the construction of a surface drainage control facility (south of the Multi-Sports Complex) and storm drain piping in 13th Street South to serve the area being developed as Castle Pines. City storm drainage has been extended south, with inlets in 27th Avenue South.

According to the Master Plan Agreement, the developer of Castle Pines Phase I paid to the City \$12,261 in lieu of dedicating park land for the area covered by the original master plan for Castle Pines Subdivision. Castle Pines Addition Phase VIII is included within that original master plan area.

An Off-Site Improvement Trust Fund was established in conjunction with Castle Pines Phase I wherein as each lot is sold, a monetary amount is deposited in the trust fund to assist in the eventual improvement of 13th Street South and 24th Avenue South, including water main installation and providing a secondary water source to the Castle Pines area.

Subject property borders Castle Pines Addition Phases VI and VII, which are being developed as single-family residential subdivisions. Castle Pines Addition Phase VIII generally adheres to a conceptual plan that was prepared in 1995 for the area, in conjunction with a master plan for Castle Pines Addition.

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

It is anticipated the planned single-family residential use of the property will be compatible with neighboring uses.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines, which must be considered in conjunction with establishing municipal zoning on land:

- a) is designed in accordance with the growth policy (comprehensive plan);
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;
- e) will provide adequate light and air;
- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;

- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;
- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

Subject property is located on the fringe of the City, which has been attracting moderately priced single-family dwelling units. The subdivision is a natural projection of urban growth.

Goals of the land use element of the Great Falls Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To support and encourage a compatible mix of land uses in newly developing areas.

Applicable policy statements include “Residential land uses should be planned and located so that they do not result in adverse impacts upon one another” and “Annexations should be logical and efficient extensions of the City’s boundaries and service areas”. Therefore, staff concludes the twelve criteria stated above are substantially met.

At the conclusion of a public hearing held August 25, 2009, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-3 Single-family high density district to Castle Pines Addition, Phases VIII - IX, upon annexation to the City. No citizens spoke as proponents or opponents during the hearing.

It is anticipated the City Commission, following the public hearing on December 1, 2009, will consider two annexation resolutions, an annexation agreement and final plat for Castle Pines Addition, Phase VIII, simultaneously with Ordinance 3046.

Concurrences: Representatives from the City’s Public Works, Community Development, and Fire Department have been involved throughout the review and approval process for this project.

Fiscal Impact: Providing services is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

Alternatives: The City Commission could deny acceptance of Ordinance 3046 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

Attachments/Exhibits: Vicinity/Zoning Map, Ordinance 3046 and reduced drawing portion of the Final Plat

Cc: Jim Rearden, Public Works Director,
Dave Dobbs, City Engineer
Harold Poulsen, P.O. Box 1376, Great Falls, MT 59403
Woth Engineering, 1725 41st St S, Great Falls, MT 59405
Al Henry, NeighborWorks, 509 1st Ave S, Great Falls, MT 59405

ORDINANCE 3046

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO CASTLE PINES ADDITION, PHASE VIII, IN GOVERNMENT LOT 1, SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Harold Poulsen is the owner of record of the property being platted as Castle Pines Addition, Phase VIII in Government Lot 1, Section 19, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Harold Poulsen has petitioned the City of Great Falls to annex Castle Pines Addition, Phase VIII; and,

WHEREAS, Harold Poulsen has petitioned said Castle Pines Addition, Phase VIII be assigned a City zoning classification of R-3 Single-family high density district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-3 Single-family high density district, to Castle Pines Addition, Phase VIII was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 1st day of December, 2009, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and recommended that the said zoning designation be made.

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

Section 1. It is determined that the herein requested zoning designation will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning of Castle Pines Addition, Phase VIII be designated as R-3 Single-family high density district classification.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolutions annexing Castle Pines Addition, Phase VIII into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

APPROVED by the City Commission on first reading November 3, 2009.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading December 1, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3046 in three conspicuous 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

Lisa Kunz, City Clerk

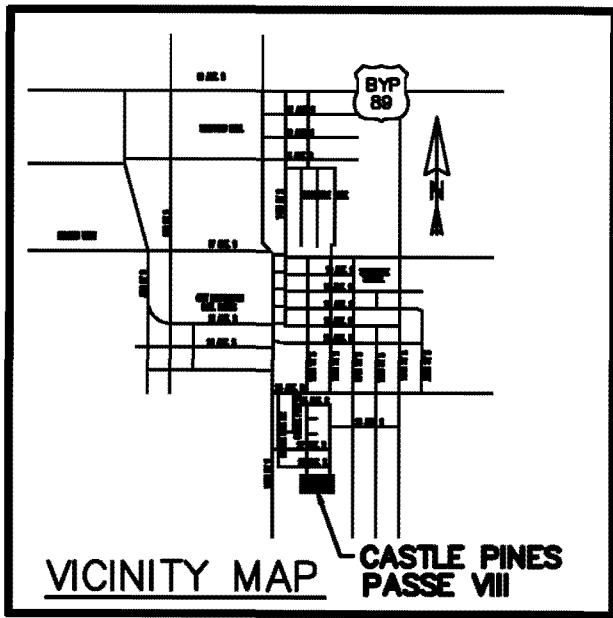
(CITY SEAL)

VICINITY/ZONING MAP



-  FINAL PLAT OF CASTLE PINES ADDITION PHASE VIII TO BE ANNEXED TO THE CITY AND ASSIGNED A CITY ZONING CLASSIFICATION OF "R-3" SINGLE-FAMILY HIGH DENSITY DISTRICT
-  REMAINING PORTION OF THE AREA CONTAINED WITHIN THE PRELIMINARY PLAT OF CASTLE PINES ADDITION PHASES VIII AND IX
-  City Limits
-  POS Parks and Open Space
-  I-1 Light Industrial
-  R-3 Single-family high density
-  PUD Planned unit development
-  U Unincorporated enclave
-  Tracts of land outside City

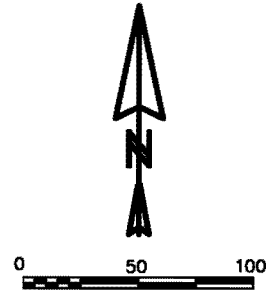
PLAT OF
CASTLE PINES PHASE VIII
 AN ADDITION TO THE CITY OF GREAT FALLS
 A SUBDIVISION LOCATED IN G.L.O. LOT 1 OF SECTION 19,
 T20N, R4E, P.M., MT, CASCADE COUNTY, MONTANA



LEGEND

- CURRENT ADDITION BOUNDARY
- CURRENT ADDITION LOT LINES
- - - CENTERLINE
- - - EXISTING PROPERTY LINE
- - - UTILITY EASEMENT
- ⊕ STREET MONUMENT
- P.O.B. POINT OF BEGINNING
- SF SQUARE FEET
- FOUND IRON PIN

ALL PROPERTY LINE CURVES
 ARE 10' IN RADIUS UNLESS
 OTHERWISE DIMENSIONED



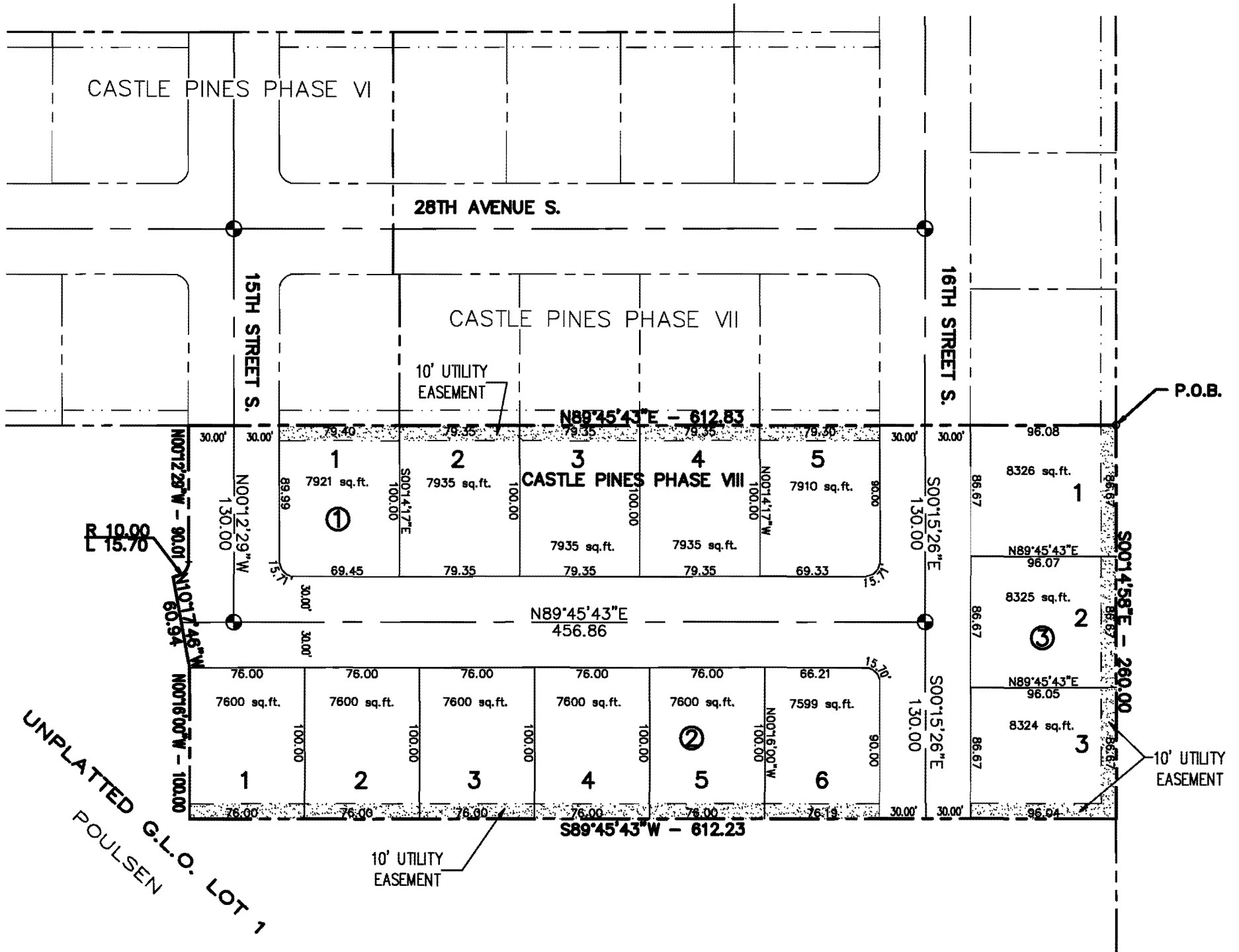
BASIS OF BEARING

BASIS OF BEARING IS TRUE NORTH
 BASED ON GEODETIC INVERSES USING
 SURVEY GRADE G.P.S. SYSTEM.

AREAS

STREETS -	49,378 SF = 1.134 ACRES
LOTS -	110,210 SF = 2.530 ACRES
TOTAL AREA -	159,588 SF = 3.664 ACRES

5/8"x24" IRON PIN AND CAP SET
 AT ALL NEW PROPERTY CORNERS



**ANNEXATION AGREEMENT
FOR
CASTLE PINES ADDITION, PHASE VIII
IN GOVERNMENT LOT 1 OF SECTION 19,
TOWNSHIP 20 NORTH, RANGE 4 EAST,
CASCADE COUNTY, MONTANA**

1. PREFACE

The following is a binding Agreement dated this _____ day of _____, 2009, between HAROLD POULSEN, hereinafter referred to as “Owner,” and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as “City,” regarding the requirements for filing the Final Plat and the annexation to the corporate limits of City, of CASTLE PINES ADDITION, PHASE VIII, in Government Lot 1 of Section 19, Township 20 North, Range 4 East, Cascade County, Montana, hereinafter referred to as “Subdivision.”

2. PREVIOUS AGREEMENTS

- A. Master Plan Agreement dated November 7, 1995, between Lone Tree, Inc., a Montana statutory close corporation, and the City of Great Falls, filed in the office of the Clerk and Recorder of Cascade County on Reel 285, Document 613.
- B. Off-Site Improvements Trust Fund Agreement, dated November 7, 1995, between Lone Tree, Inc., a Montana statutory close corporation, and the City of Great Falls, filed in the office of the Clerk and Recorder of Cascade County on Reel 285, Document 615.
- C. Economic Development Agreement, dated November 7, 1995, between Lone Tree, Inc., a Montana statutory close corporation, and the City of Great Falls, filed in the office of the Clerk and Recorder of Cascade County on Reel 285, Document 617.

3. PRIOR ACTIONS

The Preliminary Plat of Subdivision, prepared by Woith Engineering, was conditionally approved by City on September 15, 2009.

4. SUPPORTING DOCUMENTS

- A. A final plat of Subdivision prepared by Woith Engineering and filed of record in the Clerk and Recorder's Office of Cascade County, Montana.
- B. Final engineering drawings and specifications prepared by Woith Engineering consisting of documents for sanitary sewer mains, water mains, drainage improvements, paving, sidewalk, curb and gutter. Said drawings and specifications are on file in the City Engineer's office.
- C. Loan commitment letter dated June, 2008, by Stockman Bank of Great Falls, to indicate the capability of Owner to pay for the public improvements referenced in Paragraph 4.B. hereinabove. A copy of the same is filed in the office of the Great Falls City Planning Board.

5. AMENDMENTS

Minor changes to engineering documents and such revisions to the engineering drawings as are deemed appropriate and necessary by City's Engineer and City's Public Works Department and which do not materially affect the hereinabove mentioned final plat, can be made as follows:

- A. The proposed revision will be submitted to City's Public Works Department for review and, if approved, the City Engineer or Public Works Director will sign and adequately annotate the change.
- B. The annotated revision becomes a part of this Agreement upon City's Public Works Department approval.
- C. Changes during construction shall be made by change order approved by City's Public Works Department.
- D. "As Built" reproducible drawings shall be supplied to City's Engineer upon completion of the construction.
- E. All amendments to this Agreement, except as allowable above in this section, shall be in writing and approved by City and Owner.

6. FEES AND CHARGES

A. Prior to annexation of Subdivision, Owner shall, in addition to the Annexation Application Fee of \$100.00, Preliminary Plat Fee of \$800.00, Zoning Application Fee of \$700.00, Annexation Agreement Fee of \$200.00, Final Plat Fee of \$300.00, and Annexation Resolution Fee of \$400.00 which have been paid, pay the following required fee as provided by City policy, ordinances and resolutions:

Recording Fee (\$11 per page x 9 pages)	\$ 99.00
Storm Sewer Fee (\$250/3.664 acre)	\$ 916.00
Total	\$1,015.00

- B. Owner or its successors or assigns shall reimburse City for its expenses incurred in testing and acceptance of public utilities to serve Subdivision at the rates charged by City for said work at the time performed.
- C. Water tapping, water connection, sewer service tapping, and sewer connection fees will be assessed at the time of installation.

D. The absence of any fee from this agreement lawfully charged by the City in connection with construction activity associated with Subdivision shall not constitute a waiver by the City.

7. PUBLIC IMPROVEMENTS

Owner agrees to complete within two (2) years of the date of this Agreement, the installation of the sanitary sewer and water improvements, street paving and curb and gutter to serve Subdivision, according to plans referenced in Paragraph 4.B. above and filed in the City Engineer's office and in accordance with standards of City.

8. RESTRICTIONS ON BUILDING PERMITS AND OCCUPANCY

Building permits for lots in Subdivision shall not be issued until the contracts for installation of the public improvements have been executed. Owner acknowledges that City will not permit the occupancy of any residential structure in Subdivision until street improvement and water and sanitary sewer mains within Subdivision have been installed, tested and accepted by City, which acceptance will not be unreasonably withheld by City.

9. INDEMNIFICATION FOR SOIL CONDITIONS

Owner hereby agrees to indemnify and hold the City, its employees, agents and assigns harmless for and against all claims, attorney fees, judgments, demands and/or liability of every kind and nature, arising out of, or attributable to soil conditions and/or groundwater associated with the herein described property.

10. FUTURE STORM DRAINAGE FACILITIES

Owner hereby agrees to waive right to protest any future area wide special improvement district for storm drainage facilities and further agrees to pay for proportionate share of any future storm drainage improvements which service Subdivision that may be installed with or without an area wide special improvement district. The term "area wide" as used herein, means any area larger than that covered by Subdivision which is a contributor to the drainage sub-basin of which Subdivision is a part.

11. PUBLIC ROADWAY LIGHTING

Owner hereby agrees to waive its right to protest any future special lighting district for public roadway lighting facilities that service Subdivision, and further agrees to pay for proportionate share of the costs associated with roadway lighting which service Subdivision that may be installed with or without a special lighting district.

12. SIDEWALKS

It is hereby agreed that the following exception to the strict adherence of Subdivision requirements will be permitted: sidewalks serving and abutting any lot in Subdivision shall be installed as a condition of final occupancy by the then lot owner within six (6) months (allowing for unfavorable weather conditions only) of occupancy. It is understood that the above provision regarding sidewalks shall not preclude City from exercising its authority provided by Chapter 12.28, Municipal Code of the City of Great Falls pertaining to sidewalks.

13. ADHERENCE TO OFF-SITE IMPROVEMENTS TRUST FUND AGREEMENT

To assist in the eventual expenses in improving 13th Street South and 24th Avenue South in the vicinity of Castle Pines Addition Phase VIII, including water main installation and providing a secondary water source to the Castle Pines development area, a trust fund was created in conjunction with Castle Pines Addition, Phase I. Owner hereby agrees to deposit, as each lot is sold in Castle Pines Addition Phase VIII, \$1,457.00 in the trust fund referenced and established by the Off-Site Improvements Trust Fund Agreement referenced in Paragraph 2.B. above. Said monetary amount was determined by the provisions contained in said Off-Site Improvements Trust Fund Agreement, dated November 7, 1995.

14. WAIVER OF PROTEST OF ANNEXATION

Owner does hereby waive any and all statutory procedure notice on right of protest to annexation of Subdivision, as provided for by State law.

15. WARRANTY, OWNERSHIP AND INSPECTION OF UTILITY AND STREET IMPROVEMENTS

- A. After the public utilities and street improvements described in Paragraph 4.B. hereof have been installed and accepted by City, the same shall be in all respects treated, owned and maintained as though the same had been constructed and installed by City. However, to the extent installed by Owner, Owner or its contractor shall guarantee said improvements against defective work and materials for a period of two (2) years from date of acceptance of the completed improvements by City.
- B. Installation of the public utilities and street improvements described in Paragraph 7. hereof, shall be subject to City's infrastructure inspection policy in place at the time of installation.

16. ANNEXATION PREREQUISITES

Subdivision is contiguous to City; is not included within the boundary of any other incorporated municipality; and is not a part of any fire district existing or organized under any of the provisions of Chapter 33, Title 7, of the Montana Code Annotated. Subdivision, upon annexation to City, will be provided fire protection services by City comparable to that provided incorporated properties.

17. MAINTENANCE DISTRICTS

Owner waives its right to protest the lawful creation by City of maintenance districts for any proper purpose including, but not limited to, fire hydrant and street maintenance and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to Subdivision.

18. CITY ACCEPTANCE AND ZONING

In consideration of the foregoing, City hereby accepts and approves the final plat of Subdivision and will approve the property contained within the boundaries of Subdivision for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, as R-3 Single-family high density district zoning classification. It is hereby understood that the preceding language regarding zoning of lots in Subdivision

does not preclude City from reclassifying lots if an area wide reclassification is undertaken, in which event City agrees to reclassify said lots as a conforming use.

19. BINDING EFFECT

The provisions covenants and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

CITY OF GREAT FALLS

A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

REVIEWED FOR LEGAL CONTENT

City Attorney

OWNER

By: _____
Harold Poulsen

State of Montana)
 :ss.
County of Cascade)

On this _____ day of _____, in the year Two thousand and Nine, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Harold Poulsen, known to me to be the person whose name is subscribed to the instrument within and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of Montana

Notary Public for the State of Montana (Printed)
Residing at _____
My commission Expires _____, 20_____

(NOTARIAL SEAL)



Item: Resolution 9871

Initiated By: Commissioner Bronson, at the request of members of The Little Shell Tribe of Chippewa Indians

Presented By: Commissioner Bronson

Action Requested: Adopt Resolution 9871

Suggested Motion:

1. Commissioner moves:

"I move the City Commission (adopt/deny) Resolution 9871.

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

Recommendation: That the City Commission adopt Resolution 9871.

Background: The Little Shell Tribe of Chippewa Indians has been seeking federal recognition for nearly thirty years. The vast majority of those identified with the Tribe live in and around Great Falls. On December 19, 2006, the City Commission passed Resolution 9623, supporting federal recognition of the Tribe. At that time, it was anticipated that recognition could be accomplished through the United States Department of Interior, Bureau of Indian Affairs, Office of Federal Acknowledgements [OFA], based on favorable proposed findings issued by that agency in July 2000.

Just this past week, OFA issued an unfavorable decision on tribal recognition, questioning (1) whether there was evidence that the Tribe existed on a substantially continuous basis since at least 1900 (OFA does agree there is evidence of such existence since 1935); (2) whether they are a distinct community since historical times, maintaining significant social relationships and interaction as part of a distinct community; and (3) whether they have maintained political influence over a community of its members.

The decision by OFA not to grant recognition runs contrary to the history and traditions of the Tribe and its members. The current decision by OFA runs contrary to the preliminary findings in 2000 supporting recognition, raising a suspicion that the agency is being influenced by other factors outside the administrative recognition process. Our congressional delegation – Senators Baucus and Tester, and Congressman Rehberg -- has long maintained that the OFA process is “broken,” to say the least. What has happened in the past week is not uncommon, as other tribal

entities have experienced similar problems. Ultimately, the question of tribal recognition is best resolved by having Congress make the decision. The Little Shell has suffered enough indignities.

The Montana Legislature adopted a joint resolution in 2001 supporting federal recognition. Cascade County adopted resolutions in 2004 and 2005 supporting recognition. In October 2006, Governor Schweitzer signed a formal declaration supporting recognition. Our own Resolution 9623 followed suit. The Little Shell enjoys a strong, working relationship with Montana state and local government entities.

Resolution 9871 is offered to show our continuing commitment to the spirit and intent of Resolution 9623 adopted in 2006, to the extent that The Little Shell Tribe deserves federal recognition. By adopting the proposed resolution, we would be indicating our support for efforts by our congressional delegation to obtain such recognition.

Prior Concurrences: The Montana Legislature, Cascade County, City of Great Falls, Governor Schweitzer.

Fiscal Impact: N/A

Alternatives: The City Commission could choose to deny Resolution 9871.

Attachment: Resolution 9871

RESOLUTION 9871

A RESOLUTION SUPPORTING CONGRESSIONAL RECOGNITION OF THE LITTLE SHELL TRIBE OF CHIPPEWA INDIANS IN MONTANA

WHEREAS, the Great Falls City Commission passed Resolution 9623 on December 19, 2006, supporting federal recognition of the The Little Shell Tribe of Chippewa Indians; and

WHEREAS, at that time, it was anticipated that recognition could be accomplished through the United States Department of Interior, Bureau of Indian Affairs, Office of Federal Acknowledgements [OFA], based on proposed findings issued by that agency in July 2000; and

WHEREAS, federal recognition would bring long-awaited benefits and service to the Little Shell Tribe; and

WHEREAS, the recent decision by OFA not to grant recognition runs contrary to the history and traditions of the Little Shell Tribe and its members; and

WHEREAS, the City Commission remains committed to the spirit and intent of Resolution 9623, to the extent that The Little Shell Tribe deserves federal recognition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF GREAT FALLS, MONTANA, that the City Commission continues to support the efforts of The Little Shell Tribe of Chippewa Indians in obtaining recognition, and that the City Commission endorses and supports efforts by the Montana congressional delegation to obtain federal recognition for the Little Shell Tribe through a legislative enactment.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to forward copies of this Resolution to the members of the Montana Congressional Delegation, specifically, the Hon. Max Baucus, the Hon. Jon Tester, and the Hon. Dennis Rehberg; the Office of the Governor of the State of Montana; Board of County Commissioners for Cascade County; and the Little Shell Tribal Council.

PASSED by the City Commission of Great Falls, Montana, on this 3rd day of November, 2009.

Dona

R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

{SEAL OF THE CITY}

APPROVED FOR LEGAL CONTENT:

Chad Parker, Acting City Attorney

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Dona R. Stebbins, Bill Bronson, John Rosenbaum, Bill Beecher and Mary Jolley. Also present were the Assistant City Manager, Acting City Attorney, Directors of Community Development, Fiscal Services, Park and Recreation, Planning and Public Works, Interim Library Director, the Fire Chief, Police Chief, and the City Clerk.

PROCLAMATIONS: Mayor Stebbins read Proclamations for Red Ribbon Week and White Ribbon Against Pornography Week.

NEIGHBORHOOD COUNCILS

- NC 5. **1A. Jean Stone**, NC 5, provided an update of the council’s Charles Russell Park improvement project. As a result of a joint effort between NC 5, Russell Park Improvement Committee and the City of Great Falls, as well as a matching grant from the Park Trust Fund approved by the Park Advisory Board, new playground equipment can be purchased for the park to replace 40 year old equipment. An additional \$224.50 needs to be raised by November 15th to take advantage of equipment sale prices and free shipping. She encouraged donations and thanked everyone involved for making this project a success.

- NC 8. **1B. Karen Grove**, Chair NC 8, reported that all of the neighborhood councils will be sponsoring a candidates’ forum in the Gibson Room tomorrow at 7:00 p.m. The Great Falls High School debate team will also be involved.

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

Development Agreement between the City and West Bank Properties, LLC (Talcott). Approved.

2. DEVELOPMENT AGREEMENT BETWEEN THE CITY AND WEST BANK PROPERTIES, LLC (TALCOTT)

Fiscal Services Director Coleen Balzarini reported that this agreement is for public infrastructure improvements that were installed in conjunction with the construction of the Staybridge Suites at West Bank. On March 20, 2007, the City Commission approved Ordinance 2967 establishing the Great Falls West Bank Urban Renewal Plan. This plan included a Tax Increment District which covers the entire area of the Urban Renewal District. Ordinance 3027, adopted December 16, 2008, and Ordinance 3035, adopted

May 5, 2009, approved the West Bank Properties projects for specific planned public infrastructure improvements within the District boundaries, and authorized the reimbursement to West Bank Properties, LLC for costs from District tax increment revenues. These improvements included the burying of existing power lines, cable and phone lines, relocation of gas lines, installation of water, sanitary sewer, and storm drain utilities, roads, curbs, gutters and sidewalks.

In accordance with Ordinance 3027, this agreement specifies the terms, conditions and financial arrangements, including the use of tax increment revenues to pay costs or reimburse the costs of the public improvements, and the design, funding, oversight and construction of the public improvements.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission authorize the City Manager to execute the Development Agreement between the City of Great Falls and West Bank Properties, LLC.

Mayor Stebbins asked if there was any discussion amongst the Commissioners. No one responded.

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

Ron Gessaman, 1006 36th Avenue NE, stated his opposition to this Development Agreement, and the tax increment financing for this District. He disagrees that this Development Agreement has no direct financial impact on the City. He finds section 5.3 of the Development Agreement interesting. Mr. Gessaman also discussed the definition of infrastructure improvements and believes the services of electricity, telephone, gas and internet to be private, not public, infrastructure improvements.

Steve Malicott, CEO of the Great Falls Area Chamber of Commerce, 100 1st Avenue North, reported that California was the first state to establish tax increment financing to develop blighted areas. Since that has occurred, 49 additional states have utilized that mechanism as a means to develop blighted properties. He expressed that what has occurred at West Bank is impressive, and believes the Staybridge Suites to be an outstanding community partner. Mr. Malicott expressed support of the agreement and the use of tax increment financing.

Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, commented that what the developer proposed is exactly what is in this agreement. He is working with the developer on a third project, and expects to see other projects in the future. Mr. Doney further reported that everything in the agreement meets all state statutory requirements for tax increment financing. It doesn't cost the taxpayers of the City anything, because with tax increment financing only new tax revenue is used. He

appreciates the City's support and the work of staff to make this project possible.

Brad Talcott, 2801 4th Avenue North, partner in the Staybridge Suites, thanked City staff and City Commissioners for their hard work and foresight in putting together the tax increment district at West Bank. He firmly believes the redevelopment wouldn't have happened without the City's involvement. Mr. Talcott commented that it is amazing to see the changes and improvements over the last year. Since the completion of the Federal Courthouse and Staybridge Suites, it is pleasing to him to see the increased use of the West Bank Park.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

Res. 9843. Adopted.

3. RESOLUTION 9843, RESOLUTION RELATING TO \$900,000 TAX INCREMENT URBAN RENEWAL SUBORDINATE LIEN REVENUE NOTE, SERIES 2009.

Fiscal Services Director Coleen Balzarini reported that this resolution will formalize the terms and conditions for the issuance of the subordinate note. The note, in essence, is a promise to repay the developer for the cost incurred to install the public improvements. She reported that public improvements in state statute do make specific reference to power lines and other utilities. NorthWestern Energy and Qwest, in this instance, are considered to be public utilities and, therefore, the costs are eligible. The interest rate on the note will be 5.6%. The note should be outstanding no longer than 25 years. It is anticipated that the note will be redeemed within two to three years contingent upon adequate tax increment within the District.

Commissioner Jolley moved, seconded by Commissioners Beecher and Bronson, that the City Commission adopt Resolution 9843.

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

Commissioner Jolley commented that she was happy with the development at West Bank. This resolution specifically states the payments and interest will be paid from tax increment monies.

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

Ron Gessaman, 1006 36th Avenue NE, read section 1.07 of Resolution 9843. He commented that the 2009A Bonds were the bonds provided for the \$2 million for the Federal Courthouse. With regard to section 3.01, he was curious where the money would come from to pay the interest on July

1, 2011. Mr. Gessaman further found the document itself curious, reading a portion of section 3.06, and commenting that certain language to be incorrectly cut and pasted. He thought the same with regard to language in section 4.02 regarding the Interest and Sinking Fund accounts. With regard to section 6.01, Mr. Gessaman again disagreed that the public infrastructure improvements would be owned and maintained by the City. He believes these additional utilities were not originally requested by the developer and were added on. Finally, he was pleased to see Mr. Talcott present and advocating for his project.

Brett Doney, Great Falls Develop Authority, residing at 3048 Delmar Drive, commented that it became clear last fall, in the midst of a deep recession, that this project would not pencil out or begin construction without the \$900,000 TIF package. That was when preliminary agreements were reached with the City that allowed Mr. Talcott to start construction. In response to Mr. Gessaman, Mr. Doney explained that was his reference to “in the beginning before construction started.” There was nothing hidden, no conspiracies and no screw ups. This was a successful project in the middle of a recession.

Richard Calsetta, #56 32nd Avenue NE, commented that he agrees with the development along the river. Being involved in the HVAC industry, he inquired if there were any future plans to require future development along the riverfront for the buildings to be green. He was surprised that the equipment installed in the new courthouse was not geothermal, and that most of the equipment at Staybridge Suites was traditional. He would like to see it required that future development along the river meet certain energy standards.

Motion carried 5-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

4. Minutes, October 6, 2009, Commission meeting.
5. Total expenditures of \$2,347,156 for the period of September 25 through October 14, 2009, to include claims over \$5,000, in the amount of \$2,023,001.
6. Contracts list.
7. Grants list.
8. Lien release list.
9. Approve final payment to United Materials of Great Falls, Inc. and the State Miscellaneous Tax Division in the amount of \$17,305.81 for the Third Avenue Northwest Roadway Improvements, Phase 2.
OF 1488
10. Approve Change Order No. 1 to Kuglin Construction in the amount of \$73,489 for the 22nd Street South Storm Drain Extension. **OF 1447.1**

With the exception of Item 4, Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as presented.

Mayor Stebbins asked if there was any discussion amongst the Commissioners. No one responded.

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

Kathy Gessaman, 1006 36th Avenue NE, inquired why the Street Department was buying \$8,220.54 worth of Morton salt as listed in Item 5. Public Works Director Jim Rearden answered that a maximum of 5% salt is used in the sand piles to keep it fluid throughout the winter. If the salt wasn't used in the stock piles it would freeze up and be unusable.

Ron Gessaman, 1006 36th Avenue NE, asked what the water service connection fee to DEQ under Item 5 was for. Mr. Rearden answered that was an annual fee paid to the Department of Environmental Quality under an agreement with the EPA. The EPA has authority over the water and sewer systems within the state. The DEQ charges the City two dollars, per sewer tap, to administer the EPA program within the state. Mr. Gessaman inquired if the two dollar service fee that appears on the utility bill once per year was providing the City with the funds to pay that. Mr. Rearden responded that it was an expense of the water and sewer funds, and that expense is covered by the ratepayers.

Mr. Gessaman asked what the incentive target price reconciliation payment to Veolia Water was for. Mr. Rearden responded that, because of various fixed and variable costs in the contract with Veolia throughout the year, a target price is set and then reconciled at the end of the year. Mr. Gessaman asked why the term "incentive" was included in target price reconciliation. Mr. Rearden explained that there was an incentive worked into the complex formula.

With regard to Item 4, Commissioner Jolley read Mr. Dolman's comments from the last meeting and thought he might have said "referenced" and not "refrained" as recorded in the minutes. Assistant City Manager Cheryl Patton responded that she thinks it is accurate, but would double check.

Commissioner Jolley requested that Item 4 be added back into the Consent Agenda as presented.

Motion carried 5-0.

BOARDS & COMMISSIONS

11. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER**12. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.****PETITIONS AND COMMUNICATIONS****13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

E-raise your E-waste!

13A. Kathy Gessaman, 1006 36th Avenue NE, reminded everyone that the E-raise your E-waste! event starts November 14. Pacific Recycling will collect the recyclable, electronic items. On Thursday, Austin Hall of Appalachian Voices, will be speaking at the College of Technology regarding mountain top removal.

City taxes.

13B. Travis Kavulla, 725 49th Street South, commented that he took slight exception to the portion of the Weekly Review regarding documentation provided to the Commissioners that addressed a newspaper report about a question that arose at a candidates' forum. He doesn't believe the numbers presented speak to the nature of the question concerning whether or not City taxes have increased and by how much. Mr. Kavulla believes the pertinent number to determine whether taxes have increased is whether or not the total number of mills has increased as levied by the City. He concluded that he believes the decrease in the school mills was masking a tax increase on the part of the City.

Federal building, West Bank Park, and voting.

13C. John Hubbard, 615 7th Avenue South, expressed that the new federal building should have been a museum. He inquired about West Bank Park and was informed that it is dedicated park land and will remain the same. While running for office, Mr. Hubbard was shocked to learn how many people don't care about voting. He commented that people who voted for the coal plant, as well as the city and county attorneys, should be held in contempt of the Supreme Court's Order.

Animal Shelter.

13D. Ron Gessaman, 1006 36th Avenue NE, doesn't believe the new Animal Shelter design fits in with the community. Mr. Gessaman suggested the City Commission make an effort to try to resolve the differences between the HSCC and the Animal Foundation.

CITY COMMISSION**14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Regarding Mr. Calsetta's comments, Commissioner Jolley commented that she didn't believe the City had green building code standards. Community Development Director Mike Rattray added that is not something the City mandates. That is a decision made by the project owner.

Mayor Stebbins expressed sorrow to the family of Greg Doyon for a death in his wife’s family, and that thoughts and prayers are with the family during this sad time.

Mayor Stebbins also thanked Karen Grove and Jean Stone for their Neighborhood Council activity updates.

With regard to energy efficient construction, Commissioner Rosenbaum commented that the Commission did adopt the model energy code that is adopted by the State of Montana.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the regular meeting of October 20, 2009, be adjourned at 8:05 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

Minutes Approved: November 3, 2009

Special City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 12:00 PM

ROLL CALL: City Commissioners present: Dona R. Stebbins, Bill Bronson, John Rosenbaum and Mary Jolley. Commissioner Beecher was excused. Also present were the City Manager, Assistant City Manager, Acting City Attorney, Director of Public Works, and the City Clerk.

NEW BUSINESS

**Emergency Declaration
and Construction
Contract Award.
Approved. OF 1566.5.**

1. EMERGENCY DECLARATION AND CONSTRUCTION CONTRACT AWARD.

Public Works Director Jim Rearden thanked the Commissioners for calling this special meeting. He reported that on September 11, 2009, a call came in of a suspected major water main break on Bay Drive – which turned out to be a break on a 30” sewer force main. Mr. Rearden explained the following sequence of events:

- By 7:50 in the morning it was determined that it was a sanitary sewer break and emergency locates were ordered. The break occurred adjacent to storm drain inlets on Bay Drive resulting in a discharge to the Missouri River. DEQ was then dully notified of this discharge.
- Veolia was contacted to adjust flows from the Sun River lift station and by shortly after 9:00 am the site had been secured with pumps in place to begin discharging the overflow to a downstream manhole. Storm drain inlets were covered and a dirt berm was being placed around the site to contain the sewage.
- This force main carries approximately 2 million gallons per day and serves an area comprising the entire City south of 10th Avenue South, all of the Fox Farm/Belview areas and most of West Great Falls. Storage capacities in the Sun River and Lower River Road lift stations and pump adjustments were utilized to even the flows in the force main, so the existing portable pumps could stay even with the flow. A larger pump was ordered from Godwin pumps in Helena and arrived on site at 6:30 pm. It was placed into service and provided enough capacity to stay ahead of the flows. The pump operations were maintained through the weekend.
- The 30” pipe, which was installed in 1976, is a concrete cylinder pipe, which consists of a steel pipe with an interior concrete coating and an exterior wire mesh reinforced concrete coating. After crews

were able to get the break pumped down to examine the pipe, it was found that a 10 foot section of the top of the pipe had collapsed. The break was typical of pipe deterioration caused by hydrogen sulfide corrosion.

- Fortunately the break occurred about 100 feet from the end of the force main, so a downstream manhole was readily available to pump sewage into, and also line pressure in the pipe was only about 5 psi.
- The pipe is an uncommon type, fittings were not available and the pipe did not appear to be sound enough to cut into to attempt to replace a section, so a temporary repair was concocted.
- On September 16th, crews tested a repair patch and staged for a repair that night. Since flows in the main are so high, the repair was planned for the middle of the night when flows are much lower. By staging the lift stations and utilizing their storage capacity, an approximate 3 hour window would be available to make the repairs.
- At 2:00 am on September 17th, crews began the repair with assistance from Veolia's monitoring of the lift stations. The repair patch was placed and fast cure concrete arrived about 2:30. The repair was complete by 3:00 am giving ample time for the concrete to cure before flow resumed.
- The condition of the pipe, which could be visually inspected, indicated severe deterioration at least to the downstream manhole, prompting this plan to replace approximately 400 feet of the pipe with new PVC pipe.
- Plans and specifications were prepared, replacement pipe and fittings were ordered and 4 local qualified contractors were asked to bid on the project. Three of those contractors responded with bids which were received on October 21st.
- Commissioners were previously notified of the break via an e-mail issued by the City Manager on September 14th.

Mr. Rearden requested that the City Commission declare this repair an emergency which allows the formal bid process to be waived, and to award the bid for the pipe replacement to Ed Boland Construction, the low bidder.

Mr. Rearden personally complimented the City utility crews and, particularly, Mike Judge and Bruce Hagen, for their quick initial response,

vigilant monitoring of the situation and flawless late night repairs.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission declare an emergency for the Bay Drive force main repairs, authorize the City Manager to execute the declaration and award a construction contract to Ed Boland Construction in the amount of \$145,800.

Mayor Stebbins asked if there was any discussion amongst the Commissioners or any inquiries from the public. No one responded.

City Manager Gregory Doyon reported that the repair will be paid out of the sewer capital fund, which has a balance of \$3,941,981.

Motion carried 4-0.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the special meeting of October 23, 2009, be adjourned at 12:07 p.m.**

Motion carried 4-0.

Mayor Stebbins

City Clerk

Minutes Approved: November 3, 2009



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 OCTOBER 15, 2009 TO OCTOBER 21, 2009	521,846.07
MASTER ACCOUNT CHECK RUN FOR OCTOBER 22, 2009 TO OCTOBER 28, 2009	684,771.56
MUNICIPAL COURT ACCOUNT CHECK RUN FOR OCTOBER 9, TO OCTOBER 15, 2009	54,546.06
MUNICIPAL COURT ACCOUNT CHECK RUN FOR OCTOBER 16, TO OCTOBER 23, 2009	45,816.00
WIRE TRANSFERS FROM OCTOBER 15, 2009 TO OCTOBER 21, 2009	169,140.54
WIRE TRANSFERS FROM OCTOBER 22, 2009 TO OCTOBER 29, 2009	<u>67,873.96</u>
TOTAL: \$	<u><u>1,543,994.19</u></u>

GENERAL FUND

CITY COMMISSION

O'HAIRE MOTOR INN	MONTANA LEAGUE OF CITIES & TOWNS CONFERENCE CATERING DONATIONS RECEIVED TO COVER EXPENSE	6,512.40
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SPECIAL REVENUE FUND

STREET DISTRICT

UNITED MATERIALS	PMT #1 CENTRAL AVE 7TH - 9TH STREET MILL & OVERLAY	86,406.08
	PMT #1 5TH AVE S & 13TH AVE SOUTH STREET RECONSTRUCTION	109,661.87
ROYAL HARPINE	FINAL 404 27TH AVE NE CURB, SIDEWALK AND DRIVEWAY	8,567.46
RIVER CITY CONCRETE	PMT #3 VALLEY GUTTERS & HANDICAP RAMPS	12,300.17

FEDERAL BLOCK GRANTS

GREAT FALLS SAND & GRAVEL FALLS WINDOWS & DOORS LLC	PMT #1 CDBG SIDEWALK REPLACEMENT MATERIAL & LABOR TO INSTALL HANDICAP ACCESSIBLE DOOR FOR WEST ENTRY AT GF SENIOR CITIZEN CENTER	16,254.47 7,200.00
KALEX CONSTRUCTION	STORED MATERIALS (DOORS & WINDOWS) FOR WING B REHAB PROJECT AT CENTER	29,967.75
WE BUILDERS INC	WEST / CENTER FOR MENTAL HEALTH FOUNDATION REPAIR 1405 6TH AVE NW	16,595.00

SPECIAL REVENUE FUND (CONT)

WEST BANK URBAN RENEWAL

UNITED MATERIALS	FINAL PMT PHASE 2 WESTERLY 4TH AVE NW IMPROVEMENTS	17,132.75
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CAPITAL PROJECTS

STREET LIGHTING CONSTRUCTION

UNITED ELECTRIC	SID 1305 WATER TOWER ADDITION STREET LIGHTING	16,267.68
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ENTERPRISE FUNDS

WATER

THOMAS DEAN & HOSKINS	PMT #7 10TH AVE S WATER MAIN REPLACEMENT	12,717.75
PHILLIPS CONSTRUCTION	PMT #3 3RD, 4TH, & 5TH AVE N W WATER MAIN REPLACEMENT	199,747.15
HD SUPPLY WATERWORKS	HYDRANTS, WATER MAIN REPAIR CLAMPS AND GASKETS	9,188.40

SEWER

DICK ANDERSON CONSTRUCTION	PMT #1 COATING IMPROVEMENTS AT GFWWTP AND LIFT STATION #15	119,372.96
DORSEY & WHITNEY LLP	COUNSEL SERVICES FOR 2009A AND B SEWER BONDS	12,000.00
PLANNED & ENGINEERED CONST	FINAL SANITARY SEWER TRENCHLESS REHAB PHASE 13	9,481.43

STORM DRAIN

DAVID KUGLIN	PMT #2 22ND STREET S STORM DRAIN EXTENSION	13,731.30
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ELECTRIC

SOUTHERN	PMT OF ENERGY SUPPLY EXPENSE SEP 09 CASH ON DEPOSIT SEPT 09	86,150.83 31,095.28
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PARKING

APCOA/STANDARD PARKING	NOVEMBER 2009 COMPENSATION	23,152.17
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INTERNAL SERVICES FUND

HEALTH & BENEFITS

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS OCT 13-OCT 19, 2009	53,309.90
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS OCT 20-OCT 26, 2009	66,717.26

INSURANCE & SAFETY

MONTANA MUNICIPAL INS AUTHORITY	DEDUCTIBLE RECOVERIES FOR SEPT 2009	6,132.02
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FISCAL SERVICES

JUNKERMIER CLARK CAMPANELLA & STEVENS, P.C.	AUDIT SERVICES FOR 2009	25,000.00
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INTERNAL SERVICES FUND (CONT)

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	FUEL	21,837.20
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CC FACILITY SERVICES

ABC ROOFING	PMT #1 FOR CIVIC CENTER PARTIAL RE-ROOF FROM STIMULAS FUNDING	74,396.07
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TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	90,240.06
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UTILITY BILLS

QWEST	OCTOBER 2009 CHARGES POLICE DEPT	5,930.04
NORTHWESTERN ENERGY	OCTOBER 2009 CHARGES SLD'S	61,993.69
MONTANA WASTE SYSTEMS	SEPTEMBER 2009 CHARGES	81,898.56

CLAIMS OVER \$5000 TOTAL:		\$ <u>1,330,957.70</u>
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CITY OF GREAT FALLS, MONTANA

AGENDA: 7

COMMUNICATION TO THE CITY COMMISSION

DATE: November 3, 2009

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	Public Works	Montana Department of Environmental Quality, via Montana Department of Transportation, and Shumaker Trucking & Excavating Contracting, Inc.	11/2009 – 12/2011	N/A	N/A Permit paid through 2010	Storm water discharge permit for portions of the Overlook Drive project. City to take over portion of permit along City right-of ways. OF 1307

B	Community Development	CTA Architects Engineers	Present	671-7161-575-9399	\$12,596	Agreement (CTA# CITYGFCC-CCAC) to provide design and project construction administration services for the Civic Center Convention Center cooling system. OF 1586
C	Community Development	CTA Architects Engineers	Present	671-7161-575-9399	\$11,769	Agreement (CTA# CITYGFCC-MTAC) to provide design and project construction administration services for the Civic Center Mansfield Theater cooling system. OF 1587
D	Fiscal Services	Davis Business Machines, Inc.	11/05/2009 – 11/04/2010	615	.0095 per black/white copy .065 per color copy	Preventive Maintenance Agreement for Konica Minolta Bizhub C550 #A00J010008908

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

**AGENDA: 8
DATE: November 3, 2009**

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Lien Releases through the Consent Agenda

MAYOR’S SIGNATURE: _____

LIEN RELEASES

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Property Owner – Reta Yannone	Current	513-3165-532-3599	\$413.02	Partial Release of Resolution #9860 to Levy and Assess Property for Unpaid Utility Services at 810 8 th Avenue South, Lot 3, Blk 496, GFO. Parcel #267600



Item: Construction Contract Award: Gore Hill Sanitary Sewer Relocation, O. F. 1425.3

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Approve Contract

Suggested Motion:

1. Commissioner moves:

"I move the City Commission award a contract in the amount of \$53,674.00 to Phillips Construction LLC (Phillips) for the Gore Hill Sanitary Sewer Relocation, O. F. 1425.3, and authorize the City Manager to execute the construction contract documents."

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

Staff Recommendation: Approve construction contract award.

Background:

Significant Impacts

This project will replace and upsize portions of the sanitary sewer collection system located on Gore Hill between the Skyline Bar and Interstate 15. These sewer mains and manholes were installed between 1942 and 1964.

Citizen Participation

This project is located in utility easements on private property. The property owners, Darrell Swanson and Janice Swanson-Wagner, have been involved in the generation of the new easements and concur with the project plans. Also, tenants living on the property near the project site have been informed of the proposed construction.

Workload Impacts

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

Purpose

This project will replace sanitary sewer mains that have been failing, resulting in backups, overflows, and emergency maintenance. Besides eliminating these problems, the relocation will allow easier access for future routine maintenance and inspection. The mains will be upsized from 10 to 12-inch diameter to accommodate future growth in the Gore Hill area.

The problems are due to the age of the pipe, type of material used, and quality of the original construction. Deterioration of the manhole inverts has resulted in the collection of solids, which along with defects in the pipe have caused the problems noted above.

Project Work Scope

This project will replace the existing sewer mains with approximately 310 feet of new 12-inch sewer main. Five new manholes will be installed, three existing manholes will be abandoned, three sewer services will be reconnected to the new main, and the site will be restored.

Evaluation and Selection Process

Five bids were received and opened for this project on October 21, 2009. The bids ranged from \$53,674.00 to \$88,183.00. The engineer's estimate was \$58,500.00.

Phillips Construction submitted the low bid. Phillips is an established responsible local contractor and has done many projects within the City. Phillips has the resources and the manpower to complete this project.

Conclusion

City staff recommends awarding the construction contract to Phillips in the amount of \$53,674.00.

Concurrences:

DEQ has reviewed the plans and specifications for this project.

Fiscal Impact:

Replacement of these mains will reduce maintenance man hours and resources needed to clean and re-establish good flow in the deteriorated sewer mains.

The bidding climate has been favorable for utility projects this year, with most projects bidding under the engineer's estimate. The unit prices and quality of work has been good, and the work has been performed by local contractors.

The Sanitary Sewer Fund will be used to fund this project. The attached bid tabulation summarizes bids that were received.

Alternatives:

The City Commission could vote to deny award of the construction contract and re-bid the project or do nothing and continue to perform emergency maintenance as problems occur.

Attachments/Exhibits:

1. Bid tabulation is attached.



Item: Change Order No. 1 and Final Payment – 2009 Valley Gutters and Handicap Ramps, O. F. 1485.7

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 \$3,000.28 and Final Payment for the 2009 Valley Gutters and Handicap Ramps, O. F. 1485.7, in the amount of \$3,465.28 to River City Concrete and \$35.00 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

Montana Prevailing Wage Rates changed during the bidding process and these changes were not incorporated into the contract documents before final bids were received. This change order addresses the difference in wage rates that the contractor incurred during construction.

Citizen Participation

Not applicable

Workload Impacts

City engineering staff completed the project design and performed construction inspection and contract administration duties

Purpose

Asphalt pavement in the intersections along 9th Street NW and Riverview Drive East had become damaged due to storm water runoff draining across the intersections. The concrete valley gutters will now better divert the storm water and runoff through the intersections and minimize further damage to the asphalt paving.

Project Work Scope

Valley gutters were installed on the intersections of 9th Street NW and Avenue B, C, D and E. A valley gutter was also installed at the intersection of Riverview Drive East and Riverview 2E. A total of ten ADA handicap ramp corners were constructed along with the five valley gutters. Approximately 2,200 square feet of 4 and 6 inch thick sidewalk was replaced along with 100 feet of additional curb and gutter, 80 square feet of truncated domes, and 1,300 square feet of sod.

Evaluation and Selection Process

Four bids were received and opened for this project on June 3, 2009. River City Concrete submitted the low bid of \$56,320 and the City Commission awarded the contract on June 16, 2009. Change Order No. 1 will increase the final contract value to \$59,320.28.

Conclusion

City staff recommends approving Change Order No. 1 to River City Concrete in the amount of \$3,000.28 and making the Final Payments. City staff has verified that River City Concrete 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 September 18, 2009.

Concurrences:

Not Applicable.

Fiscal Impact:

The additional funding of \$3,000.28 will come from Street Maintenance and Repair Funds.

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: Utilities Agreement for 10th Avenue South, 26th to 20th Streets, O.F. 1447

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Agreement

Suggested Motion:

1. Commissioner moves:

"I move the City Commission approve the attached utilities agreement with Montana Department of Transportation for the reconstruction of 10th Avenue South, from 26th to 20th Street, O.F. 1447, and authorize the City Manager to execute the agreement."

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

Staff Recommendation: Approve utilities agreement.

Background:

Significant Impacts

This project will provide for the replacement and upgrade of existing water transmission and distribution mains in conjunction with Montana Department of Transportation's (MDT) reconstruction of 10th Avenue South. MDT requires execution of this agreement prior to construction.

Citizen Participation

Not applicable

Workload Impacts

Thomas, Dean & Hoskins, Inc. (TD&H) completed the project design and coordinated with MDT's design staff to include the water main plans in with the highway reconstruction plans. City public works staff provided input, reviewed the design, and coordinated activities with MDT and TD&H staffs.

Purpose

This project is part of a continuing improvement and maintenance program to the City's water system in conjunction and cooperation with the MDT's reconstruction program in the City of Great Falls. MDT is scheduled to reconstruct 10th Avenue South from 18th to 26th Streets into six concrete travel lanes next spring. The City has water transmission and distribution mains that will be affected by the construction from 20th to 26th Streets.

Evaluation and Selection Process

The Utilities Agreement is a two-party agreement between the City of Great Falls and MDT that allows the construction of water facilities to be included in the contract entered into between MDT and a private contractor. The City will pay for the costs of the water main work plus portions of the traffic control, mobilization and indirect cost charges. The total cost to the City of Great Falls is estimated to be \$1,274,467.57.

Concurrences:

Not Applicable.

Fiscal Impact:

The construction will be paid from water utility funds.

Alternatives:

The City Commission could vote to deny approval of the utilities agreement.

Attachments/Exhibits:

1. Utilities Agreement (2 originals) (Not available online; on file in City Clerk's Office.)



Item: Minor Plat of Salvation Army Addition
From: Charles Sheets, Planner I
Initiated By: City Administration
Presented By: Bill Walters, Interim Planning Director
Action Requested: City Commission approve the Minor Plat and grant a Variance

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/disapprove) Minor Plat of Salvation Army Addition and grant a variance allowing access for Lot 2 through an easement provided within Lot 1 of said Minor Plat.”

2. Mayor calls for a second, inquires from the public and calls the motion and vote.

Planning Board Recommendation: The Planning Board, during a meeting held October 13, 2009, passed a motion recommending the City Commission approve the Minor Plat of Salvation Army Addition and grant a variance allowing access for Lot 2 through an easement provided within Lot 1 of said Minor Plat.

Background: The Planning Office is in receipt of an application from City Administration for the Minor Plat of Salvation Army Addition. The Minor Plat combines nine tracts of land into two lots, addressed as 1000 and 1016 17th Avenue South, (Salvation Army and City Pet Cemetery).

The area within said Minor Plat, comprising approximately 4.72 acres, is made-up of unplatted tracts, portions of vacated rights-of-way and a portion of the Highland Park Addition. The Salvation Army has leased a portion of the property for their recreation facility and softball field since 1975. The portion of the Minor Plat not leased by the Salvation Army is the City Pet Cemetery. The City Park and Recreation Department has been working with representatives of the Salvation Army, which is interested in purchasing the portion of the property they lease. The City would retain the Pet Cemetery as a City park.

For additional information, please refer to the attached Vicinity/Zoning Map and the draft Minor Plat.

The City Subdivision Regulations require each lot abut a public or private street. Proposed Lot 2 accommodating the Pet Cemetery does not abut a public street right-of-way. The City will create an access easement through Lot 1 from 17th Avenue South to Lot 2, the Pet Cemetery.

Water and sanitary sewer mains exist in 17th Avenue South, which serve Lot 1 and the Salvation Army Recreation Center. The Pet Cemetery currently has a water service. If any potential improvement or development should occur within the Pet Cemetery, the proposed easement across Lot 1 would allow connection to the sanitary sewer main within 17th Avenue South.

All of the area within said Minor Plat is zoned PLI Public land and institutional zoning district. This district is intended to accommodate public lands and quasi-public institutional facilities.

The Land Development Code provides that a subdivision variance shall only be granted when the evidence shows a finding can be made that each of the following conditions exists:

1. The variance is not contrary to the public interest.
2. A literal enforcement would result in unnecessary hardship, owing to conditions unique to the property.
3. The spirit of the Land Development Code would be observed and substantial justice done by granting the variance.

As some of the existing tracts within the proposed minor plat do not abut a public or private street and an easement across Lot 1 would suffice; staff concludes the above cited conditions are substantially met.

Concurrences: Representatives from the City's Public Works, Community Development, and Park and Recreation Departments have been involved throughout the review and approval process for this project.

Fiscal Impact: The sale of that portion of the Minor Plat leased by the Salvation Army would provide income to the Park Trust Fund.

Alternatives: If there are justifiable reasons to do so, the City Commission could deny the requested actions to the extent allowed in City Code and State Statute.

Attachments/Exhibits: Vicinity/Zoning Map and Reduced copy of draft Minor Plat

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Marty Basta, Park and Recreation Director

VICINITY/ZONING MAP



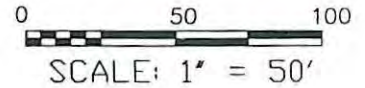
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|------------------------------------|----------------------------------------|-----------------------------------------|
| City Limits | PROPOSED LOT 1 SALVATION ARMY ADDITION | PROPOSED LOT 2, SALVATION ARMY ADDITION |
| R-1 Single-family suburban | C-1 Neighborhood commercial | POS Parks and Open Space |
| R-2 Single-family medium density | C-2 General commercial | PUD Planned unit development |
| R-3 Single-family high density | C-3 Highway commercial | I-1 Light industrial |
| R-5 Multi-family medium density | C-4 Central business core | I-2 Heavy industrial |
| R-6 Multi-family high density | C-5 Central business periphery | AI Airport Industrial |
| R-9 Mixed residential | M-1 Mixed-use district | U Unincorporated enclave |
| R-10 Mobile home park | M-2 Mixed-use transitional | Tracts of land outside City |
| PLI Public Lands and Institutional | | |

MINOR PLAT OF SALVATION ARMY ADDITION TO THE CITY OF GREAT FALLS

A SUBDIVISION IN THE E 1/2, SECTION 13, T20N, R3E
P.M. MT, CASCADE COUNTY, MONTANA

LEGEND

- SET 5/8" x 24" IRON PIN AND CAP
- FOUND IRON PIN AND CAP
- ⊕ STREET MONUMENT
- ① BLOCK NUMBER
- 1 LOT NUMBER
- P.O.B. POINT OF BEGINNING
- SF SQUARE FEET
- (0°00'00") RECORD BEARING
- NEW PROPERTY LINES
- - - EXISTING PROPERTY LINES
- · - ABANDONED LOT LINE
- STREET CENTER LINES



BASIS OF BEARING

BASIS OF BEARING IS BASED ON
THE EAST/WEST MID-SECTION LINE
OF SECTION 13, T20N, R3E, P.M.MT.

AREA

LOT 1	165,671 SF = 3.80 ACRES
LOT 2	40,648 SF = 0.93 ACRES
TOTAL	206,319 SF = 4.73 ACRES

