



City Commission Agenda

for

February 17, 2009

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

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

NEIGHBORHOOD COUNCILS

1. Swearing In, Greg Hall, Neighborhood Council #7
2. Miscellaneous reports and announcements.

PUBLIC HEARINGS

3. Res. 9804, Establishing Water, Sewer and Storm Drain Utility Service Rates and Fees. Action: Conduct public hearing and adopt or deny Res. 9804. **(Presented by: Jim Rearden)**

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

CONSENT AGENDA *The Consent Agenda is made up of routine day-to-day items that require Commission action. Items may be pulled from the Consent Agenda for separate discussion/vote by any Commissioner.*

4. Minutes, February 3, 2009, Commission meeting.
5. Total Expenditures of \$1,024,921 for the period of January 30-February 11, 2009, to include claims over \$5000, in the amount of \$958,451.
6. Contracts list.
7. Approve Electric Transmission Line Easement on City-owned property to NorthWestern Energy.
8. Award Construction Contract to Shumaker Trucking & Excavating Contractors, Inc. in the amount of \$194,883.50 for the Third Avenue Northwest Roadway Improvements, Phase 1 – Easterly.

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

BOARDS & COMMISSIONS

9. Appointments, City EMS Advisory Board.
10. Miscellaneous reports and announcements.

CITY MANAGER

11. 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)*

12. Miscellaneous reports and announcements.

CITY COMMISSION

13. Miscellaneous reports and announcements.

MOTION TO ADJOURN



Item: Resolution 9804, Establishing Water, Sewer and Storm Drain Utility Service Rates and Fees effective March 1, 2009

From: Martha Capps, Operations Supervisor

Initiated By: Public Works and Fiscal Services

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

Action Requested: Conduct Public Hearing

Public Hearing:

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 the City Commission (adopt/deny) Resolution 9804 Establishing Water, Sewer and Storm Drain Utility Service Rates and Fees effective March 1, 2009.”

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

Staff Recommendation: Staff recommends the City Commission conduct a public hearing and adopt Resolution 9804 to establish water, sewer, and storm drain utility service rates and fees effective March 1, 2009.

Background: Each year, staff reviews and analyzes the financing needs of the water, sewer, and storm drain funds. The review ensures the City has adequate funding necessary to finance the day to day operations, and provide for any capital improvements, emergency main breaks, or replacements. These funds also provide the financing to run the Water and Wastewater Treatment Plants effectively. Adjustments in utility rates are also necessary to provide adequate revenue to finance the capital improvements program, and meet debt service coverage requirements and to maintain appropriate reserves. Staff is recommending 5% increases in each of the water (including fire hydrant) and sanitary sewer rates and fees, and no increase in storm drain rates. With the proposed rates beginning March 1, 2009 the average residential utility bill will increase approximately 4.45% or \$1.82. Staff has determined moderate annual increases to service rates are more effective to necessary revenue needs as opposed to sporadic large increases needed at the time of unforeseen emergencies

These water and sewer rate changes include water and sewer fees. Unlike other rates, fees do not have any impact upon monthly water and sewer bills. They are one time charges, such as; construction, repair or replacement of water services, fire lines, and sewer, water lab services, or repair of business fire lines. The public has been notified of the public hearing and the proposed rate changes through three legal ads in the Great Falls Tribune, and to all customers through inserts sent in the utility bills January 30 and February 5, and in a separate mailing on January 6.

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

Fiscal Impact: Comparisons of current versus proposed charges, rate and fee structures are attached. With the proposed rates beginning March 1, 2009, the average residential utility bill will increase approximately 4.45%, or \$1.82. This is derived from water and sewer utility service rate increases of 5% each and a 0% increase in the storm drain utility service rate.

Alternatives: The City Commission could choose to not adopt Resolution 9804, and utility service rates and fees would remain at the existing rates.

Attachments/Exhibits: A. Current versus proposed service rates and fees
B. Resolution 9804 w/ Appendix A & B

RESOLUTION 9804
ESTABLISHING WATER, SEWER, AND STORM DRAIN RATES AND FEES

A RESOLUTION TO ESTABLISH WATER, SEWER, AND STORM DRAIN RATES AND FEES IN ACCORDANCE WITH 13.02.040 OCCGF, EFFECTIVE MARCH 1, 2009

WHEREAS:

The City Commission of the City of Great Falls, met and conducted the hearing in the regular session on Tuesday, February 17, 2009 at the Civic Center, Great Falls, Montana, at 7:00 p.m. and did consider the cost of operation, equipment, facilities, debt service, and capital improvements for the Water, Sewer, and Storm Drain systems;

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

NOW, THEREFORE:

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

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

Passed by the Commission of the City of Great Falls, Montana, on this 17th day of February, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

CITY OF GREAT FALLS, MONTANA
Resolution 9804 Appendix A

Effective March 1, 2009

Combined Water & Sewer	Quantity Charges CCF / Mo.		Monthly Service Charges											
			Not Meter Based	Meter Based - Service Line Size (inches)									see 6" if "na"	
	1st 300	Over 300		(3/4") 0.75	1	1.25	1.50	2	3	4	6	8	10	12
RESIDENTIAL														
WATER														
2009 Regular Residential	0.89	1.49		4.58	4.88	8.85	8.85	11.20	29.87	43.24	87.14	131.16	185.48	273.70
2009 Low Income Residential (90 % of Regular Residential)	0.80	1.34		4.12	4.39	7.97	7.97	10.08	26.88	38.91	78.42	118.04	166.93	246.33
Fire Hydrant														
2009 Monthly				1.63	1.87	5.18	5.18	7.17	22.70	33.90	70.52			
2009 Annual				19.51	22.40	62.15	62.15	85.99	272.43	406.84	846.21			
SEWER														
2009 Regular Residential	1.22	2.02	5.66											
2009 Low Income Residential (90 % of Regular Residential)	1.09	1.81	5.10											
COMMERCIAL														
WATER														
2009 Regular Commercial	1.11	1.11		4.58	4.88	8.85	8.85	11.20	29.87	43.24	87.14	131.16	185.48	273.70
2009 Black Eagle	1.14	1.14								2 - 8" meters @	131.16			
2009 Malmstrom AFB	1.26	1.26						1 - 4" plus 1 - 10" meter	43.24	plus	185.48			
2009 Raw Water	0.19	0.19												
Fire Hydrant														
2009 Monthly				1.63	1.87	5.18	5.18	7.17	22.70	33.90	70.52			
2009 Annual				19.51	22.40	62.15	62.15	85.99	272.43	406.84	846.21			
Fire Lines														
2009 Monthly				na	na	na	na	1.75	2.65	4.09	7.29	9.88	25.41	
2009 Annual				na	na	na	na	20.96	31.80	49.14	87.44	118.51	304.95	
SEWER														
2009 Regular Commercial	1.73	1.73	5.66											
2009 Black Eagle	1.73	1.73	5.66											
2009 Malmstrom AFB	1.50	1.50	5.66											
PRE-TREATMENT SEWER CHARGES														
2009 Regular Charges	0.83	0.83	5.66											
2009 BOD > 0 mg/L			0.357	per pound										
2009 TSS > 0 mg/L			0.243	per pound										
SEWER EXTRA STRENGTH CHARGES														
BOD > 200 mg/L														
2009 Regular Commercial inc Malmstrom AFB & Black Eagle			0.357	per pound										
TSS > 250 mg/L														
2009 Regular Commercial inc Malmstrom AFB & Black Eagle			0.243	per pound										
STORM DRAIN 2009														
A Single Family Residential														
Base 1.3198680000														
Per Sq FT 0.0003959604														
Sq Ft Cap 15,000														
B Multiple Residential														
Base 1.3198680000														
Per Sq FT 0.0004949505														
Sq Ft Cap 0.00														
C Commercial														
Base 1.3198680000														
Per Sq FT 0.0006434357														
Sq Ft Cap 0.00														
D Heavy Commercial														
Base 1.3198680000														
Per Sq FT 0.0008909109														
Sq Ft Cap 0.00														
E Unimproved Areas														
Base 1.3198680000														
Per Sq FT 0.0000989901														
Sq Ft Cap 10,000														

CITY OF GREAT FALLS, MONTANA
Resolution 9804 Appendix B

Effective March 1, 2009

		Water Service Line Size (inches)																					
		(3/4")	0.75	1.00	1.25	1.50	2.00	3.00	4.00	6.00	8.00	10.00	12.00										
CONNECTION FEES																							
WATER																							
	2009	\$	319	\$	354	\$	-	\$	431	\$	466	\$	703	\$	903	\$	1,399	\$	2,338	\$	-	\$	4,688

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

SEWER

Single Family Residential

2009 | \$ 175 |

Commercial & Multi Family Units

2009 | \$ 175 | \$ 327 | \$ - | \$ 643 | \$ 1,350 | \$ 2,572 | \$ 4,636 | \$ 6,700 | \$ 10,277 | \$ 14,212 | \$ 19,771

Fees, IN ADDITION TO the Inspection Fee, are for connection of service line to sewer line, which does not include installation. There is no fee for STORM SEWER connection.

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

TAPPING FEES (Water)

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

1 to 5 taps Fee per Tap: 2009 | \$ 342 | \$ 360 | \$ - | \$ 543 | \$ 685 |

6 or more taps Fee per Tap: 2009 | \$ 307 | \$ 337 | \$ - | \$ 543 | \$ 685 |

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

INSPECTION FEES

Fees for inspection and approval of all water service work and all sewer connections under Title 13 OCCGF.

WATER

Flat fee of:

2009 \$ 100 PLUS costs for test taps, testing equipment, overtime, and chemicals.

SEWER

Flat fee of:

2009 \$ 100

RIGHT OF WAY PERMIT

(Water & Sewer)

Flat fee of:

2009 \$ 35

Fee for the Permit to be issued for any excavation in a dedicated right-of-way. (Formerly the Street Opening Permit.)

FIRE LINES

NEW

Flat fee of:

2009 \$ 100

REPAIR

Flat fee of:

2009 \$ 100

LICENCES -- DRAINLAYER

(Sewer)

Flat fee of:

2009 \$ 60

Fee for License to excavate, construct, or connect and sewer, drain or cesspool.

TURN ON/OFF

Flat fee of:

2009 \$ 35 After Hours 2009 \$ 60

WATER TREATMENT PLANT (WTP)

Laboratory Fees

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

WASTEWATER TREATMENT PLANT (WWTP)

Industrial Discharge Permit Application Fees

(Based upon Wastewater Discharge Quantity)

Gallons per Day (GPD)

	0 to 10,000	10,001 to 25,000	25,001 to 100,000	Over 100,000	+PLUS	per 100,000 GPD, or portion thereof
2009 \$	92 \$	147 \$	189 \$	189 \$	56	

Hauled Waste Disposal Fees

0 to 100 Gallons

2009 No Charge Disposal of wastes from holding tanks of privately owned recreational vehicles must be discharged directly from the recreational vehicle and must not exceed 100 gallons

Over 100 Gallons

2009 \$ 20 per 1,000 gallons, or portion thereof, for hauled waste or all other discharges.

Additional Fees

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

CITY OF GREAT FALLS, MONTANA
2008 Current Fees vs. 2009 Proposed Fees
pg 1 of 2

		Water Service Line Size (inches)											
		(3/4")	1.00	1.25	1.50	2.00	3.00	4.00	6.00	8.00	10.00	12.00	
CONNECTION FEES	WATER	2008	\$ 304	\$ 337	\$ -	\$ 410	\$ 444	\$ 669	\$ 860	\$ 1,333	\$ 2,227	\$ -	\$ 4,464
		2009	\$ 319	\$ 354	\$ -	\$ 431	\$ 466	\$ 703	\$ 903	\$ 1,399	\$ 2,338	\$ -	\$ 4,688

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

SEWER

Single Family Residential

2008	\$ 167
2009	\$ 175

Commercial & Multi Family Units

2008	\$ 167	\$ 312	\$ -	\$ 612	\$ 1,286	\$ 2,450	\$ 4,415	\$ 6,380	\$ 9,788	\$ 13,535	\$ 18,830
2009	\$ 175	\$ 327	\$ -	\$ 643	\$ 1,350	\$ 2,572	\$ 4,636	\$ 6,700	\$ 10,277	\$ 14,212	\$ 19,771

Fees, IN ADDITION TO the Inspection Fee, are for connection of service line to sewer line, which does not include installation. There is no fee for STORM SEWER connection.

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

TAPPING FEES (Water)

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

1 to 5 taps Fee per Tap:

2008	\$ 326	\$ 343	\$ -	\$ 517	\$ 652
2009	\$ 342	\$ 360	\$ -	\$ 543	\$ 685

6 or more taps Fee per Tap:

2008	\$ 292	\$ 320	\$ -	\$ 517	\$ 652
2009	\$ 307	\$ 337	\$ -	\$ 543	\$ 685

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

INSPECTION FEES

Fees for inspection and approval of all water service work and all sewer connections under Title 13 OCCGF.

WATER

Flat fee of :

2008	\$ 100	PLUS costs for test taps, testing equipment, overtime, and chemicals.
2009	\$ 100	PLUS costs for test taps, testing equipment, overtime, and chemicals.

SEWER

Flat fee of :

2008	\$ 100
2009	\$ 100

RIGHT OF WAY PERMIT

(Water & Sewer)

Flat fee of :

2008	\$ 35
2009	\$ 35

Fee for the Permit to be issued for any excavation in a dedicated right-of-way. (Formerly the Street Opening Permit.)

FIRE LINES

NEW

Flat fee of :

2008	\$ 100
2009	\$ 100

REPAIR

Flat fee of :

2008	\$ 100
2009	\$ 100

LICENCES -- DRAINLAYER

(Sewer)

Flat fee of :

2008	\$ 60
2009	\$ 60

Fee for License to excavate, construct, or connect and sewer, drain or cesspool.

TURN ON/OFF

Flat fee of :

After Hours

2008	\$ 35	2008	\$ 60
2009	\$ 35	2009	\$ 60

CITY OF GREAT FALLS, MONTANA
2008 Current Fees vs. 2009 Proposed Fees
pg 2 of 2

WATER TREATMENT PLANT (WTP)

Laboratory Fees		Akalinity		Hardness		pH		Specific Conductance		Total Coliform & E. coli. P/A		Total Coliform & E. coli. MPN		Turbidity		HPC	
	2008	\$	15	\$	21	\$	7	\$	7	\$	21	\$	25	\$	7	\$	28
	2009	\$	19	\$	26	\$	10	\$	10	\$	21	\$	25	\$	10	\$	30

WASTEWATER TREATMENT PLANT (WWTP)

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

Gallons per Day (GPD)		0 to 10,000		10,001 to 25,000		25,001 to 100,000		Over 100,000		+PLUS		per 100,000 GPD, or portion thereof
	2008	\$	87	\$	140	\$	180	\$	180	\$		54
	2009	\$	92	\$	147	\$	189	\$	189	\$		56

Hauled Waste Disposal Fees

0 to 100 Gallons	2008	No Charge	
	2009	No Charge	Disposal of wastes from holding tanks of privately owned recreational vehicles must be discharged directly from the recreational vehicle and must not exceed 100 gallons
Over 100 Gallons	2008	\$	19 per 1,000 gallons, or portion thereof, for hauled waste or all other discharges.
	2009	\$	20 per 1,000 gallons, or portion thereof, for hauled waste or all other discharges.

Additional Fees

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

**PUBLIC NOTICE
PUBLIC HEARING ON RESOLUTION 9804
TO ESTABLISH WATER, SEWER, AND STORM DRAIN UTILITY SERVICE
RATES AND FEES**

The City of Great Falls is proposing to raise water and sewer utility service rates and fees, effective March 1, 2009. The increases are necessary to meet bonded debt coverage, to keep up with inflation, to cover the cost of service, and provide for necessary capital improvements.

Residential customers typically have a 1" meter and use 1250 cubic feet of water per month with a winter average of 573 cubic feet of water per month. A typical residential customer would see rate increases as follows:

- *A water bill increase from \$22.47 to \$23.58 per month**
 - *A sewer bill increase from \$14.12 to 14.83 per month, and**
 - *A storm drain bill will not increase.**
- These monthly bills include base service charges of \$4.88 for water, \$1.87 for fire hydrant, \$5.66 for sewer, and \$1.32 for storm drain**

The metered water rates would increase:

From \$0.85 to \$0.89 per hundred cubic feet for the first 300 cubic feet per month, and from \$1.42 to \$1.49 per hundred cubic feet for all water over 300 cubic feet per month.

The sewer rates would increase:

From \$1.16 to \$1.22 per hundred cubic feet for the first 300 cubic feet per month, and from \$1.92 to \$2.02 per hundred cubic feet for all water over 300 cubic feet per month.

The storm drain rates would not increase.

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

A public hearing will be held on February 17, 2009 at 7:00 p.m. in the Civic Center Commission Chambers, 2 Park Drive. Please mail any comments to City Clerk, City of Great Falls, PO Box 5021, Great Falls, MT 59403

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

Publish Public Notices

1st Notice – Friday, JANUARY 30, 2009

2nd Notice – Friday, FEBRUARY 6, 2009

3rd Notice – Friday, FEBRUARY 13, 2009

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.

NEIGHBORHOOD COUNCILS

NC 4 – Golden Corral Staff awarded Good Neighbor Award.

1. Sandra Guynn, Chair of NC 4, presented Deb Hudson and the Golden Corral staff with Neighborhood Council 4's Good Neighbor Award.
2. There were no miscellaneous reports or announcements from neighborhood council representatives.

PUBLIC HEARINGS

Res. 9807. Adopted.

3. **RESOLUTION 9807, CREATING SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY-OWNED RESIDENTIAL LIGHTING DISTRICT 1305, WATER TOWER PARK ADDITION.**

Fiscal Services Director Coleen Balzarini reported that the developer of the Water Tower Park Addition has requested that the City create a special improvement lighting district for the installation of five 100 watt lights serving 16 properties in the area.

Mayor Stebbins declared the public hearing open. Speaking in opposition to Resolution 9807 were:

Kathy Gessaman, 1006 36th Avenue NE, believes that there were two people that spoke in opposition at the previous meeting who were not noted in the agenda report. Ms. Gessaman opposes this Resolution because it doesn't take into account anything to protect the night sky.

Ron Gessaman, 1006 36th Avenue NE, was concerned that the subdivision was being advertised as having street lighting before being approved by the City Commission. Mr. Gessaman commented that it has been a policy in the Riverview area to have limited street lighting. He also noted that this item will be discussed at Neighborhood Council 3's meeting later this month.

Speaking in favor of Resolution 9807 was **Tim Spencer**, 2720 Rainbow Dam Road, co-developer of the property with Dana Hennan. Mr. Spencer stated that he would like to do whatever makes his potential customers happiest, and thought street lights would be a great benefit to the neighborhood. Mr. Spencer surveyed potential customers and 100% were in favor of street lights for curb appeal and security.

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 adopt Resolution 9807 creating Special Improvement Lighting District – City-Owned Residential Lighting District 1305.

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

Commissioner Bronson stated that he has been a resident of the Riverview area for a number of years. Mr. Gessaman's criticism is not consistent with his understanding of the history in the area regarding lighting. Commissioner Bronson commented that street lighting adds to public safety.

Commissioner Jolley inquired about protest letters. Ms. Balzarini responded that the request to create the lighting district was initiated by the developers. The developers are the current owners the property, so there is no one to protest within the district.

Motion carried 5-0.

Ord. 3029. Adopted.

4. ORDINANCE 3029 TO REZONE PARCEL MARK CC, SECTION 14, T20N, R3E (CITY-OWNED PARCEL ALONG OVERLOOK DRIVE).

Interim Planning Director Bill Walters reported that Ordinance 3029, if adopted, would rezone a vacant 2.67 acre tract of land owned by the City and located along Overlook Drive between the City Water Treatment Plant and the Warden Bridge from PLI Public Lands and Institutional district to M-2 Mixed-Use District to make the property more marketable for development. The City acquired subject parcel from the Great Northern Railroad in 1972. The City Public Works Department has used the property for several years as a site for depositing snow removed from City streets, although that has not been the case this winter season because of its limited accessibility due to the reconstruction of Overlook Drive. The Montana Department of Transportation has also notified the City that snow plowed off of the Warden Bridge falls onto the northerly edge of this property. Zoning of the parcel will not affect the City's or MDT's ability to use the property for depositing snow. Mr. Walters asked the Commissioners to keep

in mind that the potential sale of the parcel will be considered separately at a future date when the issues related to depositing snow can be further addressed.

At a public hearing held December 9, 2008, the City Zoning Commission passed a motion recommending the City Commission rezone the subject property from PLI to M-2.

Mayor Stebbins declared the public hearing open. Speaking in opposition to Ordinance 3029 was **Stuart Lewin**, 615 3rd Avenue North. Mr. Lewin expressed concerns that he doesn't believe the Missouri River Corridor Plan was adequately considered during this process by MDT or City staff. He read portions of the Plan, as well as responses to his letter to the Planning Department.

No one spoke in favor of Ordinance 3029. Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 3029.

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

Commissioner Jolley commented that she voted against setting this public hearing because of the letter from MDT and the City employee that expressed concern about depositing snow. Mr. Walters responded that Commissioner Jolley was referring to an email from Mick Johnson at MDT about plowing snow off of the Warden Bridge causing it to cascade down on the edge of this property. There was also a memorandum from Jim Turnbow, City Street Supervisor, expressing concerns about not being able to use the property to deposit snow. Mr. Walters explained that this hearing is to rezone the property. Those concerns can be addressed if the City sells the property in the future.

Commissioner Bronson questioned the value of the land as open space. The criticisms expressed go primarily to the nature of the transportation construct around the area. Nothing that the Commission decides tonight will change that. Those decisions have been made and the State is proceeding with that plan. Upon discussions of selling the property, the Commission will then have the opportunity to put appropriate deed restrictions on its use and take into consideration any other important matters.

Motion carried 5-0.

OLD BUSINESS

**Contract Rate Rider #2
wholesale power rate
adjustment (blended
rate) offer from
Southern Montana
Electric. Approved.**

**5. CONTRACT RATE RIDER #2: WHOLESAL POWER RATE
ADJUSTMENT; WHOLESAL POWER CONTRACT BETWEEN
SOUTHERN MONTANA ELECTRIC AND THE CITY OF
GREAT FALLS.**

Fiscal Services Director Coleen Balzarini reported that this rate rider is an addendum to the existing Wholesale Power Contract with Southern Montana. It doesn't change the term of the contract in regards to its expiration date. It does change the methodology for which ECP is billed for the energy that its customers consume. On August 21, 2008, the Southern Montana Board approved offering this blended rate to ECP. The ECP Board discussed the blended rate offer at its November, December and January meetings. At the December, 2008, meeting the ECP Board recommended that the City Commission accept the blended rate offer. The blended rate will afford ECP a lower rate for the amount of energy consumed than the amount it is currently paying under the pass through structure. The savings between the difference of the pass through and blended rates will be held on deposit with Southern Montana. Ms. Balzarini highlighted that there are no guarantees that the blended rate going forward will be cheaper than the pass through rate. Past performance has indicated that would have been the case and appears that will continue to be the case, even though Southern Montana has approved an eight percent rate increase for all of its members. The water credit that was part of the payment structure expired December 31, 2008, so that is not a factor in this consideration. If the blended rate is accepted, it will go into effect January 1, 2009.

Mayor Stebbins asked if the Commissioners had any questions for Ms. Balzarini.

Commissioner Jolley requested that this item be postponed until after a work session due to the pending litigation that may be settled soon. She commented that it is hard for the public to comment on what the City Commission is voting on if some commissioners have information from the SME Board meetings that the public doesn't have.

Commissioner Bronson stated that everything that was discussed at the meeting he attended about the blended rate was discussed by Ms. Balzarini in her agenda report, and is the same material that has been discussed with the ECP Board.

Ms. Balzarini added that the Exhibit that was handed out sets forth what was verbally described in section B 1-5 of the agreement.

Commissioner Jolley responded that she has a lot of questions about the agreement. She respectfully requested that this matter be postponed until after a work session.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Wholesale Power Rate Adjustment (the blended energy rate) offer from Southern Montana Electric G&T and authorize the City Manager and ECP Executive Director to execute Contract Rate Rider #2.

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

Commissioner Beecher commented that he does not share the same concerns as Commissioner Jolley. He believes this is a way to get a better rate.

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

Neil Taylor, 3417 4th Avenue South, commented that, as he understands the blended rate, extra monthly money will be paid to SME to match the one year equivalent of what the normal fees would be. Mr. Taylor opined that amount would be approximately \$700,000-\$800,000 per year.

Ms. Balzarini responded that the amount of money paid to Southern Montana will be no greater under the blended rate than it is under the current pass through rate. The cash that is not attributable to the cost incurred under the blended rate will be held on deposit with Southern Montana. The cash comes from the pooled cash of the City's operations as a whole. Electric City Power is an operating fund of the City of Great Falls, just as the general, water, golf course and swim pool funds are. All of that cash is pooled for purposes of investment and handling the cash flow needs which vary amongst all of those funds from any month.

Mr. Taylor commented that ECP is \$1.2 million in the hole. He asked how it could come from a pool that has a negative balance.

Ms. Balzarini responded the same way the golf course funds gets pooled cash for its negative operations.

Mr. Taylor questioned the appropriateness of this Commission considering this matter. He reminded the Commission that it approved the Assignment and Assumption Agreement in October, 2007, that assigned certain responsibilities to ECP. One being to purchase and negotiate the wholesale power that ECP has been purchasing. The City Commission retained the right to set the rates for ECP's customers. He contends those rates were not set properly. Otherwise, ECP wouldn't be in the hole.

Larry Rezendes, 2208 1st Avenue North, commented that the analysis presented is inadequate as a basis for the Commission to make a decision as it contains no statement of assumptions nor sensitivity analysis showing what happens under varying demand conditions to serve as a basis for such a decision. Mr. Rezendes suggested that the Commission not count on the continuing availability of the blended rate supported by WAPA in any event because YVEC is likely to prevail in its lawsuit, as it is clear to him that ECP and the City of Great Falls are not entitled to the blended rate based on the current Wholesale Power Contract between the City and SME. Mr. Rezendes believes the total liability of ECP would grow to \$4.3 million by the end of this fiscal year, not including the \$1.8 million in operating losses generated by ECP from inception through November. Mr. Rezendes concluded that the City is violating Ordinance 2925, and continuing the present path is unacceptable.

Kathy Gessaman, 1006 36th Avenue NE, seconded Commissioner Jolley's idea to table this matter until after an in depth discussion at a work session.

Ron Gessaman, 1006 36th Avenue NE, read a portion of the Assignment and Assumption Agreement dated October 2, 2007. Pursuant to that agreement, Mr. Gessaman does not see how rate rider #2 can say the parties involved are the City and ECP, collectively, as the buyer. The City of Great Falls has nothing to do with the purchase of electricity. The Wholesale Power Contract has been conveyed to ECP. Mr. Gessaman inquired why the City Attorney hasn't informed the City Commissioners that they don't have a say in this; that it is ECP's responsibility to go out and buy power and to handle the amendments to Wholesale Power Contract. Mr. Gessaman also noted that the blended rate is higher than his NorthWestern Energy rate. Mr. Gessaman agreed this matter should be tabled.

Stuart Lewin, 615 3rd Avenue North, commented that a \$6 million dollar loss is huge for the City. Mr. Lewin stated that he hasn't seen any numbers that prove the blended rate is better than ECP keeping its current contracts. The blended rate proposal from the same entity ECP is losing money to makes him suspect. The money wasted from the general fund is because of a bad idea, and the pilot program customers getting the benefit of rates being subsidized by the City. Mr. Lewin doesn't believe the Commission is being responsible.

Motion carried 4-1 (Commissioner Jolley dissenting).

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Res. 9809. Adopted.

6. RESOLUTION 9809, REMODEL TAX BENEFITS, 201 2ND AVENUE SOUTH.

Community Development Director Mike Rattray reported that the owner of the property located at 201 2nd Avenue South has renovated the building on that property at a cost of approximately \$650,000. Approval of the Resolution will allow for the taxes generated from the renovation of the structure to be added to the existing tax base over a five year period in increments of 20% each year.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9809.

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

Motion carried 5-0.

Ord. 3030. Accepted on first reading and set a public hearing for March 3, 2009.

7. ORDINANCE 3030, ASSIGN CITY ZONING TO CASTLE PINES ADDITION, PHASE VII.

Interim Planning Director Bill Walters reported that the City Commission approved the preliminary plat of Castle Pines Addition, Phases VI-VIII, at a meeting held last March. The developer of Castle Pines Addition, Harold Poulsen, has requested approval of the final plat and annexation of the final phase of the preliminary plat. The subdivision consists of 13 single-family residential lots along 28th Avenue South and 16th Street South. Ordinance 3030 assigns a City zoning classification of R-3 Single-Family District to Castle Pines Addition, Phase VII.

Mr. Walters requested the City Commission accept Ordinance 3030 on first reading and set a public hearing for March 3, 2009, to consider the final plat and annexation documents.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 3030 on first reading and set a public hearing for March 3, 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. Approved.

CONSENT AGENDA

8. Minutes, January 20, 2009, Commission meeting.
9. Minutes, January 28, 2009, Special Commission meeting.
10. Total expenditures of \$1,643,409 for the period of January 15-28, 2009, to include claims over \$5,000, in the amount of \$1,469,887.
11. Contracts list.
12. Lien Release list.

13. Set public hearing for March 3, 2009, on Resolution 9813, Conditional Use Permit to allow a Wind Turbine on Lot 2A, Block 1, Vo-Tech Addition (MSU-College of Technology).

Commissioner Jolley moved, seconded by Commissioner Bronson, with the exception of items 10 and 11, that the City Commission approve the Consent Agenda as presented.

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

Motion carried 5-0.

With regard to Item 10, Commissioner Jolley asked if this was the first payment to A. Dashen & Associates for financial advisory services in 2005 and was responded to affirmatively by Ms. Balzarini. Regarding the audit for the ECP fund, Commissioner Jolley asked if this payment would increase the amount owed. Ms. Balzarini answered this payment will reduce the \$356,000 by the \$83,144.56.

With regard to Item 11, which also involves Southern Montana, Commissioner Jolley requested clarification because she doesn't believe it was within the Commission's power or legal under state law to approve a contract longer than 10 years. Commissioner Bronson responded that because the City Commission has self governing authority, the Commission exercised its authority to extend its rights out to enter into longer term contracts that are normally not allowed under state law to general government power cities. City Attorney Dave Gliko agreed and added that an Attorney General's Opinion also supported that. Commissioner Jolley requested that City Attorney Gliko provide her with a copy of the Attorney General's Opinion.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve Items 10 and 11 of the Consent Agenda.

Motion carried 5-0 for Item 10.

Motion carried 4-1 for Item 11 (Commissioner Jolley dissenting).

BOARDS & COMMISSIONS

Marion Smith appointed to the Great Falls Transit District Board.

14. **APPOINTMENT, GREAT FALLS TRANSIT DISTRICT BOARD.**

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission appoint Marion Smith to fill the remainder of a four year term through November 30, 2010, to

the Great Falls Transit District Board.

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

Motion carried 5-0.

**Russell Motschenbacher
appointed to the Park
and Recreation Board.**

15. APPOINTMENT, PARK AND RECREATION BOARD.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission appoint Russell Motschenbacher to the Park and Recreation Board to fill the remainder of a three year term through December 31, 2009.

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

Motion carried 5-0.

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Gregory Doyon appointed Mike Rattray as Acting City Manager for February 20, 2009. No one objected.

PETITIONS AND COMMUNICATIONS

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

HGS.

18A. Stuart Lewin, 615 3rd Avenue North, commented that it is cause for celebration that the coal plant will not be built as reported in the *Tribune*. Mr. Lewin opined that it was poor involvement of the Commission that was a factor that helped opponents accomplish their ends in opposing the coal plant. He suggested the appropriate location for the proposed gas plant should have been thought about at the beginning of this process. Now, there is already an investment in the current location that he doesn't believe is the right place to build a gas fired plant.

HGS.

18B. Ken Thornton, 31 Paradise Lane, commented that for the past three years he has discussed the cost of CO₂. He believes the HGS plant never did have that cost. Without knowing that cost the banks turned down financing. Mr. Thornton stated that the Commission was given wrong advice. Millions of dollars were wasted on this project because proper

investigation was not done on what this plant would cost. He believes the gas plant is a great idea. With technology changing to a green future, he suggested hiring the Rocky Mountain Institute firm in Colorado for expert advice so that more money is not wasted.

SME Bylaws.

18C. Ron Gessaman, 1006 36th Avenue NE, stated that the City of Great Falls is a Class A member of SME. Page 2 of SME's bylaws sets forth that membership in the cooperative shall not be transferable. Mr. Gessaman doesn't believe the duplicate certificate of membership he recently received conforms with SME's bylaws. Mr. Gessaman commented that he understands there was 5-0 vote at a special SME meeting held last Friday to change from a coal fired plant to a gas fired plant. A member of City staff went to that meeting. According to SME's bylaws, a vote of each member of the cooperative shall be cast by its duly authorized representative evidenced by an instrument in writing executed by its president or secretary under its corporate seal pursuant to a resolution duly adopted by a board of trustees. Mr. Gessaman stated that in this case the president is the mayor and the board of trustees is the commission. He doesn't believe this commission has ever provided anyone with those specific voting authorizations. The SME bylaws further state that a trustee of SME shall either be a director, trustee or a city manager. Since the City of Great Falls is a municipality, he believes the City Manager would serve as the person on the SME Board. He understands another member of City staff is attending the meetings and voting for the City. Mr. Gessaman stated he thinks the Commission is guilty of violating the law, as well as the City Attorney for not properly advising the City Commission.

HGS.

18D. Neil Taylor, 3417 4th Avenue South, commented that hindsight is 20/20. He urged the Commissioners to put HGS on the ballot.

HGS, Pine Beetles, legislation, and constitutional rights.

18E. John Hubbard, 615 7th Avenue South, congratulated CCE and thought all the money wasted on the coal plant was a sin. Mr. Hubbard commented about the proposed gas plant and stated there is a geothermal problem at Yellowstone. Mr. Hubbard asked what could be done about the pine trees. Commissioner Jolley responded that there was a recent article in the newspaper stating that drug stores would have a product available. Also, the City Forester did have a work session on the subject. Park and Recreation Director Marty Basta informed Mr. Hubbard that the product the stores will carry is called Verbenone. If purchasing Verbenone packets, it needs to be applied to trees that are not infested by mid-April. Infested trees need to be cut down and disposed of. Those trees can be taken to the City's compost site at no charge. Mr. Hubbard thought it would help people if legislation was passed to insure the person, not every vehicle; and, that filing bankruptcy to avoid a personal injury judgment should be prohibited. Mr. Hubbard feels when he was escorted out of a prior meeting that his rights were infringed upon. He contacted an office regarding disabled rights and was told to place a complaint with the Great Falls Police Department.

HGS litigation.

18F. Kathy Gessaman, 1006 36th Avenue NE, commented that, with regard to the economic realities and the coal plant being converted to a gas plant, there are still ongoing litigations.

CITY COMMISSION**19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Jolley commented that she attended the ECP Board meeting on February 2. With regard to how to proceed on the case with the Public Service Commission, the Board discussed recommending that the Commission file an appeal in District Court, and also contact Harley Harris in Helena about going before the legislature for clarifying language. Commissioner Jolley thought the Commission discussed not hiring a lobbyist. Commissioner Beecher responded that any lobbyist hired would have to be approved by the City Commission.

Mayor Stebbins thanked Neighborhood Council 4 for their Good Neighbor Award. She believes it went to a very deserving group of people. She is proud they are a part of the community and that they place volunteerism very high on their priority list.

ADJOURNMENT**Adjourn.**

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the regular meeting of February 3, 2009, be adjourned at 8:40 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

Minutes Approved: February 17, 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 FEBRUARY 4, 2009	153,154.56
MASTER ACCOUNT CHECK RUN FOR FEBRUARY 11, 2009	385,358.35
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JANUARY 30, 2009	80,924.30
MUNICIPAL COURT ACCOUNT CHECK RUN FOR FEBRUARY 6, 2009	3,725.00
WIRE TRANSFERS FROM JANUARY 30, 2009 TO FEBRUARY 4, 2009	337,126.73
WIRE TRANSFERS FROM FEBRUARY 5, 2009 TO FEBRUARY 11, 2009	64,632.28
TOTAL: \$	<u><u>1,024,921.22</u></u>

SPECIAL REVENUE FUND

FEDERAL BLOCK GRANTS

UNITED MATERIALS	PMT#1 SIDEWALK REPLACEMENT OF 1537.2	47,343.02
------------------	--------------------------------------	-----------

DEBT SERVICE

IMPROVEMENT DISTRICT REVOLVING

US BANK	GF SID 1268 BOND SERIES 1995 BI#4167	20,530.00
US BANK	GF SID 1275 BOND SERIES 1997 10-97BE	7,493.75
US BANK	GF SID 1301 BOND SERIES 2005	36,285.00

ENTERPRISE FUNDS

WATER

US BANK	WATER SYSTEM BOND SERIES 2002A	75,570.00
THATCHER CO	LIQUID ALUMINUM SULFATE	5,451.87
DANA KEPNER CO-BILLINGS	3/4" & 1" WATER METER PARTS	5,057.50

SEWER

US BANK	SEWER SYSTEM BOND SERIES 2002A	59,315.00
US BANK	SEWER SYSTEM BOND SERIES 2005	81,065.00

STORM DRAIN

MORRISON MAIERLE CORP-HELENA	NORTH SANITARY SEWER & STORM DRAIN MASTER PLAN PAYMENT #7	12,858.00
DAVID KUGLIN CONSTRUCTION	2008 MISC STORM DRAINAGE IMPROVEMENTS PAYMENT #1	13,454.79

ENTERPRISE FUNDS CONTINUED**SANITATION**

MOTOR POWER GREAT FALLS INC	2010 KENWORTH T800	95,800.00
-----------------------------	--------------------	-----------

PARKING

TEE INC	SNOW REMOVAL FOR JAN 2009 PARKING RAMPS & LOTS (SPLIT AMONG FUNDS)	1,200.00
---------	---	----------

RECREATION

LIFE FITNESS	REC CENTER FITNESS EQUIPMENT	11,906.27
--------------	------------------------------	-----------

CIVIC CENTER EVENTS

GREAT FALLS SYMPHONY	TICKET PROCEEDS LORD OF THE DANCE	29,305.06
----------------------	-----------------------------------	-----------

INTERNAL SERVICES FUND**HEALTH & BENEFITS**

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS JAN 27 - FEB 2, 2009	56,267.98
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS FEB 3 - FEB 9, 2009	64,632.28

INSURANCE & SAFETY

MONTANA MUNICIPAL INS AUTHORITY	JAN LIABILITY DEDUCTIBLE RECOVERIES	7,504.15
---------------------------------	-------------------------------------	----------

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	FUEL CHARGES	12,349.60
---------------------	--------------	-----------

CC FACILITY SERVICES

TEE INC	SNOW REMOVAL FOR JAN 2009 CIVIC CENTER (SPLIT AMONG FUNDS)	5,162.50
---------	---	----------

TRUST AND AGENCY**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	64,152.30
CASCADE COUNTY TREASURER	FINES & FORFEITURES COLLECTIONS	9,714.00
VICTIM WITNESS ASSISTANCE SERV	FINES & FORFEITURES SURCHARGES	5,195.00

UTILITY BILLS

NORTHWESTERN ENERGY	FEBRUARY 4, 2009 PAYMENT	91,905.24
ENERGY WEST	FEBRUARY 11, 2009 PAYMENT	86,358.26
MONTANA WASTE SYSTEMS	FEBRUARY 11, 2009 PAYMENT	52,574.07

CLAIMS OVER \$5000 TOTAL:		\$ <u>958,450.64</u>
----------------------------------	--	-----------------------------

CITY OF GREAT FALLS, MONTANA

AGENDA: 6

COMMUNICATION TO THE CITY COMMISSION

DATE: February 17, 2009

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR'S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Public Works Engineering	A.T. Klemens & Son, Inc.	02/2009 – 06/2009	Special Improvement Assessment	\$34,346	Bootlegger Addition, Phase 1, installation of street lights. SLD 1303



Item: Electric Transmission Line Easement

From: NorthWestern Energy

Initiated By: David V. Gliko, City Attorney

Presented By: David V. Gliko, City Attorney

Action Requested: Approve NorthWestern Energy's easement for an electric transmission line and authorize the City Manager to execute the same

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/deny) NorthWestern Energy's easement for an electric transmission line and authorize the City Manager to execute the same.”

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

Staff Recommendation: Staff recommends approval of the easement.

Background: NorthWestern Energy has requested an 80 foot easement immediately to the west of the Montana Refinery property on City owned property to allow installation of 40 foot transmission poles and lines to serve a new substation located on Montana Refinery property. The substation will be fenced and landscaped to City standards.

Concurrences: Public Works, Planning, Community Development and Legal Departments have reviewed the easement and approve execution.

Fiscal Impact: None.

Alternatives: The easement could be denied. However, approving the easement appears the most reasonable action.

After Recording, Return To:
NorthWestern Energy
Land & Permitting Department
40 East Broadway
Butte, MT 59701-9394

ATTENTION: Christine Hepola

EASEMENT AGREEMENT

This Easement & Encroachment Agreement is dated the 11th day of February 2009 and entered into by and between the **CITY OF GREAT FALLS, a Municipal Corporation** P.O. Box 5021, Great Falls, MT 59403-5021 (Grantor) and **NORTHWESTERN CORPORATION, a Delaware Corporation, D/B/A NORTHWESTERN ENERGY**, of 40 East Broadway, Butte, MT 59701-9394 (Grantee), and provides as follows:

RECITALS

1. Grantor is the owner of certain real property, located in Cascade County, Montana which is described in Exhibit "A", which is attached hereto (Grantor's Property).
2. Grantee desires to acquire and Grantor is willing to convey an easement for an overhead electric powerline and related appurtenances upon Grantor's Property, all upon the terms and conditions of this Easement.

AGREEMENT

NOW THEREFORE, for \$1.00 and other good and valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, the parties agree as follows:

1. **Grant of Easement (Powerlines).** Grantor hereby grants unto Grantee, for its benefit, and that of its successors, assigns and appurtenances, a perpetual, non-exclusive easement, eighty feet (80') in width, upon which to construct, operate, maintain, replace, upgrade and remove two overhead electric transmission powerlines, connected to the existing electric transmission line located on the Grantor's Property and from that point of connection, running to Grantee's substation located on the real property immediately to the east of the grantor's

Property, together communications system, and necessary appurtenances, including any guy wires which may extend beyond the easement width over, under, along and across that portion of the Grantor's Property generally as shown on the attached Exhibit "B".

2. **Grant of Easement (Temporary Working Space).** Grantor hereby grants unto Grantee, for its benefit, and that of its successors, assigns and apportionees, a temporary non-exclusive easement for construction and staging as necessary for the construction of the powerlines and substation to be located on the real property adjoining the Grantor's Property to the east, which area shall be thirty feet (30') in width over, along and across that portion of the Grantor's Property located immediately to the west of and parallel to the Grantee's existing easement for the electric transmission powerlines, as recorded in Reel 272, Document 923 and as is illustrated on the attached Exhibit "B". Within thirty (30) days of completion of construction, Grantee shall file a notice with the Clerk and Recorder of Cascade County, Montana, that construction is complete and that the easement for temporary working space is terminated.
3. **Additional Grants.** Grantor hereby also grants unto Grantee, for its benefit, and that of its successors, assigns and apportionees, reasonable right of access to and from the easement area over lands of the Grantor using existing roads and trails where practical; the right to use and keep the easement areas free and clear of any and all obstructions or structures, except fences; and the right to clear and remove all timber, brush or vegetation from the easement area and all timber, brush or vegetation outside the easement area that in Grantee's opinion may endanger the powerlines, communications system or necessary appurtenances.
4. **Improvement and Maintenance.** Grantee agrees that it will provide for the improvement, maintenance and repair of its facilities to be located in the easement area at its own cost and expense. Grantee further agrees that it will return the area encumbered by the temporary working space easement to substantially the same condition as existed prior to the commencement of the Grantee's work on that area.
5. **Nature of Easements.** The parties mutually agree the easements described herein shall be deemed continuing in nature and shall run with the title to the Grantor's Property and shall be binding on the successors, assigns and apportionees of the parties hereto.

[The remainder of this page intentionally left blank]

EXHIBIT "A"
GRANTOR'S PROPERTY

Situated in the City of Great Falls, County of Cascade, State of Montana, to-wit:

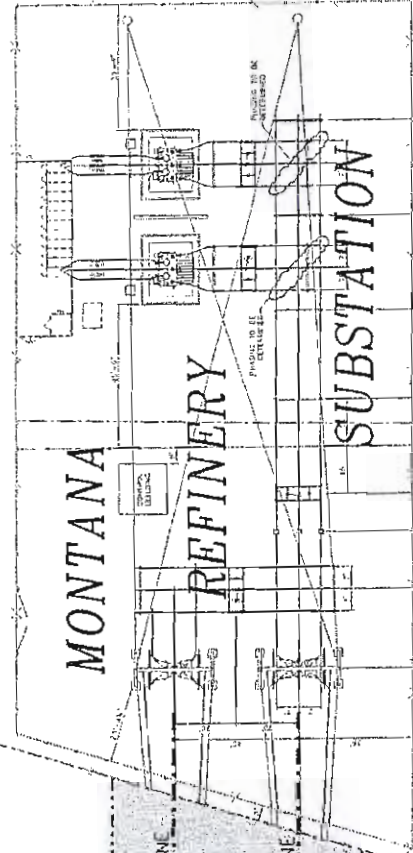
A tract of land in the Northwest Quarter (NW1/4) of Section One (1), Township Twenty (20) North, Range Three (3) East, Montana Principal Meridian, more particularly described as follows:

Beginning at the North Quarter (N1/4) Corner of Section One (1), Township Twenty (20) North, Range Three (3) East, Montana Principal Meridian; thence South $0^{\circ}32'$ East 1060.5 Feet to the true point of beginning; thence South $76^{\circ}54'$ West 880 Feet along the South Right of Way Line of the Great Northern Railroad; thence South $13^{\circ}6'$ East 464 Feet to the north bank of the Missouri River; thence North $61^{\circ}13'$ East 694.14 Feet; thence North $76^{\circ}54'$ East 150 Feet, (the last 2 courses being on the highwater mark on the north bank of the Missouri River); thence North $0^{\circ}32'$ West 283.66 Feet to the true point of beginning, containing in all 6.84 acres more or less.

Recording Reference: Reel 62, Document 7971.

T 20 N
R 3 E
SEC. 1
CASCADE
COUNTY

POINT OF BEGINNING
(REEL 62, DOCUM. 7971)



80' NWE EASEMENT

EXISTING 60' NWE EASEMENT
(REEL 272, DOCUM. 925)

30' TEMPORARY WORK AREA

EXHIBIT "B"



Item: Construction Contract Award: Third Avenue Northwest Roadway Improvements, Phase 1 - Easterly, O. F. 1488

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Approve Contract

Suggested Motion:

1. Commissioner moves:

"I move the City Commission award a contract in the amount of \$194,883.50 to Shumaker Trucking & Excavating Contractors, Inc. for the Third Avenue Northwest Roadway Improvements, Phase 1 – Easterly, O.F. 1488, and authorize the City Manager to execute the construction contract documents."

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

Staff Recommendation: Approve construction contract award.

Background:

Significant Impacts

This project will install the first phase of improvements for water, storm drainage and roadway to serve the West Bank area.

Citizen Participation

Not applicable

Workload Impacts

NCI Engineering, Inc. (NCI) completed the project design and will perform environmental inspection duties. City engineering staff will provide project inspection and contract administration duties.

Purpose

This is the first phase of construction improvements providing access to the new Federal Courthouse and West Bank Park. During this phase of construction, the utilities and roadway base will be constructed from the north end of the Mitchell Development property, north to the relocated West Bank parking lot, and west across the railroad right-of-way. This work will allow Burlington Northern Sante Fe Railway Company to install the railroad track crossing surface and signals. Phase 2 of the improvements will construct the roadway from the railroad right-of-way to the connection with 3rd Street Northwest.

Project Work Scope

Street improvements will include embankment fill, base course gravel, curb and gutter, sidewalks, and restoration of a gravel parking lot. Approximately 300 feet of new 8-inch water main will be installed including boring and jacking under the railroad track. Asphalt pavement will be placed during the second phase of this project.

Evaluation and Selection Process

Three bids were received and opened for this project on February 4, 2009. The bids ranged from \$194,883.50 to \$219,454.00. The engineer's estimate was \$251,414.00. Shumaker Trucking and Excavating Contractors, Inc. (Shumaker) submitted the low bid and has executed all the necessary documents. Shumaker is an established and responsible contractor.

Conclusion

NCI recommends and City staff concurs in awarding the construction contract to Shumaker in the amount of \$194,883.50.

Concurrences:

Not Applicable.

Fiscal Impact:

The attached bid tabulation summarizes bids that were received. This project will be funded through Tax Increment Funds.

Alternatives:

The City Commission could vote to deny award of the construction contract.

Attachments/Exhibits:

1. Bid tabulation is attached.

Third Avenue Northwest
 Roadway Improvements Phase 1 – Easterly
 Bid Opening
 @ 3:00 p.m., February 4, 2009

(1)

(2)

(3)

(4)

(5)

(6)

(7)

(8)

CONTRACTOR NAME AND ADDRESS AND REGISTRATION NUMBER	ON COVER (Y/N)	BOUND CONTRACT DOCUMENT IN BID PACKAGE (Y/N)	BID BOND ENCLOSED (Y/N)	AFF. OF NON- COLLUSION EXECUTED (Y/N)	CERT. OF NON-SEGR. FACILITIES EXECUTED (Y/N)	ACKN RECEIPT OF ALL ADDEN ON BID FORM AND/OR ON ENVELOPE (Y/N)	CERT. OF COMPLIANCE WITH INSURANCE EXECUTED (Y/N)	Total Bid Amount
Shumaker Trucking & Excavating	✓	✓	✓	✓	✓	✓	✓	\$194,883.50
Phillips Construction	✓	✓	✓	✓	✓	✓	✓	\$219,454.00
United Materials	✓	✓	✓	✓	✓	✓	✓	\$198,486.00
Engineer's Estimate								\$251,414



Item: Appointments to the City EMS Advisory Board
From: EMS Administrator Fire Chief McCamley
Initiated By: City Commission
Presented By: Fire Chief McCamley
Action Requested: Initial Appointment of EMS Advisory Board members

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint the following people to the City EMS Advisory Board.”

- | | |
|--|---|
| 1. Fire Chief Randall McCamley (chair) | City EMS Administrator |
| 2. Dr. Dave Simpson (vice chair) | EMS System Medical Director |
| 3. Justin Grohs | Great Falls Emergency Services Manager |
| 4. Dave Kuhn | Great Falls Emergency Services Owner/President |
| 5. Dr. John Stowers | Great Falls Emergency Services Medical Director |
| 6. Scott Schandelson | Benefis Emergency Department |
| 7. Laurie Jackson | Benefis Trauma Coordinator |
| 8. Pam Johnstone | Cascade County Dispatch Center |
| 9. Dirk Johnson | GFFR EMS Coordinator |
| 10. Ron Scott | GFFR Paramedic/EMT |
| 11. Will Fleming | GFEMS Paramedic/EMT |
| 12. Patty Cadwell | Neighborhood Councils |

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

Staff Recommendation: It is recommended that the City Commission appoint the following candidates to serve on the City EMS Advisory Board.

- | | |
|------------------------|--|
| 1. Randall E. McCamley | City EMS Administrator |
| 2. Dave Simpson | EMS System Medical Director |
| 3. Justin Grohs | Great Falls Emergency Services Manager |
| 4. Dave Kuhn | Great Falls Emergency Services Owner/President |
| 5. John Stowers | Great Falls Emergency Service Medical Director |
| 6. Scott Schandelson | Benefis Emergency Department |
| 7. Laurie Jackson | Benefis Trauma Coordinator |
| 8. Pam Johnstone | Cascade County Dispatch Center |
| 9. Dirk Johnson | GFFR EMS Coordinator |

- | | |
|-------------------|-----------------------|
| 10. Ron Scott | GFFR Paramedic/EMT |
| 11. Will Fleming | GFEMS Paramedic/EMT |
| 12. Patty Cadwell | Neighborhood Councils |

Background:

According to City Ordinance 2993 creating § 8.9.120 the City Commission shall establish an EMS Advisory Board. This Board shall include representatives of those offices listed above and shall be assigned indefinitely unless they vacate their office or they resign from the board. The EMS Administrator will provide a candidate replacement within 30 days to be appointed by the Commission.

The Great Falls EMS Advisory Board shall endeavor to preserve and improve the quality of life for the Great Falls community by ensuring a safe and stable EMS pre-hospital care system. Additionally, the Board shall ensure the system provides reliable and cost efficient emergency medical care by highly trained personnel. This board shall assist the EMS administration by providing recommendation and information on all matters to do with the City's EMS system.

Additionally, the EMS Board was adopted to offer a voice to those organizations involved in EMS pre-hospital care. This Board shall address the EMS system's challenges and issues. The board is also intended to develop a cohesive bond between the EMS system stakeholders by improving communication between the responsible organizations.

Each organization was asked to provide members who wished to be assigned to the EMS Advisory Board. The proposed members have volunteered to represent their organizations as members of the board.

Purpose:

Activities shall include but are not limited to the following general categories:

Information Gathering;

The community, any element of the EMS system, the Medical Director or the EMS Administrator may ask the Board to research and review any part of the EMS system and have them make recommendations on changes to practice to improve EMS service delivery. Any issues, changes, or conflicts may be addressed by formal proposal or directly addressed during a meeting. Regardless, it will be up to the board to assign members to conduct research and review national standards and best practices.

Review;

The advisory board will advise the EMS Administrator and System Medical Director on procedures, protocols, or guidelines. The board's recommendations shall be reflected in meeting minutes.

Advocacy;

The board will serve as the customer advocate by;

- Reviewing customer service survey forms
- Listening to the community members concerns, desires and needs
- Providing recommendations to the EMS system providers based on customer comment

Evaluation and Selection Process;

Members were selected based on his or her position or on the recommendations of his or her supervisor/ manager. The ordinance offered recommendations on who would be best suited to sit on this committee, but the commission may elect to add or subtract members as they see fit.

Concurrences: Great Falls Emergency Medical Services.

Fiscal Impact: None

Alternatives: Advertise to seek other citizen interest.

Attachments/Exhibits: None