



# City Commission Agenda

for

## January 20, 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**

Groundhog Job Shadow Day

**NEIGHBORHOOD COUNCILS**

1. Swearing In Ceremony -- Robin Baker, NC6
2. Miscellaneous reports and announcements.

**PUBLIC HEARINGS**

3. Neighborhood Stabilization Program (NSP) Community Housing Needs. Action: Conduct public hearing. **(Presented by: Chris Imhoff)**

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

4. Res. 9810, Authorizing Participation in the Montana Department of Commerce's Neighborhood Stabilization Program. Action: Adopt or deny Res. 9810. **(Presented by: Chris Imhoff)**

**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.*

5. Minutes, January 6, 2009, Commission meeting.
6. Total Expenditures of \$913,449 for the period of December 31, 2008, through January 14, 2009, to include claims over \$5000, in the amount of \$777,098.
7. Contracts list.
8. Lien Releases.
9. Grant list.
10. Set public hearing for February 17, 2009, on Res. 9804, the 2009 Water, Sewer Storm Drain Utility Service Rate Review.
11. Appoint Greg Doyon to replace Cheryl Patton as B.A.S.E. Trustee.
12. Approve Change Order No. 1 in the amount of \$14,382.80 to Kuglin Construction for the 2008 CDBG Handicap Ramps.

13. Award bid for six new 2009 police pursuit vehicles to City Motor Company of Great Falls in the amount of \$135,627.

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

#### **BOARDS & COMMISSIONS**

14. Appointments, Community Development Council. Reappoint one member and three new members.
15. Miscellaneous reports and announcements.

#### **CITY MANAGER**

16. 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)*

17. Miscellaneous reports and announcements.

#### **CITY COMMISSION**

18. Miscellaneous reports and announcements.

#### **MOTION TO ADJOURN**



**Item:** Public Hearing for Neighborhood Stabilization Program (NSP)  
Community Housing Needs

**From:** Community Development Department

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

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

**Action Requested:** Conduct public hearing

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**Public Hearing:**

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
2. Mayor closes public hearing.

**Suggested Motion:** No action required.

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**Staff Recommendation:**

Staff recommends the City Commission conduct the Neighborhood Stabilization Program (NSP) Community Housing Needs Public Hearing to hear citizen comments regarding housing needs of the community, particularly those related to the housing foreclosure crisis that may be addressed with NSP grant funds.

**Background:**

The State of Montana anticipates receiving one time funding from the U.S. Department of Housing & Urban Development of \$19,600,000 in Neighborhood Stabilization Program funds as authorized by the Housing and Economic Recovery Act of 2008 in an effort to address the housing foreclosure crisis. As the administrator of the NSP funds, the Montana Department of Commerce is requiring public input, especially input from lower income citizens and agencies representing them, and from moderate and middle income citizens regarding the housing needs of the community as related to NSP eligible projects.

Significant Impacts

A forum to obtain public input regarding the housing needs of the community is required by the Montana Department of Commerce in order for the City to secure federal NSP grant dollars.

### Citizen Participation

The Montana Department of Commerce (MDOC) states “Public involvement can be a key factor in developing community understanding and support for a proposed NSP project. Each applicant for NSP funds must hold a minimum of one public hearing prior to submitting a formal proposal to the MDOC, and prior to passage of a resolution by the governing body authorizing the submission of the application.”

### Workload Impacts

Not applicable

### Purpose

The purpose of this public hearing regarding Neighborhood Stabilization Program (NSP) housing needs is to allow the citizens, especially lower, moderate and middle income citizens of Great Falls, an opportunity to advise the City Commission of the community's foreclosure, sub-prime mortgage and blight related housing issues. Discussion of ideas is encouraged regarding how U.S. Department of Housing & Urban Development NSP funds can be used to address these issues and help eliminate needs.

Eligible activities to address these needs under the NSP funding guidelines include: establishment of financing mechanisms for purchase and redevelopment of foreclosed upon homes and residential properties; purchase and rehabilitation of abandoned or foreclosed upon homes and residential properties to be sold to or occupied by households having low, moderate and middle incomes; demolition of blighted structures; and redevelopment of demolished or vacant properties including new construction of multi-family rental housing affordable to low income families even potentially providing housing for those displaced due to foreclosure.

### Project Work Scope

Not applicable

### Evaluation and Selection Process

The Commission will be asked to give consideration to citizen comments received during this public hearing when determining projects to be included in a grant application for NSP funds and adopting a resolution to submit that grant application to the Montana Department of Commerce.

### Conclusion

The public hearing provides citizens an important opportunity to discuss before the City Commission, community housing needs related to foreclosure and other housing needs particularly those impacting low, moderate, and middle income households in Great Falls that might be addressed with NSP funded projects.

**Concurrences:** Not applicable

**Fiscal Impact:** Conducting the public hearing is a pre-condition for the city to apply for NSP grant funds from the Montana Department of Commerce.

**Alternatives:** The hearing is a required for the city to be able to apply for NSP funding.

**Attachments/Exhibits:** Not applicable



**Item:** Resolution No. 9810, Authorizing Participation in the Montana Department of Commerce's Neighborhood Stabilization Program

**From:** Community Development Department

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

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

**Action Requested:** Adopt Resolution No. 9810

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**Suggested Motion:**

1. Mayor calls for discussion on Resolution No. 9810

**Suggested Motion:** "I move the City Commission adopt Resolution No. 9810, Authorizing Participation in the Montana Department of Commerce's Neighborhood Stabilization Program."

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

Staff recommends the City Commission adopt Resolution No. 9810 authorizing the City Manager to submit an application to the Montana Department of Commerce enabling the City to compete for U.S. Department of Housing & Urban Development Neighborhood Stabilization Program funds.

**Background:**

The State of Montana Department of Commerce (MDOC) anticipates receiving one time funding from the U.S. Department of Housing & Urban Development of \$19,600,000 in Neighborhood Stabilization Program funds as authorized by the Housing and Economic Recovery Act of 2008 in an effort to address the housing foreclosure crisis. MDOC is holding a competitive application process for distribution of these funds. Foreclosure data, housing condition data, and other economic data for the City of Great Falls suggest that an application for NSP funds would be competitive.

Significant Impacts

As the administrator of the NSP funds, the Montana Department of Commerce requires passage of a resolution by the governing body authorizing the submission of an application for these funds.

Citizen Participation

The Montana Department of Commerce (MDOC) requires that each applicant for NSP funds hold a minimum of one public hearing prior to submitting a formal proposal to the MDOC, and prior to passage of a resolution by the governing body authorizing the submission of the application.

Workload Impacts

Not applicable

Purpose

A resolution adopted by the local governing body authorizing submission of a grant application makes the application legitimate for MDOC.

Project Work Scope

Not applicable

Evaluation and Selection Process

Not applicable

Conclusion

Adoption of Resolution No. 9810 will enable the city to submit an application for NSP funds to the Montana Department of Commerce to address community housing needs related to foreclosure and the economic downturn, particularly those impacting low, moderate, and middle income households in Great Falls.

**Concurrences:** Not applicable

**Fiscal Impact:** A successful application for NSP funds will bring funds to the city to address foreclosure and other housing issues related to the current economic downturn.

**Alternatives:** Adopting a resolution authorizing submission of a grant application is a pre-condition for the city to apply for NSP grant funds from the Montana Department of Commerce.

**Attachments/Exhibits:** Resolution No. 9810

## RESOLUTION 9810

### A RESOLUTION AUTHORIZING PARTICIPATION IN THE MONTANA DEPARTMENT OF COMMERCE'S NEIGHBORHOOD STABILIZATION PROGRAM

**WHEREAS**, the City of Great Falls recognizes the importance of housing for low, moderate, and middle income citizens; and

**WHEREAS**, applying to the Montana Department of Commerce for a Neighborhood Stabilization Program (NSP) Grant for funding would allow for but not limit sub-recipients to: (1) acquire and rehabilitate foreclosed upon homes for resale to lower income citizens; ( 2) acquire a foreclosed upon downtown building for reconstruction to provide 8 condos available for purchase by middle income citizens; (3) construct two four-plex rental units on vacant land to provide an affordable housing alternative for citizens who have been displaced from homes due to foreclosure and/or economic downturn; and (4) provide 10 new manufactured homes to replace blighted pre-1980 units on land owned by the homeowners; and

**WHEREAS**, the City of Great Falls has conducted a public hearing in conformance with NSP requirements to obtain the views of citizens regarding community housing needs particularly as related to foreclosure, sub-prime mortgage and blight issues, and on proposed activities to address these needs; and

**WHEREAS**, the City of Great Falls agrees to conform to the regulations, statutes, terms and conditions described in the NSP Certifications for Application.

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

That the Commission of the City of Great Falls authorizes the City Manager to submit an application to the Montana Department of Commerce, on behalf of the City of Great Falls, to act on behalf of the City of Great Falls and to provide such additional information as may be required.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 20<sup>th</sup> day of January, 2009.

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Dona R. Stebbins, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the forgoing Resolution No. 9810 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana at a meeting thereof held on the 20<sup>th</sup> day of January, 2009, and approved by the Mayor of said City, on the 20<sup>th</sup> day of January, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 20<sup>th</sup> day of January, 2009.

(SEAL OF THE CITY)

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Lisa Kunz, City Clerk



Regular City Commission Meeting

Mayor Stebbins presiding

**CALL TO ORDER: 7:00 PM**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL:** City Commissioners present: Dona Stebbins, Bill Bronson, John Rosenbaum, Bill Beecher and Mary Jolley. Also present were the 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.**

**1. Sandra Guynn**, Chair NC 4, reported that the council unanimously endorsed the Steel, Etc. project at its December meeting. The council would like nominations sent to NC 4 for the Good Neighbor Award. Anybody can nominate an individual, business or organization, and they do not have to live within NC 4 boundaries. It is a great way to acknowledge somebody going above and beyond to be a good neighbor and make Great Falls even better. Nominations can be sent to Patty Cadwell or Sandra Guynn.

**PUBLIC HEARINGS**

**Ord. 3026. Public Hearing Vacated.**

**2. ORDINANCE 3026, ADOPTING 40 CFR, PART 403, SUPPLEMENTING ORDINANCE 2645 PERTAINING TO TITLE 13, CHAPTERS 2, 12, 14, 18, 20 AND 22 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS.**

Public Works Director Jim Rearden reported that the Environmental Protection Agency (EPA) audited the City's Industrial Pretreatment Program in April, 2008. One of the requirements of the audit was to update and strengthen the City Codes regarding the program. On November 18, 2008, the EPA approved the format the City proposed to incorporate the relevant EPA Federal Code by reference. On December 16, 2008, the City Commission set public hearing for this evening. On December 29, 2008, EPA contacted City staff and advised it wanted to review the proposed documents prior to submittal for official action. Staff is recommending the public hearing be vacated pending EPA review.

**Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission vacate the public hearing on Ordinance 3026 pending a review by the Environmental Protection Agency.**

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

Motion carried 5-0.

**Res. 9788 and Ord. 3023.  
Adopted.**

**3A. RESOLUTION 9788, ANNEXES TYNDALL ADDITION, PHASE 1, LOCATED ALONG THE WESTERLY EXTENSION OF 37<sup>TH</sup> AVENUE NORTHEAST CONSISTING OF 10 SINGLE-FAMILY LOTS.**

**3B. ORDINANCE 3023, ASSIGNS ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH-DENSITY DISTRICT.**

Interim Planning Director Bill Walters reported that in August, 2008, the City Commission approved the preliminary plat for Tyndall Addition, Phase 1. Kendall and Maxima Cox are the property owners and developers of this subdivision, located in northwest Great Falls near the former Skyline Education Center. It consists of 10 single-family residential lots.

The Zoning Commission has recommended the City Commission assign a zoning classification of R-3 Single-Family High Density District to Tyndall Addition, Phase 1, upon annexation to the City. The Planning Board has recommended the City Commission approve the final subdivision plat and annex Tyndall Addition, Phase 1. During the Planning Board/Zoning Commission hearing held July 22, 2008, on the development proposal, no citizens spoke as proponents or opponents.

After conducting a public hearing, the City Commission is requested to:

- 1) Adopt Resolution 9788 annexing the subdivision;
- 2) Approve the subdivision plat of Tyndall Addition, Phase 1;
- 3) Approve the accompanying Annexation Agreement; and
- 4) Adopt Ordinance 3023 assigning City zoning to the subdivision.

Mayor Stebbins declared the public hearing open. No one spoke in support of or opposition to Resolution 9788 and Ordinance 3023.

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

**Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9788 and approve the Subdivision Plat of Tyndall Addition, Phase 1, and the accompanying Annexation Agreement.**

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

Commissioner Jolley inquired if the surface drainage to unincorporated property would be a problem. Mr. Walters responded that the unincorporated property is owned by the applicant/developer. The

applicant/developer has provided an easement to the City for the unincorporated area to accommodate the storm water run-off.

Motion carried 5-0.

**Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Ordinance 3023.**

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

Motion carried 5-0.

**Res. 9802. Adopted.**

**4. RESOLUTION 9802, CONDITIONAL USE PERMIT TO ALLOW A WORSHIP FACILITY ON LOT 8, BLOCK 307, ORIGINAL TOWNSITE TO GREAT FALLS (525 1<sup>ST</sup> AVENUE NORTH).**

Interim Planning Director Bill Walters reported that Heartland Community Fellowship has applied for a conditional use permit to allow a worship facility at the northwest corner of the intersection of 1<sup>st</sup> Avenue North and 6<sup>th</sup> Street in downtown Great Falls. The property is zoned C-4 Central Business District which allows worship facilities upon processing and approval of a conditional use permit.

The Zoning Commission held a public hearing November 12, 2008, and recommended that the City Commission grant the conditional use permit. The owner of the abutting property occupied by Little's Lanes/Tavern and Casino and the operator of the business asked some questions about the zoning of their property which staff responded to. No proponents or opponents spoke at said hearing.

After conducting a public hearing, the City Commission is requested to adopt Resolution 9802 granting the conditional use permit.

Mayor Stebbins declared the public hearing open. No one spoke in opposition to Resolution 9802. **Dave Bennyhoff**, 416 34<sup>th</sup> Street NW, spoke in support of Resolution 9802.

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 Resolution 9802.**

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

Motion carried 5-0.

Res. 9803. Adopted.

**5. RESOLUTION 9803, CONDITIONAL USE PERMIT TO ALLOW A CONTRACTOR YARD, TYPE I ON LOT 3, BLOCK 754, GREAT FALLS TENTH ADDITION (1308 6<sup>th</sup> AVENUE SOUTH).**

Interim Planning Director Bill Walters reported that Norris Wall Covering & Painting has applied for a conditional use permit to allow a contractor yard, type 1, to occupy the shop building at 1308 6<sup>th</sup> Avenue South. The subject property is zoned R-3 Single-Family High Density District wherein a contractor yard, type 1, is not permitted. However, the property has a legal nonconforming designation upon it from the previous land use of a vehicle repair shop (First Class Auto Body). The change of the current nonconforming use to another nonconforming use could not be approved administratively, as all three criteria cited in Code for such a procedure, could not be met. However, Code provides that a legal nonconforming use may be changed to another nonconforming use upon processing and approval of a conditional use permit.

The Zoning Commission held a public hearing November 25, 2008, and recommended that the City Commission grant the conditional use permit. One neighboring property owner expressed concern about traffic in the alley, but it is anticipated the wall covering and painting contractor will not generate any more traffic than what the previous auto body repair shop did.

After conducting a public hearing, the City Commission is requested to adopt Resolution 9803 granting the conditional use permit.

Mayor Stebbins declared the public hearing open. No one spoke in support of or opposition to Resolution 9803.

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

**Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9803.**

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

Motion carried 5-0.

**OLD BUSINESS**

**CDBG Policies and Citizen Participation Plan Reaffirmed, and 2009-2010 CDBG Funding Priorities Approved.**

**6. CDBG POLICIES AND CITIZEN PARTICIPATION PLAN AND APPROVE THE 2009-2010 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING PRIORITIES.**

CDBG Administrator Chris Imhoff reported that staff is asking the City Commission to reaffirm the Community Development Block Grant (CDBG)

policies and the Citizen Participation Plan, and approve the 2009-2010 funding priorities. The CDBG policies date back to 1994 and have been reaffirmed annually since then with one amendment. The Citizen Participation Plan was adopted with the HUD Consolidated Plan in 2005 and has been reaffirmed by the City Commission annually since then.

Acceptance of the CDBG policies and the Citizen Participation Plan for use in the 2009-2010 allocation process is required by HUD. Based on the national objectives and the regulations of the CDBG program and the testimony provided at the community needs hearing held by the City Commission on December 16, 2008, staff is recommending the priorities for the 2009 program year. Approval of the funding priorities will set the base for the 2009-2010 Annual Action Plan to be submitted to HUD by May 15 for use of the 2009 funds.

**Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission reaffirm the CDBG Policies and Citizen Participation Plan, and approve the 2009-2010 Community Development Block Grant funding priorities.**

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

Commissioner Jolley commented that the City Commission appoints 10 citizens to review public service and public facility projects submitted for CDBG funding. She inquired what might not be reviewed by the Community Development Council. Community Development Director Mike Rattray answered that this year all of the applications will be reviewed by the Community Development Council. The reason the provision was in there was because several years ago the City Commission wanted staff to review everything except for the public service projects. This allows the City Commission to go either way in the future without amending the policy.

Commissioner Jolley asked to see the annual performance evaluation report. Mr. Rattray responded that the report is submitted to HUD mid-summer of every year.

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

**Brett Doney**, GFDA, residing at 3048 Delmar Drive, appreciates staff's recommendation that economic development be part of the CDBG priorities. GFDA had hoped that economic development would have been a higher priority than five percent, and hopes the percentage will increase in the future. Mr. Doney expressed concerns about the only national objective for economic development was job creation for low to moderate income persons. GFDA is seeing incredible pressure on its loan funds. He reported that GFDA would soon be running out of loan funds that could have been

used in the City of Great Falls. If the slum and blight designation was included in the CDBG national objectives, then GFDA could use those funds to renovate downtown properties, designate funds for other economic development projects and try to build up a revitalization fund.

Commissioner Jolley inquired if there was money left over from last year's administration allocation. Mr. Rattray responded that, with HUD's requirement of more and more documentation, staff was added and the 20% cap on the administration allocation is expended. No monies will be left over this year and the City may be in a position to cut a staff person, even with the 20% allocation.

Motion carried 5-0.

## NEW BUSINESS

### ORDINANCES/RESOLUTIONS

**Ord. 3029. Accepted on first reading and set public hearing for February 3, 2009.**

- 7. ORDINANCE 3029, REZONE PARCEL MARK NO. CC, SECTION 14, T20N, R3E (CITY-OWNED PARCEL ALONG OVERLOOK DRIVE). REZONE PROPERTY FROM PLI PUBLIC LANDS AND INSTITUTIONAL DISTRICT TO M-2 MIXED-USED TRANSITIONAL DISTRICT.**

Interim Planning Director Bill Walters reported that the City owns a vacant 2.67 acre tract of land along Overlook Drive between the City Water Treatment Plant and the Warden Bridge. The City is interested in having the parcel rezoned from PLI Public Lands and Institutional District to M-2 Mixed Use Transitional District to make the property more marketable for development. The M-2 Mixed Use Transitional District designation allows commercial, residential, and institutional uses and public spaces. The zoning does not permit light or heavy industrial uses.

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 limited accessibility due to the reconstruction of Overlook Drive. Rezoning of the parcel will not affect the City's ability to use the property for depositing snow. Mr. Walters reminded the Commission that the potential sale of the parcel will be addressed separately at a future date.

Mr. Walters requested that the City Commission accept Ordinance 3029 on first reading, and set a public hearing for February 3, 2009.

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission accept Ordinance 3029 on first reading, and set a public hearing for February 3, 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.

**Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, commented that he was a member of the Missouri River Corridor Plan. Mr. Lewin is opposed to rezoning this parcel due to inadequate consideration of the area and what its use ought to be. He doesn't believe certain goals of the Plan have been considered by City staff on this project. He suggested that the road be removed going down to the river, stop all traffic under the Warden Bridge to protect the environmental integrity of the river and to preserve the area. Mr. Lewin urged the City Commission to set this matter aside and not set a public hearing.

**Kathy Gessaman**, 1006 36<sup>th</sup> Avenue N.E., commented that she believes the corner to be rather dangerous and the acreage would be an ideal park situation. Mrs. Gessaman stated that it would be wiser not to have additional traffic on that section of the road.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue N.E., commented that this particular parcel is within the Missouri River Corridor Plan. He pointed out that it has been studied and included for a specific purpose within that Plan. Mr. Gessaman commented that he hasn't heard a word about the State agency opposing this change in zoning.

**Brett Doney**, GFDA, residing at 3048 Delmar Drive, thanked the City for what staff and City departments are doing for the river corridor, particularly on the West Bank project, and expanding river trails.

Mayor Stebbins stated that a meeting would be held with the Montana Department of Transportation to discuss this issue.

Motion carried 4-1 (Commissioner Jolley dissenting).

**Res. 9785. Adopted and set public hearing for February 3, 2009.**

**8. RESOLUTION 9785, INTENT TO CREATE SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY-OWNED RESIDENTIAL LIGHTING DISTRICT NO. 1305, WATER TOWER PARK ADDITION.**

Fiscal Services Director Coleen Balzarini reported that the developer of 16 parcels of Water Tower Park Addition has requested the installation of five 100 watt lights mounted on 16 foot poles. Approval of this resolution will set the public hearing, and allow staff to move forward with the intent to create and final creation of this district as requested by the property developer.

**Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9785, and set a public hearing for the creation of Special Improvement Lighting District – City-Owned Residential Lighting District No. 1305 for February 3, 2009.**

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

Commissioner Jolley asked if the 5% interest could be added to the assessment. Ms. Balzarini answered that the 5% is added to the assessment. The word exclusive means the principle payment will be an average of \$108. The reason the City did not put in 5% for the entire loan is because it is a declining principal balance loan and would have misstated the amount they would be paying.

Commissioner Jolley inquired if the total operating maintenance cost per year by the City was \$990, and NorthWestern Energy would be \$710. Ms. Balzarini reminded Commissioner Jolley that the City's cost for street lighting energy is more expensive than NorthWestern Energy, but the City's cost for maintenance on the poles is less than NorthWestern Energy.

Commissioner Jolley asked if the developers were allowed to call NorthWestern Energy and ask for poles. Ms. Balzarini answered that the City adopted a policy of any new lighting that is installed within new developments would be owned by the City. That option is not available to the developers under the existing policy adopted by the City Commission.

Commissioner Jolley asked if the City was able to supply them with energy in light of the Public Service Commission's ruling. Ms. Balzarini answered probably not at this point. What the City is able to do is own the lights, poles and wires. The final outcome of the Public Service Commission's ruling is still ongoing.

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

**Kathy Gessaman**, 1006 36<sup>th</sup> Avenue NE, objected to additional lighting being installed within the City due to health issues caused over time.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that he resides down the street from this development. Mr. Gessaman believes the developer is making his property relatively unattractive by attaching extra costs to each lot. He also objects to the characterization that the developer has asked for five lights. The petition requested the installation of four lights.

**Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, commented that lights were recently installed at a church parking lot across the street from his house. Since then, his house was broken into several times and he believes it was due to being



able to see into his house because of the lights. Mr. Lewin suggested adjusting lifestyles and adopting a policy that would make it softer on the planet.

Commissioner Jolley commented that it was a developer's choice to request street lighting.

Motion carried 5-0.

**Res. 9808. Adopted**

**9. RESOLUTION 9808, RECOVER COSTS INCURRED IN REMOVAL AND DISPOSAL OF NUISANCE WEEDS LOCATED AT 3425 4<sup>th</sup> AVENUE NORTH.**

Fiscal Services Director Coleen Balzarini reported that this resolution is on one specific property located at 3425 4<sup>th</sup> Avenue North. There is a pending trustee's sale. Adoption of this resolution will allow the City to assess and recover the \$200 cost for cutting weeds prior to the sale.

**Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9808.**

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. **Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, spoke in support of the passage of this resolution.

Motion carried 5-0.

**Consent Agenda.  
Approved.**

**CONSENT AGENDA**

10. Minutes, December 16, 2008, Commission meeting.
11. Total expenditures of \$3,499,287 for the period of December 12-31, 2008, to include claims over \$5,000, in the amount of \$3,243,490.
12. Contracts list.
13. Set public hearing for January 20, 2009, for Neighborhood Stabilization Program (NSP) Community Housing Needs.
14. Award construction contract to James Talcott Construction in the amount of \$208,000 for the Water Treatment Plant Backwash Clarifier Modifications.

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

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

Motion carried 5-0.

With regard to Item 11, Commissioner Jolley inquired about the payment to the Great Falls Development Authority for development costs for the Ag Tech Park. Ms. Balzarini responded that the City Commission approved a Memorandum of Understanding between the GFDA and the City. This payment was the first draw on the preliminary design work that is being done in the area.

Commissioner Jolley asked if the City had purchased fuel for a set price for a certain number of years. Public Works Director Jim Rearden answered that a fuel contract was purchased that is adjusted by an index. The price does fluctuate.

Commissioner Jolley asked what ULRRWS meant on page 4 of the report. Ms. Balzarini responded that it meant Upper Lower River Road Water Sewer District. The City is acting as an agent for that entity in collecting and paying this debt.

**Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve Item 11 of the Consent Agenda as presented.**

Motion carried 5-0.

### **BOARDS & COMMISSIONS**

**Jeff Mangen and  
Raymond Wahlert  
reappointed to the  
Regional Airport  
Authority Board.**

#### **15. REAPPOINTMENTS, REGIONAL AIRPORT AUTHORITY BOARD.**

**Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission reappoint Jeff Mangen and Raymond Wahlert to three-year terms through December 31, 2011, to the Regional Airport Authority Board.**

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

Commissioner Rosenbaum commented that he received a call pointing out that other people are waiting for the opportunity to serve on boards.

Mayor Stebbins stated, in this case, there were two very qualified candidates that did excellent work in the past. She found their interviews with the Commission to be very informative, and has a better idea now where the Airport Authority is headed. That entity has a powerful economic impact on this community and the City Commission needs to be apprised of what is happening up there.

Commissioner Rosenbaum added that the semi-annual reports that the Commission will get from the appointees will help keep the Commission in touch with the Airport Authority.

Commissioner Jolley inquired if semi-annual reports would also come from the Electric City Power Board and was informed only reports from City appointees on County boards.

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

Motion carried 5-0.

#### **16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

#### **CITY MANAGER**

#### **17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Assistant City Manager Cheryl Patton reported that City Manager Gregory Doyon was absent because he was ill. She thanked Interim Planning Director Bill Walters and welcomed him aboard.

#### **PETITIONS AND COMMUNICATIONS**

#### **18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

**ECP.**

**18A. Kathy Gessaman**, 1006 36<sup>th</sup> Avenue N.E., thanked the ECP Board for listening to public comments. She also thanked Coleen Balzarini for saying she would try to find the membership certificate representing membership in the SME Cooperative.

**Public Comment, ECP,  
Law Enforcement  
Officers.**

**18B. Ron Gessaman**, 1006 36<sup>th</sup> Avenue N.E., commented on the following: (1) he noted that there was no public comment asked for on the consent agenda; (2) he noted that he was unable to find the rules of operation with regard to the City's involvement in the electric business. He read OCCGF 5.20.080, and stated he believes the City is in violation of Title 69, Chapter 7, Part 2, MCA; (3) he stated he is confused as to the position of the executive director for ECPI. ECPI is represented in the lawsuit filed against SME as having the executive director represent them at the meetings. According to SME's bylaws, only a member can be represented at SME's meeting. He is confused who the member is. In the Assignment and Assumption Agreement, the City stated it maintained its membership in SME. Mr. Gessaman requested a written response whether the executive director of ECPI is representing the member of SME, the City, or is she representing ECPI; and, (4) he thinks it is ridiculous to have two

law enforcement officers in the chambers during Commission meetings. Additionally, he thinks it is completely wrong to have undercover officers and would like to see a uniformed officer instead.

**ECP.**

**18C. Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, read a portion of page 2 of the Assignment and Assumption Agreement. Mr. Lewin commented that there are different obligations of what the ECP Board and the City must do. He expressed concern about the recent litigation and stated the City and ECP Board should have separate attorneys. He believes this is important because the ECP Board has been losing money and the City has done nothing to enforce the contract against the ECP Board. Mr. Lewin does not believe the City Commission is assuming the responsibility of getting a handle on this and is unacceptable to him.

**ECP, SME.**

**18D. Aart Dolman**, 3016 Central Avenue, concurred with Mr. Lewin's comments. Mr. Dolman is concerned about the secretiveness of SME. It is not acceptable to send a public employee to a meeting that is held in secret. He stated that he disagreed with City Attorney Gliko's comments to the ECP Board at Monday night's meeting. Mr. Dolman recommended that the City Commission hire a capable attorney separate from SME's attorneys that can do an independent investigation and represent the City.

**Pine Beetles,  
Condolences, Federal  
Courthouse, Federal  
Judge.**

**18E. John Hubbard**, 615 7<sup>th</sup> Avenue South, inquired what could be done about Pine Beetles. Mr. Hubbard expressed condolences to the Jerre Carpenter family. He commented that the new Federal Courthouse being built should be a museum instead, and West Bank should be left a park. Mr. Hubbard expressed his dissatisfaction with Federal Judge Sam E. Haddon.

### **CITY COMMISSION**

#### **19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Jolley suggested re-evaluating the ordinance regarding City street lighting. She stated that there are loans to build and costs to maintain the poles, and is not sure she wants to own the poles.

Mayor Stebbins nominated the staff of Golden Corral for the Good Neighbor Award.

**ADJOURNMENT**

**Adjourn.**

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Beecher, that the regular meeting of January 6, 2009, be adjourned at 8:25 p.m.**

Motion carried 5-0.

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Mayor Stebbins

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City Clerk

Minutes Approved: January 20, 2009



**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**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:**

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MASTER ACCOUNT CHECK RUN FOR JANUARY 7, 2009	367,084.25
MASTER ACCOUNT CHECK RUN FOR JANUARY 14, 2009	274,107.45
MUNICIPAL COURT ACCOUNT CHECK RUN FOR DECEMBER 31, 2008	53,615.24
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JANUARY 9, 2009	1,700.00
WIRE TRANSFERS FROM JANUARY 1, 2009 TO JANUARY 7, 2009	174,066.29
WIRE TRANSFERS FROM JANUARY 8, 2009 TO JANUARY 14, 2009	42,876.00
<b>TOTAL: \$</b>	<b><u>913,449.23</u></b>

**GENERAL FUND**

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**OTHER ADMIN**

CITY COUNTY HEALTH DEPARTMENT      SECOND HALF ANNUAL CONTRIBUTION      125,000.00

**POLICE**

NORTHWESTERN ENERGY      MONTHLY CHARGES (SPLIT AMONG FUNDS)      573.34  
ENERGY WEST      DEC CHARGES (SPLIT AMONG FUNDS)      2,736.98

**FIRE**

NORTHWESTERN ENERGY      MONTHLY CHARGES (SPLIT AMONG FUNDS)      689.16  
ENERGY WEST      DEC CHARGES (SPLIT AMONG FUNDS)      6,263.54

**PARK & RECREATION**

NORTHWESTERN ENERGY      MONTHLY CHARGES (SPLIT AMONG FUNDS)      528.75  
ENERGY WEST      DEC CHARGES (SPLIT AMONG FUNDS)      4,336.44

**VISITORS CENTER**

ENERGY WEST      DEC CHARGES (SPLIT AMONG FUNDS)      128.88

**SPECIAL REVENUE FUND****LIGHTING DISTRICT**

NORTHWESTERN ENERGY	DEC CHARGES (SPLIT AMONG FUNDS)	74,508.37
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**SUPPORT & INNOVATION**

GREAT FALLS BUSINESS IMPROVEMENT DISTRICT	NOVEMBER TAX DIST FOR BID	68,796.68
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**STREET DISTRICT**

NORTHWESTERN ENERGY	DEC CHARGES (SPLIT AMONG FUNDS)	64.00
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**LIBRARY**

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	700.35
ENERGY WEST	DEC CHARGES (SPLIT AMONG FUNDS)	4,037.37

**FEDERAL BLOCK GRANTS**

NEIGHBORWORKS	ACQUISITION OF LAND TO CONSTRUCT AFFORDABLE HOUSING FOR LOW INCOME	43,969.31
BIRDTAIL ELECTRIC CO	ELECTRICAL UPGRADES AUGUSTUS APTS	13,000.00

**PERMITS**

JUNKERMIER CLARK CAMPANELLA & STEVENS PC	COMPLETION & ISSUANCE OF BUILDING PERMITS	2,000.00
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**ENTERPRISE FUNDS****WATER**

WESTERN PLAINS MACHINERY CO	MINI EXCAVATOR	36,525.00
NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	7,017.58
DICKMAN EXCAVATING	1-1/2" CRUSHED ROAD MATERIAL FOR FILL ON MAIN REPAIR JOBS	3,061.26
ENERGY WEST	DEC CHARGES (SPLIT AMONG FUNDS)	8,560.08
DPC INDUSTRIES INC	LIQUID CHLORINE & AMMONIA	5,088.00

**SEWER**

DICKMAN EXCAVATING	1-1/2" CRUSHED ROAD MATERIAL FOR FILL ON MAIN REPAIR JOBS	3,061.26
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**SANITATION**

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	136.32
ENERGY WEST	DEC CHARGES (SPLIT AMONG FUNDS)	296.67

**ELECTRIC**

SME	ENERGY SUPPLY EXPENSE OCT 08	41,979.39
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**SAFETY SERVICES**

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	143.34
ENERGY WEST	DEC CHARGES (SPLIT AMONG FUNDS)	684.25

**ENTERPRISE FUNDS CONTINUED****PARKING**

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	613.10
TEE INC	DEC SNOW REMOVAL (SPLIT AMONG FUNDS)	1,400.00

**GOLF COURSES**

ENERGY WEST	DEC CHARGES (SPLIT AMONG FUNDS)	906.93
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**SWIM POOLS**

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	351.63
ENERGY WEST	DEC CHARGES (SPLIT AMONG FUNDS)	4,881.34

**RECREATION**

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	546.26
ENERGY WEST	DEC CHARGES (SPLIT AMONG FUNDS)	1,218.78

**INTERNAL SERVICES FUND****HEALTH & BENEFITS**

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS DEC 30-31, 2008	73,629.84
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS JAN 1-4, 2009	59,315.66
BLUE CROSS/BLUE SHIELD	BCBS ADMIN & REINS FEES JAN 2009	42,876.00

**INSURANCE & SAFETY**

MONTANA MUNICIPAL INS AUTH	DEC 08 GEN LIAB DEDUCTIBLE RECOVERIES	28,350.02
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**FISCAL SERVICES**

JUNKERMIER CLARK CAMPANELLA & STEVENS PC	FY 2008 AUDIT SERVICES FINAL PAYMENT	5,000.00
POSTMASTER	POSTAGE FROM 12/1/08 THRU 1/7/09	15,071.00

**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	DIESEL & UNLEADED FUEL	17,518.20
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**PUBLIC WORKS ADMINISTRATION**

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	967.73
ENERGY WEST	DEC CHARGES (SPLIT AMONG FUNDS)	11,274.09

**CC FACILITY SERVICES**

NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT AMONG FUNDS)	1,571.63
ENERGY WEST	DEC CHARGES (SPLIT AMONG FUNDS)	5,825.43
TEE INC	DEC SNOW REMOVAL (SPLIT AMONG FUNDS)	4,861.33

**TRUST AND AGENCY****MUNICIPAL COURT TRUST**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	38,636.24
CASCADE COUNTY TREASURER	FINES & FORFEITURES COLLECTIONS	8,396.00

**CLAIMS OVER \$5000 TOTAL:**\$ 777,097.53



COMMUNICATION TO THE CITY COMMISSION

DATE: January 20, 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
<b>A</b>	Public Works/ Engineering	Patrick J. O’Connell	Less than 6 months	West Bank	Anticipated not to exceed \$5,000	Right-of-way acquisition services for the new 3 <sup>rd</sup> Avenue NW roadway. <b>OF 1488</b>
<b>B</b>	Fiscal Services	Davis Business Machines, Inc.	01/05/2009- 01/04/2010		\$0.0110 per copy	Preventative Maintenance Agreement for Konica Minolta Bizhub C5500/Serial #A00J010008908

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

**AGENDA: 8  
DATE: January 20, 2009**

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

**PRESENTED BY:** Lisa Kunz, City Clerk

**ACTION REQUESTED:** Ratification of Lien Releases through the Consent Agenda

**MAYOR'S SIGNATURE:** \_\_\_\_\_

**LIEN RELEASES**

	<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>	Fiscal Services	Property Owner – Robert & Medora Azure	Current	513-3165-531-3599	\$258.19	Partial Release of Resolution #9765 to Levy and Assess Properties for Unpaid Utility Services at 719 8 <sup>th</sup> Ave. North. Parcel #5400. E1/2 Lot 10, Blk 80, GFO.
<b>B</b>	Fiscal Services	Property Owner – Bobi Jo Hayes	Current	513-3165-531-3599	\$450.89	Partial Release of Resolution #9765 to Levy and Assess Properties for Unpaid Utility Services at 1611 8 <sup>th</sup> Ave. North. Parcel #9500. Lot 11, Blk 89, GF3.

<b>C</b>	Fiscal Services	Property Owner – Chad & Brooke McGee	Current	513-3165-531-3599	\$79.53	Partial Release of Resolution #9765 to Levy and Assess Properties for Unpaid Utility Services at 716 6 <sup>th</sup> Ave. North. Parcel #76850. Lot 5, Blk 184, GFO.
<b>D</b>	Fiscal Services	Property Owner – Wells Fargo Bank NA (formerly Rick & Paulette Walter)	Current	513-3165-531-3599	\$507.42	Partial Release of Resolution #9765 to Levy and Assess Properties for Unpaid Utility Services at 1817 3 <sup>rd</sup> Ave. North. Parcel #108850. Lot 10, Blk 232, GF3.
<b>E</b>	Fiscal Services	Property Owner – Wells Fargo Bank	Current	513-3165-531-3599	\$52.44	Partial Release of Resolution #9765 to Levy and Assess Properties for Unpaid Utility Services at 312 11 <sup>th</sup> St. North. Parcel #114550. S50' Lots 6-7, Blk 240, GF1.
<b>F</b>	Fiscal Services	Property Owner – Medora & Robert Azure	Current	513-3165-531-3599	\$275.05	Partial Release of Resolution #9765 to Levy and Assess Properties for Unpaid Utility Services at 1017 1 <sup>st</sup> Ave. NW. Parcel #717000. Lot 4A, CRU.
<b>G</b>	Fiscal Services	Property Owner – Professional Brokers of Montana, Inc.	Current	513-3165-531-3599	\$357.85	Partial Release of Resolution #9765 to Levy and Assess Properties for Unpaid Utility Services at 1507 15 <sup>th</sup> St. South. Parcel #1508600. Lot 7, Blk 10, SHE.

<b>H</b>	Fiscal Services	Property Owner – Wells Fargo Bank NA (formerly Clarita Reaugh)	Current	513-3165-531-3599	\$403.90	Partial Release of Resolution #9765 to Levy and Assess Properties for Unpaid Utility Services at 1316 2 <sup>nd</sup> Ave. NW. Parcel #1834900. Lot 5, Blk 36, WGF.
<b>I</b>	Fiscal Services	Property Owner – Joel D. Kruger	Current	513-3165-531-3599	\$392.29	Partial Release of Resolution #9765 to Levy and Assess Properties for Unpaid Utility Services at 105 15 <sup>th</sup> Ave. NW. Parcel #1859200. Lot 15, Blk 2, WW3.
<b>J</b>	Fiscal Services	Property Owner – David & Bobbie Maberry	Current	513-3165-531-3599	\$155.32	Partial Release of Resolution #9765 to Levy and Assess Properties for Unpaid Utility Services at 120 Sharon Drive. Parcel #2177500. Lot 20, Blk 2, PEA.
<b>K</b>	Fiscal Services	Property Owner – Jason & Tiffany Harding (formerly Travis & Jaimee Dorvall)	Current	513-3165-531-3599	\$32.98	Partial Release of Resolution #9765 to Levy and Assess Properties for Unpaid Utility Services at 3700 Lower River Road. Parcel #2444300. SESE Sec. 23, T20, R3E, Mark A1.
<b>L</b>	Fiscal Services	Property Owner – Terry & Deborah Richerson	Current	237-3131-532-3599	\$200.00	Partial Release of Resolution #9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds in violation July 1, 2007 to June 30, 2008 at 2223 6 <sup>th</sup> Ave. North. Parcel #55450. Lot 9, Blk 150, GF4.

<b>M</b>	Fiscal Services	Property Owner – Wilma Trust Palmer	Current	237-3131-532-3599	\$200.00	Partial Release of Resolution #9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds in violation July 1, 2007 to June 30, 2008. Parcel #222770. Lot 7, Blk 413, GFO.
<b>N</b>	Fiscal Services	Property Owner – Ty M. McWilliams (formerly Tony & Ronald Ehnes)	Current	237-3131-532-3599	\$200.00	Partial Release of Resolution #9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds in violation July 1, 2007 to June 30, 2008 at 1005 1 <sup>st</sup> Ave. SW. Parcel #305550. Lot 9, Blk 589, GF5.
<b>O</b>	Fiscal Services	Property Owner – Clara L. Santopietro	Current	237-3131-532-3599	\$200.00	Partial Release of Resolution #9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds in violation July 1, 2007 to June 30, 2008 at 2026 5 <sup>th</sup> Ave. South. Parcel #998200. Lot 7, Blk 10, HUY.
<b>P</b>	Fiscal Services	Property Owner – Wells Fargo Bank NA (formerly Clarita Reaugh)	Current	237-3131-532-3599	\$200.00	Partial Release of Resolution #9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds in violation July 1, 2007 to June 30, 2008 at 1316 2 <sup>nd</sup> Ave. NW. Parcel #1834900. Lot 5, Blk 36, WGF.

Q	Fiscal Services	Property Owner – Kersondra Schultz and Richard Joseph Fertterer (formerly Debra Schultz and Richard Joseph Fertterer)	Current	451-7121-572-3599	\$3,060.00	Full Release of Resolution #9758 for Assessing the Costs Incurred in Razing the Temporary Structure and Cleaning of the Property in violation during calendar 2008 at 706 19 <sup>th</sup> St. SW. Parcel #614300. Mark 128, Community Hall Addition (formerly NW1/4SW1/4 of Section 10, T20N, R3E MPM).
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**CITY OF GREAT FALLS, MONTANA  
COMMUNICATION TO THE CITY COMMISSION**

**AGENDA: 9  
DATE: January 20, 2009**

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

**PRESENTED BY:** Lisa Kunz, City Clerk

**ACTION REQUESTED:** Ratification of Grants through the Consent Agenda

**MAYOR’S SIGNATURE:** \_\_\_\_\_

**GRANTS**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>GRANT AMOUNT REQUESTED</b>	<b>CITY MATCH (INCLUDE FUND MATCH TO BE PAID OUT OF)</b>	<b>PURPOSE</b>
<b>A</b>	Planning Ellen Sievert-Historic Preservation Officer	Montana Historic Preservation Office, Montana Historical Society, 1410 8 <sup>th</sup> Avenue, P.O. Box 201202, Helena, MT 59620-1202	04/01/2009 - 03/31/2010	\$5,500	\$16,272 – City/Planning \$ 5,004 - County	Certified Local Government Grant Application for the next fiscal year. Helps to offset costs for preservation program.



**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

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**Item:** Set public hearing for 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:** Set Public Hearing

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission set a public hearing for February 17, 2009, on Resolution 9804 to establish 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 set a public hearing for February 17, 2009, on 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 and sanitary sewer rates, and no increase in storm drain rates. 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. The historical service rate and fee increase for the 10 year period 1999-2008 is 2.42% for water, 4.21% for sewer and 2.9% for storm drain

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



are integral to the water system as a whole, and included as a monthly charge within the rate structure rather than a once a year special assessment. 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.

**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 set the public hearing and thereby deny Resolution 9804.

**Attachments/Exhibits:**

- A. Current versus proposed service rates and fees
- B. Public Notice for Mailing and Publication
- C. Resolution 9804

**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 17<sup>th</sup> 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
<b>RESIDENTIAL WATER</b>														
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			
<b>SEWER</b>														
2009 Regular Residential	1.22	2.02	5.66											
2009 Low Income Residential (90 % of Regular Residential)	1.09	1.81	5.10											
<b>COMMERCIAL WATER</b>														
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
<b>SEWER</b>														
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											
<b>PRE-TREATMENT SEWER CHARGES</b>														
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										
<b>SEWER EXTRA STRENGTH CHARGES</b>														
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										
<b>STORM DRAIN 2009</b>														
<b>A Single Family Residential</b>														
Base 1.3198680000														
Per Sq FT 0.0003959604														
Sq Ft Cap 15,000														
<b>B Multiple Residential</b>														
Base 1.3198680000														
Per Sq FT 0.0004949505														
Sq Ft Cap 0.00														
<b>C Commercial</b>														
Base 1.3198680000														
Per Sq FT 0.0006434357														
Sq Ft Cap 0.00														
<b>D Heavy Commercial</b>														
Base 1.3198680000														
Per Sq FT 0.0008909109														
Sq Ft Cap 0.00														
<b>E Unimproved Areas</b>														
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")	1.00	1.25	1.50	2.00	3.00	4.00	6.00	8.00	10.00	12.00
<b>CONNECTION FEES</b>												
<b>WATER</b>												
	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	
<b>CONNECTION FEES</b>	<b>WATER</b>	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.

<b>SEWER</b>	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.

<b>WATER</b>	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.

<b>SEWER</b>	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**

<b>NEW</b>	Flat fee of :	2008	\$ 100
		2009	\$ 100

<b>REPAIR</b>	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 :	2008	\$ 35	After Hours	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)**

<b>Laboratory Fees</b>		Alkalinity		Hardness		pH		Specific Conductance		Total Coliform & E. coli. P/A		Total Coliform & E. coli. MPN		Turbidity		HPC
	<b>2008 \$</b>	15	\$	21	\$	7	\$	7	\$	21	\$	25	\$	7	\$	28
	<b>2009 \$</b>	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
	<b>2008 \$</b>	87	\$	140	\$	180	\$	180	\$			54
	<b>2009 \$</b>	92	\$	147	\$	189	\$	189	\$			56

**Hauled Waste Disposal Fees**

0 to 100 Gallons	<b>2008</b>	No Charge	
	<b>2009</b>	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	<b>2008 \$</b>	19	per 1,000 gallons, or portion thereof, for hauled waste or all other discharges.
	<b>2009 \$</b>	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**

1<sup>st</sup> Notice – Friday, JANUARY 30, 2009

2<sup>nd</sup> Notice – Friday, FEBRUARY 6, 2009

3<sup>rd</sup> Notice – Friday, FEBRUARY 13, 2009



**Item:** Replace B.A.S.E. Trustee  
**From:** City Staff  
**Initiated By:** Cheryl Patton, Assistant City Manager  
**Presented By:** Cheryl Patton, Assistant City Manager  
**Action Requested:** Appoint Greg Doyon to replace Cheryl Patton as B.A.S.E. Trustee

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission appoint Greg Doyon to replace Cheryl Patton as a B.A.S.E. Trustee.”

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

---

**Staff Recommendation:** Staff recommends the City Commission approve the motion to name Greg Doyon as a B.A.S.E. Trustee. B.A.S.E. stands for Building Alliances for Strategic Enhancement and was the initiative undertaken by the community during the last Base Realignment and Closure process in 2004.

**Background:** On July 3, 2007 the City Commission appointed six people to act as Trustees over the B.A.S.E. Funds which had been raised by the community during the BRAC process in 2004.

The remaining money left over from the effort has been held in trust by the City of Great Falls. The Trustees are responsible to the community to oversee the fund and consider expenditures that would either prepare for the next BRAC process or enhance the military presence in our region. Approximately \$94,000 is uncommitted in the trust fund as of January 1, 2009.

Cheryl Patton has served as a trustee since July 3, 2007. She believes the City Commission should appoint Greg Doyon, City Manager, to replace her as Trustee.

The remaining Trustees are: Mayor Dona Stebbins, Brett Doney, Cynthia Shultz, County Commissioner Joe Briggs, and Warren Wenz.





**Item:** Change Order No. 1 – 2008 CDBG Handicap Ramps, O. F. 1537.1  
**From:** Engineering Division  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Approve Change Order No. 1

---

**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission approve Change Order No. 1 in the amount of \$14,382.80 for the 2008 CDBG Handicap Ramps, O. F. 1537.1, to Kuglin Construction, 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.

---

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

**Background:**

Significant Impacts

This change order involves additional work needed due to a water main break. The main break damaged the corner of 4<sup>th</sup> Avenue North and 23<sup>rd</sup> Street requiring new sidewalk, curb and gutter, handicap ramps and a new storm inlet to be installed. Since the contractor was already performing similar work under a contract, it was desirable fiscally and schedule wise to have this corner repaired under the same contract.

Citizen Participation

Not applicable

Workload Impacts

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

### Purpose

This project is constructing Americans with Disabilities Act (ADA) approved handicap ramps at various intersections throughout the city. This allows better access for pedestrians and promotes walking in the City. This is the 8<sup>th</sup> phase of what is hoped to be an ongoing series of CDBG funded projects to install handicap ramps on a citywide basis. These projects are related to a program to repair hazardous sidewalks. Several times over the years, additional work became necessary and was added to the projects via change order.

### Project Work Scope

Approximately 660 linear feet of new curb and gutter, 4,000 square feet of new sidewalk for handicap ramps, 650 square feet of 6 inch reinforced concrete, 256 square feet of truncated domes, and 2,700 square feet of new sod will be installed on this project. Eight existing horseshoe style drainage inlets will be replaced with new curb style inlets during this project as well. The project is currently on hold due to winter weather. Approximately 85% of the work has been completed. The remaining work will be done as weather permits in the spring.

### Evaluation and Selection Process

Three bids were received and opened for this project on September 10, 2008. Kuglin Construction submitted the low bid of \$100,650 and City Commission awarded the contract September 16, 2008. This change order will increase the total contract value to \$115,032.80.

### Conclusion

City staff recommends approving Change Order No. 1 to Kuglin Construction for the amount of \$14,382.80.

### **Concurrences:**

Not Applicable.

### **Fiscal Impact:**

The additional funding will come from water and storm drain accounts.

### **Alternatives:**

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

### **Attachments/Exhibits:**

1. Change Order No. 1 is attached.

# Change Order

No. 1

Date of Issuance: December 9, 2008 Effective Date: January 6, 2008

2008 CDBG Handicap Ramps (O.F. 1537.1)	Owner: City of Great Falls	Owner's Contract No.: O.F. 1537.1
Contractor: Kuglin Construction		Date of Contract: September 16, 2008
Contractor: Dave Kuglin		Engineer's Project No.: 720907

**The Contract Documents are modified as follows upon execution of this Change Order:**

An additional handicap ramp corner was added due to a water main break. Damaged sidewalk and curb was removed and replaced along with a storm inlet.

Attachments: (List documents supporting change):

**CHANGE IN CONTRACT PRICE:**

Original Contract Price:

\$ 100,650.00

[Increase] [Decrease] from previously approved Change

Orders No. 0 to No. \_\_\_\_\_:

\$ \_\_\_\_\_

Contract Price prior to this Change Order:

\$ 100,650.00

[Increase] [Decrease] of this Change Order:

\$ +14,382.80

Contract Price incorporating this Change Order:

\$ 115,032.80

**CHANGE IN CONTRACT TIMES:**

Original Contract Times:

Working days  Calendar days

Substantial completion (days or date): \_\_\_\_\_

Ready for final payment (days or date): \_\_\_\_\_

[Increase] [Decrease] from previously approved Change Orders

No. 0 to No. \_\_\_\_\_:

Substantial completion (days): \_\_\_\_\_

Ready for final payment (days): \_\_\_\_\_

Contract Times prior to this Change Order:

Substantial completion (days or date): 45

Ready for final payment (days or date): \_\_\_\_\_

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date): \_\_\_\_\_

Ready for final payment (days or date): \_\_\_\_\_

Contract Times with all approved Change Orders:

Substantial completion (days or date): 45

Ready for final payment (days or date): \_\_\_\_\_

RECOMMENDED:

By: \_\_\_\_\_  
Engineer (Authorized Signature)

Date: \_\_\_\_\_

Approved by Funding Agency (if applicable): \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_  
Owner (Authorized Signature)

Date: \_\_\_\_\_

ACCEPTED:

By: \_\_\_\_\_  
Contractor (Authorized Signature)

Date: \_\_\_\_\_

Date: \_\_\_\_\_

# Change Order

## Instructions

---

### **A. GENERAL INFORMATION**

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directives must be incorporated into a subsequent Change Order if they affect Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating Change Orders to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed in the Agreement, any effect of a Change Order thereon should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order should be used.

### **B. COMPLETING THE CHANGE ORDER FORM**

Engineer normally initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.



**Item:** Six New 2009 Police Pursuit Vehicles  
**From:** Tom Hugg, Vehicle Maintenance Supervisor  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Award Bid

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission award the bid for six new 2009 police pursuit vehicles to City Motor Company of Great Falls for \$135,627.

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

---

**Staff Recommendation:** Staff recommends that the City Commission award the bid for six new 2009 police pursuit vehicles to City Motor Company of Great Falls for \$135,627.

**Background:**

Workload Impacts

The purchase of six new police pursuit vehicles is made each year. These vehicles are kept in police pursuit for four years, which places the odometer at 90,000 – 100,000 miles.

Purpose

These units will be used by the Police Department.

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 six prospective bidders. The bids were opened on January 7, 2009 with two bidders responding. The six police pursuit vehicles being replaced will be sold at a later date.

Conclusion

The bid by City Motor Company of Great Falls meets specifications for the police pursuit vehicles.

**Fiscal Impact:** The purchase price for six new police pursuit vehicles FY 07-08 was \$120,259. The total bid price difference from last year is an increase of \$15,368 or +11.33%. Funds for their purchase were provided in the FY 2009 Central Garage Budget.

**Alternatives:** Reject the bids for the purchase of six new 2009 police pursuit vehicles.

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

**POLICE PURSUIT VEHICLES  
BIDDERS LIST**

City Motor Company  
P.O. Box 6727  
Great Falls MT 59406

Bison Motors  
500 10<sup>th</sup> Ave. South  
Great Falls MT 59405

Bennett Pontiac GMC Subaru  
#26 9<sup>th</sup> Street South  
Great Falls MT 59405

Pierce's Superstores  
2720 10<sup>th</sup> Ave. S.  
Great Falls MT 59406

Lithia Chrysler  
4025 10<sup>th</sup> Ave. S.  
Great Falls MT 59405

Ronan Auto Body & Sales  
Box T  
Ronan MT 59864







**Item:** Appointments to the Community Development Council

**From:** City Manager's Office

**Initiated By:** City Commission

**Presented By:** City Commission

**Action Requested:** Reappoint one member and appoint three new members to the Community Development Council.

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission appoint \_\_\_\_\_ to fill the remainder of a three-year term through January 31, 2010, reappoint Aaron Kueffler to a three-year term through January 31, 2012, and appoint \_\_\_\_\_ and \_\_\_\_\_ to three-year terms beginning February 1, 2009, through January 31, 2012 to the Community Development Council.”

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 three new members and reappoint one member to the Community Development Council.

**Background:** The terms of Elmer Feldman and Shannon Hoiland expire on January 31, 2009. Mr. Feldman is not interested in reappointment and Ms. Hoiland is not eligible; therefore, it is necessary to appoint two new members for three year terms through 2012. Aaron Kueffer was appointed in January of 2006. Mr. Kueffer is interested in and eligible for reappointment. Darlene Bos has moved and is unable to fulfill the remainder of her term through January 31, 2010. It is necessary to appoint one member to fill the remainder

Purpose

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

Evaluation and Selection Process

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

Continuing members of this board are:

Russell Boham  
John Martin  
Susan McCord  
Jerome Patton  
Dale Schwanke  
Maria Valandra

Citizens interested in serving on this board:

Adam Gill  
Carrie Koppy  
Sandie Wright

**Concurrences:** Not applicable.

**Fiscal Impact:** Not applicable.

**Alternatives:** Advertise to seek other citizen interest.

**Attachments/Exhibits:** Applications