



# City Commission Agenda

for

## April 21, 2009

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*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**

**PROCLAMATION**

National Walk @ Lunch Day

**NEIGHBORHOOD COUNCILS**

1. Swearing In, Steve Bolstad, Neighborhood Council 8.
2. Miscellaneous reports and announcements.

**PUBLIC HEARINGS**

3. Res. 9827, Swimming Pool Fees. Action: Conduct public hearing and adopt or deny Res. 9827. (*Presented by: Marty Basta*)

**OLD BUSINESS**

4. Bid Award, 2009 Asphalt Distributor. Award bid for one new 2009 Asphalt Distributor Unit to Tri-State Truck & Equipment of Great Falls for \$125,748. Action: Award, postpone, or reject bid. (*Presented by: Jim Rearden*)

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

5. Ord. 3035, Approving additional public improvements with respect to the West Bank Properties Urban Renewal Project to be financed with tax increment revenues. Action: Accept Ord. 3035 on first reading and set final reading for May 5, 2009. (*Presented by: Coleen Balzarini*)
6. Res. 9826, Approving and Adopting the Montana Municipal Interlocal Authority Revised and Restated Interlocal Agreement between the Montana Municipal Interlocal Authority and the City of Great Falls. Action: Adopt or deny Res. 9826. (*Presented by: Coleen Balzarini*)
7. Res. 9823, Approving and Adopting the Montana Municipal Interlocal Authority Amended and Restated Liability Coverage Program Agreement Between the Montana Municipal Interlocal Authority and the City of Great Falls. Action: Adopt or deny Res. 9823. (*Presented by: Coleen Balzarini*)
8. Res. 9824, Approving and Adopting the Montana Municipal Interlocal Authority Amended and Restated Property Program Agreement Between the

Montana Municipal Interlocal Authority and the City of Great Falls.

Action: Adopt or deny Res. 9824. (***Presented by: Coleen Balzarini***)

9. Res. 9825, Approving and Adopting the Montana Municipal Interlocal Authority Revised and Restated Workers' Compensation Program Agreement Between the Montana Municipal Interlocal Authority and the City of Great Falls. Action: Adopt or deny Res. 9825. (***Presented by: Coleen Balzarini***)

**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.*

10. Minutes, April 7, 2009, Commission meeting.
11. Minutes, April 15, 2009, Special Commission meeting.
12. Total Expenditures of \$1,886,854 for the period of March 28 through April 15, 2009, to include claims over \$5000, in the amount of \$1,669,229.
13. Contracts list.
14. Set public hearing for May 5, 2009, on Res. 9829, Civic Center Room Rates.
15. Adopt the Annual Action Plan including the use of the 2009/2010 Community Development Block Grant funds, the American Recovery and Reinvestment Act CDBG funds, and 2009/2010 HOME Program funds as recommended.
16. Approve Change order No. 1 in the amount of \$5,000 to Dick Anderson Construction, Inc. for the Water Treatment Plant Headhouse Floor Replacement.

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

#### **BOARDS & COMMISSIONS**

17. Miscellaneous reports and announcements.

#### **CITY MANAGER**

18. 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)*

19. Miscellaneous reports and announcements.

#### **CITY COMMISSION**

20. Miscellaneous reports and announcements.

#### **MOTION TO ADJOURN**



**Item:** Resolution 9827, Swimming Pool Fees  
**From:** Park & Recreation Department  
**Prepared By:** Patty Rearden, Deputy Park & Recreation Director  
**Presented By:** Marty Basta, Park & Recreation Director  
**Action Requested:** Conduct Public Hearing and Adopt Resolution 9827

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**Suggested Motion:**

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing and asks the will of the Commission.

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9827.”

2. Mayor calls for a second, discussion, and calls the vote.
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**Staff Recommendation:**

Staff recommends the City Commission adopt Resolution 9827, Swimming Pool Fees.

**Proposed Fees:**

	<u>Current Fees</u>	<u>Proposed Fees</u>
<b>Mitchell Pool Access</b>		
Adult	3.00	4.00
Youth 3-17	2.00	3.00
Children 2 & under	Free – 1 child per paying adult, \$1 each add'l child	
<b>Mitchell Pool Access with Water Slide</b>		
Adult	5.00	6.50
Youth 3-17	4.00	5.50
<b>Mitchell Pool Access with Water Slide with Electric City Wave</b>		
Adult	9.00	11.00
Youth 3-17	8.00	10.00
<b>Mitchell Pool Access with Water Slide with Electric City Wave</b>		
Twilight Swim (M-F only, 6-8 p.m.)	2.00 discount	2.00 discount

**Mitchell Pool Electric City Wave Tube & Board Rental**

Tube – Single	1.00	1.00
Tube – Double	2.00	2.00
Board	2.00	2.00

**Water Tower/Jaycee/Natatorium Access Open Swim**

Adult	2.50	3.50
Youth 3-17	1.50	2.50
Children 2 & under	Free – 1 child per paying adult, \$1 each add'l child	

**Water Exercise**

Daily	3.00	3.00
Monthly Pass	30.00	30.00
Punch Card (10 times)	30.00	30.00

**Adult Lap Swim**

Daily	2.50	2.50
Monthly Pass	25.00	25.00
With Water Exercise Program	35.00	35.00

**Electric City Water Park/Mitchell Pool/Water Slide Rental**

Water Park, Two Hours (Up to 499 people)	500.00	600.00
500-999 people		700.00
1,000-1,199		900.00
1,200 – 1,500		1,200.00
Water Park, Additional Hour	200.00	400.00
Mitchell only, 2 hours (500 people maximum)	250.00	400.00
Flow Rider only, 2 hours (400 people maximum)	350.00	400.00

**Jaycee/Water Tower Private Rental**

Two Hours 50 people & under	70.00	120.00
Two Hours 50 people & over	90.00	150.00

**Natatorium Private Rental**

Two Hours 50 people & under	70.00	100.00
Two Hours 50 people & over	90.00	130.00

**Background:**

Mitchell Pool admission fees were last raised in 2001 (\$.50). The Electric City Water Park pass fees were set with the addition of the Flow Rider. ECWP or Mitchell Pool fees have not been raised since 2001. Neighborhood pool fees were increase by \$.50 in 2002. In 2005 lap swimming fees and pool rental fees were increased slightly at the Natatorium and the monthly fee for water aerobics and lap swimming were implemented.

**Concurrences:**

The Park and Recreation Advisory Board reviewed the proposed fee increases at the April 13, 2009 Park Board Meeting. The Board recommended the City Commission approve the proposed fees except for the increases in neighborhood pool admission fees. The Board was opposed to increasing Jaycee and Water Tower admission fees.

**Fiscal Impact:**

The proposed increases could generate up to \$77,000 in additional revenue for the swimming pools based on comparable attendance in 2008. (Revenues at the outdoor pools are weather dependent.) Historically, the swimming pools have been supported by general fund subsidy. This fee increase will reduce the amount of subsidy needed to support the pools.

**Alternatives:**

Alternatives would include increased general fund subsidy or a reduction in services and/or facilities.

**Attachments/Exhibits:**

1. Resolution 9827

**RESOLUTION 9827**  
**A RESOLUTION TO ESTABLISH SWIMMING POOL FEES**  
**FOR ELECTRIC CITY WATER PARK, WATER TOWER, JAYCEE, AND**  
**NATATORIUM SWIMMING POOLS**

**BE IT RESOLVED** by the City Commission of the City of Great Falls, Cascade County, Montana; that all past fee structures for swimming pools as established in Resolution 9463 are hereby amended.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, AS FOLLOWS:**

The fees for swimming pools to be as follows:

**Mitchell Pool Access**

Adult	4.00
Youth 3-17	3.00
Children 2 & under	Free – 1 child per paying adult, \$1 each add'l child

**Mitchell Pool Access with Water Slide**

Adult	6.50
Youth 3-17	5.50

**Mitchell Pool Access with Water Slide with Electric City Wave**

Adult	11.00
Youth 3-17	10.00

**Mitchell Pool Access with Water Slide with Electric City Wave**

Twilight Swim (M-F only, 6-8 p.m.)	2.00 discount
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**Mitchell Pool Electric City Wave Tube & Board Rental**

Tube – Single	1.00
Tube – Double	2.00
Board	2.00

**Water Tower/Jaycee/Natatorium Access Open Swim**

Adult	3.50
Youth 3-17	2.50
Children 2 & under	Free – 1 child per paying adult, \$1 each add'l child

**Water Exercise**

Daily	3.00
Monthly Pass	30.00
Punch Card (10 times)	30.00

**Adult Lap Swim**

Daily	2.50
Monthly Pass	25.00
With Water Exercise Program	35.00

**Electric City Water Park/Mitchell Pool/Water Slide Rental**

Water Park, Two Hours (Up to 499 people)	600.00
500-999 people	700.00
1,000-1,199	900.00
1,200 – 1,500	1,200.00
Water Park, Additional Hour	400.00
Mitchell only, 2 hours (500 people maximum)	400.00
Flow Rider only, 2 hours (400 people maximum)	400.00

**Jaycee/Water Tower Private Rental**

Two Hours 50 people & under	120.00
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Two Hours 50 people & over	150.00
<b>Natatorium Private Rental</b>	
Two Hours 50 people & under	100.00
Two Hours 50 people & over	130.00

Passed and adopted by the City Commission of the City of Great Falls, Montana on this 21<sup>st</sup> day of April, 2009.

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Dona R. Stebbins, Mayor

ATTEST

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Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, City Attorney



**Item:** One New 2009 Asphalt Distributor Unit  
**From:** Tom Hugg, Vehicle Maintenance Supervisor  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Award Bid

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission award the bid for one new 2009 Asphalt Distributor Unit to Tri-State Truck & Equipment of Great Falls for \$125,748.

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

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**Staff Recommendation:** Staff recommends that the City Commission award the bid for one new 2009 Asphalt Distributor Unit to Tri-State Truck & Equipment of Great Falls for \$125,748.

**Background:**

Significant Impacts

The current Asphalt Distributor Unit was purchased in 1979. The 1978 Ford cab and chassis is powered by a 534 cubic inch gas engine. This unit is equipped with a 5 speed manual transmission and a 19,000 lb. single rear axle. The tank has a 1,730 gallon capacity. The controls, pump and spray bar are obsolete. The distributor was rebuilt in 1994. Parts for this piece of equipment are no longer available.

Purpose

This unit will be used in the Street Division. The 2009 Freightliner cab and chassis is powered by a 210 horsepower Cummins diesel engine. This unit is equipped with an Allison automatic transmission and a 21,000 lb. single rear axle. Mounted to this assembly is a 2,000 gallon tank, controls and spray bar system to apply emulsion to road surfaces during maintenance and repair. The primary function of the asphalt distributor unit will be to provide pavement preservation maintenance, specifically for chip sealing and tack coat for pavement overlays.



### Evaluation and Selection Process

The specifications were advertised two times in the Great Falls Tribune, placed on the City of Great Falls website, and mailed to three prospective bidders. The bids were opened on March 25, 2009 with three bidders responding. One bid was rejected due to non-compliance. The low bid did not offer a trade-in allowance therefore, the 1978 Ford C900, #832, C90LVCDQ993, License 2-655 will be sold at a later date.

At the April 7, 2009 City Commission Meeting the Bid Award was postponed for further review.

### Conclusion

The bid by Tri-State Truck & Equipment of Great Falls meets specifications for the asphalt distributor unit.

**Fiscal Impact:** Funds for its purchase are provided in the FY 2009 Central Garage Budget.

**Alternatives:** Reject the bids for the purchase of one new 2009 asphalt distributor unit.

**Attachments/Exhibits:** Bid List, Bid Tab

**City of Great Falls  
Public Works Department**

**INTER-OFFICE MEMORANDUM**

**April 17, 2009**

**TO: Jim Rearden, Public Works Director**

**FROM: Tom Hugg, Vehicle Maintenance Supervisor  
Jim Turnbow, Street Supervisor**

**SUBJECT: Asphalt Distributor 2009**

\* \* \* \* \*

The following is information requested on the Asphalt Distributor scheduled for replacement in FY 2009.

This piece of equipment was due to be replaced in 1994. The bids came in higher than Staff anticipated. On January 18, 1994 the City Commission postponed the bid award until February 1, 1994 to allow Staff time to pursue other options. An examination of the old distributor indicated that it could be substantially rebuilt for approximately \$10,000 and provide several more years of service. Staff asked that the bid be rejected in favor of the rebuild alternative.

The City of Great Falls requested bids by advertising two times in the Great Falls Tribune on March 8<sup>th</sup> and 15<sup>th</sup>, mailed bid packets out to three prospective bidders, and posted on the City website. The bids were opened on March 25, 2009 with three bidders responding. One bid was rejected due to non-compliance. The low bid by Tri-State Truck & Equipment of Great Falls did not offer a trade-in allowance therefore, the 1978 Ford C900, Unit #832 C90LVCDQ993, License 2-655 will be sold at a later date. The bid by Tri-State Truck & Equipment met bid specifications.

**Maintenance:**

2005-2006	\$471.00 Parts and Labor
2006-2007	\$2,682.00 Parts and Labor
2007-2008	\$5,963.00 Parts and Labor
	Found out pump and three way valves were obsolete, City Staff had to fabricate gaskets for reassemble.
2008-2009	Have not performed any maintenance or made any repairs for this season.

## **Usage:**

The asphalt distributor is used on a daily basis starting mid-May throughout the construction season.

When the distributor requires extensive repair there are not any asphalt distributors available to rent locally to maintain production.

## **1978 Ford C900, Unit #832**



TH/JT/dk

**ASPHALT DISTRIBUTOR  
BID LIST**

1. Modern Machinery  
PO Box 16660  
Missoula, MT 59808
  
2. Western Plains Machinery  
1728 Old Hardin Road  
Billings, MT 59107
  
3. Tri State Truck & Equipment  
5024 Tri-Hill Frontage Road  
Great Falls, MT 59404





**Item:** Ordinance 3035 approving additional public improvements with respect to the West Bank Properties Urban Renewal Project to be financed with tax increment revenues

**From:** Martha Capps, Operations Supervisor

**Initiated By:** West Bank Properties, LLC/Brad Talcott - Developer

**Presented By:** Coleen Balzarini, Fiscal Services Director

**Action Requested:** Accept Ordinance 3035 on first reading and set final reading for May 5, 2009

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1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3035 on first reading and set final reading for May 5, 2009”

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

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**Staff Recommendation:** Staff recommends the City Commission accept Ordinance 3035 on first reading and set final reading for May 5, 2009.

**Background:** On March 20, 2007 the City Commission approved Ordinance 2967 which established the Great Falls West Bank Urban Renewal Plan. This plan included a Tax Increment Financing provision to give the City an additional funding tool in the redevelopment effort. Ordinance 3027, adopted by the City Commission on December 16, 2008 approved the West Bank Properties Project, 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 include the burying of existing power lines, installation of water, sanitary sewer, and storm drain utilities, roads, curbs, gutters and sidewalks.

In discussions with the Developer in regards to the Right-of-Way agreement approved by this Commission, it was determined that with the relocating of the existing power lines, it requires the cable & phone to be also “relocated” underground. Gas lines will also be relocated to accommodate the new building layout of the property, and then will be extended as needed to new buildings. These additional projects are eligible activities under Montana Urban Renewal Law (Section 7-15-4288, MCA). The City will reimburse the Developer for the approved costs incurred from these projects an amount up to \$900,000.

**Concurrences:** Representatives from Fiscal Services, City Manager's Office, Planning, Engineering, and Public Works have been working with Bond Counsel and the Developer throughout the entire process.

**Fiscal Impact:** No direct fiscal impacts to the City are anticipated as a result of providing tax increment funds for the improvements associated with the development project.

**Alternatives:** The City Commission could choose to not approve Ordinance 3035 on first reading

**Attachments/Exhibits:** Ordinance 3035

Cc: Brad Talcott, West Bank Properties, P.O. Box 2493, Great Falls, MT 59403

CERTIFICATE AS TO ORDINANCE AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached ordinance is a true copy of an ordinance entitled: "ORDINANCE APPROVING ADDITIONAL PUBLIC IMPROVEMENTS WITH RESPECT TO THE WEST BANK PROPERTIES URBAN RENEWAL PROJECT TO BE FINANCED WITH TAX INCREMENT REVENUES" (the "Ordinance"), on file in the original records of the City in my legal custody; that the Ordinance was duly presented for first reading by the City Commission of the City at a regular meeting on April 21, 2009, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

WITNESS my hand and seal officially this 21st day of April, 2009.

(SEAL)

\_\_\_\_\_  
Lisa Kunz, City Clerk

I further certify that the Ordinance was duly adopted on second reading by the City Commission of the City at a regular meeting on May 5, 2009, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Ordinance has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Ordinance at said meeting, the following Commission members voted in favor thereof: \_\_\_\_\_; voted against the same: \_\_\_\_\_; abstained from voting thereon: \_\_\_\_\_; or were absent: \_\_\_\_\_.

WITNESS my hand and seal officially this 5th day of May, 2009.

(SEAL)

\_\_\_\_\_  
Lisa Kunz, City Clerk



ORDINANCE NO. 3035

ORDINANCE APPROVING ADDITIONAL PUBLIC  
IMPROVEMENTS WITH RESPECT TO THE WEST BANK  
PROPERTIES URBAN RENEWAL PROJECT TO BE  
FINANCED WITH TAX INCREMENT REVENUES

BE IT ORDAINED by the City Commission (the “Commission”) of the City of Great Falls, Montana (the “City”), as follows:

Section 1. Recitals.

1.01. In accordance with Title 7, Chapter 15, Parts 42 and 43 (the “Act”), on March 20, 2007, the Great Falls City Commission (the “Commission”) adopted Amended Ordinance 2967 to create and approve the West Bank Urban Renewal District (the “District”) and Plan (the “Plan”), which contains a tax increment financing provision to help fund rehabilitation and redevelopment projects within the District.

1.02. On December 16, 2008, the Commission adopted Ordinance 3027, after a duly called and noticed public hearing thereon, approving a development project (the “West Bank Properties Project”) proposed by West Bank Properties, LLC, 4415 River Drive North, Great Falls, Montana, (the “Developer”) and certain associated public improvements as an Urban Renewal Project and authorizing financing of those public improvements with tax increment revenues.

1.03. The Developer has identified certain improvements to be constructed in connection with the West Bank Properties Project, consisting of (i) the burial of existing Bresnan cable lines and Qwest telephone lines (ii) the relocation and extension of existing Energy West gas lines, and (iii) in the event the Developer acquires the property in the Urban Renewal Area currently owned by Pizza Hut, designing and constructing underground power lines and other City utilities running across such property (together, the “Additional Improvements”) and has requested that the City authorize the financing of the Additional Improvements with tax increment revenues..

1.04. The Additional Improvements are eligible for tax increment financing under the Act.

Section 2. Approval of Additional Improvements to be Financed with Tax Increment Revenues. The Commission authorizes that tax increment revenues available to the District be used to finance the cost of any of the Additional Improvements in an amount, when aggregated with the improvements previously authorized to be financed with tax increment revenues under Ordinance 3027, not to exceed a principal amount that can be amortized from the tax increment revenues to be generated by the Developer Project Phase I over a term of twenty-five years at a rate of interest set forth in a development agreement between the City and the Developer, provided that such principal amount will in no event exceed \$900,000 or the actual amount of expenses approved by City under the terms of such development agreement.

Section 3. Effect. This Ordinance shall take effect from and after 30 days of its passage by the City Commission and approval by the Mayor.

1) First Reading:

APPROVED by the City Commission of the City of Great Falls, Montana, on first reading April 21, 2009.

2) Second Reading:

APPROVED by the City Commission on first reading April 21, 2009.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading May 5, 2009.

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Dona R. Stebbins, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, City Attorney



**Item:** **Resolution 9826** Approving and Adopting the Montana Municipal Interlocal Authority Revised and Restated Interlocal Agreement between the Montana Municipal Interlocal Authority and the City of Great Falls

**From:** Fiscal Services Department

**Initiated By:** Kelly Audet, Risk Management Specialist

**Presented By:** Coleen Balzarini, Fiscal Services Director

**Action Requested:** Adopt Resolution 9826

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission adopt (deny) Resolution 9826 authorizing the adoption and execution of the Revised and Restated Interlocal Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.”

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

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**Staff Recommendation:**

Adopt Resolution 9826 authorizing the adoption and execution of the Revised and Restated Interlocal Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.

**Purpose:**

The original Interlocal Agreement under which the MMIA operates, was created in 1986 and amended and restated in October of 2005. The major change at this time is a name change that clarifies the fact that the MMIA is not an insurance company. Rather, the MMIA is a member services organization that operates four separate risk retention pools and provides risk management services to municipalities in Montana. This amended agreement removes any connotation in the name that might suggest the MMIA is an insurance company, and to select a name that best reflects who the MMIA is and what the MMIA does.

As a result of this change, the newly amended agreement has been revised to reflect the new legal name of the MMIA – Montana Municipal Interlocal Authority. The revisions to these agreements also include changes and updates to more accurately reflect the way that the Montana Municipal Interlocal Authority is operated today.

In addition to the changes noted above, the definition of a “Member Entity” was changed from an “incorporated city or town” to a “political subdivision.” This change also flows through to each of the program agreements. While there currently is absolutely no consideration being given to expanding our base beyond cities and towns, the MMIA felt it was prudent to broaden this definition to allow some flexibility in the future to consider expansion if the Board or the membership determines that expanding the risk pool is in the best interest of one or more of the programs.

**Background:**

On July 1, 1985 the City of Great Falls as well as several other Montana cities and towns found themselves without General Liability insurance coverage. A system was set up for self insurance and on January 1, 1986 the City joined the Montana League of Cities and Towns and created the self insurance programs for General Liability and Workers’ Compensation. On April 7, 1986 this program became available to all of the cities and towns in Montana. As of today’s date there are 120 cities and towns participating in the program.

The program added Property Insurance in 1998 and most recently an Employee Benefits Program in October of 2004.

**Fiscal Impact:**

No Fiscal Impact is anticipated

**Concurrences:**

The City Attorney has reviewed and concurs with the proposed name change.

**Alternatives:**

The alternative would be to deny adoption of Resolution 9826.

**Attachments/Exhibits:**

Resolution 9826

Revised and Restated Interlocal Agreement dated July 1, 2009 (Agreement not available online; on file in City Clerk’s Office.)

RESOLUTION 9826

A RESOLUTION APPROVING AND ADOPTING THE  
MONTANA MUNICIPAL INTERLOCAL AUTHORITY  
REVISED AND RESTATED  
INTERLOCAL AGREEMENT

WHEREAS, the City of Great Falls is duly organized under the laws of the State of Montana; and

WHEREAS, Article XI, Section 7 of the Montana Constitution provides that a political subdivision may a) cooperate in the exercise of any function, power, or responsibility with, b) share the services of any officer or facilities with, and c) transfer or delegate any function, power, responsibility, or duty of any officer to one or more other local government units, school districts, the state or the United States; and

WHEREAS, Mont. Code Ann. Title 7, Chapter 11, Part 1, (the “Interlocal Cooperation Act”) authorizes political subdivisions to create interlocal agreements to jointly perform any undertaking that each such political subdivision unit is authorized by law to perform; and

WHEREAS, Mont. Code Ann. § 2-9-211, authorizes political subdivisions of the State to procure insurance separately or jointly with other subdivisions, and to use a deductible or self-insurance plan, wholly or in part; and

WHEREAS, Mont. Code Ann. § 2-9-211 authorizes political subdivisions or a board created pursuant to an interlocal agreement, acting on behalf of such political subdivisions to issue and sell bonds or notes for the purposes of funding a self-insurance or deductible reserve fund; and

WHEREAS, Mont. Code Ann. § 2-18-711, permits the establishment of group programs by local government entities to provide employee group benefits; and

WHEREAS, Mont. Code Ann. § 39-71-403, authorizes public corporations, which term includes cities and towns, to self-insure, either separately or jointly with other public corporations for workers’ compensation coverage; and

WHEREAS, the Montana Municipal Interlocal Authority (Authority) is a joint exercise of powers entity established pursuant to an Interlocal Cooperation Agreement in accordance with the provisions of the Interlocal Cooperation Act for the purpose of providing pooled risk coverage programs for the Member Entity and other political subdivisions executing the Interlocal Agreement; and

WHEREAS, the Authority is authorized to exercise necessary powers to implement the purposes of the Authority as established by the Interlocal Agreement; and

WHEREAS, the governing board of each Member Entity has determined that it is in its own best interest, and in the public interest that this Agreement be executed and that it participate as a member of the public entity created by this Agreement.

NOW, THEREFORE, BE IT RESOLVED THAT the City of Great Falls hereby approves and adopts this Revised and Restated Interlocal Agreement.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, April 21, 2009.

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Dona R. Stebbins, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, City Attorney



**Item:** **Resolution 9823** Approving and Adopting the Montana Municipal Interlocal Authority Amended and Restated Liability Coverage Program Agreement Between the Montana Municipal Interlocal Authority and the City of Great Falls

**From:** Fiscal Services Department

**Initiated By:** Kelly Audet, Risk Management Specialist

**Presented By:** Coleen Balzarini, Fiscal Services Director

**Action Requested:** Adopt Resolution 9823

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission adopt (deny) Resolution 9823 authorizing the adoption and execution of the Amended and Restated Liability Coverage Program Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.”

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

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**Staff Recommendation:**

Adoption of Resolution 9823 authorizing the adoption and execution of the Amended and Restated Liability Coverage Program Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.

**Purpose:**

The original Liability Program Agreement under which the MMIA operates, was created in 1986 and amended and restated in December of 2002. The major change at this time is a name change that clarifies the fact that the MMIA is not an insurance company. Rather, the MMIA is a member services organization that operates four separate risk retention pools and provides risk management services to municipalities in Montana. This amended agreement removes any connotation in the name that might suggest the MMIA is an insurance company, and to select a name that best reflects who the MMIA is and what the MMIA does.

As a result of this change, the newly amended agreement has been revised to reflect the new legal name of the MMIA – Montana Municipal Interlocal Authority. The revisions to these agreements also include changes and updates to more accurately reflect the way that the Montana Municipal Interlocal Authority is operated today.

In addition to the above-mentioned changes, all reference to the bonds, and the various program accounts required during the time the bonds were outstanding have been removed.

The descriptions of the various accounts and funds which the MMIA currently uses to operate the Liability Program were updated to reflect current operations.

Provisions were added to permit the MMIA to audit members to ensure that Assessments are accurate. The audit period is limited to the two full Coverage Years preceding the year in which the audit is conducted. A provision to permit members to seek a refund for any overpayment of Assessments was also added, subject to the same two Coverage Year look-back period as applies to audits.

**Background:**

On July 1, 1985 the City of Great Falls as well as several other Montana cities and towns found themselves without General Liability insurance coverage. A system was set up for self insurance and on January 1, 1986 the City joined the Montana League of Cities and Towns and created the self insurance programs for General Liability and Workers' Compensation. On April 7, 1986 this program became available to all of the cities and towns in Montana. As of today's date there are 120 cities and towns participating in the program.

The program added Property Insurance in 1998 and most recently an Employee Benefits Program in October of 2004.

**Fiscal Impact:**

No Fiscal Impact is anticipated

**Concurrences:**

The City Attorney has reviewed and concurs with proposed name changes.

**Alternatives:**

The alternative would be to deny adoption of Resolution 9823.

**Attachments/Exhibits:**

Resolution 9823

Amended and Restated Liability Coverage Program Agreement dated July 1, 2009 (Agreement not available online; on file in City Clerk's Office.)



RESOLUTION 9823

A RESOLUTION APPROVING AND ADOPTING THE  
MONTANA MUNICIPAL INTERLOCAL AUTHORITY  
AMENDED AND RESTATED  
LIABILITY COVERAGE PROGRAM AGREEMENT

WHEREAS, the City of Great Falls is duly organized under the laws of the State of Montana; and

WHEREAS, Article XI, Section 7 of the Montana Constitution provides that a political subdivision may a) cooperate in the exercise of any function, power, or responsibility with, b) share the services of any officer or facilities with, and c) transfer or delegate any function, power, responsibility, or duty of any officer to one or more other local government units, school districts, the state or the United States; and

WHEREAS, Mont. Code Ann. Title 7, Chapter 11, Part 1, (the “Interlocal Cooperation Act”) authorizes political subdivisions to create interlocal agreements to jointly perform any undertaking that each such political subdivision unit is authorized by law to perform; and

WHEREAS, Mont. Code Ann. § 2-9-211, authorizes political subdivisions of the State to procure insurance separately or jointly with other subdivisions, and to use a deductible or self-insurance plan, wholly or in part; and

WHEREAS, the Montana Municipal Interlocal Authority (Authority) is a joint exercise of powers entity established pursuant to an Interlocal Cooperation Agreement in accordance with the provisions of the Interlocal Cooperation Act for the purpose of providing pooled risk coverage programs for the Member Entity and other political subdivisions executing the Interlocal Agreement; and

WHEREAS, the Authority is authorized to exercise necessary powers to implement the purposes of the Authority as established by the Interlocal Agreement; and

WHEREAS, by executing this Revised and Restated Liability Program Agreement the Member Entity signatory hereto has heretofore determined and does hereby confirm that the Assessments and other charges required by the Liability Program have been and are just and reasonable and advantageous to the public benefit of the citizens of such Member Entity; and,

NOW, THEREFORE, BE IT RESOLVED THAT the City of Great Falls hereby approves and adopts this Amended and Restated Liability Coverage Program Agreement.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,  
April 21, 2009.

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Dona R. Stebbins, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, City Attorney



**Item:** **Resolution 9824** Approving and Adopting the Montana Municipal Interlocal Authority Amended and Restated Property Program Agreement Between the Montana Municipal Interlocal Authority and the City of Great Falls

**From:** Fiscal Services Department

**Initiated By:** Kelly Audet, Risk Management Specialist

**Presented By:** Coleen Balzarini, Fiscal Services Director

**Action Requested:** Adopt Resolution 9824

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission adopt (deny) Resolution 9824 authorizing the adoption and execution of the Amended and Restated Property Program Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.”

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

---

**Staff Recommendation:**

Adoption of Resolution 9824 authorizing the adoption and execution of the Amended and restated Property Program Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.

**Purpose:**

The original Property Program Agreement under which the MMIA operates, was created in 1998. The major change at this time is a name change that clarifies the fact that the MMIA is not an insurance company. Rather, the MMIA is a member services organization that operates four separate risk retention pools and provides risk management services to municipalities in Montana. This amended agreement removes any connotation in the name that might suggest the MMIA is an insurance company, and to select a name that best reflects who the MMIA is and what the MMIA does.

As a result of this change, the newly amended agreement has been revised to reflect the new legal name of the MMIA – Montana Municipal Interlocal Authority. The revisions to these

agreements also include changes and updates to more accurately reflect the way that the Montana Municipal Interlocal Authority is operated today.

Additionally, the descriptions of the various accounts and funds which the MMIA currently uses to operate the Property Program were updated to reflect current operations.

The same provisions dealing with withdrawal, suspension and termination from membership found in the Liability and Workers Compensation Program Agreements were included in this Program Agreement so that there would be a consistent policy and procedure applicable to each Program.

In addition, the notification requirement for withdrawal from this Program was increased from 90 to 120 days. The reason for doing so was due to the decision of the MMIA to publish rates sooner to the membership to better coincide with the budget cycles. In order to provide this rate information sooner each year, the MMIA must be able to inform its reinsurers earlier in the year about any withdrawals from participation in the Property Program.

**Background:**

On July 1, 1985 the City of Great Falls as well as several other Montana cities and towns found themselves without General Liability insurance coverage. A system was set up for self insurance and on January 1, 1986 the City joined the Montana League of Cities and Towns and created the self insurance programs for General Liability and Workers' Compensation. On April 7, 1986 this program became available to all of the cities and towns in Montana. As of today's date there are 120 cities and towns participating in the program.

The program added Property Insurance in 1998 and most recently an Employee Benefits Program in October of 2004.

**Fiscal Impact:**

No Fiscal Impact is anticipated

**Concurrences:**

The City Attorney has reviewed and concurs with the proposed name change.

**Alternatives:**

The alternative would be to deny adoption of Resolution 9824.

**Attachments/Exhibits:**

Resolution 9824

Amended and Restated Property Program Agreement dated July 1, 2009 (Agreement not available online; on file in City Clerk's Office.)

RESOLUTION 9824

A RESOLUTION APPROVING AND ADOPTING THE  
MONTANA MUNICIPAL INTERLOCAL AUTHORITY  
AMENDED AND RESTATED  
PROPERTY PROGRAM AGREEMENT

WHEREAS, the City of Great Falls is duly organized under the laws of the State of Montana; and

WHEREAS, Article XI, Section 7 of the Montana Constitution provides that a political subdivision may a) cooperate in the exercise of any function, power, or responsibility with, b) share the services of any officer or facilities with, and c) transfer or delegate any function, power, responsibility, or duty of any officer to one or more other local government units, school districts, the state or the United States; and

WHEREAS, Mont. Code Ann. Title 7, Chapter 11, Part 1, (the “Interlocal Cooperation Act”) authorizes political subdivisions to create interlocal agreements to jointly perform any undertaking that each such political subdivision unit is authorized by law to perform; and

WHEREAS, Mont. Code Ann. § 2-9-211, authorizes political subdivisions of the State to procure insurance separately or jointly with other subdivisions, and to use a deductible or self-insurance plan, wholly or in part; and

WHEREAS, the Montana Municipal Interlocal Authority (Authority) is a joint exercise of powers entity established pursuant to an Interlocal Cooperation Agreement in accordance with the provisions of the Interlocal Cooperation Act for the purpose of providing pooled risk coverage programs for the Member Entity and other political subdivisions executing the Interlocal Agreement; and

WHEREAS, the Authority is authorized to exercise necessary powers to implement the purposes of the Authority as established by the Interlocal Agreement; and

WHEREAS, by executing this First Amended Property Program Agreement, the Member Entity signatory hereto has heretofore determined and does hereby confirm that the Assessments and other charges required by the Property Program have been and are just and reasonable and advantageous to the public benefit of the citizens of such Member Entity; and,

NOW, THEREFORE, BE IT RESOLVED THAT the City of Great Falls hereby approves and adopts this Amended and Restated Property Program Agreement.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,  
April 21, 2009.

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Dona R. Stebbins, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, City Attorney



**Item:** **Resolution 9825** Approving and Adopting the Montana Municipal Interlocal Authority Revised and Restated Workers' Compensation Program Agreement Between the Montana Municipal Interlocal Authority and the City of Great Falls

**From:** Fiscal Services Department

**Initiated By:** Kelly Audet, Risk Management Specialist

**Presented By:** Coleen Balzarini, Fiscal Services Director

**Action Requested:** Adopt Resolution 9825

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission adopt (deny) Resolution 9825 authorizing the adoption and execution of the Revised and Restated Workers' Compensation Program Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.”

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

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**Staff Recommendation:**

Adoption of Resolution 9825 authorizing the adoption and execution of the Revised and Restated Workers' Compensation Program Agreement entered into between the Montana Municipal Interlocal Authority and the City of Great Falls.

**Purpose:**

The original Workers' Compensation Program Agreement under which the MMIA operates, was created in 1986 and amended and restated in December of 2002. The major change at this time is a name change that clarifies the fact that the MMIA is not an insurance company. Rather, the MMIA is a member services organization that operates four separate risk retention pools and provides risk management services to municipalities in Montana. This amended agreement removes any connotation in the name that might suggest the MMIA is an insurance company, and to select a name that best reflects who the MMIA is and what the MMIA does.

As a result of this change, the newly amended agreement has been revised to reflect the new legal name of the MMIA – Montana Municipal Interlocal Authority. The revisions to these

agreements also include changes and updates to more accurately reflect the way that the Montana Municipal Interlocal Authority is operated today.

In anticipation of the payment of the outstanding obligation on the bonds by August 31, 2010, all reference to the bonds, and the various program accounts required during the time the bonds are outstanding have been removed.

Please note that there is a delayed effective date for this revised Program Agreement until September 1, 2010. However, in the interest of having these documents reviewed once by the governing city and town councils, the MMIA is asking that this document be approved now. Until the bonds are paid, the existing Workers Compensation Program Agreement will remain in effect.

**Background:**

On July 1, 1985 the City of Great Falls as well as several other Montana cities and towns found themselves without General Liability insurance coverage. A system was set up for self insurance and on January 1, 1986 the City joined the Montana League of Cities and Towns and created the self insurance programs for General Liability and Workers' Compensation. On April 7, 1986 this program became available to all of the cities and towns in Montana. As of today's date there are 120 cities and towns participating in the program.

The program added Property Insurance in 1998 and most recently an Employee Benefits Program in October of 2004.

**Fiscal Impact:**

No Fiscal Impact is anticipated

**Concurrences:**

The City Attorney has reviewed and concurs with proposed name change.

**Alternatives:**

The alternative would be to deny adoption of Resolution 9825.

**Attachments/Exhibits:**

Resolution 9825

Revised and Restated Workers' Compensation Program Agreement dated September 1, 2010.  
(Agreement not available online; on file in City Clerk's Office.)



RESOLUTION 9825

A RESOLUTION APPROVING AND ADOPTING THE  
MONTANA MUNICIPAL INTERLOCAL AUTHORITY  
REVISED AND RESTATED  
WORKERS' COMPENSATION PROGRAM AGREEMENT

WHEREAS, the City of Great Falls is duly organized under the laws of the State of Montana; and

WHEREAS, Article XI, Section 7 of the Montana Constitution provides that a political subdivision may a) cooperate in the exercise of any function, power, or responsibility with, b) share the services of any officer or facilities with, and c) transfer or delegate any function, power, responsibility, or duty of any officer to one or more other local government units, school districts, the state or the United States; and

WHEREAS, Mont. Code Ann. Title 7, Chapter 11, Part 1, (the "Interlocal Cooperation Act") authorizes political subdivisions to create interlocal agreements to jointly perform any undertaking that each such political subdivision unit is authorized by law to perform; and

WHEREAS, Mont. Code Ann. § 2-9-211, authorizes political subdivisions of the State to procure insurance separately or jointly with other subdivisions, and to use a deductible or self-insurance plan, wholly or in part; and

WHEREAS, Mont. Code Ann. § 39-71-403, authorizes public corporations, which term includes cities and towns, to self-insure, either separately or jointly with other public corporations for workers' compensation coverage; and

WHEREAS, the Montana Municipal Interlocal Authority (Authority) is a joint exercise of powers entity established pursuant to an Interlocal Cooperation Agreement in accordance with the provisions of the Interlocal Cooperation Act for the purpose of providing pooled risk coverage programs for the Member Entity and other political subdivisions executing the Interlocal Agreement; and

WHEREAS, the Authority is authorized to exercise necessary powers to implement the purposes of the Authority as established by the Interlocal Agreement; and

WHEREAS, by executing this Revised and Restated Workers' Compensation Agreement, the Member Entity signatory hereto has heretofore determined and does hereby confirm that the Assessments and other charges required by the Workers' Compensation Program have been and are just and reasonable and advantageous to the public benefit of the citizens of such Member Entity; and,

NOW, THEREFORE, BE IT RESOLVED THAT the City of Great Falls hereby approves and adopts this Revised and Restated Workers' Compensation Program Agreement.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,  
April 21, 2009.

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Dona R. Stebbins, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, 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 City Manager, Assistant City Manager, City Attorney, Directors of Community Development, Fiscal Services, Library, Park and Recreation, Planning, Public Works, the Fire Chief, Police Chief, and the City Clerk.

**PROCLAMATION:** Fair Housing Month

**NEIGHBORHOOD COUNCILS**

**Jack Stuckman, NC 6, sworn in.**

**1. Jack Stuckman** was sworn in as a representative of Neighborhood Council District No. 6.

**NC 4.**

**2A. Sandra Guynn**, Chair NC4, reported that the Home Place is now in compliance with the County. The trailer park at 4727 2<sup>nd</sup> Avenue North was inspected by the City after receiving complaints from several tenants last fall. A letter was recently sent to the landowner to bring those trailers into compliance. Ms. Guynn expressed appreciation for the great presentations regarding the public safety mill levy given by Fire Chief McCamley and Police Chief Grove at the Council of Councils meeting. Ms. Guynn also thanked Kristal Kuhn, Emergency Preparedness Officer, and Patty Rearden, Recreation Administrator, for the very informative presentations at the March meeting.

**NC 7.**

**2B. Aaron Weissman**, Chair NC 7, reported that a resident who resides in the area of 5<sup>th</sup> Avenue North provided an informative presentation to the council about traffic on 5<sup>th</sup> Avenue North between 9<sup>th</sup> Street and 14<sup>th</sup> and 15<sup>th</sup> one-way Streets. Mr. Weissman requested the Commission consider yield signs for more controlled intersections at that location.

**NC 2.**

**2C. Sue Strickland**, NC 2, reported that Stelling Engineers provided a presentation to the council on the completed noise abatement study. Upon receipt of stimulus monies, commencement of a pilot program for sound proofing 10 homes will begin. The entire project encompasses 324 homes mostly in the West Hill area. Through various grants, 50 qualifying homes will be sound proofed each year thereafter.

**PUBLIC HEARINGS**

**2009/2010 CDBG Annual Action Plan public hearing conducted and action on the Final**

**3. 2009/2010 COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL ACTION PLAN.**

Community Development Director Mike Rattray reported that the

**Action Plan scheduled for April 21, 2009.**

Commission received the recommendations made by the Community Development Council at a prior work session. Mr. Rattray requested that the Commission conduct a public hearing and take into consideration public comments before taking final action on April 21, 2009.

Mayor Stebbins declared the public hearing open.

**Brett Doney**, Great Falls Development Authority, thanked the City for its support to build up GFDA's loan capital to address credit needs of businesses and developers in the City. The recommended amount for creating a new loan fund will go a long way towards starting that process.

**Aaron Weissman**, Chair NC 7, thanked the Commission and CDC for including a recommendation for funding playground equipment at Whittier Elementary.

**David Dobbs**, City Engineer, thanked the Commission for its support of two upcoming projects. The first is the ADA handicapped ramps on 8<sup>th</sup> Avenue North from 20<sup>th</sup> to 25<sup>th</sup> Streets, and 7<sup>th</sup> Avenue North from 16<sup>th</sup> to 21<sup>st</sup> Streets. These intersections will be brought into compliance with the Americans with Disabilities Act. Completion of this project will allow the City to apply for grants to resurface 8<sup>th</sup> Avenue North from Park Drive to 25<sup>th</sup> Street. The other project is replacing defective sidewalks for 25-35 low to moderate income home owners in that area. These projects will be funded by the American Recovery & Reinvestment Act. The end product will improve infrastructure.

**Heidi Gibson**, Center for Mental Health Foundation, spoke in support of the Center West project, which is a transitional living project for people with mental illness. Center West is a therapeutic community and place of healing. The first resident was accepted today. Ms. Gibson requested the Commission support the road to recovery at the Center for Mental Health, Center West project.

**Sheila Rice**, NeighborWorks Great Falls, thanked City staff and the Commission for proposing 25% of the CDBG funds to be used for affordable housing. Ms. Rice also spoke in support of Habitat for Humanity, Kairos Youth Service and the Center for Mental Health.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

**Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission schedule action on the Final Action Plan for April 21, 2009.**

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

Motion carried 5-0.

**Res. 9817 and Ord. 3032.  
Adopted.**

**4A. RESOLUTION 9817, ANNEXES EAST RIDGE ADDITION,  
PHASE 5.**

**4B. ORDINANCE 3032, ASSIGNS ZONING CLASSIFICATION TO  
PROPERTY.**

Interim Planning Director Bill Walters reported that C & W Development Inc. has requested to annex and subdivide a 2.4 acre tract of land in the vicinity of 12<sup>th</sup> Avenue South and 47<sup>th</sup> Street. The subdivision consists of three lots. Two of the lots will be zoned Planned Unit Development District and each will accommodate four residential condominium units. The third lot will be zoned R-2 Single-Family Medium Density District.

At the conclusion of a public hearing held February 10, 2009, the Planning Board passed a motion recommending the City Commission approve the minor plat, annexation, and Findings of Fact all related to East Ridge, Phase 5, as well as recommending City zoning as provided in Ordinance 3032.

Mayor Stebbins declared the public hearing open.

No one spoke in favor of or opposition to Resolution 9817 and Ordinance 3032.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

**Commissioner Jolley moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9817, and approve the Minor Subdivision Plat, Findings of Fact and Annexation Agreement all pertaining to East Ridge Addition, Phase 5.**

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

Motion carried 5-0.

**Commissioner Jolley moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Ordinance 3032.**

Motion carried 5-0.

**Res. 9818. Adopted.**

**5. RESOLUTION 9818, CONDITIONAL USE PERMIT TO ALLOW  
AN ANIMAL SHELTER ON LOT 4AA, BLOCK 1, NORTH  
RIVERVIEW TERRACE 7<sup>TH</sup> SUPPLEMENT (826 25<sup>TH</sup> AVENUE  
NE).**

Interim Planning Director Bill Walters reported the Animal Foundation of

Great Falls has applied for a conditional use permit to build and operate an animal shelter on a parcel of land located immediately south of North Middle School. The involved property is presently zoned C-2 General Commercial District wherein an animal shelter is permitted upon processing and approval of a conditional use permit.

At the conclusion of a public hearing held February 24, 2009, the City Zoning Commission passed a motion recommending the City Commission grant a conditional use permit to allow placement of an animal shelter on Lot 4AA, Block 1, North Riverview Terrace, 7<sup>th</sup> Supplement to Great Falls.

Mayor Stebbins declared the public hearing open.

Speaking in favor of Resolution 9818 was **John Huber**, current Board member of the Animal Foundation, residing at 3912 14<sup>th</sup> Avenue South. Mr. Huber thanked the City for helping the Animal Foundation with the process of obtaining the conditional use permit and furthering their project.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

**Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Bronson, that the City Commission adopt Resolution 9818.**

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

Motion carried 5-0.

### **OLD BUSINESS**

**GFDA early loan payoff request. Approved.**

#### **6. GREAT FALLS DEVELOPMENT AUTHORITY EARLY LOAN PAYOFF REQUEST.**

City Manager Gregory T. Doyon reported that on October 6, 2008, the City Commission considered a request from the GFDA to forgive a portion of a loan granted to High Plains Financial on April 15, 2003. The Commission modified the request and approved the loan payment arrangement. GFDA has recently requested that the City accelerate the loan payoff and forgiveness as follows: (1) lump sum payment of \$64,632.14; (2) accelerate the forgiveness of debt in the amount of \$138,500; (3) include a provision that if GFDA operates at a loss for any of the next three years, the City would then reduce its budget allocation (historically \$100,000) by \$46,166.67 which is one-third of the \$138,500 of debt forgiveness.

Commissioner Jolley commented that she was voting against this proposal because she doesn't understand the math.

City Manager Doyon corrected a typo on condition 2 wherein the forgiveness amount should read \$138,500.

**Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission amend its prior loan repayment and forgiveness agreement with GFDA and establish the following terms and conditions:**

- 1. Accept a lump sum payment from GFDA in the amount of \$64,632.14; and,**
- 2. Accelerate the loan forgiveness amounts of \$138,500 with the condition that should GFDA operate at a loss for any of the next three years, the City would then reduce its budget allocation by \$46,166.67 annually over the next three years.**

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

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

**Brett Doney**, GFDA, commented that what GFDA is proposing is to pay the same amount agreed upon except instead of paying it over three years it would be paid now. GFDA will be applying for a grant to compete for stimulus funds to build more loan capital for the community. Allowing the early loan pay off will help GFDA score better on its application.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, stated his opposition to granting any loan forgiveness to the GFDA.

Motion carried 4-1 (Commissioner Jolley dissenting).

### **NEW BUSINESS**

**Land Exchange Agreement with Cascade County, as amended. Approved. OF 1488.**

#### **7. LAND EXCHANGE AGREEMENT WITH CASCADE COUNTY.**

Public Works Director Jim Rearden reported that this agreement describes the terms of the transfers of land between Cascade County and the City in order for the City to construct the 3<sup>rd</sup> Avenue NW access to the new Federal Courthouse and West Bank Park.

**Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission approve the Land Exchange Agreement with Cascade County, with the proposed amendment to paragraph 6 set forth hereinafter and, further, to authorize the City Manager to execute this amended agreement and deeds of transfer.**

Commissioner Bronson stated that Paragraph 6 of the Memorandum of

Understanding as it currently stands would be stricken in its entirety, and the following language substituted in its place.

As amended, paragraph 6 will read:

“As further compensation to County for the transfers described in paragraphs 2 and 3 above, City agrees to initiate the process for vacation of 4<sup>th</sup> Street North, from 2<sup>nd</sup> Avenue North to 3<sup>rd</sup> Avenue North, to allow County to reconfigure its downtown campus and increase parking availability for County and State employees. In the event the described property is vacated, the City will remove all parking meters, and County will pay for any planning and reconfiguration, including traffic signals, improvements and maintenance. Nothing in this paragraph shall be construed as a guarantee that the described property will be vacated.”

Commissioner Bronson explained that, in essence, the proposed MOU as originally submitted was asking this body to approve the cart before the horse. The City Commission was being asked to approve a vacation of a public street and guarantee its vacation, without first undergoing the process. That is not what was anticipated by the laws that govern the vacation of public streets.

Commissioner Bronson further explained that he believed this amendment was still in keeping with what the County has proposed. He also believed the County should explain its proposal to Neighborhood Council 7.

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

**Aaron Weissman**, Chair NC 7, thanked Commissioner Bronson and Mayor Stebbins for ensuring NC 7 was aware of this proposal. NC 7 has not taken a position on this proposal yet. Mr. Weissman pointed out that the parking garage is about a block and a half from the County Courthouse. NC 7 requested a traffic and parking study be conducted of the ramifications of closing this street.

**Sue Strickland**, NC 2, respectfully requested that NC 2 be included in discussions with regard to this land swap or street closure because some of the land is within the boundaries of NC 2. Ms. Strickland requested and received verification that the considered land swap does not include any part of West Bank Park. Ms. Strickland commented that safety issues should be considered regarding the removal of traffic signals. Commissioner Bronson responded that the Montana Department of Transportation would retain jurisdiction over that particular issue and will have the final decision for approval or changing of lighting.

**Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, commented that the West Bank development is important for the City and County because it is the opportunity to clean up a superfund site that was originally created by the



County shop. Mr. Lewin suggested that the language be clear in the land swap documents who will be responsible for the clean up. Mr. Lewin also suggested that the new road to the Federal Courthouse be moved further south. He faulted the City Commission for not properly prioritizing the development of West Bank.

**Brett Doney**, Great Falls Development Authority, commented on the progress that has been made at West Bank Park. This project is coming together to fulfill the vision of West Bank Park. In response to previous comments, Mr. Doney clarified that GFDA is trying to find a site for Montana Specialty Mills; the County is not making any money from the lease back to Montana Specialty Mills; and, the County is ahead of schedule on the clean up that is regulated by DEQ.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, stated his opposition to closing any streets in the downtown area. Mr. Gessaman encouraged the use of existing facilities. He suggested the City negotiate an agreement with the County for its employees to park in the 1<sup>st</sup> Avenue North and South parking garages.

Motion carried 5-0.

**Right-of-Way Agreement  
for 3<sup>rd</sup> Avenue NW.  
Approved. OF 1488.**

**8. RIGHT-OF-WAY AGREEMENT FOR 3<sup>RD</sup> AVENUE  
NORTHWEST.**

Public Works Director Jim Rearden reported that this agreement begins the process for the City to acquire additional land needed for construction of the 3<sup>rd</sup> Avenue NW roadway. This agreement will allow the City's contractor access to the site to begin construction of the roadway to serve the West Bank area. For the project to proceed, the City must acquire the right-of-way. The agreement includes purchase of property for the new avenue, vacation of two segments of unused City right-of-way, as well as additional clarification of allowable uses of tax increment funds from Staybridge Suites. In response to Mr. Lewin, Mr. Rearden clarified that the County will retain the portion of the roadway with contaminated soil.

**Commissioner Jolley moved, seconded by Commissioner Beechers and Rosenbaum, that the City Commission approve the Right-of-Way Agreement for 3<sup>rd</sup> Avenue Northwest with Talcott Properties, and authorize the City Manager to execute the agreement.**

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

Commissioner Rosenbaum pointed out that Talcott is a player in this project as well.

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

**Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, stated his opposition for the reasons he provided in Item 7. Mr. Lewin discussed TIF funds for public benefit. He asked the Commission to consider use of TIF funds for clean up under the roadway if the County doesn't fully clean up the site.

Motion carried 5-0.

**American Recovery and Reinvestment Act CTEP projects. Approved.**

**(ARRA Project Agreement subsequently not executed. See Item 27, September 1, 2009, Minutes.)**

**9. AMERICAN RECOVERY AND REINVESTMENT ACT (ARRA) CTEP PROJECTS.**

Interim Planning Director Bill Walters reported that the City of Great Falls has secured \$1,000,000 in American Recovery and Reinvestment Act funds for local enhancement projects. A local priority project by the Montana Department of Transportation is the "Sun River Connector Trail," a key component in the Great Falls pedestrian/bicycle network, which will safely connect the Fox Farm and Southwest neighborhoods with 10<sup>th</sup> Avenue South via the Warden Bridge. The cost of the connector project is estimated at \$804,000 to be 100% funded through the Act.

Staff is recommending the remaining \$196,000 ARRA funds be spent on landscaping the new 3<sup>rd</sup> Avenue Northwest, between 3<sup>rd</sup> Street Northwest and West Bank Park. As programming of the ARRA funds for specific projects needs to proceed quickly, a timely response has been requested from the City.

**Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Sun River Connector Trail and 3<sup>rd</sup> Avenue NW Landscaping projects for funding with Transportation Enhancement funds available through the American Recovery and Reinvestment Act of 2009.**

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.

**Sue Strickland**, NC 2, commented that Bob Mehlhoff informed her that the legislature has also authorized funding for the connector trail. Mr. Walters confirmed that Representative Mehlhoff and Senator Schmidt were instrumental in obtaining these funds. It was one in the same.

**John Juris**, 220 Woodland Estates, expressed appreciation for the City's efforts to make the Sun River Connector Trail come to fruition. It is an important connection as it currently is a safety hazard. He encouraged the City Commission's support of accepting the funds.

Motion carried 5-0.

**ORDINANCES/RESOLUTIONS**

**Res. 9820 adopted, and Ord. 3033 accepted on first reading and set public hearing for May 5, 2009.**

**10A. RESOLUTION 9820, INTENT TO ANNEX BNSF RAILROAD RIGHT-OF-WAY AND SERVICE DISTRICT NO. 2 OF UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT.**

**10B. ORDINANCE 3033, ESTABLISHES CITY ZONING TO PROPERTY.**

Interim Planning Director Bill Walters reported that, with the recent completion of some necessary surveys and property descriptions, annexation of Service District No. 2 of the Upper Lower River Road Water & Sewer District is underway. Service District No. 2 consists of a 6,900 foot segment of the BNSF right-of-way, segments of Lower and Upper River Roads, and 81 parcels involving 54 property owners.

At the conclusion of a public hearing held March 10, 2009, the Planning Board passed a motion recommending the City Commission annex Service District No. 2 and the Zoning Commission passed a motion recommending the City Commission assign City zoning to Service District No. 2 as provided in Ordinance 3033.

Mr. Walters requested that the Commission adopt Resolution 9820, which is an expression of intent to annex the involved BNSF right-of-way, and to accept Ordinance 3033 on first reading and set a public hearing for May 5, 2009, when a final resolution to annex the BNSF right-of-way and a second resolution to annex the balance of Service District No. 2 will be considered.

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9820.**

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

Motion carried 5-0.

**Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission accept Ordinance 3033 on first reading, and set a public hearing for May 5, 2009.**

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

Motion carried 5-0.

Consent Agenda Items 11-20, 22-23 were approved. Consent Agenda Item 21 was pulled and tabled for further review.

### CONSENT AGENDA

11. Minutes, March 17, 2009, Commission meeting.
12. Total expenditures of \$2,109,853 for the period of March 12-April 1, 2009, to include claims over \$5,000, in the amount of \$1,889,840.
13. Contracts list.
14. Lien Release list.
15. Set public hearing for April 21, 2009, on Resolution 9827, Swimming Pool fees.
16. Approve professional service agreement with Thomas, Dean & Hoskins, Inc. in the amount of \$68,349 for the design of 10<sup>th</sup> Avenue South Water Mains Replacement. **OF 1447.**
17. Award construction contract to United Materials of Great Falls of Great Falls, Inc. in the amount of \$306,644.50 for the 3<sup>rd</sup> Avenue Northwest Roadway Improvements-Phase 2. **OF 1488.**
18. Award construction contract to United Materials of Great Falls, Inc. in the amount of \$736,695 for the 1<sup>st</sup> Avenue North and 5<sup>th</sup> Avenue South Water Main Replacements. **OF 1570.**
19. Award construction contract to Planned and Engineered Construction, Inc. in the amount of \$185,940 for the Sanitary Sewer Trenchless Rehabilitation, Phase 13. **OF 1566.**
20. Award construction contract to Dick Anderson Construction, Inc. in the amount of \$36,235 for the 10<sup>th</sup> Street Bridge North Railing Improvements. **OF 979.5.**
21. Award bid for one new 2009 Asphalt Distributor to Tri-State Truck & Equipment of Great Falls in the amount of \$125,748.
22. Approve Addendum Agreements for Eagle's Crossing Addition, Phases II & III.
23. Review Memorandum of Understanding with Cascade County and set public hearing on the Justice Assistance Grant recommendation for May 5, 2009.

City Manager Doyon requested that the Commission pull and table Item 21 for further review.

**Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission approve the Consent Agenda as presented, with the elimination of Item 21 for further review of the overlay and chip seal policies.**

Commissioner Jolley requested that Item 20 be pulled for discussion. Commissioner Rosenbaum accepted Commissioner Jolley's amendment, and Commissioner Bronson concurred.

Commissioner Jolley explained that Item 20 was the result of a successful grant application obtained by Preservation Cascade through Fish, Wildlife and Parks.

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

**Kathy Gessaman**, 1006 36<sup>th</sup> Avenue NE, inquired why the wire transfer to SME on Item 12 was an even amount. Fiscal Services Director Coleen Balzarini answered that the payment process was changed. There will be two payments per month to SME, with the first payment always being \$650,000.

Commissioner Jolley asked how the deposit would be noted. Ms. Balzarini answered that it is reflected as cash held by others on the balance sheet. Commissioner Jolley asked how she would know how much was sent each month for the cash deposit. Ms. Balzarini responded that could be added.

Commissioner Jolley inquired if the travel expenses in the amount of \$5,900 were for the City Manager to travel to Washington, D.C. Assistant City Manager Cheryl Patton explained that the BASE trust account covered the travel expenses of three individuals for that trip.

Commissioner Jolley inquired if the payment from the Central Garage fund to the HSCC for three animal trucks would be credited to the Police Department fund. City Manager Doyon explained that, due to the expiration of a lease agreement, he authorized the use of those funds to purchase the cages and trucks to continue operation of animal control. Ms. Balzarini clarified that each year \$250,000 from the general fund goes to central garage fund to make purchases for those entities that operate out of the general fund. The Animal Shelter is out of those entities.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, stated his opposition to the extension of time for development activities in Item 22.

With the exception of Item 21, the Consent Agenda was approved.

Motion carried 5-0.

## **BOARDS & COMMISSIONS**

**Todd Humble appointed to the Design Review Board.**

### **24. APPOINTMENT, DESIGN REVIEW BOARD.**

**Commissioner Rosenbaum moved, seconded by Commissioner Jolley, that the City Commission appoint Todd Humble to the Design Review Board for a three-year term through March 31, 2012.**

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

Rosenbaum commented that the Commission was blessed with many qualified applicants. He thanked those that applied.

Mayor Stebbins asked if there were inquiries from the public. No one responded.

Motion carried 5-0.

**25. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**CITY MANAGER**

**26. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Gregory T. Doyon reported that Jim Rearden had an announcement. Public Works Director Jim Rearden invited everyone to attend the third annual E-rase your E-waste event combined with the annual Earth Day celebration to be held at MSU-COT on April 25, 2009. Mr. Rearden also thanked the sponsors that helped keep the fees for disposal fairly low. In the last two years this event has helped divert twenty tons of e-waste from the City's landfill.

**PETITIONS AND COMMUNICATIONS**

**27. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

**Federal building, taxes and Pine Beetles.**

**27A. John Hubbard**, 615 7<sup>th</sup> Avenue South, believes the new Federal building should be a museum. He stated his opposition to any new taxes. Mr. Hubbard discussed the Pine tree in his yard and asked if the City was going to do anything about the Pine Beetles.

**ECP.**

**27B. Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, discussed Tim Gregori's presentation at the ECP Board meeting. He believes the City is in an interesting position regarding energy development. Mr. Lewin stated he wasn't against the ECP Board, just some members on the Board. He doesn't believe the City should give up public power that works.

**Water meters.**

**27C. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, inquired if the City was revamping water meter wiring and monitoring devices. Public Works Director Jim Rearden answered that the City has been in the process of converting the old meters. The process is part of a seven year program that has been accelerated recently because the meters are becoming quickly obsolete. Mr. Gessaman inquired how it was being funded. Mr. Rearden responded that it was part of the water rate process.

**Weed & Seed program.**

**27D. Jim Kjeldsen**, 1502 2<sup>nd</sup> West Hill Drive, introduced himself as the new Weed & Seed Director for the City of Great Falls.

**Great Falls' Economy.**

**27E. Brett Doney**, Great Falls Development Authority, residing at 3048 Delmar Drive, reported that the City of Great Falls was named the 11<sup>th</sup> best housing market in the United States, and the 23<sup>rd</sup> best place to open a restaurant. Mr. Doney updated the Commission with regard to construction projects. He also discussed six new prospects that he has been in contact with in the past few weeks. He reported on his trip to Kansas for the American Wind Energy Association transmission meeting that great progress was being made to develop a plan to move wind power out to the markets that want it.

**CITY COMMISSION****28. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins extended personal invitations to the Mayor's Prayer Breakfast on April 15, 2009, and the Fur Ball fund raising event on April 18, both to be held at the Heritage Inn.

**ADJOURNMENT****Adjourn.**

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the regular meeting of April 7, 2009, be adjourned at 8:47 p.m.**

Motion carried 5-0.

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Mayor Stebbins

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City Clerk

Minutes Approved: April 21, 2009

Special City Commission Meeting

Mayor Stebbins presiding

**CALL TO ORDER: 3:15 PM**

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

### **NEIGHBORHOOD COUNCILS**

**Stan Meyer, NC 5, sworn in.**

**1. Stan Meyer** was sworn in as a representative of Neighborhood Council District No. 5.

### **OLD BUSINESS**

**Revised Land Exchange Agreement with Cascade County. Approved. OF 1488.**

(Note: The original Land Exchange Agreement with Cascade County brought before and approved by the City Commission on April 7, 2009 (Agenda Item 7), as amended by Commissioner Bronson, was subsequently denied by Cascade County.)

#### **2. REVISED LAND EXCHANGE AGREEMENT WITH CASCADE COUNTY.**

City Manager Gregory T. Doyon reported that this revised agreement describes the terms of the transfers of land between Cascade County and the City that was previously presented to the City Commission and ultimately rejected by the Cascade County Commissioners. The parties have since gone back to an earlier version that was offered by the County Commissioners. Mr. Doyon set forth the differences between the original and revised agreements.

Mr. Doyon reported that the parties have been meeting weekly for months. The City has discussed land values with its appraiser. The County was not the only party in this discussion process that was concerned about values. Based on feedback from the County and all things considered, including the timeframe to meet the obligation to the new Federal Courthouse, Mr. Doyon recommended the City Commission approve the revised agreement.

Commissioner Bronson asked a series of questions regarding paragraph 2, the issue of the road closure and the applicable statute and process, including whether it was in the public's interest. He also asked a series of questions and expressed his concerns about the \$13 per square foot land value in the agreement.

In response to Commissioner Bronson, City Attorney David Gliko discussed an Attorney General's Opinion, state statutes and closure versus vacation of streets. He reported that governments with self-governing powers, such as the City of Great Falls, can exercise authority under all statutes related to local government. Commissioner Bronson and Mr. Gliko agreed that, in this instance, closure of a road includes the process set forth in § 7-14-4114, MCA.



With regard to the land values, Commissioner Rosenbaum added that Phil Rowen performed an appraisal for the City. The County had access to that information. Mr. Rowen does not agree that the value is \$13 per square foot. Mr. Doyon explained that the values were negotiated based on all the contiguous project property as a whole. Commissioner Rosenbaum concurred that the parties were looking at the development costs and the whole package rather than an individual piece of property. In essence, the contribution it makes to the project is equal to the contribution of the other parcels. Commissioner Jolley commented that it was supply and demand. She understands the significance of the appraisal, but added if nothing else was going on in that part of the City, then that land would be worth less. It is a different story today.

Mr. Doyon explained that the parties have attempted to negotiate something that was reasonable. The City is facing a timeframe to complete the road, and the County will not let the City negotiate an easement for construction access without having a signed agreement.

Commissioner Bronson expressed concerns that if there were issues down the road regarding closure of the street, this body may feel pressure to pursue the closure process, rather than paying the money.

Commissioner Rosenbaum commented that he would like to see the County's plan and design to determine how it may impact the City.

The parties discussed TIF monies that would be used if the City had to compensate the County. Commissioner Bronson pointed out that money that could have gone to park improvements would not be available if the City had to go to the option of paying the County. Mr. Doyon responded that the City can move forward with the Park Master Plan. In time, money will become available for park improvements as that area grows.

Commissioner Beecher added that, at this point, the City's immediate need is this land to make the project move forward. If the project didn't move forward, the City wouldn't have monies from TIF for other projects. It can be recovered down the road.

**Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission approve the Revised Land Exchange Agreement with Cascade County, and authorize the City Manager to execute the agreement and deeds of transfer.**

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

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

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, stated his opposition and considers the entire project to be poorly thought out. He believes the City will feel

pressure to close the road rather than compensating the County.

**Erin Tropila**, NC 7, residing at 811 5<sup>th</sup> Avenue North. Ms. Tropila stated her opposition to closure of the street. She realizes the amount of work involved and the position the City is in, but doesn't believe closure is in the public's interest. She believes there will be grave consequences to the downtown area. Ms. Tropila encouraged the Commission to take road closure off the table and come up with the money to compensate the County.

Motion carried 4-1 (Commissioner Bronson dissenting).

### **ADJOURNMENT**

#### **Adjourn.**

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Jolley, that the special meeting of April 15, 2009, be adjourned at 3:52 p.m.**

Motion carried 5-0.

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Mayor Stebbins

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City Clerk

Minutes Approved: April 21, 2009



**ITEM:** \$5,000 Report  
 Invoices and Claims in Excess of \$5,000  
  
**PRESENTED BY:** Fiscal Services Director  
  
**ACTION REQUESTED:** Approval with Consent Agenda

**ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:**

MASTER ACCOUNT CHECK RUN FOR APRIL 2 TO APRIL 8, 2009	340,975.45
MASTER ACCOUNT CHECK RUN FOR APRIL 9 TO APRIL 15, 2009	293,044.35
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MAR 28 TO MAR 31, 2009	74,744.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR APRIL 1 TO APRIL 10, 2009	1,488.00
WIRE TRANSFERS FROM APRIL 1 TO APRIL 8, 2009	317,925.35
WIRE TRANSFERS FROM APRIL 9 TO APRIL 15, 2009	858,676.54
<b>TOTAL: \$</b>	<b>1,886,853.69</b>

**SPECIAL REVENUE FUND**

**PLANNING**

CAMP DRESSER & MCKEE INC	2009 TRANSPORTATION PLAN - UPDATE COST ESTIMATES	13,129.28
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**POLICE SPECIAL REVENUE**

PROFESSIONAL PRIDE INC	DISPATCH SIMULATOR	5,995.00
PICKWICK'S OFFICE WORKS INC	TECH GRANT TRAINING FACILITIES EQUIP	39,090.00
SOUND PRO	TECH GRANT DVR SERVERS/CAMERAS PROJECTORS & INSTALLATION AT POLICE & FIRE DEPTS	21,634.00

**AG TECH PARK**

GREAT FALLS DEVELOPMENT AUTH	DEVELOPMENT COSTS FOR AG TECH DIST PMT #4	6,500.00
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**CAPITAL PROJECTS**

**GENERAL CAPITAL**

A T KLEMENS & SONS	FIRE STATION 1 HVAC SYSTEM REPAIR	25,560.00
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**STREET LIGHTING CONSTRUCTION**

A T KLEMENS	PMT #1 BOOTLEGGER ADDITION PHASE 1 STREET LIGHTING	6,537.27
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**ENTERPRISE FUNDS**

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**WATER**

DICK ANDERSON CONSTRUCTION	PMT 4 OF 1332.6 WTP HEADHOUSE FLOOR REPLACEMENT	150,916.15
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**ELECTRIC**

SOUTHERN	PMT OF ENERGY SUPPLY EXPENSE JAN 09	(43,752.41)
	CASH ON DEPOSIT JAN 09	67,301.16
SOUTHERN	PMT OF ENERGY SUPPLY EXPENSE FEB 09	42,841.14
	CASH ON DEPOSIT FEB 09	59,635.90
SOUTHERN	PMT OF ENERGY SUPPLY EXPENSE MAR 09	650,000.00

**CIVIC CENTER EVENTS**

K & J CONVENTION SERVICES LLC	MADE IN MONTANA SET UP	9,086.50
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**INTERNAL SERVICES FUND**

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**HEALTH & BENEFITS**

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS MAR 24 - 30, 2009	78,034.85
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS APRIL 1 - 6, 2009	119,826.30
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS APRIL 7 -15, 2009	168,206.96
BLUE CROSS/BLUE SHIELD	ADMINISTRATION/REINSURANCE APRIL 2009	42,923.88

**INSURANCE & SAFETY**

MONTANA MUNICIPAL INS AUTH	MARCH 2009 GEN LIAB DEDUCTIBLE RECOVERIES	15,733.96
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**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	56,587.50
CASCADE COUNTY TREASURER	FINES & FORFEITURES COLLECTIONS	12,084.50
VICTIM WITNESS ASSISTANCE SERV	FINES & FORFEITURES SURCHARGES	4,647.00

**UTILITY BILLS**

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ENERGY WEST	MARCH 2009 PAYMENT	61,482.32
MONTANA WASTE SYSTEMS	MARCH 2009 PAYMENT	55,228.00

**CLAIMS OVER \$5000 TOTAL:**\$ 1,669,229.26

CITY OF GREAT FALLS, MONTANA

AGENDA: 13

COMMUNICATION TO THE CITY COMMISSION

DATE: April 21, 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**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Public Works/ Engineering	Andre Excavation and Sewer Service	04/2009- 05/2009	511-3165-535- 9319 Sanitary Sewer Fund – Project 330800	\$12,600	Construction contract for Sanitary Sewer Main Spot Repairs: Sanitary Sewer Trenchless Rehabilitation, Phase 13 <b>(OF 1566)</b>



**Item:** Resolution 9829, Civic Center Room Rates  
**From:** Mansfield Center for the Performing Arts  
**Prepared By:** Dona Hughes, Events Supervisor  
**Presented By:** Marty Basta, Park & Recreation Director  
**Action Requested:** Set Public Hearing for Resolution 9829

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission set a public hearing for May 5, 2009, to consider adoption of Resolution 9829.”

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

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**Staff Recommendation:**

Staff recommends the City Commission set a public hearing for May 5, 2009, to consider adoption of Resolution 9829, Mansfield Center Fees.

**Proposed Fees:**

<b>Mansfield Convention Center</b>	<b><u>Current Fees</u></b>	<b><u>Proposed Fees</u></b>
Attendance over 500	\$1,675	\$1,820
Attendance 500 and under	\$1,475	\$1,600
Non-alcohol event	\$1,175	\$1,275
Set-up or tear-down day*	\$75/hr minimum \$150 Maximum \$587.50	\$75/hr minimum \$150 Maximum \$650
Merchandising fee	20% of gross	20% of gross
<b>Box Office Services (Convention Center)</b>		
Use of Mansfield Box Office	Optional	Required for all events on sale to general public
Minimum	\$300	\$300
Cap	none	\$2,300

\*Set-up/tear-down day: maximum of 10 hrs that must be consecutive and between 7am and 10 pm.

<b>Missouri Room</b>	<b><u>Current Fees</u></b>	<b><u>Proposed Fees</u></b>
Event day	\$375	\$425
Set-up/tear-down day	\$187.50	\$212.50
<b>Rainbow or Ryan Room</b>	<b><u>Current Fees</u></b>	<b><u>Proposed Fees</u></b>
Week day	\$33	\$55
Weekend day	\$150	no change
<b>Gibson Room</b>	<b><u>Current Fees</u></b>	<b><u>Proposed Fees</u></b>
Event day	\$137.50	\$150
<b>Commission Chambers</b>	<b><u>Current Fees</u></b>	<b><u>Proposed Fees</u></b>
Event day	\$165	\$180
<b>Holiday rates</b>	\$350 additional charge	no change

**Discount:** A 15% discount may apply to multiple-room or multiple-day rentals. Discount may only be applied to full room rental rates.

**Annual increase:** Implement an annual increase, based on the Consumer Price Index, on all rental and box office service fees, with the exclusion of the \$.50/ticket facility surcharge.

### **Mansfield Theater**

Implement an annual increase on the minimum rent based on the Consumer Price Index.

**Background:** Fees for the Mansfield Convention Center, Missouri Room, Gibson Room and Commission Chamber were last raised in July 2002. Rates for the Rainbow and Ryan Rooms have been in place since July 1997. The rates for the Mansfield Theater were last increased in July 2006 and have an annual increase on the cap for rent and on the rehearsal rates. The annual increase is based on the Consumer Price Index (CPI).

Box Office services are included in the Theater rent. Rates for all other box office services were set at 5% of gross in July of 2006. With input from the ticket buyer, staff recommends the requirement that all events on sale to the general public are required to use the Mansfield Box Office. The objective is to provide convenient service to the patron expecting to have the ability to purchase at the Mansfield Box Office as well as secure our community member's ticket purchase should the event cancel.

**Concurrence:** The Mansfield Center for the Performing Arts Advisory Board reviewed the proposed fee increases for the above room rates at the February 20, 2009 meeting and recommended approval by the City Commission. The Board also recommended an annual review of the above fees and to consider an annual increase based on the CPI.

**Fiscal Impact:** With the exception of the Mansfield Theater, the above room rental fees have not kept pace with cost increases in energy, supplies, etc. The above recommendation has taken into consideration current operating deficit as well as what the market will currently bear. Projected additional revenue for FY'10 is a conservative \$6,000.

**Alternatives:** Alternatives would include increased general fund subsidy or a reduction in services and/or facilities.

### **Attachments/Exhibits:**

1. Resolution 9829

**RESOLUTION 9829**  
**A RESOLUTION TO ESTABLISH FEES FOR MANSFIELD CENTER FOR THE**  
**PERFORMING ARTS AT THE CIVIC CENTER**

**BE IT RESOLVED** by the City Commission of the City of Great Falls, Cascade County, Montana; that all past fee structures for Mansfield Convention Center, Missouri Room, Gibson Room, Rainbow Room and Ryan Room as established in Resolution 9168 and Resolution 8863 are hereby amended.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, AS FOLLOWS:**

The fees for the use Civic Center rooms and services to be as follows:

<b>Mansfield Convention Center</b>	<b><u>Current Fees</u></b>	<b><u>Proposed Fees</u></b>
Attendance over 500	\$1,675	\$1,820
Attendance 500 and under	\$1,475	\$1,600
Non-alcohol event	\$1,175	\$1,275
Set-up or tear-down day*	\$75/hr minimum \$150 Maximum \$587.50	\$75/hr minimum \$150 Maximum \$650
Merchandising fee	20% of gross	20% of gross
<b>Box Office Services (Convention Center)</b>		
Use of Mansfield Box Office	Optional	Required for all events contracted by non-residents of Great Falls. <b>Non-residents are prohibited from sub-contracting through residents or other local groups for ticketing services. The City will <del>to</del> have exclusive rights to all electronic ticketing for all events held in the Civic Center regardless of whether the event sponsor is a resident or non-resident.</b>
Fee	5% of gross ticket sales	5% of gross ticket sales
Minimum	\$300	\$300
Cap	none	\$2,300
<b>Missouri Room</b>		
Event day	<b><u>Current Fees</u></b> \$375	<b><u>Proposed Fees</u></b> \$425
Set-up/tear-down day*	\$187.50	\$212.50
<b>Rainbow or Ryan Room</b>		
Week day	<b><u>Current Fees</u></b> \$33	<b><u>Proposed Fees</u></b> \$55
Weekend day	\$150	no change



<b>Gibson Room</b>	<b><u>Current Fees</u></b>	<b><u>Proposed Fees</u></b>
Event day	\$137.50	\$150
<b>Commission Chambers</b>	<b><u>Current Fees</u></b>	<b><u>Proposed Fees</u></b>
Event day	\$165	\$180

\*Set-up/tear-down day: maximum of 10 hrs that must be consecutive and between 7am and 10 pm.

**Holiday rates**                                      \$350 additional charge                      no change

**Discount:** A 15% discount may apply to multiple-room or multiple-day rentals. Discount may only be applied to full room rental rates.

**Annual Increase:** Implement an annual increase, based on the Consumer Price Index, on all rental and box office service fees (including the Theater), with the exception of the \$0.50/ticket facility surcharge.

Passed and adopted by the City Commission of the City of Great Falls, Montana on this 19<sup>th</sup> day of May, 2009.

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Dona R. Stebbins, Mayor

ATTEST

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Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, City Attorney



**Item:** Annual Action Plan Including Use of 2009/2010 CDBG & HOME Funds

**From:** Community Development

**Initiated By:** Chris Imhoff, CDBG/HOME Administrator

**Presented By:** Chris Imhoff, CDBG/HOME Administrator

**Action Requested:** Adoption of the Annual Action Plan and authorization of its submittal to the U. S. Department of Housing and Urban Development.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission adopt the Annual Action Plan including the use of the 2009/2010 Community Development Block Grant funds, the American Recovery and Reinvestment Act CDBG funds, and 2009/2010 HOME Program funds as recommended.”

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

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**Staff Recommendation:** The Community Development Council and staff recommend the City Commission adopt the Annual Action Plan including the use of the 2009/2010 Community Development Block Grant funds, the use of CDBG funds provided by the American Recovery and Reinvestment Act; and the use of the 2009/2010 HOME Investment Partnership Program funds, and authorize submittal to the U. S. Department of Housing and Urban Development.

**Background:** The Consolidated Plan is a comprehensive planning strategy required by the U.S. Department of Housing & Urban Development. The Annual Action Plan portion of the Consolidated Plan includes the proposed use of CDBG and HOME funds for the approaching fiscal year.

Community Development Block Grant and HOME Grant project applications were received in January, 2009. The Community Development Council reviewed the applications and made funding recommendations to the City Commission on March 17, 2009. A 30-day comment period beginning March 20, 2009, through April 19, 2009, was established to receive citizen views on the proposed Annual Action Plan, the proposed use of 2009/2010 CDBG and HOME funds, and program performance and policies. A copy of the proposed Annual Action Plan has

been available for review in the City Community Development Office, the Great Falls Public Library, and on the City of Great Falls web page.

At the end of the 30-day comment period, the City Commission must adopt as recommended, or amend and adopt, the final Annual Action Plan for submittal to the U.S. Department of Housing & Urban Development in order for the City to continue to receive Community Development Block Grant and HOME program funds. HUD must receive the Plan on or before May 15, 2009. The final Annual Action Plan is on file in the City Clerk's office.

**Concurrences:** The Community Development Council reviewed the applications and made funding recommendations to the City Commission on March 17, 2009.

**Fiscal Impact:** The City of Great Falls is expecting to receive \$917,014 of Community Development Block Grant funds, \$248,881 of American Recovery and Reinvestment Act CDBG funds, and \$394,063 of HOME funds from HUD in the coming year.

**Alternatives:** The City Commission may choose to approve the Annual Action Plan as presented or amend the plan.

Attachments/Exhibits: List of Proposed Funding  
Public Hearing Comments

City Commission Public Meeting  
April 7, 2009

A public meeting was held as part of the regular City Commission meeting on April 7, 2009, in the Commission Chambers at the Civic Center. The meeting was held to provide an opportunity for citizens to advise the City Commission on their opinions regarding the proposed Action Plan, the proposed use of CDBG funds, and on the performance of the CDBG and HOME grant programs in administration, distribution and implementation of federal funds.

The following listing is a summary of the comments which were expressed in support of the proposed disposition of funds.

**Brett Doney, Great Falls Development Authority:** Mr. Doney expressed appreciation of the City's support to build up loan capital so the GFDA can address credit needs of businesses and developers in the city. He noted the \$50,000 being recommended for the revolving loan fund will go a long way toward starting that process.

**Aaron Weissman, Neighborhood Council #7:** Mr. Weissman thanked the City Commission for funding purchase of handicap accessible playground equipment for Whittier School.

**Dave Dobbs, City of Great Falls engineer:** Mr. Dobbs thanked the City Commission for supporting two Public Works Department projects. The first project will involve ADA handicap ramps in two areas of the city. The project will bring those areas into compliance with the American with Disabilities Act requirements. He noted an additional benefit is these funds will leverage other money as Public Works is applying for grant funds to do street repairs in the same area where the ramps will be installed. The second project will involve replacing defective sidewalks for 25 to 35 low to moderate income home owners. Both projects have numerous direct benefits, including: 1) allow disabled and elderly citizens to remain in the homes by increasing access to neighborhoods, 2) improve overall pedestrian accessibility and safety, 3) eliminate tripping hazards, reduce injuries and reduce insurance claims, and 4) improve appearance of neighborhoods and give incentives to home owners to make more improvements. Mr. Dobbs noted these projects will be funded with ARRA funds which require shovel ready projects and both these projects qualify as the projects will be out for bid within 30 days of funding award. Another goal of ARRA is to create jobs and these projects will create high paying construction jobs. In closing, Mr. Dobbs related the projects will use Montana materials and will improve the infrastructure of the city for decades to come.

**Heidi Gibson, Center for Mental Health Foundation:** Ms. Gibson spoke in support of the Center West project which is a transitional living project for people with mental illness. She noted Center West accepted its first resident today.

**Sheila Rice, NeighborWorks Great Falls (aka Neighborhood Housing Services, Inc.):** Ms. Rice thanked the City Commission for proposing that 25% of funding be used for affordable housing. She noted that new and improved housing adds to the tax base. Ms. Rice reported that home ownership causes generational changes in families as it can be their first opportunity to build an asset base. An asset base can allow people to educate their children, improve their homes, start a business and have something to leave to their families when they pass on. NWGF in essence has a job training program in that approximately 150 students at each high school work on the high school houses. They have also recently begun having students from the College of Technology involved with constructing houses. Ms. Rice related she wished to speak in support of Habitat for Humanity, Center for Mental Health and Kairos Youth Services as well as NWGF as all provide housing for people who would otherwise be potentially homeless. Ms. Rice noted on page 3 of the Executive Summary of the proposed Action Plan under evaluation of performance of Goal # 6 (provide housing assistance to homeless people and people who are at risk of becoming homeless) she would be happy to provide foreclosure data from NWGF. They have worked with approximately 150 people in the past year and have helped well over half to stay in their homes. This data could be used to show the Department of Housing & Urban Development how valuable their grant funds are and how they are leveraged in Great Falls.

No one spoke in opposition of the proposed disposition of funds.

**2009/2010 USE OF FEDERAL GRANT FUNDS  
COMMUNITY DEVELOPMENT BLOCK GRANT**

***Affordable Housing***

	<u>Requested</u>	<u>CDBG Proposed</u>	<u>ARRA* Proposed</u>
<b>GREAT FALLS CITY COMMUNITY DEVELOPMENT— REHABILITATION SPECIALIST</b>	\$61,845	\$61,845	
Provision of rehab counseling, loan processing, inspections and construction monitoring for all CDBG-funded City revolving loan housing programs for low income people			
<b>NEIGHBORHOOD HOUSING SERVICES, INC.</b>	\$165,000	\$165,000	
Revolving loan fund to provide down payment assistance, new construction, purchase and rehabilitation of houses and other activities addressing neighborhood revitalization activities in their CBDO-designated neighborhoods			

***Economic Development***

<b>GREAT FALLS DEVELOPMENT AUTHORITY</b>	\$50,000	\$50,000	
Expand revolving loan fund to provide gap financing to existing and start-up businesses to create new jobs for persons from low/moderate income households, agency located at 300 Central Avenue			
<b>GREAT FALLS INTERNATIONAL AIRPORT AUTHORITY</b>	\$100,000	\$0	
Upgrade hangar to provide aircraft paint facility at 1922 Airport Court to create job opportunities for persons from low/moderate income families			

***Public Facility Improvements***

<b>BOYS &amp; GIRLS CLUB OF CASCADE COUNTY</b>	\$100,000	\$0	
Replace heating and cooling system with energy efficient system in building located at 600 1 <sup>st</sup> Avenue Southwest which has programs to serve at-risk youth			
<b>CENTER FOR MENTAL HEALTH</b>	\$126,169	\$59,203	\$61,000
Replace roofs in 3 buildings; replace exterior doors, screen doors, windows and heating/cooling units in 12 units (Wing B) of transitional living facility for people with severe mental illnesses located at 626 Central Avenue West Fund doors, windows & HVAC for 12 units Wing B with regular CDBG funds; fund roofs with ARRA funds			

\*ARRA – American Reinvestment & Recovery Act

	<u>Requested</u>	<u>CDBG Proposed</u>	<u>ARRA* Proposed</u>
<p><b>GATEWAY COMMUNITY SERVICES</b> Replace air conditioning unit with energy efficient unit in facility located at 1220 Central Avenue which houses agency that provides comprehensive community-based alcohol and drug abuse treatment services and agency that provides health care services for urban Native Americans</p>	\$22,963	\$21,954	
<p><b>GREAT FALLS BASEBALL FOUNDATION</b> Replace wheelchair lift to provide handicap and elderly accessibility at Centene Stadium in Legion Park located at 1015 25<sup>th</sup> Street North</p>	\$13,450	\$13,450	
<p><b>GREAT FALLS CITY PARK &amp; RECREATION—COMMUNITY RECREATION CENTER</b> Upgrade electrical system panel and wiring at Community Recreation Center located at 801 2<sup>nd</sup> Avenue North</p>	\$101,200	\$101,200	
<p><b>GREAT FALLS CITY PARK &amp; RECREATION—MORONY NATATORIUM</b> Purchase and install handicap accessible entrance doors, replace entrance flooring and replace handicap pool lift at public pool facility located at 111 12<sup>th</sup> Street North</p>	\$15,998	\$15,998	
<p><b>GREAT FALLS CITY PARK &amp; RECREATION—ODDFELLOWS PARK</b> Purchase and install handicap accessible play structure, 2 benches and borders for play area at Oddfellows Park located at 9<sup>th</sup> Avenue South &amp; River Drive South</p>	\$32,300	\$32,300	
<p><b>GREAT FALLS CITY PUBLIC WORKS—HANDICAP RAMPS</b> Install handicap ramps (curb cuts) to provide handicap accessibility on 8<sup>th</sup> Avenue North from 21<sup>st</sup> to 25<sup>th</sup> Street and 7<sup>th</sup> Avenue North from 15<sup>th</sup> Street to 25<sup>th</sup> Street and other areas at request of disabled citizens</p>	\$100,000	\$0	\$100,000
<p><b>GREAT FALLS CITY PUBLIC WORKS—SIDEWALK REPLACEMENT</b> Grant program to provide assistance to low income homeowners to remove and replace hazardous sidewalks in Census Tract 3 (15<sup>th</sup> to 25<sup>th</sup> Street North between 6<sup>th</sup> and 8<sup>th</sup> Avenue North) and other areas at request of low income homeowners</p>	\$75,000	\$0	\$75,000
<p><b>GREAT FALLS SENIOR CITIZENS CENTER</b> Purchase and install handicap accessible entrance door on west side entry of facility located at 1004 Central Avenue which houses programs to serve the elderly</p>	\$7,500	\$7,500	

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	<u>Requested</u>	<u>CDBG Proposed</u>	<u>ARRA* Proposed</u>
<p><b>HABITAT FOR HUMANITY</b> Install sewer and water lines, excavate for foundation and install sidewalks and parking pads at 2525 Castle Pines Way and 1235 8<sup>th</sup> Avenue Northwest; install sidewalk and parking pad at 1429 1<sup>st</sup> Avenue Northwest</p>	\$25,000	\$25,000	
<p><b>KAIROS YOUTH SERVICES</b> Replace windows at Portage Place, a co-ed therapeutic youth home for severely emotionally disturbed adolescents located at 4513 7<sup>th</sup> Avenue North</p>	\$6,000	\$6,000	
<p><b>WHITTIER PTA</b> Purchase and install handicap accessible playground equipment at southeast playground of Whittier Elementary School located at 305 8<sup>th</sup> Street North</p>	\$36,600	\$36,600	
<b><i>Public Service Activities</i></b>			
<p><b>AREA VIII AGENCY ON AGING</b> Purchase food for Meals on Wheels, a citywide home delivery meal program for seniors who are handicapped or unable to prepare meals</p>	\$25,000	\$25,000	
<p><b>BOYS &amp; GIRLS CLUB OF NORTH CENTRAL MONTANA</b> Recreational/educational scholarships for summer program for children from low income families; administered at 2 Weed &amp; Seed Safe Haven locations (Great Falls Housing Authority—1722 Chownen Springs Loop and Westside Unit—600 1<sup>st</sup> Avenue Southwest)</p>	\$34,620	\$31,483	
<p><b>CASA-CAN CHILDREN'S ADVOCATE NETWORK</b> Purchase computer, camera, volunteer training materials and provide speakers and training conference expenses to expand volunteer program located at 415 2<sup>nd</sup> Avenue North which provides advocates for abused and neglected children in the legal system</p>	\$5,938	\$4,438	
<p><b>FAMILY CONNECTIONS</b> Provide child care scholarships for low income families; program administered through agency located at 600 Central Plaza</p>	\$28,125	\$20,625	

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	<u>Requested</u>	<u>CDBG Proposed</u>	<u>ARRA* Proposed</u>
<b>GREAT FALLS CITY PARK &amp; RECREATION— COMMUNITY RECREATION CENTER</b>	\$7,900	\$6,038	
Provide scholarships for low income children for after school child care program, summer camp programs and lifeguard certification; programs offered at community center located at 801 2 <sup>nd</sup> Avenue North and Morony Natatorium located at 111 12 <sup>th</sup> Street North Fund lifeguard scholarships @ \$1,000, balance toward other scholarships			
<b>HANDS, INC.</b>	\$25,000	\$25,000	
Provide child care scholarships for children from low income families; program offered at all Great Falls elementary schools			
<b>QUALITY LIFE CONCEPTS</b>	\$15,772	\$7,966	
Purchase and install ceiling track system and elevated bath tub at group home for people with developmental disabilities located at 144 Treasure State Drive Fund track system & asbestos inspection			
<b>YOUNG PARENTS EDUCATION CENTER</b>	\$17,000	\$17,000	
Provide day care scholarships and emergency housing scholarships for low income teen or young adult parents completing high school or GED programs; programs located at alternative high school at 2400 Central Avenue			
<b><i>Administration</i></b>			
<b>CDBG PROGRAM ADMINISTRATION</b>	\$183,414	\$183,414	\$12,881
General oversight, promotion, financial accountability, monitoring, reporting, and coordination of the CDBG program including activities to further fair housing and the Continuum of Care for Homelessness			
<b>TOTAL CDBG FUNDING REQUESTED</b>	<b>\$1,198,380</b>		
<b>TOTAL CDBG FUNDING RECOMMENDATION</b>		<b>\$917,014</b>	
<b>TOTAL ANTICIPATED CDBG GRANT</b>		<b>\$917,014</b>	
<b>TOTAL AVAILABLE CDBG GRANT FUNDS</b>		<b>\$917,014</b>	
<b>TOTAL CDBG ARRA FUNDING RECOMMENDATION</b>			<b>\$248,881</b>
<b>TOTAL AVAILABLE CDBG ARRA* FUNDS</b>			<b>\$248,881</b>
<b>TOTAL AVAILABLE CDBG &amp; ARRA FUNDS</b>			<b>\$1,165,895</b>

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**2009/2010 USE OF FEDERAL GRANT FUNDS  
HOME INVESTMENT PARTNERSHIP PROGRAM**

	<u>Requested</u>	<u>HOME Proposed</u>
<b>NEIGHBORHOOD HOUSING SERVICES, INC.</b>	\$354,657	\$354,657
Owners in Partnership XVII—construct and rehabilitate single family houses and provide down payment and closing cost assistance for low income home buyers on citywide basis		
<b>HOME PROGRAM ADMINISTRATION</b>	\$39,400	\$39,400
General oversight, management, promotion, financial accountability, monitoring, and coordination of the HOME program		
<b>TOTAL HOME FUNDING REQUESTED</b>	<b>\$394,057</b>	
<b>TOTAL HOME FUNDING RECOMMENDATION</b>		<b>\$394,057</b>
<b>TOTAL ANTICIPATED HOME GRANT</b>		<b>\$394,057</b>
<b>TOTAL AVAILABLE HOME FUNDS</b>		<b>\$394,057</b>



**Item:** Change Order No. 1 – Water Treatment Plant Headhouse Floor Replacement, O. F. 1332.6

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Approve Change Order No. 1

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**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission approve Change Order No. 1 in the amount of \$5,000.00 for the Water Treatment Plant Headhouse Floor Replacement, O. F. 1332.6, to Dick Anderson Construction, Inc. and authorize the City Manager to execute the agreements."

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

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**Staff Recommendation:** Approve Change Order No. 1.

**Background:**

Significant Impacts

This change order involves adding an epoxy based paint coating on the underside of the new concrete floor in the Water Plant's headhouse floor. This coating was not originally called for in the contract, but over the course of the job it was found that the reinforcing bar in the existing columns and remaining floor is located very close to the outside edges of the concrete and did not meet recommended reinforcing bar clearances. Due to this it is beneficial to place a coating on the exposed concrete to reduce the chance of corrosion in the reinforcing bar.

Citizen Participation

Not applicable

Workload Impacts

Thomas, Dean & Hoskins, Inc. (TDH) completed the project design and is performing construction inspection and contract administration duties. City engineering and water treatment plant staff are assisting with project administration duties.

### Purpose

This is one of a series of projects to construct operational improvements at the Water Plant. During a previous construction project, the concrete floor in the Water Plant's headhouse was found to be in very poor condition. An initial attempt to chip away the deteriorated surface and then install a new concrete surface found that the entire depth of the floor was structurally unsound. The headhouse contains one of the plant's three alum tanks used for water treatment and various electrical equipment needed for plant operations. Under an engineering contract TDH evaluated the floor and determined that total replacement would be the best option. Once replaced, the area would be usable again for storage and resolve future safety and structural problems. Along with the new floor, a secondary containment system was installed. This containment system will protect against any chemical leaks or spills from the four alum tanks located on the upper floor of the headhouse. This containment is a Montana Department of Environmental Quality (DEQ) requirement.

### Project Work Scope

Approximately 1600 square feet of existing 8-inch thick reinforced concrete flooring is being demolished along with the supporting beams, and a new 8-inch floor with support beams is being poured back. All this work is being completed while keeping all Water Plant operations up and running. Due to this fact this work was completed in the winter months because of lower water demands during that time. The secondary containment system involves installing a water proof curb around all three alum chemical tanks in the headhouse and connecting to a drain that feeds to a new overflow tank located outside of the headhouse. The project is currently nearing completion and will be complete before water demand begins to rise at the Water Plant.

### Evaluation and Selection Process

Two bids were received and opened for this project on October 22, 2008. Dick Anderson Construction submitted the low bid of \$544,450 and the City Commission awarded the contract November 4, 2008. This change order will increase the total contract value to \$549,450.00.

### Conclusion

City staff recommends approving Change Order No. 1 to Dick Anderson Construction, Inc. for the amount of \$5,000.00.

### **Concurrences:**

Our consultant on the project, Thomas, Dean & Hoskins, concurs with acceptance of Change Order No. 1.

### **Fiscal Impact:**

The additional funding will come from the Water Capital Funds.

### **Alternatives:**

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

### **Attachments/Exhibits:**

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