



**Item:** Memorandum of Understanding for Sanitary Sewer Installation in the First Broadway Addition to North Great Falls, O. F. 1658.1

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Approve Memorandum of Understanding

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission approve the memorandum of understanding (MOU) with Cascade County for sanitary sewer main installation in the Sixth Avenue right-of-way of the First Broadway Addition to North Great Falls, for the CMATP Sanitary Sewer Extension, O.F. 1658.1, and authorize the City Manager to execute the agreement.

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

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**Staff Recommendation:** Approve the memorandum of understanding with Cascade County.

**Background:**

Significant Impacts

This MOU will provide a route within a platted Cascade County right-of-way to install the first 406 feet of a sanitary sewer main which will serve the Central Montana Agricultural Technology Park (CMATP). In the immediate future, this sewer main will serve the ADF International steel fabrication plant.

Citizen Participation

The CMATP and adjacent areas have no private residences, although Neighborhood Council 3 and the public in general have commented favorably upon industrial development in this area. The Tax Increment Finance application which will fund this sewer project was approved by the Planning Advisory Board and the City Commission, at which times the public had opportunities to comment. ADF, Malteurop, and Dali LLC have been informed on the progress of the project.

### Workload Impacts

TD&H completed the project design and is assisting with contract administration duties. City Engineering staff reviewed the plans and specifications, and is handling project inspection and some contract administration duties.

### Purpose / Project Work Scope

This MOU will allow for the installation of the sewer main on this County property. This is the standard procedure for installing City utilities within undeveloped County rights-of-way. For example, this process was used for the Montana Eggs utility extension project. This County right-of-way is located between the west edge of Black Eagle Road and Lot 2 of the Malteurop property. Most of it is within the malt plant security fence.

### Evaluation and Selection Process

The document is a two-party agreement between the City of Great Falls and Cascade County. The County Commission is in the process of approving this MOU. The MOU does not obligate the City to anything that would not normally be required by City policy and State law.

### **Fiscal Impact:**

The MOU does not obligate the City to additional financial expense.

### **Alternatives:**

The City Commission could vote to deny approval of the MOU. This would force the redesign and relocation of the sewer main to a more expensive route and delay construction.

### **Attachments/Exhibits:**

Memorandum of Understanding

# MEMORANDUM OF UNDERSTANDING

*Between Cascade County and City of Great Falls*

**WHEREAS** the City is undertaking a project to extend utility service to the Central Montana Agricultural Technology Park (CMATP), located in the International Malting Company, LLC Addition, which is currently being developed for the ADF International steel fabrication facility and other industrial development; and

**WHEREAS** the ADF International and other businesses will provide additional employment and tax base for Cascade County and north central Montana, and serve as an example of community support for industrial development; and

**WHEREAS** utility service are necessary to allow such development opportunities to come to fruition; and

**WHEREAS** the northernmost avenue, named Sixth Avenue on the plat of the First Broadway Addition to North Great Falls, a platted but undeveloped public right-of-way within Cascade County that connects Black Eagle Road to Lot 2 of the International Malting Company, LLC Addition which hosts the Malteurop barley malting plant would be a desirable route for the sanitary sewer main to serve the CMATP and beyond;

**NOW, THEREFORE,** in consideration of the mutual covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, the undersigned parties hereby agree as follows:

1. Cascade County will allow the City to install a sanitary sewer main within the Sixth Avenue right-of-way between Black Eagle Road and said Lot 2. City agrees to use a licensed, bonded and insured contractor to install the sanitary sewer main.
2. The City will restore the Sixth Avenue right-of-way to its original grade and re-establish surfacing and vegetation to arrest erosion as soon as possible upon the completion of construction.
3. After the sanitary sewer main is installed, at such time that property adjacent to Sixth Avenue receives sanitary sewer service and is annexed to the City, the City shall also annex the portion of Sixth Avenue adjacent to the annexed property as permitted by State law and City policy.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2013

**City of Great Falls:**

(SEAL & ATTEST)

By \_\_\_\_\_  
Gregory T. Doyon, City Manager

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

REVIEWED FOR LEGAL CONTENT:

By \_\_\_\_\_  
Sara R. Sexe, City Attorney

STATE OF MONTANA)  
County of Cascade : ss.  
City of Great Falls )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, before me, a Notary Public in and for the State of Montana, personally appeared Gregory T. Doyon and Sara R. Sexe, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(NOTARY SEAL)

\_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**Cascade County:**

BOARD OF COUNTY COMMISSIONERS,  
CASCADE COUNTY, MONTANA

\_\_\_\_\_  
Joe Briggs, Chairman

\_\_\_\_\_  
Bill Salina, Commissioner

\_\_\_\_\_  
Jane Weber, Commissioner

**Attest**

On this \_\_\_\_\_ day of \_\_\_\_\_, 2013, I hereby attest the above-written signatures of the Board of Cascade County Commissioners.

\_\_\_\_\_  
Rina Fontana Moore, Clerk and Recorder