



City Commission Agenda

for
June 5, 2007

Please Note: *The City Commission agenda format allows citizens to speak on each issue prior to Commission discussion. We encourage your participation.*

CALL TO ORDER: 7:00 P.M.

ROLL CALL

SWEARING IN

Pamela Morris, Neighborhood Council #8

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Res. 9648, Establishing Electric City Power utility rates through June 30, 2011, for Block One customers. Action: Conduct public hearing and adopt or deny Res. 9648. **(Presented by: Coleen Balzarini)**
3. Res. 9657, Establishing Sanitation Service Rates for FY 2008. Action: Conduct public hearing and adopt or deny Res. 9657, as amended. **(Presented by: Coleen Balzarini)**
4. Res. 9659, Establishing Animal Control Fees. Action: Conduct public hearing and adopt or deny Res. 9659. **(Presented by: Kory Larsen)**

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

5. Res. 9667, Intent to Vacate Segment of Sunset Road between 5th Avenue SW and 20th St. SW. Action: Adopt or deny Res. 9667 and set public hearing for June 19, 2007. **(Presented by: Ben Rangel)**

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.*

6. Minutes, May 15, 2007, Commission meeting.
7. Total Expenditures of \$1,955,970.16 for the period of May 10 - 30, 2007, to include claims over \$5000, in the amount of \$1,690,147.16
8. Contracts list.
9. Lien Release list.
10. Approve Vacation of Existing Easement and Grant of Sewer Utility Easement for Tract B-1 COS S-000448 (Walgreen's 3rd Street NW Parcel).
11. Set public hearing for June 19, 2007, on Res. 9669, Engineering Inspection Fees.

12. Set public hearing for June 19, 2007, on Res. 9660, Nuisance Abatement at 2608 1st Avenue North.
13. Set public hearing for July 3, 2007, on Res. 9658, Conditional Use Permit for a Duplex at 1401 1st Avenue NW.
14. Approve engineering services contract with NCI Engineering Co. for the Lift Station and Wastewater Treatment Plant Rehab Project, in an amount not to exceed \$277,880.
15. Award construction contract to Shumaker Trucking and Excavating for the 25th Avenue NE Water Main Extension in the amount of \$222,166.
16. Approve Amendment No. 6 to the Operation and Maintenance contract with Veolia Water North America Operating Services.
17. Approve Change Order No. 1 to PEC, Inc. for Sanitary Sewer Trenchless Rehabilitation, Phase 11 in the amount of \$29,410.
18. Approve Final Payment to Falls Construction Company and the State Miscellaneous Tax Division for 10th Avenue North Storm Drain in the amount of \$16,842.10.
19. Approve Final Payment to Shumaker Trucking and Excavating Contractors Inc. and the State Miscellaneous Tax Division for Schedule One of the Medical Technology Park, Lot 3, Utility and Street Improvements, in the amount of \$7,898.79.
20. Award contract to Talcott Construction, Inc. in the amount of \$1,453,165 for the Jaycee and Water Tower Pools Rehabilitation and the Neighborhood Pools Splash Decks.
21. Ratify Potable Water and Wastewater Agreements with SMEGTC for the Highwood Generating Station.

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

BOARDS & COMMISSIONS

22. Appointment, Great Falls Housing Authority Board. Appoint one member to the Great Falls Housing Authority Board for a five-year term through May 31, 2012.
23. Miscellaneous reports and announcements.

CITY MANAGER

24. Miscellaneous reports and announcements.

CITY COMMISSION

25. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS

26. Miscellaneous reports and announcements.

MOTION TO ADJOURN

**CITY OF GREAT FALLS, MONTANA
AGENDA REPORT**

**AGENDA # 2
DATE: June 5, 2007**

ITEM Resolution 9648, Establish Electric City Power utility rates through June 30, 2011 for Block One customers

INITIATED BY Fiscal Services and Electric City Power

ACTION REQUESTED Conduct Public Hearing On Electric City Power utility rates through June 30, 2011 for Block One customers and Adopt Resolution 9648

PREPARED BY Martha Capps, Operations Supervisor

APPROVED BY Coleen Balzarini, Fiscal Services Director

RECOMMENDATIONS:

Following the public hearing, staff recommends the City Commission adopt Resolution 9648, Establish Electric City Power Utility Rates through June 30, 2011.

MOTIONS: "I move the City Commission adopt Resolution 9648, Establishing Electric City Power Utility Rates through June 30, 2011."

SYNOPSIS: The City of Great Falls, in an effort to find more cost effective electrical supply, joined the Southern Montana Electrical Generation and Transmission Co-operative in the fall of 2004. On October 1, 2004, the City of Great Falls began supplying electricity to Great Falls Public Schools, the Great Falls Airport Authority, Federal Express, Great Falls Housing Authority, and Montana Air National Guard, under contracts through December 31, 2008 and to its own facilities, including the wastewater treatment plant under Veolia Water, NA, collectively referred to as "Block One Customers". This has proven to be a cost effective savings for the customers and extensions of these contracts have been requested. In October, 2006, the City Commission approved the purchase of additional power to accommodate this request. The recommended rates will extend the contracts for service through June 30, 2011. The rates for the City owned facilities have been authorized administratively and included in the budget process for FY2008. The May 2007 Northwestern Energy default price for electricity is \$55.12. The rate review process calendar is attached as exhibit A.

RESOLUTION 9648

ESTABLISH ELECTRIC CITY POWER UTILITY RATES FROM JULY 1, 2006 THROUGH JUNE 30, 2011 FOR BLOCK ONE CUSTOMERS AFTER APPROVAL BY THE CITY COMMISSION

WHEREAS:

The City Commission of the City of Great Falls met and conducted the hearing in regular session on June 5, 2007 at the Civic Center, Great Falls, Montana, at 7:00 p.m. and did consider the cost of operating and servicing the customers of Electric City Power;

WHEREAS:

The City Commission approved the entering into an agreement with Southern Montana Electric to purchase blocks of power consisting of 5 MWh's for the term of 10/01/2004 through 12/31/2008 and 7 MWh's for the term of 01/01/2007 through 12/31/2008 and 12 MWh's for the term of 01/01/2009 through 03/31/2011; and

WHEREAS:

The City of Great Falls has previously entered into supply contracts with large and medium sized retail use customers and has been requested to continue such contracts,

NOW, THEREFORE:

The City Commission of the City of Great Falls does hereby establish Electric City Power Utility Rates as follows through June 30, 2011:

SUPPLY:

07/01/2006 – 06/30/2007	\$42.91 /MW	City, Veolia Water
07/01/2007 – 06/30/2008	\$47.21 /MW	City, Veolia Water
07/01/2008 – 12/31/2008	\$50.83 /MW	City, Veolia Water
01/01/2009 – 06/30/2009	\$51.34 /MW	Block One
07/01/2009 – 06/30/2010	\$51.85 /MW	Block One
07/01/2010 – 06/30/2011	\$52.37 /MW	Block One

TRANSMISSION:		
04/01/2007 – 03/30/2008	\$7.402	Recalculated each March in accordance with Title 5, Chapter 20, OCCGF
ADMINISTRATIVE FEE:		
07/01/2006 – 06/30/2007	\$3.00	Per Account, Block One
07/01/2007 – 06/30/2011	3%	City, Veolia Water
07/01/2007 – 06/30/2009	\$3.00	GFPS, GFAA, Fed Ex, MANG, GFHA,
01/01/2009 – 06/30/2011	3%	Per Account, Block One

Passed by the Commission of the City of Great Falls, Montana, on this 5th day of June, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Peggy Bourne City Clerk

(SEAL OF CITY)

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

I, Peggy Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9648 was placed on its agenda and passed by the Commission of the City of Great Falls, Montana at a meeting thereof held on the 5th day of June, 2007, and approved by the Mayor of said City on the 5th day of June, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of June, 2007.

Peggy Bourne, City Clerk

(SEAL OF CITY)

Approved for legal content

City Attorney

Exhibit A

**2007 ELECTRIC UTILITY
RATE REVIEW CALENDAR
Resolution 9648**

Set Public Hearing

Tuesday, May 1, 2007
City Commission Meeting

Presentation to ECP, Inc Board

Monday, May 7, 2007
ECP Board Meeting

Publish Public Notices

1st Notice – Friday, May 11, 2007
2nd Notice – Friday, May 18, 2007
3rd Notice – Friday, May 25, 2007

Mailed Notices

To the various electric utility customers on May 11, 2007

Public Hearing & Commission Action

Tuesday, June 5, 2007
City Commission Meeting

Electric Utility Rates & Fees Take Effect

July 1, 2007

CITY OF GREAT FALLS, MONTANA

AGENDA # 3

AGENDA REPORT

DATE JUNE 5, 2007

ITEM Resolution 9657, Establishing Sanitation Service Rates

INITIATED BY Fiscal Services Department and Public Works Operations Department

ACTION REQUESTED Conduct Public Hearing and Adopt Resolution 9657

PREPARED BY Martha Cappis, Operations Supervisor

APPROVED & PRESENTED BY Coleen Balzarini, Fiscal Services Director

RECOMMENDATION: Following the public hearing and barring sufficient protest, staff recommends the City Commission adopt Resolution 9657 as amended, Establishing Sanitation Service Rates for FY 2008.

MOTION: "I move the City Commission adopt Resolution 9657 as amended, Establishing Sanitation Service Rates for FY 2008."

SYNOPSIS: OCCGF 8.32.350 requires the Commission to adopt a resolution establishing rates to defray the costs of sanitation services for the fiscal year. All sanitation rates will increase by approximately 4.5%. These rates will go into effect June 6, 2007.

BACKGROUND: Staff proposes adjusting the sanitation rates to adequately provide sanitation service while covering the expenses largely due to the increase in fuel and equipment costs. Staff recommends the sanitation rates increase 4.5% for FY 2008. This is a \$0.42 increase for residential service. The last increase was 3% for residential and commercial. The attached Exhibit recaps existing and proposed rates. The rates were proposed, discussed and included in the FY 2008 budget development process. The extra pickup rate, which increased from \$1.50 to \$2.00 per minute, was not updated on Resolution9657 for the first reading.

RESOLUTION 9657
AS AMENDED

A RESOLUTION TO ESTABLISH RATES IN ACCORDANCE WITH TITLE 8, CHAPTER 8.32, OCCGF, FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE COLLECTED FROM CUSTOMERS OF THE CITY OF GREAT FALLS EFFECTIVE JUNE 6, 2007

WHEREAS, The City Commission of the City of Great Falls, having met and conducted the hearing this day in regular session at the Civic Center, Great Falls, Montana, at 7:00 p.m., and having considered the cost of operation, equipment and facilities for the solid waste collection and disposal system do hereby establish the basic monthly collection rates charged City customers for, once per week, full service, as follows:

RESIDENTIAL

per		
month	Regular 65 Gallon	8.10
	Regular 96 Gallon	9.67
	Additional 96 Gallon	5.49
	Senior Citizen	6.74
	Extra Pickup	
	96 Gallon	5.50

COMMERCIAL

per		
month	90 Gallon	18.40
	300 Gallon (shared) or 1 yard	25.25
	300 Gallon (sole use) or 1.5 yard	29.60
	2 yard	35.40
	3 yard	50.80
	Over 3 yard (per yard)	16.80
	6 yard loose	100.63
	6 yard compacted	226.00
	8 yard loose	134.40

Extra Pickup

300 Gallon	7.85
plus extra's - \$1.50 2.00/minute	

Charges for other commercial pickup frequencies per week shall be the rate times the number of pickups per week. Large accumulation of material placed for collection may be charge to the customer @ ~~\$1.50~~ 2.00 per minute if it takes longer than 2 minutes to load the material.

Special Pickup

Large appliances	6.00
Large appliances-with freon	26.00

DROP BOX

per		
pickup	3 yard loose	32.50
	20 yard loose	235.00
	30 yard loose	265.00
	40 yard loose	290.00
	30 yard compacted	175.00
	40 yard compacted	175.00

Per Day Rental

permanent w/ fixed pickup schedule	2.00
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short term rental 4.00
after 5 days 2.00

Rates do not include the disposal fee as set forth in the Solid Waste Disposal Agreement between the City of Great Falls and Montana Waste Systems. Disposal costs will be assessed by actual weight and volumes in accordance with the agreement.

CONVENIENCE CENTER

per load	Car (minimum)	4.00
	Truck (1 cubic yard)	8.00
	Truck (1.5 cubic yard)	11.00
	Trailer (single axle)	8.00
	Trailer (large load - 12' limit)	10.00
	Handling Fee	20.00
	Heavy or Bulky Loads (asphalt shingles)	
	Refrigerators & Air Conditioners	20.00
	Used Oil (5 gallon limit)	2.00
	White Goods	2.00

PASSED by the Commission of the City of Great Falls, Montana, on this 5th day of June, 2007.

Sandy Hinz, Mayor Pro-tempore

ATTEST:

Peggy Bourne, City Clerk

(SEAL OF CITY)

Approved as for legal content:

City Attorney

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

I, Peggy Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9657 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 5th day of June 2007, and approved by the Mayor of said City on the 5th day of June 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of June 2007.

Peggy Bourne, City Clerk

(SEAL OF CITY)

SANITATION RATES

Resolution 9657

AS AMENDED

4.50%

EFFECTIVE JUNE 6, 2007

	<u>CURRENT</u>	<u>FY08 PROPOSED</u>
<u>RESIDENTIAL</u>		
per month Regular 65 Gallon	7.75	8.10
Regular 96 Gallon	9.25	9.67
Additional 96 Gallon	5.25	5.49
Senior Citizen	6.45	6.74
Extra Pickup		
96 Gallon	5.00	5.50
<u>COMMERCIAL</u>		
per month 90 Gallon	17.50	18.40
300 Gallon (shared) or 1 yard	24.15	25.25
300 Gallon (sole use) or 1.5 yard	28.25	29.60
2 yard	33.80	35.40
3 yard	48.60	50.80
Over 3 yard (per yard)	16.05	16.80
6 yard loose	96.30	100.63
6 yard compacted	216.30	226.00
8 yard loose	128.55	134.40
Extra Pickup		
300 Gallon	7.50	7.85
plus extra's - \$1.50 2.00/minute		
<i>Charges for other commercial pickup frequencies per week shall be the rate times the number of pickups per week. Large accumulation of material placed for collection may be charge to the customer @ \$1.502.00 per minute if it takes longer than 2 minutes to load the material.</i>		
Special Pickup		
Large appliances	5.00	6.00
Large appliances-with freon	25.00	26.00
<u>DROP BOX</u>		
per pickup 3 yard loose	31.00	32.50
20 yard loose	225.00	235.00
30 yard loose	255.00	265.00
40 yard loose	280.00	290.00
30 yard compacted	170.00	175.00
40 yard compacted	170.00	175.00
Per Day Rental		
permanent w/ fixed pickup schedule	2.00	2.00
short term rental	4.00	4.00
after 5 days	2.00	2.00
<i>Rates do not include the disposal fee as set forth in the Solid Waste Disposal Agreement between the City of Great Falls and Montana Waste Systems. Disposal costs will be assessed by actual weight and volumes in accordance with the agreement.</i>		
<u>CONVENIENCE CENTER</u>		
per load Car (minimum)	2.00	4.00
Truck (1cubic yard)	7.00	8.00
Truck (1.5 cubic yard)	10.00	11.00
Trailer (single axle)	7.00	8.00
Trailer (large load - 12' limit)	9.00	10.00
Handling Fee	15.00	20.00
Heavy or Bulky Loads (asphalt shingles)		
Refrigerators & Air Conditioners	20.00	20.00
Used Oil (5 gallon limit)	1.00	2.00
White Goods	2.00	2.00

AGENDA REPORT

DATE June 5, 2007

ITEM Resolution 9659 - Animal Control Fees

ACTION REQUESTED Conduct Public Hearing and adopt Resolution 9659

PREPARED BY Kory Larsen, Chief Prosecuting Attorney

PRESENTED BY: Kory Larsen, Chief Prosecuting Attorney

RECOMMENDATION:

Staff recommends the City Commission conduct a public hearing and adopt Resolution 9659 pertaining to animal control fees.

MOTION:

I move that the City Commission adopt Resolution 9659.

SYNOPSIS: After several committee meetings and much discussion the resolution fee committee proposes the attached fee schedule (Exhibit "A"). The fees are designed with several goals including encouraging owners to spay/neuter their pets and also include a lifetime registration fee to reward responsible pet ownership as well as a discounted rate for senior citizens. The committee worked hard to ensure that the fees assist animal control in cost recovery but are not too high which would discourage compliance. The committee plans to meet again in the coming months to determine if the fees are meeting these goals and if necessary, make changes next year.

RESOLUTION 9659

A RESOLUTION ESTABLISHING ANIMAL CONTROL FEES

WHEREAS, in January 2007 the City Commission adopted a new ordinance pertaining to animal control laws.

WHEREAS, within the new animal control ordinance, references were made to several types of fees that were to be set by Commission Resolution.

WHEREAS, Resolution 9659 hereby sets the fees that were stipulated in the animal control ordinance and replaces all other animal control fee resolutions and fees.

NOW THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA that the City Commission hereby adopts the animal control fees set forth in Exhibit A.

PASSED by the Commission of the City of Great Falls, Montana, on this 5TH day of June, 2007.

Sandy Hinz, Mayor Pro-Tempore

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)

County of Cascade: ss.
City of Great Falls)

I, PEGGY J. BOURNE, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9659 was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 5th day of June, 2007, and approved by the Mayor of said City, on the 5th day of June, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 5th day of June, 2007.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Exhibit A
ANIMAL ORDINANCE FEES

REGISTRATION FEE	ALTERED	UNALTERED
1 Year	\$15	\$30
Lifetime	\$75	\$150
Licenses issued for one year beginning January 1 and shall be renewed annually. If the owner renews or obtains a license for the first time after September 1st, the registration is valid for the remaining year and the entire following year. If the registration fee is renew or obtained prior to September 1st, the registration is valid until Dec 31st.		
IMPOUND FEE (Per Calendar Year)	ALTERED	UNALTERED
1 st Impound Animal Registered	\$20	\$40
1 st Impound Animal Not Registered	\$40	\$80
2 nd Impound Animal Registered	\$30	\$60
2 nd Impound Animal Not Registered	\$60	\$120
3 rd (and above) Impound Animal Registered	\$40	\$80
3 rd (and above) Impound Animal Not Registered	\$100	\$200
If the owner registers the animal when redeeming them, the impound fee charged shall be set at the registered rate		
Free Ride Home: Animals who are registered and altered shall be given one free ride home if animal control is able to contact the owner of the animal at home after the animal is picked up. If an animal has already been given a “free ride home”, animals who are altered and registered and returned to their owners at home shall be charged a fee of \$10.00		
DEPOSITS	ALTERED	UNALTERED
Rabies	\$15	\$15
Unaltered Dog	n/a	\$100
Unaltered Cat	n/a	\$50
SHOT FEE		
Parvo/Distemper	\$15.00	(No Refunds)

Exhibit A
ANIMAL ORDINANCE FEES

BOARDING FEE (Per Day)	ALTERED	UNALTERED
Cat	\$15	\$30
Dog	\$15	\$30
MULTIPLE ANIMAL PERMIT	1 Year	Lifetime
6 or Fewer Total Animals	\$25	\$50
7 or More Total Animals	\$50	\$100
All animals must have current registration and all necessary vaccinations prior to issuance of the MAP.		
MULTIPLE ANIMAL HOBBY BREEDER PERMIT		\$300
This permit is valid for one year from the date of issuance.		
Senior Citizens (over 65 years of age) shall be entitled to ½ price on all registration, Multiple Animal Permits, and Multiple Animal Hobby Breeder Permits		

AGENDA REPORT

DATE June 5, 2007

ITEM Resolution 9667 Intent to Vacate Segment of Sunset Road between 5th Ave SW and 20th St SW

-

INITIATED BY Abutting Property Owners Michael and Diane McPherson and Cascade County

-

ACTION REQUESTED Adopt Resolution 9667 to set Public Hearing for June 19, 2007

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

-

RECOMMENDATION:

It is recommended the City Commission approve the vacation of Sunset Road between 5th Avenue SW and 20th Street SW.

MOTION:

“I move the City Commission adopt Resolution 9667.”

SYNOPSIS:

Resolution 9667 sets a public hearing for June 19, 2007, to consider vacation of Sunset Road between 5th Avenue SW and 20th Street SW.

BACKGROUND:

Michael L. and Diane J. McPherson who reside at 2001 5th Avenue SW, have submitted a petition to abandon the diagonal segment of Sunset Road extending between 20th Street SW and 5th Avenue SW.

Please refer to the attached vicinity map.

The small triangular parcel (Lot 6) located at the northwest corner of the intersection of 20th Street SW and 5th Avenue SW is owned by Cascade County which has provided an affidavit expressing no objection to the abandonment of the involved segment of Sunset Road.

Some area residents have provided testimony that the narrowness, the angular configuration and the blind corners associated with the involved section of Sunset Road create a traffic hazard for both vehicles and pedestrians.

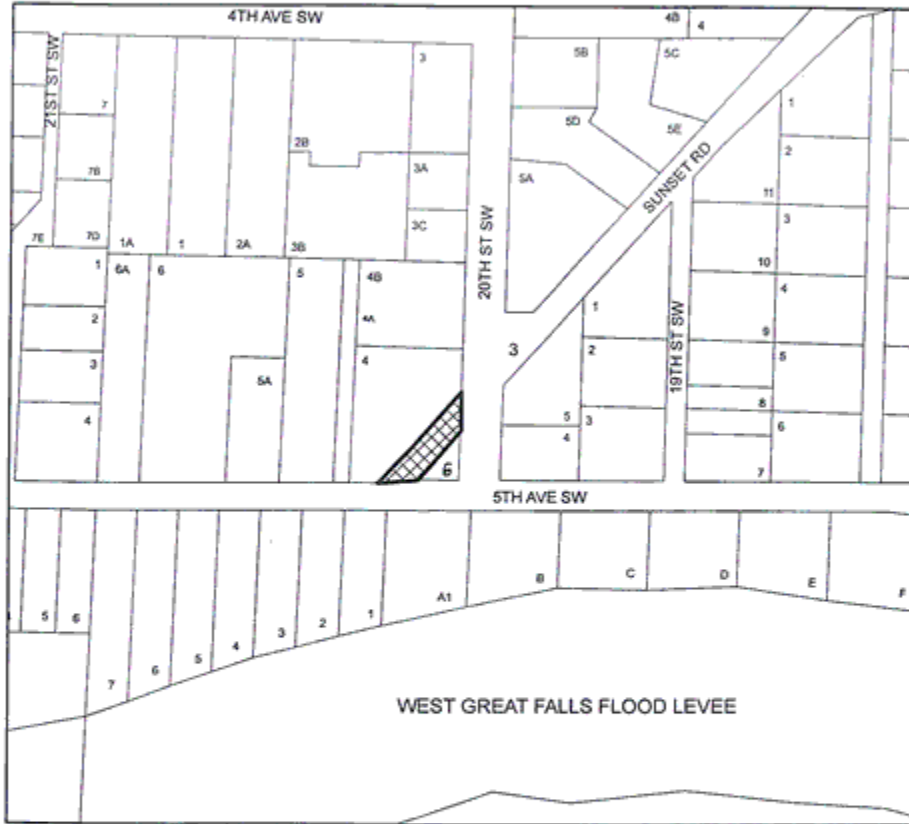
Existing utilities in the involved segment of Sunset Road include a City water main.

Upon abandonment, the northerly half of the vacated right-of-way would revert to and become a part of the abutting Lot 4 currently owned by the McPherson’s and the southerly half would revert to and become a part of the abutting Lot 6 which is owned by Cascade County. As potential development options for the County parcel are limited because of its small size and configuration, it is anticipated the County will attempt to sell the property through a public bid process. The McPherson’s have indicated an interest in acquiring the County property. Approval of the abandonment would be accompanied by a requirement for an amended plat to show the reconfiguration of abutting lots and provision of appropriate easement(s) for utilities.

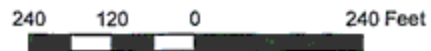
Attach: Resolution 9667
Vicinity Map

Cc w/o attach: Michael & Diane McPherson, 2001 5th Ave SW
Board of County Commissioners

VICINITY MAP



 SEGMENT OF SUNSET ROAD REQUESTED TO BE ABANDONED



RESOLUTION 9667

A RESOLUTION OF INTENTION BY THE CITY
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,
TO VACATE THE SEGMENT OF SUNSET ROAD
BETWEEN 5TH AVENUE SOUTHWEST AND 20TH STREET SOUTHWEST,
IN ACCORDANCE WITH THE PROVISIONS OF
SECTION 7-14-4114, MONTANA CODE ANNOTATED, AND
DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

* * * * *

WHEREAS, the subdivision plat of Community Hall Addition to Great Falls dedicated the diagonal segment of Sunset Road between what is now designated as 5th Avenue Southwest and 20th Street Southwest as public right-of-way; and

WHEREAS, area residents have provided testimony that the narrowness, the angular configuration and the blind corners associated with the involved segment of Sunset Road create a traffic hazard for both vehicles and pedestrians; and

WHEREAS, subject segment of Sunset Road is deemed not to be needed for public roadway purposes; and

WHEREAS, the two lot owners abutting subject segment of Sunset Road have petitioned to have it vacated; and

WHEREAS, a condition of approval of vacation of subject right-of-way shall be the preparation of an appropriate amended plat which shows the distribution of the right-of-way requested to be vacated, reconfiguration of abutting lot(s), and reservation of required utility easement(s).

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA;

That Tuesday, the 19th day of June, 2007, at 7:00 P.M. in the Commission Chambers of the Great Falls Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place at which the Great Falls City Commission shall hear all persons relative to the proposed vacation of the segment of Sunset Road between 5th Avenue Southwest and 20th Street Southwest; and

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of said City shall forthwith cause notice of this Resolution to be: (1) published once in the Great Falls Tribune, the newspaper published nearest such land; and, (2) posted in three public places.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 5th day of June, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9667 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 5th day of June, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5th day of June, 2007.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

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

Peggy J. Bourne, being first duly sworn, deposes and says: that on the 5th day of June, 2007, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Resolution 9667 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

- On the Bulletin board, first floor, Civic Center building
- On the Bulletin board, first floor, Cascade County Court House
- On the Bulletin Board, Great Falls Public Library

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PRESENTATION OF THE COLORS

ROLL CALL: City Commissioners present: Mayor Stebbins, Bill Beecher, Sandy Hinz, Diane Jovick-Kuntz and John Rosenbaum. Also present were the City Manager, Assistant City Manager, City Attorney, Directors of Community Development, Library, Park and Recreation, Fiscal Services, Public Works, Acting Planning Director, Police Chief, Fire Chief and the City Clerk.

SWEARING IN: Mayor Stebbins swore in Neighborhood Council 2 member Dorothy Schmidt.

PROCLAMATIONS: Mayor Stebbins read proclamations for Peace Officer’s Memorial Day and National Public Works Week.

NEIGHBORHOOD COUNCILS

Bloomingtondale Park Rededication.

1A. Bob Mehlhoff, NC2, thanked the people involved with the rededication ceremony for Bloomingtondale Park. He also welcomed new member, Dorothy Schmidt, to the Council and thanked outgoing member Steve White for all his work.

9th Street traffic; Skate Park graffiti and lap swimming.

1B. Aaron Weissman, NC7, expressed concern about 9th Street and the increasing and speeding traffic, particularly between 3rd and 8th Avenues North. He asked the City Commission to look into it and put measures in place that would better protect pedestrians. He also expressed concern about graffiti at the skate park. He added that City ordinance requires graffiti to be removed within 72 hours. However, City officials do not follow the ordinance. He suggested the City incorporate a contest to channel negative urban artists to paint positive things and offer the entire skate park as the canvas. He added that the City could provide an area as a “graffiti wall” for urban artists. Finally, he thanked Patty Rearden for scheduling lap swim sessions at Mitchell Pool.

Vandalism at Memorial Park.

1C. Karen Grove, NC8, stated that Neighborhood Council 8 will be discussing vandalism done to trees at Memorial Park.

PUBLIC HEARINGS

Res. 9645, 9649 and Ord. 2969, annexing and zoning Castle Pines Phase V. Adopted.

2A. RESOLUTION 9645, ANNEXATION CASTLE PINES ADDITION PHASE V AND A SEGMENT OF 13TH STREET SOUTH.

2B. RESOLUTION 9649, ANNEXATION OF CASTLE PINES ADDITION PHASE V.

2C. ORDINANCE 2969, ZONING FOR CASTLE PINES ADDITION PHASE V.

Acting Planning Director Bill Walters reported that Resolution 9645 annexes 11 lots and the roadways within Castle Pines Addition Phase V and the segment of 13th Street South between 24th Avenue South and 27th Avenue South. Resolution 9649 annexes the remaining 10 lots in Castle Pines Addition Phase V on which single-family “self-help” program houses will be constructed. Resolution 9649 will not be recorded until the single-family houses are completed and ready to be occupied, which is anticipated to be in July 2008. Ordinance 2969 assigns a zoning classification of R-3 single-family high density district, to the subdivision.

Mr. Walters added that the Zoning Commission recommended the City Commission approve the requested zoning classification and the Planning Board recommended the City Commission approve the Final Plat and its annexation subject to the following conditions: the final plat correct any errors or omissions noted by staff, the final engineering drawings and specifications be approved by the Public Works Department, the developer sign an Annexation Agreement that contains the following requirements: installation of public improvements within two years of the date of annexation, adherence to the Agreement dated November 7, 1995, pertaining to the Off-Site Improvement Trust Fund, and prohibition of private driveway approaches to 13th Street South from abutting lots.

Mayor Stebbins declared the public hearings open. No one spoke in support of or opposition to Resolutions 9645 and 9649 or Ordinance 2969. Mayor Stebbins closed the public hearing.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9645 and approve the Final Plat and Annexation Agreement all related to Castle Pines Addition Phase V and a segment of 13th Street South.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission adopt Resolution 9649 annexing a portion of Castle Pines Addition Phase V.

Motion carried 5-0.

Commissioner Jovick-Kuntz moved, seconded by Commissioners Hinz and Beecher, that the City Commission adopt Ordinance 2969.

Motion carried 5-0.

Res. 9655 and Ord. 2971 annexing and zoning Mount Olivet Minor Subdivision B1, L1A1, 1B1, 1B2 and B2 of the amended plat of L1A and L1B of Block 1. Adopted.

- 3A. RESOLUTION 9655, ANNEXATION OF MOUNT OLIVET MINOR SUBDIVISION BLOCK 1, LOTS 1A1, 1B1 AND 1B2; BLOCK 2 OF THE AMENDED PLAT OF LOTS 1A AND 1B BLOCK 1.**
- 3B. ORDINANCE 2971, ZONING FOR MOUNT OLIVET MINOR SUBDIVISION BLOCK 1, LOTS 1A1, 1B1 AND 1B2; BLOCK 2 OF THE AMENDED PLAT OF LOTS 1A AND 1B BLOCK 1.**

Acting Planning Director Bill Walters reported that Resolution 9655 annexes four lots in Mount Olivet Minor Subdivision and Ordinance 2971 assigns a zoning classification of PLI public lands and institutional district to them. The lots involved consist of 92 acres and are located east of 26th Street South along a segment of 18th Avenue South. Central Catholic High School is currently under construction on one of the lots and uses for the other three lots being annexed have not been identified.

The Zoning Commission conducted a public hearing on September 12, 2006, and at its conclusion passed a motion recommending the City Commission approve the requested zoning.

The Planning Board, at the conclusion of the same hearing held September 12, 2006, recommended the City Commission approve the annexation request subject to the following conditions: correction of any errors or omissions noted by staff on the Amended Plat, approval by the Public Works Department of the final engineering documents, signing an annexation agreement and paying applicable fees.

Mayor Stebbins declared the public hearings open. No one spoke in support of or opposition to Resolution 9655 or Ordinance 2971. Mayor Stebbins closed the public hearing.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9655 and approve the amended plat, Findings of Fact and Annexation Agreement all related to Lots 1A1, 1B1, and 1B2, Block 1, and Lot 1, Block 2, of the Amended Plat of Lots 1A & 1B, Block 1, Mount Olivet Minor Subdivision.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 2971.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

4. Minutes, May 1, 2007, Commission meeting.
5. Total Expenditures of \$1,084,867 for the period of April 27 thru May 9, 2007 to include claims over \$5000, in the amount of \$878,813.
6. Contracts List.
7. Grants List.
8. Set public hearing for June 5, 2007, on Resolution 9659 pertaining to animal control fees.
9. Set public hearing for June 5, 2007, on Resolution 9657 pertaining sanitation service rates for FY 2008.
10. Request to raise the subsidy amount in the HOME Down Payment Assistance Program for Neighborhood Housing Services from \$10,000 to \$15,000.
11. Modification of existing Bay Drive Phase II CTEP Project Specific Agreement with the Montana Department of Transportation to include construction and construction oversight. (OF 1126.9).
12. Change Order 4, Contract 02, General Construction for the Wastewater Treatment Plant Cogeneration Project (OF 1404) in the amount of \$27,620.23.

Commissioner Beecher moved, seconded by Commissioner Hinz, that the City Commission approve the Consent Agenda as presented.

Motion carried 5-0.

BOARDS & COMMISSIONS

**Transit Board
Term Correction.**

13. TRANSIT BOARD.

On April 17, 2007, the City Commission jointly appointed Ann Marie Meade to the Great Falls Transit District to fill the vacancy of an elected member who resigned. The term date in the motion was incorrect and should have read December 31, 2008 instead of November 30, 2007.

Commissioner Hinz moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission correct the board term for Ann Marie Meade on the Great Falls Transit District Board so it expires December 31, 2008.

Motion carried 5-0.

**Preliminary Plat
of Upper River
Road Estates Add.
Approved.**

14. PRELIMINARY PLAT, UPPER RIVER ROAD ESTATES ADDITION.

Woith Engineering, on behalf of the property owners, submitted applications regarding a Preliminary Plat of Upper River Road Estates Addition and for

rezoning the property from the existing City zoning classification of R-1 single-family suburban district to PUD planned unit development district. Upper River Road Estates Addition includes 20 single-family residential lots and one lot where 12 residential condominium units are proposed to be constructed.

The Planning Board conducted a public hearing on the preliminary plat April 24, 2007, and at its conclusion recommended the City Commission approve the Preliminary Plat and the accompanying Findings of Fact, subject to the following: the final plat of Upper River Road Estates Addition correct any errors or omissions noted by staff; the final engineering drawings and specifications be approved by the Public Works Department; a revised building envelope plan showing maximum building heights and lot coverage, as well as, the setbacks for principal and accessory buildings be submitted to the Planning Department for approval; combination of a portion of the remainder parcel of property in Certificate of Survey 3391 with the smaller parcel labeled as "Thayer" on the preliminary plat; a development agreement be approved; and all applicable fees paid.

Commissioner Rosenbaum moved, seconded by Commissioners Hinz and Jovick-Kuntz, that the City Commission approve the Preliminary Plat of Upper River Road Estates Addition and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Board.

Motion carried 5-0.

**Preliminary Plat
of Meadowlark
Add. 5.
Approved.**

15. PRELIMINARY PLAT OF MEADOWLARK ADDITION 5.

Meadowlark Partners, LLP, submitted applications regarding a Preliminary Plat of Meadowlark Addition 5 and rezoning the addition from the current County "R-2" low density residential district to the City zoning classification of R-3 single-family high density district. The addition consists of 20 single-family residential lots ranging in size from 9,156.80 square feet to 12,276.88 square feet.

The Planning Board conducted a public hearing on the preliminary plat on April 24, 2007 and at its conclusion recommended the City Commission approve the Preliminary Plat of Meadowlark Addition 5 and the accompanying Findings of Fact subject to the following conditions: the final plat of Meadowlark Addition 5 correct any errors or omissions noted by staff; the final engineering drawings and specifications be approved by the Public Works Department; an Annexation Agreement be signed; and all applicable fees paid.

Commissioner Jovick-Kuntz moved, seconded by Commissioner Beecher, that the City Commission approve the Preliminary Plat of Meadowlark Addition 5 and the accompanying Findings of Fact subject

to fulfillment of conditions stipulated by the Planning Board.

Motion carried 5-0.

REPORTS AND ANNOUNCEMENTS FROM THE CITY MANAGER

**Resolution 9648
pertaining to
electric rates for
block 1 customers.**

17. City Manager John Lawton responded to a question that was asked at the May 1, 2007, Commission meeting regarding Resolution 9648. Specifically, the question was why the effective date for the rates contained in the resolution would go back to July 1, 2006. Mr. Lawton explained that Resolution 9648 contains rates for a specific customer group, primarily City Departments that were contracted for with SME in an agreement approved by the City Commission. He added that while the 2006 rates charged to City Departments were not formally set by resolution, they were approved by the City Commission during the budget process. Resolution 9648 includes the 2006 timeframe in order to ratify the rates approved through another process and to provide a complete rate picture through electric rate resolutions.

PETITIONS AND COMMUNICATIONS

**Memorial Park, Skate
Park, ECPI
Information requests
and the HGS Record
of Decision.**

19A. **Mary Jolley**, 1910 2nd Avenue North, stated she was sorry to hear about the vandalism at Memorial Park. She also suggested that City staff research the type of paint that could be used at the Skate Park that allows any graffiti to be washed off. She added that she submitted a request for additional information which included why the effective date of Resolution 9648 was July 1, 2006. She thanked Mr. Lawton for responding. She asked how the utility extensions would be paid for out to the Highwood Generating Station and question why the Record of Decision issued by RUS indicated the City would only own 15 percent of the Highwood Generating Station Plant when everything previously released indicated the City would own 25 percent of the plant.

**Highwood Generating
Station.**

19B. **Aart Doleman**, 3016 Central Avenue, stated he attended the Electric City Power Board meeting the other day and learned that the board was strictly advisory. He added that since the City Commission did not make any decisions regarding the plant, it appeared that the City's role in the plant and all decisions regarding it were made by City staff. He also questioned the Record of Decision statement regarding 15 percent ownership of the plant by the City rather than the 25 percent he thought was approved. He added that he was concerned about the actual cost of electricity once CO₂ sequestration was added onto the bottom line.

**Highwood Generating
Station.**

19C. **John Stevens** stated he supported the Highwood Generating Station.

Highwood Generating

19D. **Ron Gessaman**, 1006 36th Avenue NE, explained that he has asked

Station. many questions regarding the Highwood Generating Station and had not yet received a satisfactory response. He provided the City Commission with copies of the letter he sent containing the questions he'd like addressed as well as the replies he's received.

Highwood Generating Station. **19E. John Hubbard** suggested that the proceeds from the state lottery should be used to fund schools. He also discussed the attributes of politicians and price of gasoline.

Great Falls Legislators and the Highwood Generating Station. **19F. Brett Doney**, Great Falls Development Authority, thanked the legislative delegation from the Great Falls area for all their hard work during this past session. He added that it appeared the construction of the Highwood Generating Station was moving forward and asked those who opposed the plant to divert their energies towards positive clean energy opportunities that were being discussed.

Highwood Generating Station rezoning. **19G. Kathleen Gessaman**, 1006 36th Avenue NE, stated that Cascade County was now required to redo the rezoning process for the Highwood Generating Station. She encouraged the County Commissioners to rethink their previous decision to spot zone the area.

Adjourn.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the regular meeting of May 15, 2007, be adjourned at 7:57 p.m.**

Motion carried 5-0.

Mayor Stebbins

Peggy Bourne, City Clerk

ITEM: \$5000 Report
Budget or Contract Claims in Excess of \$5000

PRESENTED BY: City Controller

ACTION REQUESTED: Approval With Consent Agenda

APPROVAL: _____

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

MASTER ACCOUNT CHECK RUN FOR MAY 16, 2007	934,911.58
MASTER ACCOUNT CHECK RUN FOR MAY 23, 2007	524,330.51
MASTER ACCOUNT CHECK RUN FOR MAY 30, 2007	284,333.22
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MAY 04, 2007	2,043.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MAY 11, 2007	2,555.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MAY 15, 2007	49,274.50
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MAY 18, 2007	2,400.00
WIRE TRANSFERS FROM MAY 8-14 2007	53,345.95
WIRE TRANSFERS FROM MAY 23, 2007	1,238.50
WIRE TRANSFERS FROM MAY 23, 2007	<u>101,537.90</u>
TOTAL: \$ <u>1,955,970.16</u>	

GENERAL FUND

POLICE

ENERGY WEST	MARCH MONTHLY CHARGES (SPLIT)	1,894.84
BANIK COMMUNICATIONS	WEBSITE CONST/FOR 0013 GRANT	20,000.00

FIRE

ENERGY WEST	MARCH MONTHLY CHARGES (SPLIT)	3,688.24
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PARK & RECREATION

ENERGY WEST	MARCH MONTHLY CHARGES (SPLIT)	3,865.32
MONTANA WASTE SYSTEMS	APRIL 2007 (SPLIT)	164.48

SPECIAL REVENUE FUND

911 SPECIAL REVENUE

GRABAR VOICE AND DATA	48 CHANNEL NICE CALL	17,155.00
QWEST INTERPRRISE AMERICA INC	E911 PARTS/LABOR MAINTENANCE	11,376.00
QWEST	MONTHLY CHARGES	6,258.27

FIRE SPECIAL

COMMERCIAL LAUNDRY SALES	MAYTAG WASHER EXTRACTOR	7,001.00
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STREET DISTRICT

SHERWIN WILLIAMS	TRAFFIC PAINT	15,414.50
GREAT FALLS INTERNATIONAL	2ND HALF 06 ST ASSESSMENTS	12,794.11

LIBRARY

ENERGY WEST	MARCH MONTHLY CHARGES (SPLIT)	3,914.19
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FEDERAL BLOCK GRANTS

AT KLEMENS AND SONS	DUNN BROWN BLDG LABOR	7,349.00
CASCADE HOME IMPROVEMENTS INC	ROOF REPLACEMENT 903 CARLOS DR	6,790.00
AT KLEMENS AND SONS	DUNN BROWN BLDG LABOR	10,238.00

HOME GRANTS

NEIGHBORWORKS	PMT#2 DOWN PYMT HOUSING SERVICES	68,500.00
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ECONOMIC REVOLVING

ENERGY WEST	MARCH MONTHLY CHARGES (SPLIT)	121.83
CAPITOL DECISIONS	MAY 2007 RETAINER	8,800.00

CAPITAL PROJECTS

GENERAL CAPITAL

MOODY'S INVESTORS SERVICE	PROFESSIONAL SERVICES, BONDS	5,300.00
DA DAVIDSON	DEBT ISSUANCE COSTS	18,000.00
DORSEY & WHITNEY	DEBT ISSUANCE COSTS	9,500.00
SPECTRUM POOL PRODUCT	POOL COVER	21,756.15

ENTERPRISE FUNDS

WATER

ENERGY WEST	MARCH MONTHLY CHARGES (SPLIT)	8,152.88
THATCHER CO	LIQUID ALUMINUM SULFATE	6,491.63
DICK ANDERSON CONSTRUCTION	PMT#3 OF 1332.2 FLOCCULATION BSN	441,012.14
PHILLIPS CONSTRUCTION	OF 1437, HORIZON PARK CENTRAL AVE	79,104.70
THOMAS DEAN & HOSKINS	PMT #13 OF #1332.2 FLOCCULATION	17,254.53

DANA KEPNER CO-BILLINGS	3/4" SRII ECR METERS	13,650.00
DANA KEPNER CO-BILLINGS	1" HORNS/1" PMM ECR METERS	11,546.00
ENTERPRISE FUNDS CONTINUED		
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WATER CONTINUED		
NORTH PARK INVESTMENTS	OF#1421.1 SOUTH PARK ADDITION	14,726.75
NORTHWESTERN ENERGY	MONTHLY CHARGES (SPLIT)	8,371.04
INFOR GLOBAL SOLUTIONS INC	MP2 SOFTWARE & LICENSE	7,188.00
SEWER		
PLANNED & ENGINEERED CONST	OF#1425.6 SANITARY SEWER	106,729.07
VEOLIA WATER NORTH AMERICA	MAINTENANCE MAY 2007. IMPROV	204,781.92
MORRISON MAIRLE CORP	OF1476 GF N SANITARY/SD MASTER PLN	4,009.72
MORRISON MAIRLE CORP	OF1476 GF N SANITARY/SD MASTER PLN	1,387.95
STORM DRAIN		
ADVANCED EARTHWORKS	OF1449, 2ND AVE SW, 24TH ST SW	54,641.67
MORRISON MAIRLE CORP	OF1476 GF N SANITARY/SD MASTER PLN	3,163.90
MORRISON MAIRLE CORP	OF1476 GF N SANITARY/SD MASTER PLN	8,667.22
SANITATION		
ENERGY WEST	MARCH MONTHLY CHARGES (SPLIT)	335.58
MONTANA WASTE SYSTEMS	APRIL 2007 CHARGES (SPLIT)	68,444.39
SAFETY SERVICES		
ENERGY WEST	MARCH MONTHLY CHARGES (SPLIT)	473.71
PARKING		
APCOA/STANDARD PARKING	MAY 2007 CHARGES	14,367.33
APCOA/STANDARD PARKING	JUNE CHARGES	18,508.67
GOLF COURSES		
ENERGY WEST	MARCH MONTHLY CHARGES (SPLIT)	659.35
K&M, WELLS FARGO BANK	CONCESSIONS CREDIT CARD PROCEEDS	1,238.50
SWIM POOLS		
ENERGY WEST	MARCH MONTHLY CHARGES (SPLIT)	5,547.08
RECREATION		
ENERGY WEST	MARCH MONTHLY CHARGES (SPLIT)	1,146.51
AA SPORTS LTD	ICE BREAKER PACKETS & TIMING SERV	12,014.50
CIVIC CENTER		
BENEFIS FOUNDATION	MAYFAIRE TICKET PROCEEDS	7,685.21

INTERNAL SERVICES FUND

HEALTH INSURANCE

BLUE CROSS BLUE SHIELD	MAY 2007 ADMIN & REINS FEES	37,530.55
BLUE CROSS BLUE SHIELD	GROUP AND HMO CLAIMS 5/8-5/14 2007	54,436.73
BLUE CROSS BLUE SHIELD	GROUP AND HMO CLAIMS 5/15-5/21 2007	101,537.90

FISCAL SERVICES

POSTMASTER	BULK POSTAGE	11,604.16
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CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	FUEL	38,755.50
MICHAEL TODD & CO	SWEEPER REFILL/ELGIN BROOMS	8,197.30

PUBLIC WORKS

ENERGY WEST	MARCH MONTHLY CHARGES (SPLIT)	4,939.80
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FACILITY SERVICES

ENERGY WEST	MARCH MONTHLY CHARGES (SPLIT)	3,519.84
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MUNICIPAL COURT

CITY OF GREAT FALLS	FINES AND FORFEITURES	48,444.50
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CLAIMS OVER \$5000 TOTAL: \$ 1,690,147.16

COMMUNICATION TO THE CITY COMMISSION

DATE: June 5, 2007

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

PRESENTED BY: Peggy J. Bourne, 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	Fiscal Services	U.S. Bank National Association	05/15/07 Issue Date	O.F. 1501	None	Paying Agent and Registrar Agreement for issue of General Obligation Bond, Series 2007 (O.F. 1501)
B	Park and Recreation	Great Falls Farmers Market	06/01/07 through 09/30/07	100-0000-346-4029	\$200.00	Use Permit of Margaret Park for Farmers Market
C	Park and Recreation	Special Olympics	May 16, 2007	N/A	None	Use Permit for Special Olympics to use West Kiwanis Park and Eagle Falls Golf Course for Special Olympics Activities.
D	Planning	EBI Consulting	Within six months of signing	None	None	Full historical study (Cultural Landscape Study) of Anaconda Hills.

E	Planning – Historic Preservation Office	Montana Historic Preservation Office PO Box 201202 Helena, MT 59620-1202	April 1, 2007 through March 31, 2008		Not to Exceed \$5,500	Agreement MT-07-21630- 016
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COMMUNICATION TO THE CITY COMMISSION

DATE: June 5, 2007

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: Peggy Bourne, City Clerk

ACTION REQUESTED: Ratification of Lien Releases through the Consent Agenda

MAYOR'S SIGNATURE: _____

LIEN RELEASES

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Len Reed, owner at time of recording (current owner of record is Habitat for Humanity) 714 6 th Avenue South GFO, B472, L4	Current		\$4,602.00	Resolution #9542 for Assessing the Costs Incurred in the Nuisance Abatement of Property located at 714 6 th Avenue South in violation during Calendar Year 2006.
B	Fiscal Services	Robert H. & Natalie S. Steinmetz, Jr., owners at time of recording (current owner of record is Heidi Harberson Etal.) 1300 Madera Drive Grande Vista 2 nd Adn., B3, L7	Current		\$51.23	Resolution #9607 for Assessing Unpaid Sewer, Fire Hydrant, Storm Drain and Sanitation Charges located at 1300 Madera Drive in violation during Calendar Year 2006.

C	Fiscal Services	Jayne, Seth Etal (formerly Elizabeth L. Streeter) GFO, B128, E25' of N85' of L7	Current		\$66.12	Resolution #9607 to Levy and Assess Unpaid Utility Services during Calendar Year 2006.
D	Fiscal Services	Berryman, Brett Charles (formerly Neil D. Cooper) GFO, B134, N1/2 of S/12 Lots 6-7	Current		\$271.55	Resolution #9607 to Levy and Assess Unpaid Utility Services during Calendar Year 2006.
E	Fiscal Services	VanVoast, Jennifer (formerly Larry E. Frates) GF3,B294, N1/2 Lot 14	Current		\$77.87	Resolution #9607 to Levy and Assess Unpaid Utility Services during Calendar Year 2006.
F	Fiscal Services	McGillis, Alfred and Sherrie (formerly Joshua L. Peterson) GF6,B558,L14	Current		\$454.19	Resolution #9607 to Levy and Assess Unpaid Utility Services during Calendar Year 2006.
G	Fiscal Services	Beckman, John T. (formerly Velma W. Edmonds) BEF, B9, L2	Current		\$287.64	Resolution #9607 to Levy and Assess Unpaid Utility Services during Calendar Year 2006.
H	Fiscal Services	Radovich, Kevin (formerly Washington Mutual Bank) PPA, B1, L1-2	Current		\$410.83	Resolution #9607 to Levy and Assess Unpaid Utility Services during Calendar Year 2006.

A G E N D A R E P O R T

DATE June 5, 2007

ITEM: VACATION OF EXISTING EASEMENT AND GRANT OF SEWER UTILITY EASEMENT – TRACT B-1 CERTIFICATE OF SURVEY S-0004448 (WALGREENS – 3RD STREET N.W. – O.F. 1497)

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE VACATION OF EXISTING EASEMENT AND GRANT OF SEWER UTILITY EASEMENT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends that the Vacation of Existing Easement and Grant of Sewer Utility Easement be approved and executed.

MOTION: "I move that the Vacation of Existing Easement and Grant of Sewer Utility Easement for Tract B-1 COS S-0004448 (Walgreens 3rd Street N.W. parcel) between GRH Glenwood LLC, C&J Montana LLC and the City of Great Falls be approved, and authorize the City Manager to execute the document."

SYNOPSIS: GRH Glenwood LLC and C&J Montana LLC purchased Tracts B-1 and B-2 (formerly occupied by Western Ranch Supply and Sun Rental) for development of a new Walgreens and other retail development. Tract B-1 (Walgreens property) has an existing utility easement that bisects the parcel and lies within the area to be occupied by the new building. The existing easement is no longer necessary and will be vacated. A new utility easement is necessary for a new public sanitary sewer main that is being extended into Tract B-1 from an existing main located to the east in West Bank Park.

BACKGROUND: The City Engineers Office has investigated and verified that there currently are no City utilities located within, nor are there any anticipated needs for the easement being vacated.

The new public sanitary sewer main extension will serve both Tract B-1 and Tract B-2. A private service line easement separate from this document will allow the sanitary sewer service line from Tract B-2 (other retail development) to be extended and connected to the public main.

Attachments: Vacation of Existing Easement and Grant of Sewer Utility Easement Document
(Attachments not available online; on file in City Clerk's Office.)

AGENDA REPORT

DATE June 5, 2007

ITEM: RESOLUTION 9669: ENGINEERING DIVISION CONSTRUCTION
INSPECTION REVISED FEES

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: SET PUBLIC HEARING FOR JUNE 19, 2007

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

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RECOMMENDATION: Staff recommends that the City Commission set a public hearing on Resolution 9669 for Engineering Division Construction Inspection Revised Fees.

MOTION: “I move the City Commission set a public hearing on Resolution 9669 for Engineering Division Construction Inspection Revised Fees for 7:00 p.m., June 19, 2007.”

SYNOPSIS: The current rates for inspection fees charged by the Engineering Division of the Public Works Department for the inspection of public infrastructure being built by private developers for future acceptance into the City systems was established along with the Inspection Policy in 2004. Fees were intentionally kept low at that time in order to ease the transition into the new policy. The City is now in the fourth year of performing these inspections. Operating costs have gradually increased over the years. This action will bring these fees more in line with the actual costs of performing the inspections and enforcing the Policy.

BACKGROUND: As a result of poor quality infrastructure construction that the City was receiving in new subdivisions, the “City of Great Falls Inspection Policy for Privately Installed Public Infrastructure” was approved and instituted in 2004. The primary feature of the Policy is that City inspectors are assigned full time to most privately financed projects that will be dedicated to the City for ownership and perpetual maintenance. When construction is underway, the inspector constantly checks the workmanship for compliance with approved specifications, and performs the appropriate tests. In a few projects, consultant personnel have been allowed to inspect under the supervision of City inspectors. A Senior Civil Engineer and the City Engineer coordinate the inspector’s activities, conduct preconstruction conferences, and perform other duties for both types of inspections. Developers are then charged for the number of hours the inspectors and engineers have spent related to project inspection and management.

In 2004, fees were set at \$35 per hour for inspectors (plus a \$10 per hour surcharge for overtime) and \$65 per hour for engineers. Fees were lower than the actual costs of services in order to ease the transition from private to public inspection. Since that time, operating costs have increased for inspection services in both the private and public sectors. The average cost for consultant services now averages \$66 per hour for inspectors and \$92 per hour for project managers / engineers. Vehicle, copies, and testing are additional charges. The Engineering Division is requesting fee revisions to \$45 per hour for inspectors (plus a \$12 per hour surcharge for overtime) and \$75 per hour for engineers. These fees will be close to the actual cost of providing service, which is \$48.16 for inspectors and around \$78 for engineers and are calculated using the gross hourly wage multiplied by the Division multiplier. Mileage, testing, and other miscellaneous extras will continue to be included in the hourly rates.

Attached: Resolution 9669

File: inspfeeAR1

RESOLUTION 9669
A RESOLUTION REVISING THE FEE SCHEDULE FOR
ENGINEERING DIVISION CONSTRUCTION INSPECTION FEES

BE IT RESOLVED by the City Commission of the City of Great Falls, Cascade County, Montana:

That the Engineering Division Construction Inspection Fee Schedule be revised as follows:

	<u>Current</u>	<u>Revised</u>
Inspector, Hourly Rate	\$35.00	\$45.00
Inspector Overtime Surcharge, Hourly Rate	\$10.00	\$12.00
Engineer, Hourly Rate	\$65.00	\$75.00

PASSED by the City Commission of the City of Great Falls, Montana this 19th day of June, 2007

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9669 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 19th day of June, 2007, and approved by the Mayor of said City on the 19th day of June, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 19th day of June, 2007.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

AGENDA REPORT

DATE June 5, 2007

ITEM Res. 9660, Nuisance Abatement, L3, B337, GF 11th Add., 2608 1st Ave N

INITIATED BY Community Development Department

ACTION REQUESTED Set Public Hearing for June 19, 2007 at 7:00 p.m.

PREPARED & PRESENTED BY Heather Rohlf, Code Enforcement

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

- - - - -

RECOMMENDATION:

It is recommended the City Commission set the public hearing for June 19, 2007, on Resolution 9660, which will enable the Community Development Department staff to hire a contractor and abate the ongoing nuisance at 2608 1st Ave N.

MOTION:

I move a public hearing be set for June 19, 2007, at 7:00 p.m., in the City Commission Chambers, on Resolution 9660.

SYNOPSIS:

As prescribed by Chapter 8.49.040, a "Notice of Public Hearing" before the City Commission was posted on the property June 8, 2007.

BACKGROUND:

The following action has been taken:

<u>ACTION</u>	<u>DATE</u>
Initial complaint taken by staff	7/11/2006
Initial inspection of property	7/11/2006
Letter personally served with 14 & 30 day time period	7/18/2006
Posted Notice on Property, took photographs	8/11/2006
1 st 30 day Extension given until	9/15/2006

BACKGROUND CONTINUED

Citations Issued for Junk Vehicle & Rubbish to Dan Laverdure	9/22/2006
Citations Issued for Junk Vehicle & Rubbish to Maria Laverdure	3/17/2007
Photographs taken	4/24/2007
Ownership and encumbrance report by Stewart Title	5/14/2007

ACTION

DATE

“Notice of Hearing” posted on property	6/8/2007
“Notice of Hearing” mailed certified	6/8/2007
“Notice of Hearing” published in GF Tribune	6/9/2007

RESOLUTION 9660

A RESOLUTION DETERMINING CERTAIN
PROPERTY LOCATED AT 2608 1st Ave N, LOT 3,
BLOCK, 337, GREAT FALLS 11th ADDITION,
CASCADE COUNTY, MONTANA, TO BE A
NUISANCE

* * * * *

WHEREAS, Dan and Maria Laverdure, owner(s) of certain personal and real property located at 2608 1st Ave N, Lot 3, Block 337, Great Falls 11th Addition, Great Falls, Cascade County, Montana, was given notice pursuant to Section 8.49.040, OCCGF, of a hearing before the City Commission on June 19, 2007, wherein said property owner was ordered to show cause why the alleged property should not be declared a nuisance and abated, and

WHEREAS, City staff presented photographs of the subject premises and gave testimony regarding the following described property alleged to be a nuisance under City Code, to wit:

1. Junk Vehicle – 1987 silver Cadillac in the back yard of the property.
2. Rubbish – numerous items of rubbish and appliances around the exterior of the residence, a dilapidated shed.

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

1. That the property owner(s), Dan and Maria Laverdure, has failed to show cause why the subject property should not be declared a nuisance and abated; and
2. Staff having presented evidence of the condition of the subject property and having described the illegal and deplorable condition of the subject property, the City Commission does hereby find the same to be a nuisance pursuant to Section 8.49.050, OCCGF, and hereby directs the owner(s) to commence the abatement within ten (10) days of the date of this resolution.

3. It is further ordered that, if owner(s) fails to abate said nuisance as ordered and within the time allowed, the City is directed to take any and all steps necessary to abate the nuisance with all expenses to attach as a lien against the personal and real property owner.

4. City staff shall serve said owner(s) with a copy of this resolution by regular mail as required by Section 8.49.050, OCCGF. This order shall be in effect for a six (6) month period from date of Resolution 9660.

PASSED by the Commission of the City of Great Falls, Montana, on this 19th day of June, 2007.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9660 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 19th day of June, 2007, and approved by the Mayor of said City, on the 19th day of June, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 19th day of June, 2007.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

Date June 8, 2007

CERTIFIED MAIL

Name: Dan and Maria Laverdure
Address: 2608 1st Ave N
City: Great Falls MT 59401

RE: Lot 3, Block 337, Great Falls 11th Addition
2608 1st Ave N, Cascade County, Montana

NOTICE OF HEARING BEFORE CITY COMMISSION OF GREAT FALLS

The owner of the real property located at 2608 1st Ave N is hereby notified to appear before the City Commission of the City of Great Falls at its meeting to be held June 19, 2007, in the Commission Chambers, Civic Center Building, # 2 Park Drive, Great Falls, Montana, at the hour of 7:00 p.m., or as soon thereafter as he/she may be heard, and to show cause why the items listed in the City's letter of July 18, 2006, should not be declared a nuisance, the nuisance required to be abated by removal and the cost thereof charged to the owner.

The items listed are:

1. Junk Vehicle – 1987 silver Cadillac in the back yard of the property.
2. Rubbish – numerous items of rubbish and appliances around the exterior of the residence, a dilapidated shed.

Consequently, you are hereby notified to appear before the City Commission at 7:00 p.m. on June 19, 2007.

Respectfully,

Heather Rohlf, Code Enforcement
Building Inspectors Office

cc: Read File
Property File
Post on Property

PUBLIC NOTICE

NOTICE of hearing before the City Commission of the City of Great Falls, Montana.

The owner of the real property located at 2608 1st Ave N is hereby notified to appear before the City Commission of the City of Great Falls at its meeting to be held June 19, 2007 at the City Commission Chambers, Civic Center Building, Great Falls, Montana, at 7:00 p.m., and show cause why Lot 3, Block 337, Great Falls 11th Addition, 2608 1st Ave N should not be declared a nuisance and the nuisance be abated by removal or other appropriate act and charge the cost thereof to the owner(s).

PUBLICATION DATE: June 9, 2007

CITY OF GREAT FALLS, MONTANA

AGENDA # 13

A G E N D A R E P O R T

DATE June 5, 2007

ITEM Resolution 9658 for a Conditional Use Permit for a Duplex at 1401 1st Avenue NW

INITIATED BY Robert and Jane Young, Property Owner

ACTION REQUESTED Commission Set Hearing for Resolution 9658

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Zoning Commission has recommended the City Commission grant a conditional use permit to allow a duplex to be constructed upon Lot 14, Block 35, West Great Falls, subject to specified terms and conditions.

MOTION:

“I move the City Commission set a public hearing for July 3, 2007, to consider adoption of Resolution 9658.”

SYNOPSIS:

Resolution 9658 grants a conditional use permit to allow a duplex to be placed on Lot 14, Block 35, West Great Falls, addressed as 1401 1st Avenue Northwest.

BACKGROUND:

Robert and Jane Young have applied for a conditional use to permit construction of a two-family residence (duplex) on Lot 14, Block 35, West Great Falls, addressed as 1401 1st Avenue Northwest.

Subject property, is presently zoned R-3 single-family high density district wherein a two-family residence (duplex) is permitted upon processing and approval of a conditional use application.

Attached is a copy of the Vicinity/Zoning Map and a preliminary site plan. Additional material and information regarding the application will be submitted to the Commission prior to the public hearing on the issue.

The Zoning Commission on May 8, 2007, conducted a public hearing to consider the conditional use application. The only citizen who spoke at the Hearing was Robert Young, the applicant. Neighborhood Council No. 2 submitted a letter explaining their position regarding the project and the conditional use permit. At the conclusion of the Hearing, the Zoning Commission unanimously passed a motion recommending the City Commission grant a conditional use to allow a two-family residence (duplex) on Lot 14, Block 35, West Great Falls, subject to the applicant/property owner preparing a site plan drawn to scale and entering into an agreement with the City agreeing to develop subject property substantially in accordance with the site plan.

The above mentioned agreement has been drafted by staff and executed by the applicant. It is anticipated the agreement, the Staff Report and Recommendation including communications received to date, and minutes of the May 8, 2007, Zoning Commission Hearing will be provided to the Commission prior to the July 3 hearing.

Attach: Resolution 9658
 Vicinity/Zoning Map
 Preliminary Site Plan

Cc: Robert and Jane Young, 3401 Jasper Road

RESOLUTION 9658

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO ALLOW A TWO-FAMILY RESIDENCE (DUPLEX), UPON
LOT 14, BLOCK 35, WEST GREAT FALLS

* * * * *

WHEREAS, Robert and Jane Young own Lot 14, Block 35, West Great Falls, addressed as 1401 1st Avenue Northwest; and

WHEREAS, Owner desires to construct a two-family residence (duplex), upon subject Lot 14; and

WHEREAS, subject Lot 14 is presently zoned as R-3 Single-family high density district wherein a two-family residence (duplex), is permitted upon processing and approval of a conditional use application; and

WHEREAS, Owner has applied for a conditional use permit to allow placement and construction of a two-family residence (duplex), upon subject Lot 14; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on May 8, 2007, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending a conditional use permit be granted to allow a two-family residence (duplex), on subject Lot 14 subject to terms and conditions contained in the Agreement referenced hereinbelow.

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

That a conditional use permit to allow a two-family residence (duplex), to be constructed upon subject Lot 14 is hereby approved; and,

BE IT FURTHER RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

That the use of subject Lot 14 for a two-family residence (duplex), shall be in accordance with City Codes, Ordinances and other requirements and the Agreement dated _____, 2007, between the City of Great Falls and Robert W. and Jane T. Young; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective immediately upon its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 3rd day of July, 2007.

Dona R. Stebbins, Mayor

ATTEST:

City Clerk

(SEAL OF CITY)

Approved for legal content:

David V. Gliko, City Attorney

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

I, _____, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9658 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 3rd day of July, 2007, wherein it was approved by said Commission.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 3rd day of July, 2007.

City Clerk

(SEAL OF CITY)

PUBLIC HEARING #2

AGENDA ITEM 2.F.

HRG. DATE May 8, 2007

GREAT FALLS ZONING COMMISSION

STAFF REPORT AND RECOMMENDATION

ITEM: Conditional Use for Duplex on Lot 14, Block 35, West Great Falls

INITIATED BY: Robert and Jane Young, Owners

PRESENTED BY: Bill Walters, Senior Planner

GENERAL INFORMATION:

Owner & Applicant: Robert & Jane Young
3401 Jasper Road
Great Falls, MT 59404

Address of Subject Property: 1401 1st Avenue Northwest

Legal Description of Property: Lot 14, Block 35, West Great Falls

Size/Area of Subject Property: 50ft x 125 ft = 6,250 sq ft

Zoning: R-3 Single-family high density district

Land Use: Garage structure

Requested Action and Purpose: Grant conditional use to permit a two-family residence (duplex)

Surrounding Zoning and Land Uses:

<u>Direction</u>	<u>Legal Description</u>	<u>Zoning Classification</u>	<u>Existing Land Use</u>
North	Lot 1, Blk 35, WGF	R-3	Single family dwelling
East	Lot 8, Blk 36, WGF	R-3	“ “ “
South	Lot 7, Blk 610, GF5	R-3	“ “ “
West	Lot 13, Blk 35, WGF	R-3	“ “ “

Attachments:

Development Review Application for Conditional Use
Preliminary Site Plan
Picture of possible structure
Vicinity/Zoning Map
Communication from Neighborhood Council No. 2 received April 23, 2007

INFORMATION:

1. Robert and Jane Young have applied for a conditional use to permit construction of a two-family residence (duplex) on Lot 14, Block 35, West Great Falls, addressed as 1401 1st Avenue Northwest.
2. Subject property, is presently zoned R-3 single-family high density district wherein a two-family residence (duplex) is permitted upon processing and approval of a conditional use application.
3. The accompanying site plan (not drawn to scale) indicates the proposed location of the duplex on subject Lot 14. The applicant has indicated it is their present intent to remove the existing 24ft x 32ft garage on the premises. The required four off-street parking spaces for the duplex will be located on the northerly portion of the lot with access either from 14th Street NW or 2nd Alley NW.
4. A City water main is located in the abutting portion of 1st Avenue NW and a sanitary sewer main is located in the abutting portion of 2nd Alley NW.
5. Building requirements in a R-3 district include a minimum front yard setback of 20 ft; minimum side yard setback of 6 ft; minimum rear yard setback of 10 ft; and maximum lot coverage (corner lot) of 55%.
6. The Notice of Public Hearing was mailed to neighboring property owners on April 20, 2007, and was published in the Great Falls Tribune on April 22, 2007. A sign containing copies of the Notice of Public Hearing was placed on the property on April 30, 2007. At the time of writing this report, the only communication received by the Planning Department pertaining to the conditional use request was the attached letter from Neighborhood Council No. 2.

CONDITIONAL USE PERMIT:

The procedure for processing a conditional use is identical to that for a City zone change. Following a public hearing and recommendation by the Zoning Commission, the City Commission shall conduct a public hearing and arrive at a final decision regarding the conditional use application. The City Commission may, through a written agreement with the applicant, establish such conditions and restrictions upon the construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with standards and requirements.

The City Zoning Code lists the seven following criteria to be applied to a request for a conditional use for evaluation purposes.

1. The conditional use is consistent with City's growth policy and applicable neighborhood plans, if any.
2. That the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the neighborhood.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

Subject property is located in a predominately single family residential neighborhood one half block from the business district along Central Avenue West and one block from West Elementary School.

Access to the involved corner lot is readily available; public infrastructure exists to provide adequate service; and the development should not adversely affect surrounding properties.

Staff concludes no significant negative aspects, associated with the seven above mentioned criteria, should result from the approval of the conditional use, provided the conditions accompanying the recommendation are fulfilled and enforced.

CONCLUSION:

The end result of approval of the conditional use will be one additional dwelling unit which should not create any noticeable impact on the neighborhood. As the involved site is a corner lot, there should be sufficient area to accommodate the planned duplex structure and required four off-street parking spaces.

RECOMMENDATION:

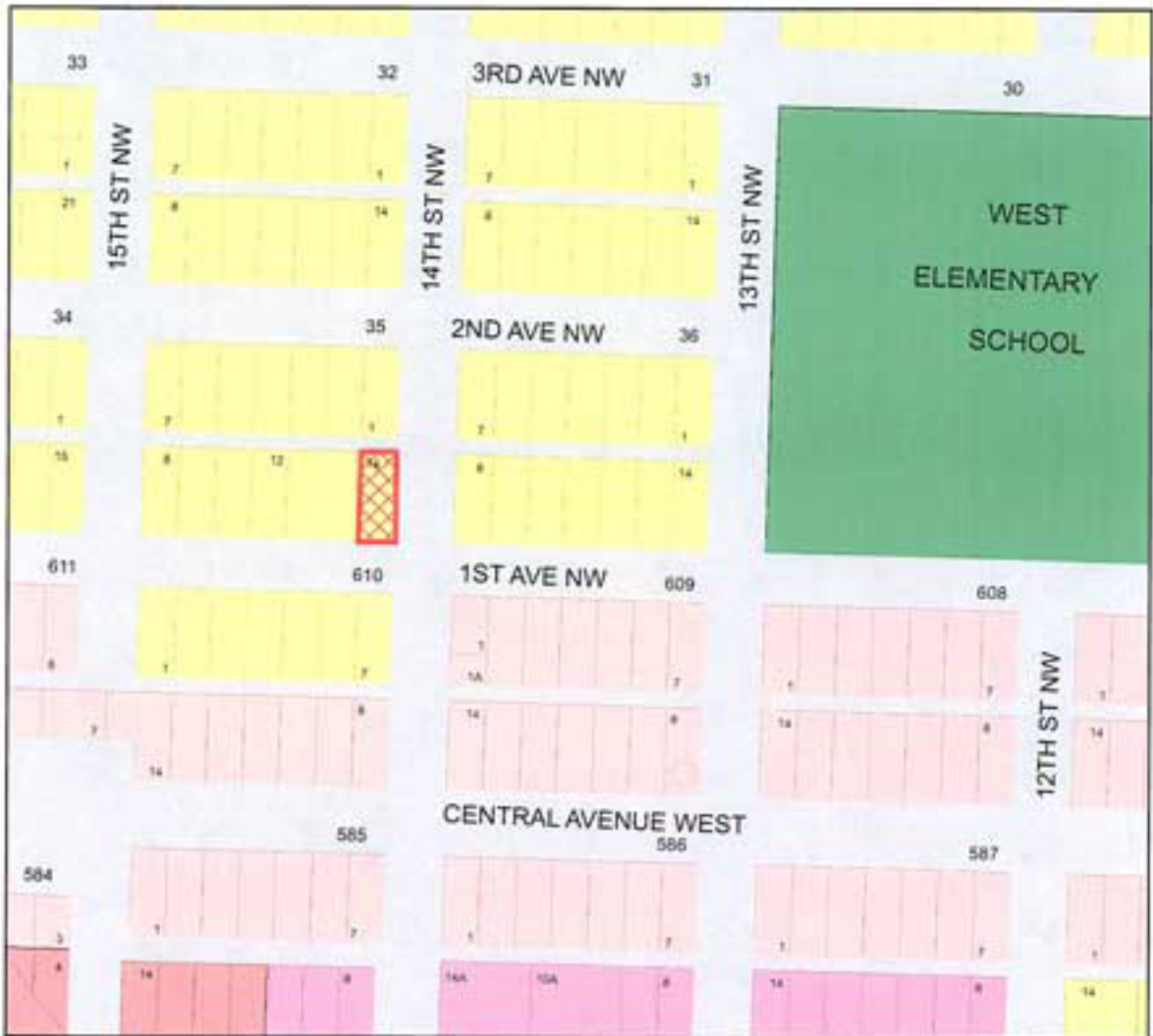
It is recommended that the Zoning Commission recommend to the City Commission that a conditional use be **granted** to allow a two-family residence (duplex) on Lot 14, Block 35, West Great Falls, subject to the applicant/property owner preparing a site plan drawn to scale and entering into an agreement with the City agreeing to develop subject property substantially in accordance with the site plan.


Prepared by: Bill Walters, Senior Planner
Concurrence by: Benjamin Rangel, Planning Director

Attach: As noted hereinabove

cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Robert & Jane Young, 3401 Jasper Road

VICINITY/ZONING MAP



 LOT 14, BLOCK 35, WEST GREAT FALLS REQUESTED TO BE GRANTED CONDITIONAL USE PERMIT TO ALLOW DUPLEX RESIDENCE

- | | |
|--|--|
|  R-3 Single-family high density |  M-2 Mixed-use transitional |
|  R-6 Multi-family high density |  PLI Public Lands and Institutional |
|  C-2 General commercial |  I-1 Light industrial |



AGREEMENT

THIS AGREEMENT made and entered into on this _____ day of _____, 2007, by and between ROBERT W. and JANE T. YOUNG, husband and wife, hereinafter referred to as "Owner," and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, Robert and Jane Young own Lot 14, Block 35, West Great Falls, addressed as 1401 1st Avenue Northwest; and

WHEREAS, Owner desires to construct a two-family residence (duplex), upon subject Lot 14; and

WHEREAS, subject Lot 14 is presently zoned as R-3 Single-family high density district wherein a two-family residence (duplex), is permitted upon processing and approval of a conditional use application; and

WHEREAS, Owner has applied for a conditional use permit to allow placement and construction of a two-family residence (duplex), upon subject Lot 14; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on May 8, 2007, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending a conditional use permit be granted to allow a two-family residence (duplex), on subject Lot 14 subject to the following terms and conditions.

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Adherence to Site Plan
Owner hereby agrees that development upon said Lot 14 shall be substantially in accordance with the Site Plan attached hereto as Exhibit "A" and by this reference made a part hereof and applicable City Codes.
2. City Acceptance
City hereby agrees to approve Resolution No. 9658 granting a conditional use permit to allow a two-family residence (duplex), on subject Lot 14.
3. Unforeseen Potentialities
It is mutually recognized, understood and agreed by City, Owner and Purchaser that subsequent to the time this agreement was entered into, events may occur and actions may be taken which were unforeseen by the hereinabove mentioned parties. In this perspective, it is, therefore, agreed that the parties may by mutual subsequent agreement modify the terms, conditions and covenants of this Agreement.
4. Expiration of Approval
The conditional use permit authorized by Resolution No. 9658 shall expire one year after the date of this Agreement unless substantial work has commenced under the permit and continues in good faith to completion.
5. Binding Effect
The provisions, covenants and terms of this Agreement shall be placed of record in the records of Cascade County, Montana, shall run with the land and shall be binding upon all devisees, heirs, successors and assigns of the signatories affixed hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth on page one hereof.

THE CITY OF GREAT FALLS, MONTANA
A Municipal Corporation of the State of Montana

John W. Lawton, City Manager

STATE OF MONTANA)
 : ss.
County of Cascade)

On this _____ day of _____, 2007, before me, the undersigned, a Notary Public for the State of Montana, appeared John W. Lawton, known to me to be the City Manager of the City of Great Falls, is the person whose name is subscribed to the instrument within and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.

Notary Public for the State of Montana
Residing at Great Falls, Montana
My Commission expires: _____

(NOTARIAL SEAL)

Approved for Legal Content:

David V. Gliko, City Attorney

OWNER

Robert W. Young

Jane T. Young

STATE OF MONTANA)
 : ss.
County of Cascade)

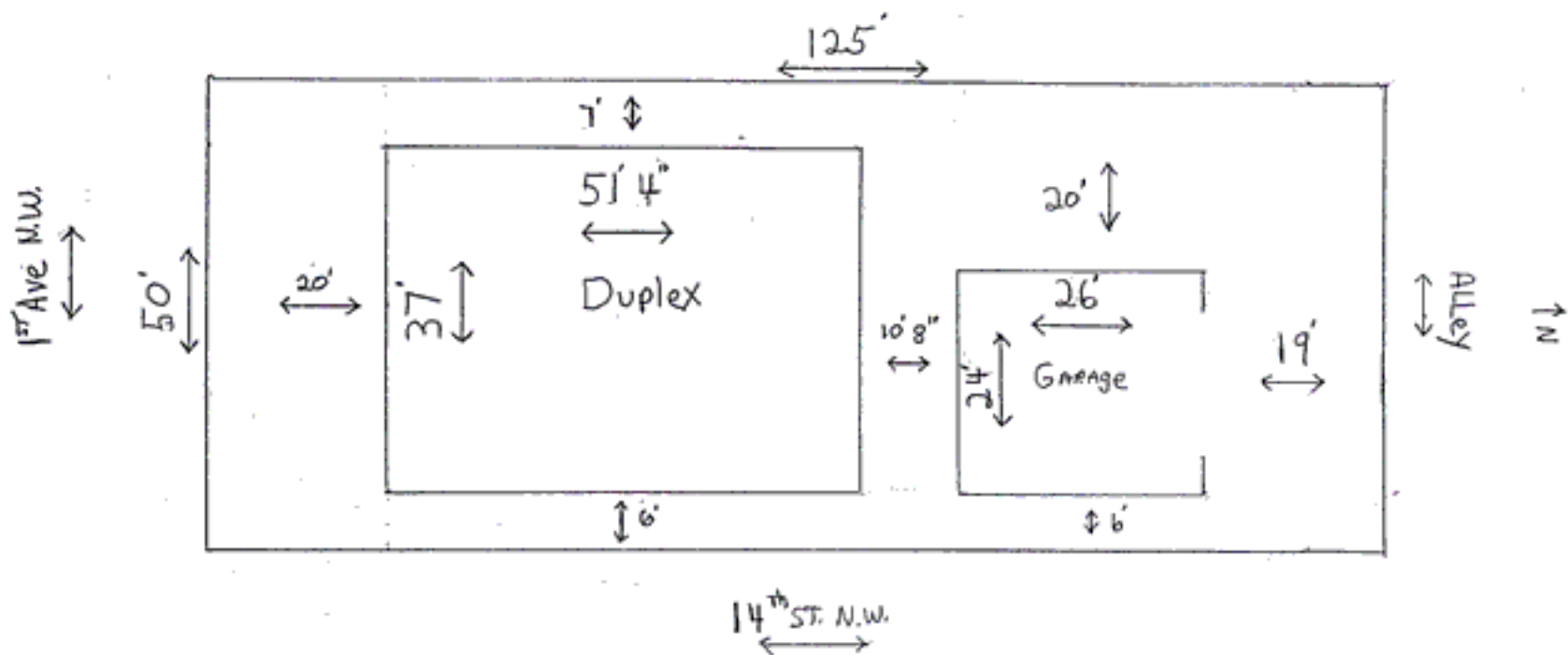
On this _____ day of _____, 2007, before me, the undersigned, a Notary Public for the State of Montana, appeared Robert W. Young and Jane T. Young, known to me to be the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.

Notary Public for the State of Montana
Residing at Great Falls, Montana
My Commission expires: _____

(NOTARIAL SEAL)

LOT 14, BLOCK 35 WEST GREAT FALLS



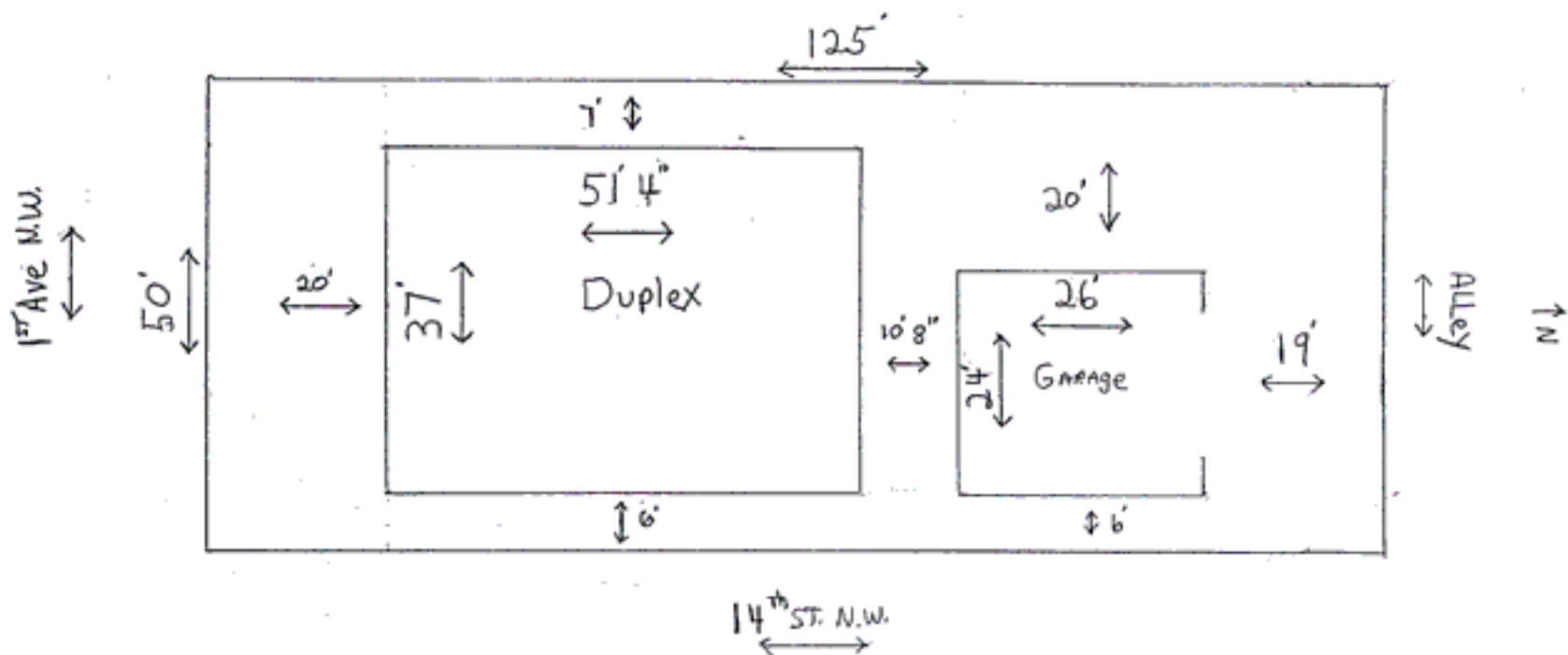
1401 1st Ave N.W.

Robert (Jabby) Young
Janey Young
799 5196

SCALE: 1/8" = 1'-0"	DATE: 5-23-07	DRAWN BY: R. Young	REVIEW:
DATE: 5-23-07		DRAWN BY: R. Young	
DATE: 5-23-07		REVIEW:	
DATE: 5-23-07		REVIEW:	

MAY 22 2007

LOT 14, BLOCK 35 WEST GREAT FALLS



1401 1st Ave N.W.

Robert (Jabby) Young
Janey Young
799 5196

SCALE: 1/8" = 1'-0"	PREPARED BY:	DRAWN BY: J. Young
DATE: 5-23-07		REVISION:

MAY 22 2007

GREAT FALLS ZONING COMMISSION

MINUTES OF THE PUBLIC HEARING FOR CONDITIONAL USE FOR DUPLEX ON LOT 14, BLOCK 35, WEST GREAT FALLS

May 8, 2007

The public hearing was called to order at 4:08 p.m. in the Commission Chambers of the Civic Center by Chairman John Harding.

ROLL CALL & ATTENDANCE

Zoning Commission Members present:

Mr. Art Bundtrock
Ms. Danna Duffy
Mr. John Harding
Mr. Terry Hilgendorf
Mr. Ron Kinder
Dr. Greg Madson
Mr. Bill Roberts
Mr. Joe Schaffer

Zoning Commission Members absent:

Mr. Bill Bronson

Planning Staff Members present:

Mr. Andrew Finch, Senior Transportation Planner
Ms. Deb McNeese, Administration Assistant
Mr. Ben Rangel, Planning Director
Mr. Bill Walters, Senior Planner

Others present:

Mr. Dave Dobbs, City Engineer

A copy of the attendance list, as signed by those present, is attached and incorporated by reference.

EXPLANATION OF HEARING PROCEDURES

Mr. Harding advised that agendas are available on the table at the back of the room and the agenda will be followed. He requested that everyone present sign the attendance list, which was also on the table. There will be an opportunity for proponents and opponents to speak. Mr. Harding asked those intending to speak to come to the rostrum, state their name, address and whom they represent. He requested remarks be on the subject before the Board at this hearing and be limited to a reasonable length of time to allow everyone equal opportunity to speak. The Chairman reserves the right to determine reasonable time. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

READING OF PUBLIC NOTICE

As there was no response to Mr. Harding's question on whether anyone present wished to have the public notice read, the public notice was not read.

PLANNING STAFF REPORT & RECOMMENDATION

After reviewing the staff report and recommendation, Mr. Walters said he would be glad to respond to any questions from the Board.

Mr. Harding asked if the Community Development memo requiring a handicap parking space was correct.

There followed more discussion on parking conditions. Mr. Walters said he would have the requirement checked.

PETITIONER'S PRESENTATION

Mr. Robert Young, 3401 Jasper Road, owner of the property, said the parking requirement memo he had just been handed would require redesign of the project.

PROponents OPPORTUNITY TO SPEAK

There were no proponents.

OPponents OPPORTUNITY TO SPEAK

There were no opponents.

PETITIONER'S RESPONSE

The petitioner did not provide a presentation.

OTHER PUBLIC COMMENT

There was no other public comment.

ZONING COMMISSION DISCUSSION & ACTION

MOTION: That the Zoning Commission recommend to the City Commission that a conditional use be granted to allow a two-family residence (duplex) on Lot 14, Block 35, West Great Falls, subject to the applicant/property owner preparing a site plan drawn to scale and entering into an agreement with the City agreeing to develop subject property substantially in accordance with the site plan.

Made by: Mr. Schaffer
Second: Mr. Hilgendorf

Mr. Roberts voiced his concerns that allowing a duplex in this neighborhood might set a precedent. There followed further discussion on the conditional use process.

Vote: The motion passed.

Mr. Walters advised that Staff will verify the parking issue, and once an updated site plan and an agreement is received, the Zoning Commission recommendation will be forwarded to the City Commission for its consideration.

ADJOURNMENT

The hearing adjourned at 4:33 p.m.

CHAIRMAN

SECRETARY



DEVELOPMENT REVIEW APPLICATION

Name of Project/Development: Young Duplex

Owner(s): Robert + Jane Young (Jabby)

Mailing Address: 3401 Jasper Rd.

Phone: 761-8092 E-mail: jabby.young@bresnan.net FAX: _____
Cell: 799-5196

Agent(s): SAME

Mailing Address: _____

Phone: _____ E-mail: _____ FAX: _____

Legal Description: LOT 14 Block 35 WGF

Section: _____ Township: _____ Range: _____

Street Address: 1401 1st Ave. N.W.

Zoning: Current: R3 Proposed: Duplex in R-3 zoning

Land Use: Current: GARAGE Proposed: Duplex

Covenants or Deed Restriction on Property: Yes _____ No X
If yes, please attach to application

Application Type (please check all that apply):

- Subdivision Preliminary Plat
- Subdivision Minor Plat
- Subdivision Mobile Home/RV Park
- Subdivision Final Plat
- Annexation
- Zoning Map Amendment
- Conditional Use Permit
- Establishment of Zoning with Annexation

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application.

I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

Property Owner's Signature: Robert Young Date: 12 APR 07

Property Owner's Signature: Jane Young Date: 12 APR 07

City County Planning Board
Attn. Ben Rangel

Neighborhood Council 2 has voted to send to you the proposed conditional use change of Mr. Young on first Ave N.W. and 14th street. We feel the neighborhood residents, as a whole, do not oppose this project. We as a council do have concerns about setting a precedent with this use change and how it will influence making other conditional use and zoning changes for other lots to allow further duplex development in that immediate area. We feel there could be adverse effects causing parking, traffic, and noise problems. Mr. Young's project is unique as it is a corner lot with no adjoining duplexes. We feel this will be a good use solution for that particular lot, but not necessarily other lots in that area. We would definitely request that any other conditional change in that area be considered on an individual basis and not be influenced by this change. We do not want this change to set precedence for the entire area.

We also see the value in an applicant seeking our approval, but a more reliable method needs to be developed by the councils and your department to ensure both the neighborhood residents and the developer interests are better served.

Council 2



Robert Mehlhoff
Chairman



Memo

To: Bill Walters, Senior Planner
From: Kim McCleary, Parking Supervisor *Kim McCleary*
Date: May 24, 2007
Re: Young Conditional Use for Duplex on L 14, B 35, West Great Falls

I have reviewed a revised site plan that Mr. Young has submitted, and found that all the City's parking requirements for the duplex have been met. Handicap parking is only required for four residential units or more. Therefore, no handicap parking is required for this project.

If you have any questions, please call me at 455-8405.



AGENDA REPORT

DATE June 5, 2007

ITEM: ENGINEERING SERVICES CONTRACT: LIFT STATION AND WASTEWATER TREATMENT PLANT REHAB PROJECT, O.F. 1374.5.

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: APPROVE ENGINEERING CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

- - - - -

RECOMMENDATION: Approve Engineering Contract between the City of Great Falls and NCI Engineering Co. (NCI) for engineering services to be performed for the Lift Station and Wastewater Treatment Plant Rehab Project, O.F. 1374.5.

MOTION: “I move the City Commission approve the engineering Contract between the City of Great Falls and NCI Engineering Co. for engineering services for the Lift Station and Wastewater Treatment Plant Rehab Project, O.F. 1374.5 for a fee not to exceed \$277,880, and authorize the City Manager to execute the agreements.”

SYNOPSIS: City Staff has negotiated a professional engineering services contract (attached) with NCI to evaluate four separate projects involving two lift stations and the wastewater treatment plant. At lift station #15 (Sun River / 6th Street SW Station), the existing bar screen needs to be replaced and a washer/compactor unit added. Concrete rehabilitation in the wet well is also required due to corrosion. Lift station #27 (North Park) needs to be totally replaced due to severe corrosion. Cathodic protection has been recently added at the station to stop future corrosion, but the cost to repair existing damage is greater than replacement cost. The cathodic protection will be recovered for future use. At the wastewater plant, proposed improvements have been divided into two main projects. The first project will involve sandblasting and recoating several areas that have corroded due to everyday exposure to waste water. The gravity thickener and secondary clarifier rake and skimmer mechanisms and the primary clarifier walkways all have corrosion damage that must be repaired. The project also involves several mechanical improvements needed at the plant, including replacing the gravity sludge pipe because the glass lining has deteriorated. Another task involves replacing the existing backflow prevention with an air gap system. The backflow prevention stops city water from being contaminated with process water from the plant. The air gap system is much more reliable. Another mechanical upgrade involves replacing the Motor Control Center (MCC) in the Dissolved Air Flootation Thickener (DAFT) building and designing an enclosure with an outside ventilation system to the new MCC. The existing MCC electrical equipment has corrosion damage and poses a safety concern. Replacing the MCC and enclosing the controls with a vacuum system will eliminate future corrosion. The final mechanical improvements involve replacing the sweep and drive system for both DAFT units and rehabilitation and repairs to the

concrete weir and overflow boxes. These areas have developed serious corrosion damage over the years and need to be replaced.

Upon completion of all designs, NCI will create bid documents for the projects and coordinate the bid process. City Engineering Staff will handle project management duties. Inspection duties will be determined in the later phases of the design process. Funding is available from the sewer fund.

BACKGROUND: Continuous maintenance and improvements are required to keep the City's wastewater collection and processing facilities up and running at acceptable levels. Because of the corrosive nature of wastewater and the by-products produced, the system is under constant attack. This contract will look at upgrading existing facilities to keep up with future demand as well as using improved materials and technology to reduce maintenance needs and damage caused by the wastewater in the future. Upon receiving design reports and cost estimates from NCI, City Staff will schedule construction on the most critical projects beginning this fall and the rest as funding is available.

Attachments: Engineering Services Contract (Not available online; on file in City Clerk's Office.)

AGENDA REPORT

DATE June 5, 2007

ITEM: CONSTRUCTION CONTRACT AWARD: 25TH AVENUE NORTHEAST WATER MAIN EXTENSION, O. F. 1442

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: CONSIDER BIDS AND AWARD CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

MOTION: "I move the City Commission award a contract in the amount of \$222,166.00 to Shumaker Trucking and Excavating for the 25th Avenue Northeast Water Main Extension, O. F. 1442, and authorize the City Manager to execute the construction contract documents."

PROJECT TITLE: 25th Avenue Northeast Water Main Extension, O. F. 1442

RECOMMENDED CONTRACTOR: Shumaker Trucking and Excavating

CONTRACT AMOUNT: \$222,166.00

ENGINEER'S ESTIMATE: \$243,507.50

START DATE: Projected for June 2007

COMPLETION DATE: July/August 2007 (45 Calendar Days)

PENALTY/INCENTIVE TERMS: Liquidated Damages, \$400.00/Day

SYNOPSIS: This project will extend the water main from the intersection of 15th Street Northeast (U.S. Highway 87) and 28th Avenue Northeast to 25th Avenue Northeast then west approximately 430 lineal feet on 25th Avenue Northeast. The property to be served by this project is zoned commercial and light industrial.

Five bids were received and opened for this project on May 23, 2007. The bids ranged from \$222,166.00 to \$298,647.92. The attached bid tabulation summarizes this information. Water utility funds are available for this project.

BACKGROUND: This water main project is the first step needed to provide a looped water system with Riverview, provide an additional future feed to Black Eagle, and will allow properties along 25th Avenue Northeast to have the option of annexing into the City. The area within the scope of this project already has access to sanitary sewer.

Currently Guy Tabacco Construction Company is in the process of annexing their property, at the corner of 25th Avenue Northeast and 15th Street Northeast (U.S. Highway 87), into the City and potentially serves five additional commercial and light industrial lots. This project will install approximately 1,400 lineal feet of 12-inch PVC water main and two fire hydrants.

The project will be paid for with Unscheduled Development and Capital Improvement funds. An estimated \$33,000 will be recovered from Tabacco Construction reimbursements at the time of connection.

City engineering staff completed the project design and will perform construction inspection and contract administration duties. The Montana Department of Transportation and Montana Department of Environmental Quality has cooperated with plan review and permit approval.

Attachment: Bid Tabulation Summary

CITY OF GREAT FALLS, MONTANA

AGENDA # 16

A G E N D A R E P O R T

DATE June 5, 2007

ITEM AMENDMENT #6 TO WASTEWATER PLANT O&M CONTRACT (O.F. 1010)

INITIATED BY PUBLIC WORKS DEPARTMENT/UTILITIES BRANCH

ACTION REQUESTED APPROVE CONTRACT AMENDMENT

PRESENTED BY JIM REARDEN, PUBLIC WORKS DIRECTOR

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RECOMMENDATION: Staff recommends that the City Commission approve an amendment to the Scope of Work of the Operation and Maintenance contract with Veolia Water North America Operating Services (VWNAOS) to recognize restructuring of the organization, add O&M costs for the Co-Gen facility and update the contract equipment list.

MOTION: “I move that the City Commission approve Amendment #6 to the Operation and Maintenance contract with Veolia Water North America Operating Services.”

SYNOPSIS: The proposed amendment performs three functions: 1) It transfers the contract to Veolia Water North America – West, LLC (VWNA), the West Coast operating arm of VWNAOS; 2) It adds the Operation and Maintenance responsibility and costs of the Co-Gen system to the contract, and; 3) Updates the list of Lift Stations in the contract.

In June of 2004, VWNAOS changed its corporate structure to a Limited Liability company. VWNAOS has requested that the contract be transferred to their West Coast operating arm, VWNA. The other changes included in this amendment recognize changes to the scope of work required by the contract.

BACKGROUND: VWNAOS has operated the Wastewater Treatment Plant under contract for the City since 1977. Under the contract, VWNAOS first provided only operation and maintenance services. Amendments to the contract added responsibility for minor capital improvements and installation of a comprehensive instrumentation and control system.

This is Amendment #6 to the contract. Amendment #5 extended the term of the contract until March 31, 2015, provided a \$400,000 investment in the community, continued minor capital improvements, increased the Repair and Maintenance budget and made a number of clarifications and updates to the contract language. Amendment #4 included a detailed study of alternative energy at the WWTP. Amendment #3 extended the term of the contract until March 31, 2005 and added installation of capital improvements and instrumentation systems. Amendment #2 had VWNAOS provide the foundation of Supervisory Control system (completed with Amendment #3). Amendment #1 reduced the contract cost in exchange for exercising the option to extend the contract until March 31, 2000.

AGENDA REPORT

DATE June 5, 2007

ITEM: CHANGE ORDER NO. 1 – SANITARY SEWER TRENCHLESS
REHABILITATION, PHASE 11, O.F. 1425.6

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: APPROVE CHANGE ORDER NO. 1

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

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RECOMMENDATION: Staff recommends approval of Change Order No. 1 to PEC, Inc. for Sanitary Sewer Trenchless Rehabilitation, Phase 11, O. F. 1425.6.

MOTION: “I move the City Commission approve Change Order No. 1 for \$29,410.00 to PEC, Inc. for Sanitary Sewer Trenchless Rehabilitation, Phase 11, O. F. 1425.6, and authorize the City Manager to execute the agreements.”

SYNOPSIS: At the contractor’s request and with the City Engineering Staff’s concurrence, \$29,410.00 is requested to be added to the contract for two items. First, \$11,550 is requested for excavation and repair work. During construction, additional areas requiring repair were discovered that could not be seen with the video cameras during project design. These areas turned out to be severely damaged and were not accessible until digging began. Excavation and repair work was more extensive than anticipated. Second, 407 feet of 9-inch CIPP liner was added to the project because of an error PEC made in measurement on one of the sewer mains that was actually an 8-inch main rather than a 9-inch. Instead of wasting the 9-inch liner, a suitable main was found to line and a discounted price was given by the contractor. Instead of the contract bid price of \$22,725, a price of \$17,860 was given, for a savings of \$4,865. It should be noted that this main was scheduled for lining in the next phase of the trenchless projects later this year. The original contract price of \$120,791 will be increased by \$29,410 for a total contract price of \$150,201. Funding is available from the sewer fund

BACKGROUND: On March 6, 2007, the City Commission awarded a contract to PEC, Inc to line approximately 1,762 feet of sewer main using Cured-In-Place-Pipe (CIPP) liner technology. The existing mains are made of vitrified clay pipe and are past their expected useful lifespan. The mains have developed serious cracks and in some cases have developed large holes in the pipe. This causes environmental concerns and maintenance problems with keeping the lines in working order.

Attachments: Change Order No. 1

Change Order

No. 1

Date of Issuance: May 16, 2007

Effective Date: June 5, 2007

Project: Sanitary Sewer Trenchless Rehabilitation, Phase 11	Owner: City of Great Falls	Owner's Contract No.: O.F. 1425.6
Contractor: Planned and Engineered Construction, Inc		Date of Contract: March 7, 2007
Contractor:		Engineer's Project No.: 370701

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

Description: Additional excavation and pipe required to repair damaged sewer main and an additional 400' of 9" CIPP lining added to the project.

Attachments: (List documents supporting change):

PEC Invoice

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 120,791

[Increase] [Decrease] from previously approved Change

Orders No. _____ to No. _____:

\$ _____

Contract Price prior to this Change Order:

\$ 120,791

[Increase] [Decrease] of this Change Order:

\$ 29,410

Contract Price incorporating this Change Order:

\$ 150,201

CHANGE IN CONTRACT TIMES:

Original Contract Times:

Working days Calendar days

Substantial completion (days or date): May 4, 2007

Ready for final payment (days or date): May 4, 2008

[Increase] [Decrease] from previously approved Change Orders

No. _____ to No. _____:

Substantial completion (days): _____

Ready for final payment (days): _____

Contract Times prior to this Change Order:

Substantial completion (days or date): May 4, 2007

Ready for final payment (days or date): May 4, 2008

[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): May 4, 2007

Ready for final payment (days or date): May 4, 2008

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.

AGENDA REPORT

DATE June 5, 2007

ITEM: FINAL PAYMENT – 10TH AVENUE NORTH STORM DRAIN - O.F. 1440

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: APPROVE FINAL PAY REQUEST

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends the approval of Final Payment to Falls Construction Company and the State Miscellaneous Tax Division for 10th Avenue North Storm Drain - O.F. 1440.

MOTION: "I move the City Commission approve Final Payment of \$16,842.10 to Falls Construction Company and the State Miscellaneous Tax Division for 10th Avenue North Storm Drain - O.F. 1440, and authorize the City Manager to execute the necessary documents and make the payments."

SYNOPSIS: Nine bids were received on October 18, 2006. Falls Construction Company submitted the low bid and was awarded a contract for \$137,892.00.

Falls Construction Company has completed the contract work in accordance with the plans and specifications. Construction began on December 4, 2006 and was substantially complete within the allotted contract time. The two-year project warranty period began on the date of substantial completion, March 8, 2007. The final project cost is \$126,892.00 which is \$11,000.00 under the contract amount. Storm drain funding allocated for the project is available for final payment.

BACKGROUND: The project was initiated to alleviate localized flooding that was occurring in the North Park industrial area. Before the project, storm water runoff originating from areas located south of North Park, was conveyed by an existing ditch and railroad culverts into the North Park Addition area. The project constructed an underground storm drain to intercept the drainage ditch along 10th Avenue North near Bundi Gardens. Drainage from Highwood Additions, portions of Northridge and Dawn Additions, and other surrounding areas outside the City is now conveyed to a large City storm drain located to the east. Additionally, an inlet was installed to drain a low area along 10th Avenue North near the new Soccer Park.

The project work scope included construction of 1,300 lineal feet of 36-inch diameter pipe along with appurtenant manholes, inlets, and inlet piping. The new storm drain is located in a utility

easement located just to the north and parallel with 10th Avenue North.

City engineering staff completed the project design, and provided construction management and inspection.

Attachments: Final Pay Request (Not available online; on file in the City Clerk's Office.)

AGENDA REPORT

DATE June 5, 2007

ITEM: FINAL PAYMENT: SCHEDULE ONE OF THE MEDICAL TECHNOLOGY PARK, LOT 3, UTILITY AND STREET IMPROVEMENTS, O.F. 1417.1

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING BRANCH

ACTION REQUESTED: APPROVE FINAL PAYMENT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION: Staff recommends approval of Final Payment to Shumaker Trucking and Excavating Contractors Inc. and the State Miscellaneous Tax Division for Schedule One of the Medical Technology Park, Lot 3, Utility and Street Improvements, O.F. 1417.1.

MOTION: "I move the City Commission approve final payments of \$7,818.82 to Shumaker Trucking and Excavating Contractors Inc. and \$79.97 to the State Miscellaneous Tax Division for Schedule One of the Medical Technology Park, Lot 3, Utility and Street Improvements, O.F. 1417.1, and authorize the City Manager to execute the necessary documents approving the payments."

SYNOPSIS: Shumaker Trucking and Excavating Contractors Inc. completed all contracted work and the City Engineering staff recommends acceptance of the project, and execution of the Final Payment. Shumaker Trucking and Excavating Contractors Inc. advertised in the Great Falls Tribune certifying that all contracted labor and materials have been paid to date.

BACKGROUND: The City was contacted by several parties interested in locating their business to a portion of City land which was purchased in conjunction with the Centene project. The ten acres has been subdivided into eight parcels along 21st Avenue South.

This project was bid as a "unit bid" contract under two schedules of work. Two contracts were awarded based on the low bid for each schedule. United Materials was the low bidder for Schedule Two.

The Commission approved the original contract for \$403,635.00 on September 19, 2006. The final contract price was \$399,719.27, which is \$3,915.73 less than the total amount approved. The project was funded by loans from the water, sanitary sewer, storm drain, and central garage funds.

City engineering staff completed engineering design, performed construction inspection, and administered the contract. The two-year warranty period began on January 24, 2007 when the project was substantially complete.

Attachment: Claim and Pay Estimate #4 (Final) (Not available online; on file in the City Clerk's Office.)

A G E N D A R E P O R T

DATE June 5, 2007

ITEM Contract Bid Award: Jaycee and Water Tower Rehabilitation, O.F. 1501;
Neighborhood Pools Splash Decks, O.F. 1501.1

INITIATED BY Park & Recreation Department

ACTION REQUESTED Consider Bids and Award Contract

PREPARED BY Patty Rearden, Deputy Park & Recreation Director

PRESENTED BY Jim Sullivan, Park & Recreation Director

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RECOMMENDATION:

Staff recommends the City approve the Contract between the City of Great Falls and Talcott Construction, Inc. in the amount of \$1,453,165 for the Jaycee and Water Tower Pools Rehabilitation, O.F. 1501; and the Neighborhood Pools Splash Decks, O.F. 1501.1.

MOTION:

“I move the City Commission award a contract in the amount of \$1,453,165 to Talcott Construction, Inc. for the Jaycee and Water Tower Pools Rehabilitation, O.F. 1501; and the Neighborhood Pools Splash Decks, O.F. 1501.1 and authorize the City Manager to execute the contract.

PROJECT TITLE: Jaycee and Water Tower Pools Rehabilitation, O.F. 1501; and the Neighborhood Pools Splash Decks, O.F. 1501.1.

RECOMMENDED CONTRACTOR: Talcott Construction, Inc.

START DATE: June 2007

COMPLETION DATE: July 1, 2008

PENALTY/INCENTIVE TERMS: Liquidated Damages, \$500/day

SYNOPSIS:

The low bid of all schedules and the associated engineering and administrative costs resulted in the overall project budget to be \$287,000 over project revenue. Therefore, this contract will be for Schedule II which includes the rehabilitation of the Jaycee and Neighborhood Pools and the two new splash decks at Jaycee and Water Tower Pools. The work on the Schedule I project, Mitchell Pool, was scheduled to start after Labor Day 2007 so a delay in awarding this schedule will not impact the overall schedule to complete the entire project and will afford the City other options.

Based on the fact that the overall project was over budget, Schedule I will be value engineered and/or redesigned and re-bid by mid-July to allow the entire pools project to be completed with the

project budgeted revenue. Interstate Engineering proposes to make modifications to the project that will result in the necessary cost savings and will still meet the requirements of the bond election held in November of 2006.

Funding from the project will include the \$2,270,000 General Obligation Bond Series 2007, \$200,000 from the proposed sale of Sand Hills Park land to the G.F. Housing Authority to be purchased with HOME Funds, and \$60,000 from the Park Trust Fund.

BACKGROUND:

The community swimming pools were built and/or renovated in the 1960s. Due to the fact that the pools systems and infrastructures have deteriorated over time, the City was faced with significant capital and maintenance issues that included the following:

Mitchell Pool: Complete rehabilitation needed which included a gutter system, pool floor and wall rehabilitation, filtration/recirculation system, concrete deck, electrical/mechanical systems, filter room, pool heater, and backwash balance tank system. The improvements would bring the Mitchell Pool up to the current codes and decrease the chemical, natural gas and electrical costs.

Water Tower and Jaycee Pools: Both pools have deteriorated gutter systems with broken grate tiles, plaster spalling of the pool tank walls, heaving concrete decks, outdated and inefficient pool heaters, re-circulating pumps and systems were at the end of their useful life, restrooms were not ADA accessible, and the dressing rooms needed to be renovated. Improvements to each facility will include new filtration/recirculation system, chemical feed rehabilitation, new concrete deck and fencing, pool floor and wall rehabilitation, deck equipment, electrical work and bathhouse rehabilitation.

The "rehabilitation project" was estimated to cost just under \$2.3 million. General Obligation Bond financing in the entire amount for a ten-year term was placed on the November 7, 2006 ballot. The General Obligation Bond passed with 15,158 voting to approve the bonds and 5,648 voting against approval. At the December 5, 2006 City Commission Meeting, the Commission approved Resolution #9627 to establish compliance with reimbursement bond regulations under the Internal Revenue Code. On December 19, 2006, the City Commission approved the Professional Services Agreement with Interstate Engineering, Inc., in the amount of \$217,500 for the Rehabilitation of the Mitchell, Water Tower and Jaycee Pools, O. F. 1501.

The decision was also made to pursue funding and construction of spray parks/splash decks for the community. It was determined that the best locations for the spray parks, were Jaycee and Water Tower Pools, creating a complex and expanded entertainment for the community. Although funding is different for the two projects, for efficiency and cost savings, both projects were bid together and will be constructed at the same time.

On March 6, 2007, the City Commission approved Amendment No. 1 in the amount of \$19,700.00 with Interstate Engineering, Inc., for the Rehabilitation of the Mitchell, Water Tower and Jaycee Pools, O. F. 1501

Attachments: Bid Tab
Contract

**SECTION 00105
AGREEMENT FORM**

This Agreement is dated as of the 5th day of June in the year 2007, by and between CITY OF GREAT FALLS, MONTANA, hereinafter called OWNER, and James Talcott Construction Inc. hereinafter called CONTRACTOR.

OWNER and CONTRACTOR, in consideration of the mutual covenants hereinafter set forth, agree as follows:

Article 1. WORK.

1.01 CONTRACTOR shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows:

MITCHELL POOL AND JAYCEE AND WATER TOWER NEIGHBORHOOD POOL
RENOVATIONS
O.F. #1501

Article 2. THE PROJECT.

2.01 The Project for which the Work under the Contract Documents may be the whole or only a part is generally described as follows:

SCHEDULE II – Water Tower and Jaycee Neighborhood Pools:

Which are 75' x 45' pools and the work to be done consists of the demolition of the existing concrete gutters, decks, equipment, installation of new stainless steel gutter, pressure sand filter system, chemical feed systems, pool heater, PVC liner system, new 14' x 20' CMU filter room addition, modification to the existing bathhouse, new mechanical system, new fencing, deck equipment and other miscellaneous items necessary to complete the rehabilitation of the complexes.

ADDITIVE ALTERNATE SD-I – New Splash Decks:

New splash decks located at each Neighborhood Pool. The splash decks are approximately 4000 SF of concrete deck with 5 spray attractions, a connection to the municipal water system and sewer system, new fencing and miscellaneous items necessary to complete the splash facilities.

Article 3. ENGINEER.

3.01 The Project has been designed by:

INTERSTATE ENGINEERING, INC.
425 EAST MAIN
SIDNEY, MONTANA 59270
406-433-5617

who is hereinafter called ENGINEER and who is to act as OWNER's representative, assume all

duties and responsibilities and have the rights and authority assigned to ENGINEER in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

Article 4. CONTRACT TIME.

4.01 Time of the Essence:

A. All the time limits for milestones, if any, Substantial Completion, and completion and readiness for final payment as stated in the Contract Documents are of the essence of the Contract.

4.02 Days to achieve Substantial Completion.

A. The Work will be substantially complete within * days after the date when the Contract Time commences to run as provided in paragraph 2.03 of the General Conditions.

*

*Schedule II – Jaycee & Water Tower Neighborhood Pool – July 1, 2008
Additive Alternate SD- I – June 15, 2008*

4.03 Liquidated damages.

A. OWNER and CONTRACTOR recognize that time is of the essence of this Agreement and that OWNER will suffer financial loss if the Work is not completed within the times specified in paragraph 4.02 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. The parties also recognize the delays, expense and difficulties involved in proving in a legal or arbitration proceeding the actual loss suffered by OWNER if the Work is not completed on time. Accordingly, instead of requiring any such proof, OWNER and CONTRACTOR agree that as liquidated damages for delay (but not as a penalty) CONTRACTOR shall pay OWNER five hundred dollars (\$500.00) for each day that expires after the time specified in paragraph 4.02 for Substantial completion until the Work is substantially complete.

Article 5. CONTRACT PRICE:

5.01 Owner shall pay CONTRACTOR for completion of the work in accordance with the Contract Documents an amount equal to the sum of the established unit price for each separately identified item of Unit Price Work times the quantity of that item that is constructed and accepted. Unit prices are those listed in the Unit Price Schedule of the Bid Form attached as Exhibit A to this Agreement. Estimated quantities used for bidding purposes are not guaranteed, payment will be for actual quantities as determined by ENGINEER in accordance with Article 9.08 of the General Conditions. Unit prices have been computed as provided in paragraph 11.03 of the General Conditions.

Article 6. PAYMENT PROCEDURES:

6.01 Submittal and Processing of Payments:

A. CONTRACTOR shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by ENGINEER as provided in the Contract Documents.

6.02 Progress Payments; Retainage:

A. OWNER shall make progress payments in accordance with Article 14 of the General Conditions on account of the Contract Price on the basis of CONTRACTOR's Applications for Payment as recommended by ENGINEER, once each month during construction as provided below. All progress payments will be on the basis of the progress of the Work measured by the

number of units of each bid item completed times the bid unit price in the Unit Price Schedule of the Bid Form for that item.

1. Prior to Substantial Completion, progress payments will be made in an amount equal to the sum of the unit price items less the percentage indicated below but, in each case, less the aggregate of payments previously made and less such amounts as ENGINEER may determine or OWNER may withhold, in accordance with paragraph 14.02 of the General Conditions.

a . The OWNER shall retain five percent (5%) of the total contract work completed until final completion and acceptance of all Work covered by the Contract Documents.

b. Retainage will be five (5%) percent of materials and equipment not incorporated in the Work (but delivered, suitably stored and accompanied by documentation satisfactory to OWNER as provided in paragraph 14.2 of the General Conditions).

2. Upon Substantial Completion and at the OWNER'S discretion, the amount of retainage may be further reduced if requested by the CONTRACTOR.

6.03 Final Payment. Upon final completion and acceptance of the Work in accordance with paragraph 14.07 of the General Conditions, OWNER shall pay the remainder of the Contract Price as recommended by ENGINEER as provided in said paragraph 14.07.

Article 7. INTEREST:

7.01 All moneys not paid when due as provided in Article 14 of the General Conditions shall bear interest at the maximum rate allowed by law at the place of the Project.

Article 8. CONTRACTOR'S REPRESENTATION:

8.01 In order to induce OWNER to enter into this Agreement, CONTRACTOR makes the following representations:

A. CONTRACTOR has examined and carefully studied the Contract Documents (including all Addenda listed in paragraph 9 and the other related data identified in the Bidding Documents).

B. CONTRACTOR has visited the site and become familiar with and is satisfied as to the general, local and site conditions that may affect cost, progress, performance or furnishing of the Work.

C. CONTRACTOR is familiar with and is satisfied as to all federal, state and local Laws and Regulations that may affect cost, progress, performance and furnishing of the Work.

D. CONTRACTOR has carefully studied all: (1) reports of explorations and tests of subsurface conditions at or contiguous to the site and all drawings of physical conditions in or relating to existing surface or subsurface structures at or contiguous to the site (except Underground Facilities) which have been identified in the Special Provisions as provided in paragraph 4.02 of the General Conditions and (2) reports and drawings of a Hazardous Environmental Condition, if any, at the Site which has been identified in the Special Provisions as provided in paragraph 4.06 of the General Conditions. CONTRACTOR acknowledges that such reports and drawings are not Contract Documents and may not be complete for CONTRACTOR's purposes. CONTRACTOR acknowledges that OWNER and ENGINEER do not assume responsibility for the accuracy or completeness of information and data shown or indicated in the Contract Documents with respect to Underground Facilities at or contiguous to the site.

E. CONTRACTOR has obtained and carefully studied (or assumes responsibility for having

done so) all such additional supplementary examinations, investigations, explorations, tests, studies and data concerning conditions (surface, subsurface and Underground Facilities) at or contiguous to the site or otherwise which may affect cost, progress, performance or furnishing of the Work or which relate to any aspect of the means, methods, techniques, sequences and procedures of construction to be employed by CONTRACTOR including applying the specific means, methods, techniques, sequences and procedures of construction, if any, expressly required by the Contract Documents to be employed by the CONTRACTOR, and safety precautions and programs incident thereto.

F. CONTRACTOR does not consider that any additional examinations, investigations, explorations, tests, studies or data are necessary for the performance and furnishing of the Work at the Contract Price, within the Contract Times and in accordance with the other terms and conditions of the Contract Documents.

G. CONTRACTOR is aware of the general nature of work to be performed by OWNER and others at the site that relates to the Work as indicated in the Contract Documents.

H. CONTRACTOR has correlated the information known to CONTRACTOR, information and observations obtained from visits to the site, reports and drawings identified in the Contract Documents and all additional examinations, investigations, explorations, tests, studies and data with the Contract Documents.

I. CONTRACTOR has given ENGINEER written notice of all conflicts, errors, ambiguities or discrepancies that CONTRACTOR has discovered in the Contract Documents and the written resolution thereof by ENGINEER is acceptable to CONTRACTOR.

J. The Contract Documents are generally sufficient to indicate and convey understanding of all terms and conditions for performance and furnishing of the Work.

Article 9. CONTRACT DOCUMENTS:

9.01 Contents

A. The Contract Documents consist of the following:

1. This Agreement (Pages 1 to 7, inclusive);
2. Performance Bond (pages 1 to 2, inclusive);
3. Payment Bond (pages 1 to 2, inclusive);
4. Certificates of Insurance;
5. General Conditions Index 1 to 3, inclusive
6. General Conditions (pages 4 to 39, inclusive);
7. Supplementary Conditions (pages 1 to 15, inclusive);
8. Special Provisions (pages 1 to 11, inclusive);
9. Montana Public Works Standard Specifications, Fifth Edition, dated March 2003;
10. Drawings consisting of a cover sheet and sheets numbered 1 through 25, D1.1, A1.0 – A8.3, M1-M6, E0-E11 with each sheet bearing the following general title: O.F. 1501, Mitchell Pool, Jaycee and Water Tower Neighborhood Pool Rehabilitation.
11. Addenda (numbers 1 to 3, inclusive);
12. Exhibits to this Agreement (enumerated as follows):
 - a. Notice To Proceed (pages 1 to 1, inclusive);
 - b. Contractor's Bid (pages 1 to 7, inclusive);
 - c. Documentation submitted by CONTRACTOR prior to Notice of Award (pages 1 to 3, inclusive);
13. The following which may be delivered or issued on or after the Effective Date of

the Agreement and are not attached hereto:

- a. Written Amendments;
- b. Work Change Directives;
- c. Change Order(s).
- d. Partial Payment Estimate.
- e. Certificate of Substantial Completion.

B. The documents listed in paragraph 9.01.A. are attached to this Agreement (except as expressly noted otherwise above).

C. There are no Contract Documents other than those listed above in this Article 9.

D. The Contract Documents may only be amended, modified or supplemented as provided in paragraphs 3.04 of the General Conditions.

Article 10. MISCELLANEOUS:

10.01 Terms.

A. Terms used in this Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

10.02 Assignment of Contract.

A. No assignment by a party hereto of any rights under or interests in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically, but without limitation, moneys that may come due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under the Contract Documents.

10.03 Successors and Assigns

A. OWNER and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

10.04 Severability

A. Any provision of part of the Contract Documents held to be void or unenforceable under and Law or Regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon OWNER and CONTRACTOR, who agree that the Contract Documents shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

IN WITNESS WHEREOF, OWNER and CONTRACTOR have signed 3 copies of Agreement. One counterpart has been delivered to OWNER, one to CONTRACTOR and one to ENGINEER. All portions of the Contract Documents have been signed or identified by OWNER and CONTRACTOR or by ENGINEER on their behalf.

This Agreement will be effective on June 5, 2007, _____
(which is the effective date of the Agreement).

OWNER City of Great Falls CONTRACTOR James Talcott Construction, Inc

BY _____ BY _____

Attest _____ Attest _____
Address for giving notices Address for giving notices
PO Box 5021 PO Box 2493,

Great Falls, MT 59403 Great Falls MT 59403
Phone No. 406-771-1180 Phone No. 406-761-0018
FAX No. 406-727-0005 FAX No. 406-761-0415

(CORPORATE SEAL)

CORPORATE SEAL)

(If OWNER is a public body,
attach evidence of authority
to sign and resolution or
other documents authorizing
execution of OWNER-CONTRACTOR
Agreement.

Contractor Registration No. 5102

Agent for service of process:

(If CONTRACTOR is a corporation
or a partnership, attach evidence of
authority to sign.)

Designated Representative _____ Designated Representative _____
Name: _____ Name: _____
Title: _____ Title: _____
Address: _____ Address: _____

Phone No.: _____ Phone No.: _____
FAX No.: _____ FAX No.: _____

Approved for Legal Content:

By: _____
David V. Gliko
Title: City Attorney
Date: _____

END OF SECTION 00105

Mitchell, Jaycee and Water Tower Park Pool Rehabilitation
Great Falls, Montana
I.E. #Y06-144

Bids Opened: Wednesday May 16, 2007 at 3:00 p.m.

Schedule I - Mitchell Pool				James Talcott Const., Inc. 4415 River Dr. N. Great Falls, MT 59405	Wadsworth Builders Comp., Inc. 4601 2nd Ave. North Great Falls, MT 59405
CONTRACTOR'S NUMBER				1	2
Mobilization	1	L.S.	Unit	\$ 100,000.00	\$ 91,000.00
			Ext.	\$ 100,000.00	\$ 91,000.00
Demolition	1	L.S.	Unit	\$ 70,000.00	\$ 54,000.00
			Ext.	\$ 70,000.00	\$ 54,000.00
Sitework	1	L.S.	Unit	\$ 65,000.00	\$ 12,000.00
			Ext.	\$ 65,000.00	\$ 12,000.00
Concrete Deck, Deck Drain System	1	L.S.	Unit	\$ 71,000.00	\$ 149,000.00
			Ext.	\$ 71,000.00	\$ 149,000.00
Perimeter Recirculation Piping & Vacuum Sand Filtration System	1	L.S.	Unit	\$ 371,000.00	\$ 396,000.00
			Ext.	\$ 371,000.00	\$ 396,000.00
New Concrete Floor with Main Drain	1	L.S.	Unit	\$ 47,000.00	\$ 54,000.00
			Ext.	\$ 47,000.00	\$ 54,000.00
Pool Piping - Control and Chemical Feed	1	L.S.	Unit	\$ 40,000.00	\$ 45,000.00
			Ext.	\$ 40,000.00	\$ 45,000.00
Deck Equipment	1	L.S.	Unit	\$ 26,000.00	\$ 29,000.00
			Ext.	\$ 26,000.00	\$ 29,000.00
Pool Heater & Piping	1	L.S.	Unit	\$ 31,000.00	\$ 35,000.00
			Ext.	\$ 31,000.00	\$ 35,000.00
PVC Pool Membrane	1	L.S.	Unit	\$ 84,000.00	\$ 93,000.00
			Ext.	\$ 84,000.00	\$ 93,000.00
New Chainlink Fence	195	L.F.	Unit	\$ 23.00	\$ 24.62
			Ext.	\$ 4,485.00	\$ 4,800.90
Electrical System - Equipment Room / Equipment Bonding	1	L.S.	Unit	\$ 24,000.00	\$ 26,000.00
			Ext.	\$ 24,000.00	\$ 26,000.00
Miscellaneous Work Allowance	1	L.S.	Unit	\$ 5,000.00	\$ 5,000.00
			Ext.	\$ 5,000.00	\$ 5,000.00
Testing Laboratory Services	1	L.S.	Unit	\$ 1,500.00	\$ 1,500.00
			Ext.	\$ 1,500.00	\$ 1,500.00
Exploratory Excavation	5	Hrs.	Unit	\$ 250.00	\$ 200.00
			Ext.	\$ 1,250.00	\$ 1,000.00
Building Addition - General	1	L.F.	Unit	\$ 178,750.00	\$ 78,000.00
			Ext.	\$ 178,750.00	\$ 78,000.00
Building Addition - Mechanical	1	L.S.	Unit	\$ 14,000.00	\$ 25,000.00
			Ext.	\$ 14,000.00	\$ 25,000.00
Backwash Disposal System	1	L.S.	Unit	\$ 10,000.00	\$ 11,000.00
			Ext.	\$ 10,000.00	\$ 11,000.00
TOTAL SCHEDULE I				\$ 1,143,985.00	\$ 1,110,300.90

*error in bid submitted

Schedule II - Jaycee and Water Tower Pool Rehab. Section A - Jaycee Pool			James Talcott Const., Inc. 4415 River Dr. N. Great Falls, MT 59405	Wadsworth Builders Comp., Inc. 4601 2nd Ave. North Great Falls, MT 59405
CONTRACTOR'S NUMBER			1	2
Mobilization - Schedule II	1 L.S.	Unit	\$ 100,000.00	\$ 84,000.00
		Ext.	\$ 100,000.00	\$ 84,000.00
Demolition	1 L.S.	Unit	\$ 29,050.00	\$ 36,000.00
		Ext.	\$ 29,050.00	\$ 36,000.00
Sitework	1 L.S.	Unit	\$ 26,000.00	\$ 11,059.00
		Ext.	\$ 26,000.00	\$ 11,059.00
Concrete Deck, Deck Drain and Area Drain	1 L.S.	Unit	\$ 41,000.00	\$ 66,000.00
		Ext.	\$ 41,000.00	\$ 66,000.00
Perimeter Recirculation & Filtration System	1 L.S.	Unit	\$ 171,000.00	\$ 175,000.00
		Ext.	\$ 171,000.00	\$ 175,000.00
Pool Piping - Control and Chemical Feed	1 L.S.	Unit	\$ 16,700.00	\$ 19,000.00
		Ext.	\$ 16,700.00	\$ 19,000.00
Deck Equipment	1 L.S.	Unit	\$ 12,500.00	\$ 14,000.00
		Ext.	\$ 12,500.00	\$ 14,000.00
Pool Heater & Piping	1 L.S.	Unit	\$ 16,600.00	\$ 18,000.00
		Ext.	\$ 16,600.00	\$ 18,000.00
PVC Pool Membrane	1 L.S.	Unit	\$ 47,500.00	\$ 53,000.00
		Ext.	\$ 47,500.00	\$ 53,000.00
New Chainlink Fence	425 L.F.	Unit	\$ 27.00	\$ 2.82
		Ext.	\$ 11,475.00	\$ 1,198.50
Electrical System - Equipment Room / Equipment Bonding	1 L.S.	Unit	\$ 13,600.00	\$ 12,000.00
		Ext.	\$ 13,600.00	\$ 12,000.00
Miscellaneous Work Allowance	1 L.S.	Unit	\$ 5,000.00	\$ 5,000.00
		Ext.	\$ 5,000.00	\$ 5,000.00
Testing Laboratory Services	1 L.S.	Unit	\$ 1,500.00	\$ 1,500.00
		Ext.	\$ 1,500.00	\$ 1,500.00
Exploratory Excavation	5 Hrs.	Unit	\$ 250.00	\$ 200.00
		Ext.	\$ 1,250.00	\$ 1,000.00
Filter Equipment Room Addition	1 L.S.	Unit	\$ 52,000.00	\$ 16,000.00
		Ext.	\$ 52,000.00	\$ 16,000.00
Bathroom Modification - Mechanical	1 L.F.	Unit	\$ 47,000.00	\$ 71,000.00
		Ext.	\$ 47,000.00	\$ 71,000.00
Bathroom Modification - General	1 L.S.	Unit	\$ 45,000.00	\$ 65,992.00
		Ext.	\$ 45,000.00	\$ 65,992.00
Bathroom Modification - Electrical	1 L.S.	Unit	\$ 7,200.00	\$ 7,000.00
		Ext.	\$ 7,200.00	\$ 7,000.00
New 4" Water Service Line	1 L.S.	Unit	\$ 15,500.00	\$ 10,000.00
		Ext.	\$ 15,500.00	\$ 10,000.00
TOTAL SCHEDULE II, Section A			\$ 659,875.00	\$ 666,749.50

PVC Liner Manufacturer

Delifol

Delifold

*error in bid submitted

Schedule II - Jaycee and Water Tower Pool Rehab. Section B - Water Tower Pool			James Talcott Const., Inc. 4415 River Dr. N. Great Falls, MT 59405	Wadsworth Builders Comp., Inc. 4601 2nd Ave. North Great Falls, MT 59405
CONTRACTOR'S NUMBER			1	2
Demolition	1 L.S.	Unit	\$ 29,000.00	\$ 36,000.00
		Ext.	\$ 29,000.00	\$ 36,000.00
Sitework	1 L.S.	Unit	\$ 26,000.00	\$ 6,000.00
		Ext.	\$ 26,000.00	\$ 6,000.00
Concrete Deck, Deck Drain System	1 L.S.	Unit	\$ 35,500.00	\$ 48,000.00
		Ext.	\$ 35,500.00	\$ 48,000.00
Perimeter Recirculation & Filtration System	1 L.S.	Unit	\$ 162,000.00	\$ 174,000.00
		Ext.	\$ 162,000.00	\$ 174,000.00
Pool Piping - Control and Chemical Feed	1 L.S.	Unit	\$ 17,000.00	\$ 18,000.00
		Ext.	\$ 17,000.00	\$ 18,000.00
Deck Equipment	1 L.S.	Unit	\$ 12,500.00	\$ 13,000.00
		Ext.	\$ 12,500.00	\$ 13,000.00
Pool Heater & Piping	1 L.S.	Unit	\$ 17,000.00	\$ 18,000.00
		Ext.	\$ 17,000.00	\$ 18,000.00
PVC Pool Membrane	1 L.S.	Unit	\$ 48,000.00	\$ 53,000.00
		Ext.	\$ 48,000.00	\$ 53,000.00
New Chainlink Fence	425 L.F.	Unit	\$ 27.00	\$ 28.24
		Ext.	\$ 11,475.00	\$ 12,002.00
Electrical System - Equipment Room / Equipment Bonding	1 L.S.	Unit	\$ 14,700.00	\$ 13,000.00
		Ext.	\$ 14,700.00	\$ 13,000.00
Miscellaneous Work Allowance	1 L.S.	Unit	\$ 5,000.00	\$ 5,000.00
		Ext.	\$ 5,000.00	\$ 5,000.00
Testing Laboratory Services	1 L.S.	Unit	\$ 1,500.00	\$ 1,500.00
		Ext.	\$ 1,500.00	\$ 1,500.00
Exploratory Excavation	5 Hrs.	Unit	\$ 250.00	\$ 200.00
		Ext.	\$ 1,250.00	\$ 1,000.00
Filter Equipment Room Addition	1 L.S.	Unit	\$ 52,000.00	\$ 16,000.00
		Ext.	\$ 52,000.00	\$ 16,000.00
Bathhouse Modification - Mechanical	1 L.F.	Unit	\$ 47,000.00	\$ 67,000.00
		Ext.	\$ 47,000.00	\$ 67,000.00
Bathhouse Modification - General	1 L.S.	Unit	\$ 44,000.00	\$ 62,000.00
		Ext.	\$ 44,000.00	\$ 62,000.00
Bathhouse Modification - Electrical	1 L.S.	Unit	\$ 7,200.00	\$ 7,000.00
		Ext.	\$ 7,200.00	\$ 7,000.00
New 4" Water Service Line	1 L.S.	Unit	\$ 22,000.00	\$ 10,000.00
		Ext.	\$ 22,000.00	\$ 10,000.00
TOTAL SCHEDULE II, Section B			\$ 553,125.00	\$ 560,502.00

*error in bid submitted

Total Schedule II, Sections A & B	\$ 1,213,000.00	\$ 1,227,251.50
If awarded Sch. I & II deduct a total of	\$ 60,000.00	\$ 25,000.00
TOTAL SCH. I, SCH. II, Sections A&B + Deduct	\$ 2,296,985.00	\$ 2,312,552.40

Additive Alternate No. SD-1 (Vortex) Section A: Jaycee Splash Deck			James Talcott Const., Inc. 4415 River Dr. N. Great Falls, MT 59405	Wadsworth Builders Comp., Inc. 4601 2nd Ave. North Great Falls, MT 59405
CONTRACTOR'S NUMBER			1	2
Concrete Deck Area	1 L.S.	Unit	\$ 13,000.00	\$ 4,500.00
		Ext.	\$ 13,000.00	\$ 4,500.00
Concrete Splash Ground Area	1 L.S.	Unit	\$ 22,500.00	\$ 31,000.00
		Ext.	\$ 22,500.00	\$ 31,000.00
Supply Piping Systems	1 L.S.	Unit	\$ 10,000.00	\$ 10,000.00
		Ext.	\$ 10,000.00	\$ 10,000.00
Drain Sump / Waste Piping	1 L.S.	Unit	\$ 7,100.00	\$ 7,000.00
		Ext.	\$ 7,100.00	\$ 7,000.00
Additional New Chainlink Perimeter Fencing	235 L.F.	Unit	\$ 29.00	\$ 29.79
		Ext.	\$ 6,815.00	\$ 7,000.65
Site Work / Sidewalk	1 L.S.	Unit	\$ 4,500.00	\$ 1,000.00
		Ext.	\$ 4,500.00	\$ 1,000.00
Provide and Install Spray Features (Vortex)	1 L.S.	Unit	\$ 37,500.00	\$ 39,000.00
		Ext.	\$ 37,500.00	\$ 39,000.00
Provide and Install Spray Feature Controller & Piping Man.	1 L.S.	Unit	\$ 13,200.00	\$ 14,000.00
		Ext.	\$ 13,200.00	\$ 14,000.00
Electrical System - Spray Ground	1 L.S.	Unit	\$ 1,500.00	\$ 1,600.00
		Ext.	\$ 1,500.00	\$ 1,600.00
TOTAL ADD. ALTERNATE NO. SD-1, Section A			\$ 116,115.00	\$ 115,100.65

*error in bid submitted

Additive Alternate No. SD-1 (Water Odyssey) Section A: Jaycee Splash Deck			James Talcott Const., Inc. 4415 River Dr. N. Great Falls, MT 59405	Wadsworth Builders Comp., Inc. 4601 2nd Ave. North Great Falls, MT 59405
CONTRACTOR'S NUMBER			1	2
Concrete Deck Area	1 L.S.	Unit	\$ 13,000.00	\$ 4,500.00
		Ext.	\$ 13,000.00	\$ 4,500.00
Concrete Splash Ground Area	1 L.S.	Unit	\$ 22,500.00	\$ 31,000.00
		Ext.	\$ 22,500.00	\$ 31,000.00
Supply Piping Systems	1 L.S.	Unit	\$ 10,000.00	\$ 10,000.00
		Ext.	\$ 10,000.00	\$ 10,000.00
Drain Sump / Waste Piping	1 L.S.	Unit	\$ 7,100.00	\$ 7,000.00
		Ext.	\$ 7,100.00	\$ 7,000.00
Additional New Chainlink Perimeter Fencing	235 L.F.	Unit	\$ 29.00	\$ 29.79
		Ext.	\$ 6,815.00	\$ 7,000.65
Site Work / Sidewalk	1 L.S.	Unit	\$ 4,500.00	\$ 1,000.00
		Ext.	\$ 4,500.00	\$ 1,000.00
Provide and Install Spray Features (Water Odyssey)	1 L.S.	Unit	\$ 50,600.00	\$ 53,000.00
		Ext.	\$ 50,600.00	\$ 53,000.00
Provide and Install Spray Feature Controller & Piping Man.	1 L.S.	Unit	\$ 17,000.00	\$ 18,000.00
		Ext.	\$ 17,000.00	\$ 18,000.00
Electrical System - Spray Ground	1 L.S.	Unit	\$ 1,500.00	\$ 1,600.00
		Ext.	\$ 1,500.00	\$ 1,600.00
TOTAL ADD. ALTERNATE NO. SD-1, Section A			\$ 133,015.00	\$ 133,100.65

*error in bid submitted

Additive Alternate No. SD-1 (Vortex) Section B: Water Tower Splash Deck			James Talcott Const., Inc. 4415 River Dr. N. Great Falls, MT 59405	Wadsworth Builders Comp., Inc. 4601 2nd Ave. North Great Falls, MT 59405
CONTRACTOR'S NUMBER			1	2
Concrete Deck Area	1 L.S.	Unit	\$ 9,800.00	\$ 4,500.00
		Ext.	\$ 9,800.00	\$ 4,500.00
Concrete Splash Ground Area	1 L.S.	Unit	\$ 28,400.00	\$ 38,000.00
		Ext.	\$ 28,400.00	\$ 38,000.00
Supply Piping Systems	1 L.S.	Unit	\$ 13,800.00	\$ 15,000.00
		Ext.	\$ 13,800.00	\$ 15,000.00
Drain Sump / Waste Piping	1 L.S.	Unit	\$ 7,900.00	\$ 8,000.00
		Ext.	\$ 7,900.00	\$ 8,000.00
Additional New Chainlink Perimeter Fencing	170 L.F.	Unit	\$ 25.00	\$ 23.53
		Ext.	\$ 4,250.00	\$ 4,000.10
Site Work / Sidewalk	1 L.S.	Unit	\$ 4,500.00	\$ 4,500.00
		Ext.	\$ 4,500.00	\$ 4,500.00
Provide and Install Spray Features (Vortex)	1 L.S.	Unit	\$ 41,200.00	\$ 43,000.00
		Ext.	\$ 41,200.00	\$ 43,000.00
Provide and Install Spray Feature Controller & Piping Man.	1 L.S.	Unit	\$ 13,500.00	\$ 14,000.00
		Ext.	\$ 13,500.00	\$ 14,000.00
Electrical System - Spray Ground	1 L.S.	Unit	\$ 1,500.00	\$ 2,000.00
		Ext.	\$ 1,500.00	\$ 2,000.00
TOTAL ADD. ALTERNATE NO. SD-1, Section B			\$ 124,850.00	\$ 133,000.10

*error \$94,300.00 submitted

Additive Alternate No. SD-1 (Water Odyssey) Section B: Water Tower Splash Deck			James Talcott Const., Inc. 4415 River Dr. N. Great Falls, MT 59405	Wadsworth Builders Comp., Inc. 4601 2nd Ave. North Great Falls, MT 59405
CONTRACTOR'S NUMBER			1	2
Concrete Deck Area	1 L.S.	Unit	\$ 9,800.00	\$ 4,500.00
		Ext.	\$ 9,800.00	\$ 4,500.00
Concrete Splash Ground Area	1 L.S.	Unit	\$ 28,400.00	\$ 31,000.00
		Ext.	\$ 28,400.00	\$ 31,000.00
Supply Piping Systems	1 L.S.	Unit	\$ 13,800.00	\$ 15,000.00
		Ext.	\$ 13,800.00	\$ 15,000.00
Drain Sump / Waste Piping	1 L.S.	Unit	\$ 7,900.00	\$ 8,000.00
		Ext.	\$ 7,900.00	\$ 8,000.00
Additional New Chainlink Perimeter Fencing	170 L.F.	Unit	\$ 25.00	\$ 23.53
		Ext.	\$ 4,250.00	\$ 4,000.10
Site Work / Sidewalk	1 L.S.	Unit	\$ 4,500.00	\$ 1,000.00
		Ext.	\$ 4,500.00	\$ 1,000.00
Provide and Install Spray Features (Water Odyssey)	1 L.S.	Unit	\$ 47,000.00	\$ 48,000.00
		Ext.	\$ 47,000.00	\$ 48,000.00
Provide and Install Spray Feature Controller & Piping Man.	1 L.S.	Unit	\$ 17,500.00	\$ 18,000.00
		Ext.	\$ 17,500.00	\$ 18,000.00
Electrical System - Spray Ground	1 L.S.	Unit	\$ 1,500.00	\$ 2,000.00
		Ext.	\$ 1,500.00	\$ 2,000.00
TOTAL ADD. ALTERNATE NO. SD-1, Section B			\$ 134,650.00	\$ 131,500.10

*error in bid submitted

Additive Alternate No. SL-2 Deck Mounted Water Slide			James Talcott Const., Inc. 4415 River Dr. N. Great Falls, MT 59405	Wadsworth Builders Comp., Inc. 4601 2nd Ave. North Great Falls, MT 59405
CONTRACTOR'S NUMBER			1	2
Deck Mounted Water Slides	2EA	Unit	\$ 13,700.00	\$ 14,000.00
		Ext.	\$ 27,400.00	\$ 28,000.00
TOTAL ADD. ALTERNATE NO. SL-2			\$ 27,400.00	\$ 28,000.00

Additive Alternate No. B-1 Neighborhood Bathhouse			James Talcott Const., Inc. 4415 River Dr. N. Great Falls, MT 59405	Wadsworth Builders Comp., Inc. 4601 2nd Ave. North Great Falls, MT 59405
CONTRACTOR'S NUMBER			1	2
Re-roof Entire Buiding - Jaycee Park	1 L.S.	Unit	\$ 5,800.00	\$ 3,000.00
		Ext.	\$ 5,800.00	\$ 3,000.00
Re-roof Entire Buiding - Water Tower Park	1 L.S.	Unit	\$ 5,800.00	\$ 3,000.00
		Ext.	\$ 5,800.00	\$ 3,000.00
Repaint Entire Building - Jaycee Park	1 L.S.	Unit	\$ 3,000.00	\$ 3,000.00
		Ext.	\$ 3,000.00	\$ 3,000.00
Repaint Entire Building - Water Tower Park	1 L.S.	Unit	\$ 3,000.00	\$ 3,000.00
		Ext.	\$ 3,000.00	\$ 3,000.00
TOTAL ALTERNATE NO. B-1			\$ 17,600.00	\$ 12,000.00

Dry-Shake Color Hardener

Red	\$ / SF	\$ 12.50	\$ 13.00
Yellow	\$ / SF	\$ 12.50	\$ 13.00
Blue	\$ / SF	\$ 19.00	\$ 20.00

I hereby certify that these bid tabulations represent the actual bids received for the Great Falls Swimming Pool
Rehat _____ y of May, 2007.



Signature - Brian Milne

5/16/2007

Date

CITY OF GREAT FALLS, MONTANA

AGENDA # 21

AGENDA REPORT

DATE June 5, 2007

ITEM Ratify Potable Water Service and Wastewater Treatment Capacity Agreements with Southern Montana Electric Generation and Transmission Cooperative, Inc. (SMEGTC) for service to the Highwood Generating Station

INITIATED BY Southern Montana Electric Generation and Transmission Cooperative, Inc.

ACTION REQUESTED Ratify Potable Water Service and Wastewater Treatment Capacity Agreements

PREPARED BY Martha Cappis, Operations Supervisor, Fiscal Services

APPROVED & PRESENTED BY Coleen Balzarini, Fiscal Services Director

RECOMMENDATION: It is recommended the City Commission approve the Potable Water Service and Wastewater Treatment Capacity Agreements with SMEGTC.

MOTION: "I move the City Commission approve the Potable Water Service and Wastewater Treatment Capacity Agreements with SMEGTC. "

SYNOPSIS: The City has been involved in on-going discussion with SMEGTC to provide potable water and wastewater treatment service to the proposed Highwood Generating Station. The Potable Water Service Agreement prescribes the terms for which potable water service will be provided to the Facility prior to and after annexation to the City. The Reservation of Wastewater Treatment Capacity Agreement reserves current capacity available at the wastewater treatment plant owned by the City for SMEGTC's use.

BACKGROUND: While the proposed Highwood Generating Facility is not currently within the corporate limits of the City of Great Falls, SMEGTC requests potable water and sanitary wastewater service be available during construction and for facility operation. The City agrees to provide these services under terms including, but not limited to the following:

1. SMEGTC agrees not to protest annexation by the City for the provision of the services to be provided, and agrees not to protest such future annexation.
2. SMEGTC agrees to be annexed to the City at a time in which the City deems is appropriate, under additional terms which will be subject of a separate agreement to be entered into between the parties in the future.
3. SMEGTC agrees to discharge only wastewater as described in Exhibit 1 of the Wastewater Treatment Capacity Agreement and to comply with all applicable Federal, State, and local regulations regarding discharge into the City's system.
4. SMEGTC is responsible for the construction of all infrastructure necessary to provide services to the facility.
5. SMEGTC, in return for services provided, will be charged at the current service rates for such services, as established by the City pursuant to Great Falls City Code, Title 13, Water and Sewer and Storm Discharge, including all fees.
6. Provides for termination of agreements upon written notice to the City that the facility will not be built.

AGENDA REPORT

DATE June 5, 2007

ITEM Appointment, Great Falls Housing Authority Board

INITIATED BY City Commission

ACTION REQUESTED Appoint One Member

PRESENTED BY City Commission

- - - - -

RECOMMENDATION: It is recommended that the City Commission appoint one member to the Great Falls Housing Authority Board for a five-year term through May 31, 2012.

MOTION: I move the City Commission appoint _____ to the Great Falls Housing Authority Board for a five-year term through May 31, 2012.

SYNOPSIS: Cal Gilbert was appointed to the Housing Authority Board for a five-year term through May 31, 2007. Mr. Gilbert is not eligible for reappointment; therefore, it is necessary to appoint one member to the Housing Authority Board.

BACKGROUND: The Great Falls Housing Authority Board consists of seven commissioners appointed by the City Commission. Two commissioners must be residents of the Housing Authority properties. The Board is an independent authority responsible for setting policy for the operation and management of public housing properties, HUD, Section 8 program and other affordable housing programs. The board is also responsible for providing safe, decent, sanitary, and affordable housing for the community's low-income residents.

Continuing members of this board are:

- Anderson, Albert (Tenant)
- Boyle, Joe
- Martinez-Delano, Kelly A.
- McKittrick, Tim
- McLean, Grace (Tenant)
- Sullivan, Daniel K.

Citizen interested in serving on this board are:

- Corey, Howard