



City Commission Agenda
Civic Center 2 Park Drive South, Great Falls, MT
Commission Chambers Room 206
February 21, 2017

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA APPROVAL

PROCLAMATIONS

Charles M. Russell Month
Youth Art Month

PETITIONS AND COMMUNICATIONS

(Public comment on any matter that is not on the agenda of the meeting and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of 3 minutes. When at the podium, state your name and address for the record.)

1. Miscellaneous reports and announcements.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

BOARDS AND COMMISSIONS

3. Miscellaneous reports and announcements from Boards and Commissions.
4. Appointment, Historic Preservation Advisory Commission.

CITY MANAGER

5. Miscellaneous reports and announcements from the City Manager.

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, February 7, 2017, Commission Meeting.
7. Total Expenditures of \$3,034,159 for the period of January 18, 2017 through February 8, 2017, to include claims over \$5000, in the amount of \$2,764,457.
8. Contracts List.
9. Grants List.
10. Approve the five year lease agreement with Stryker/Physio Control, Inc. for 4 new LIFEPAK 15 V4 heart monitors/defibrillators in the total amount of \$136,825 with annual payments of \$27,365.
11. Approve the purchase of one new 2016 Autocar ACX64 tandem axle truck with new Heil Durapack Rapid Rail sideload refuse packer to Kois Brothers Equipment Company Inc., of Great Falls, for \$270,000, through NJPA (National Joint Powers Alliance).”

Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote

PUBLIC HEARINGS

12. West Ridge Addition Phases VII – XI, previously known as Peretti Addition Tract. ***(Presented by: Craig Raymond)***
 1. Ord. 3151, An ordinance by the City Commission to rezone the property legally described as West Ridge Addition Phases VII – XI, previously known as Peretti Addition Tract 2 from R-3 Single Family high density district to a PUD Planned unit development district. Action: Conduct public hearing and adopt or deny Ord. 3151 and accept or not accept Findings of Fact - Zoning Map Amendment.
 2. If Ord. 3151 is adopted, then Commission could approve or deny final amended plat of West Ridge Addition Phase VII and accept or not accept findings of Fact, all pertaining to the Montana Subdivision and Platting Act.
13. Ordinance 3154, Amending Title 3, Chapter 8, Section 040 of the Official Code of the City of Great Falls (OCCGF) pertaining to the competitive sealed proposal process. Action: adopt or deny Ord. 3154. ***(Presented by: Joseph Cik)***

OLD BUSINESS

NEW BUSINESS

14. City of Great Falls/Cascade County Joint Public Safety Software Project Bid Award OF 1195.6. Action: Approve or deny bid award in the amount of \$810,057 to Zuercher Technologies and authorize or not authorize the City Manager to execute necessary contract documents and any additional agreements needed to implement the software." *(Presented by: Dave Bowen)*

ORDINANCES/RESOLUTIONS

15. Joint Resolution 10171 and 17-15, In the Matter of the Dissolution of the City and County, Native American Local Government Commission. Action: Adopt or deny Joint Res. 10171 and 17-15. *(Presented by Joseph Cik)*

CITY COMMISSION

16. Miscellaneous reports and announcements from the City Commission.
17. Legislative Initiatives.
18. Commission Initiatives.

ADJOURNMENT

(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.) Commission meetings are televised on cable channel 190 and streamed live at www.greatfallsmt.net. City Commission meetings are re-aired on cable channel 190 the following Wednesday morning at 10 am, and the following Tuesday evening at 7 pm.



Agenda #
Commission Meeting Date: February 21, 2017
City of Great Falls
Commission Agenda Report

Item: Charles M. Russell Month and Youth Art Month
From: Lisa Kunz, City Clerk
Initiated By:
Presented By: City Commission
Action Requested:



Item: Appointment to the Historic Preservation Advisory Commission.
From: City Manager's Office
Initiated By: City Commission
Presented By: City Commission
Action Requested: Appoint one member to the Historic Preservation Advisory Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ to fill the remainder of a three-year term through April 30, 2017, to the Historic Preservation Advisory Commission.”

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

Staff Recommendation:

It is recommended that the City Commission appoint one member to the Historic Preservation Advisory Commission to fill the remainder of a three-year term through April 30, 2017.

Summary:

Historic Preservation Advisory Commission member Paivi Hoikkala has relocated out of state and submitted her resignation effective January 1, 2017. Therefore, it is necessary to appoint one member to fill the remainder of her term.

Background:

The Historic Preservation Advisory Commission was created to promote the preservation of historic and prehistoric sites, structures, buildings and districts through the identification, evaluation and protection of historic resources within the County and City.

This program is intended to promote the public interest and welfare by:

1. Enhancing the visual character of the City and County by encouraging preservation

ideals;

2. Promoting the tourist industry of the City and County by encouraging the preservation of historically significant buildings and structures;
3. Fostering public appreciation of and civic pride in the beauty of the community and the accomplishments of the past;
4. Integrating historic preservation into local, State and federal planning and decision-making processes;
5. Safeguarding the heritage of the community by providing a system for identification and evaluation of historic buildings and structures representing significant elements of its history.

Members shall have expertise/qualifications in one (1) or more of the following areas: history, planning, archaeology, architecture, architectural history, historic archaeology, or other history preservation-related disciplines such as cultural geography or cultural anthropology. Ownership of property nominated to the National Register of Historic Places may also qualify a person to serve on this commission.

The HPAC consists of nine members -- four appointed by the City Commission, four appointed by the County Commission and the ninth member with professional architectural expertise chosen by a majority of the eight other members.

Advertising was done through the local media and on the City of Great Falls' website. Two applications were received.

Continuing members of this board are:

Ruthann Knudson (City)
Carole Ann Clark (City)
Sandra French (City)
Kristi Scott (County)
Del Darko (County)
Kenneth Robison (County)
Carol Bronson (County)
Ken Sievert (Permanent)

Citizens interested in this board are:

Kelly Parks
Peter C. Jennings


Concurrences:

At its February 8, 2017, meeting, the Historic Preservation Advisory Commission recommended the appointment of Peter C. Jennings.

ATTACHMENTS:

- ▣ Resignation letter
- ▣ Application from Ms. Parks
- ▣ Reference letter for Ms. Parks
- ▣ Application from Mr. Jennings

TO: Sandra French, President
Historic Preservation Advisory Commission

FROM: Päivi Hoikkala 

DATE: December 12, 2016

RE: Resignation from HPAC

It is with sadness that I submit this resignation from the Historic Preservation Advisory Commission, beginning January 1, 2017, due to relocation. It has been a pleasure, and an honor, to work with you and the other members of HPAC these past three and a half years. These years have taught me a great deal about Great Falls and Montana. More importantly, I have come to consider HPAC as a circle of not just colleagues but of friends. Thank you for the opportunity.



RECEIVED

BOARDS AND COMMISSIONS
CITIZEN INTEREST FORM
(PLEASE PRINT OR TYPE)

JAN 11 2017

Att: Tom M
Craig R
Greg D,

CITY MANAGER

Thank you for your interest. Citizen volunteers are regularly appointed to the various boards and commissions. This application subject to Montana Right to Know laws.

Board/Commission Applying For: HPAC Historic Preservation advisory Commission	Date of Application: 1/11/17
---	---------------------------------

Name: Kelly Parks

Home Address: 400 4th Ave N	Email address: kelly@greatfallsrealty.com
--------------------------------	--

Home Phone: 406-788-6826	Work Phone:	Cell Phone: 788-6826
-----------------------------	-------------	-------------------------

Occupation: entrepreneur	Employer: self
-----------------------------	-------------------

Would your work schedule conflict with meeting dates? Yes No (If yes, please explain)

Related experiences or background:
6 yrs @ HPAC appt'd by County Commissioners
owner of Paris Gibson Mansion, C.D. Jenks Mansion

Educational Background:
Nat'l Historic Landmark Lewis & Clark
Upper Portage Camp
- Masters - Business Admin + Real Estate / 1/2 thru PhD.

IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:

Previous and current service activities:
Board of Habitat For Humanity

Previous and current public experience (elective or appointive):
HPAC

Membership in other community organizations:
I can give you several additional sheets if requested - too many to list here.

Have you ever worked for or are you currently working for the City of Great Falls? Yes No If yes, where and when?
NO WAY,

Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes No If yes, who, which department, and relationship?
NO WAY

Have you ever served on a City or County board? Yes No If yes, what board and when did you serve?
HPAC

Are you currently serving on a Board? Yes No If yes, which board?
previously HPAC (serve as board member Habitat for Humanity)

Please describe your interest in serving on this board/commission?
Historic preservation & public awareness of same.

Please describe your experience and/or background which you believe qualifies you for service on this board/commission?
see #1 p. 1

Additional comments:
thank you for your consideration

Signature: *Kelly Paul* Date: *1/11/17*

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

Return this form to:
 City Manager's Office
 P.O. Box 5021
 Great Falls, MT 59403

Fax:
 (406) 727-0005

Email:
 kartis@greatfallsmt.net

January 12, 2017

Great Falls City Commissioners
P. O. Box 5021
Great Falls, MT 59403

JAN 1 2017
CITY CLERK

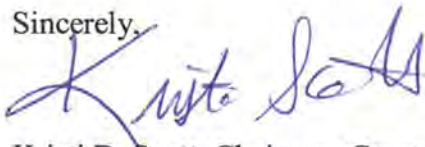
Dear Great Falls City Commissioners,

I write this letter as the newly elected chairperson for your Great Falls-Cascade County Historic Preservation Commission (HPAC). I look forward to serving in this capacity for the year ahead as HPAC continues to assist our region with endeavors that bolster economic opportunities while preserving our historic assets. We currently have an opening on the Commission for a City Appointee and I understand that Ms. Kelly Parks has applied for the position. Kelly is well versed in our community's needs and resources, regularly attends HPAC meetings as an ex-officio member and I urge you to consider her for this appointment.

As you know, we are charged with the authority to: "Participate in, promote and conduct public informational, educational and interpretive programs pertaining to historic preservation." A few highlights regarding HPAC's work with our community's outstanding local, regional, and national resources: we have identified and evaluated five historic districts within Great Falls that are listed on the National Register of Historic places, produced walking tour brochures for the Northside, Railroad, Central Business and River's Edge districts, restored the community's oldest residence, the Vinegar Jones Cabin, supported the Downtown Trolley and continue to identify and evaluate the things that tell the story of Great Falls. Cascade County is rich with resources that require careful thought concerning long-term planning for preservation, promotion of our historic resources and development of existing historic opportunities.

Thank you kindly for your continued support, I value our work with the Great Falls City Commissioners and look forward to the year ahead. Please do not hesitate to contact me directly with any questions or concerns.

Sincerely,



Kristi D. Scott, Chairman Great Falls-Cascade County Historic Preservation Advisory Commission


3104 Central Ave
Great Falls, MT 59401
406-788-7639



**BOARDS AND COMMISSIONS
CITIZEN INTEREST FORM
(PLEASE PRINT OR TYPE)**

Thank you for your interest. Citizen volunteers are regularly appointed to the various boards and commissions. This application subject to Montana Right to Know laws.

Board/Commission Applying For: <i>Historic Preservation Advisory Commission</i>		Date of Application: <i>1/23/17</i>
Name: <i>Peter C. Jennings</i>		
Home Address: <i>215 S. Prairie Rd. - GF, MT 59404</i>		Email address: <i>petercj2@hotmail.com</i>
Home Phone: <i>868-3574</i>	Work Phone: <i>same</i>	Cell Phone: <i>same</i>
Occupation: <i>carpenter</i>		Employer: <i>self</i>
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: <i>Developed Arvon Block Project.</i>		
Educational Background: <i>High School - CMR 1986 BA - 1990 DVM - 2002</i>		
IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:		
Previous and current service activities: <i>District Chairman - Lewis and Clark District Boy Scouts Board member - Brownfield Advisory Committee for GFDA Member - Board of Directors Montana Preservation Alliance 2007</i>		
Previous and current public experience (elective or appointive): <i>See above</i>		
Membership in other community organizations: <i>Boy Scouts</i>		

Have you ever worked for or are you currently working for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, where and when?	
Do you have any relatives working or serving in any official capacity for the City of Great Falls? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, who, which department, and relationship?	
Have you ever served on a City or County board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, what board and when did you serve?	
Are you currently serving on a Board? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, which board?	
Please describe your interest in serving on this board/commission? I have been involved in advocating for and practicing historic preservation for 10 yrs. in GF. I would like to contribute to the City's efforts to preserve our history and educate the public.	
Please describe your experience and/or background which you believe qualifies you for service on this board/commission? I understand the challenges, costs, risks and benefits of historic preservation. I have a good working relationship with the community development department. I have been in the positive of being the developer on a historic preservation project recently.	
Additional comments:	
Signature 	Date: 1/23/17

If you are not selected for the current opening, your application may be kept active for up to one year by contacting the City Manager's office. Should a board/commission vacancy occur within 30 days from the last City Commission appointment, a replacement member may be selected from citizen interest forms submitted from the last advertisement. For more information, contact the City Manager's office at 455-8450.

Return this form to:
City Manager's Office
P.O. Box 5021
Great Falls, MT 59403

Fax:
(406) 727-0005

Email:
kartis@greatfallsmt.net



Agenda # 6.
Commission Meeting Date: February 21, 2017
City of Great Falls
Commission Agenda Report

Item: Minutes, February 7, 2017, Commission Meeting.
From: Darcy Dea, Deputy City Clerk
Initiated By: Darcy Dea, Deputy City Clerk
Presented By: Darcy Dea, Deputy City Clerk
Action Requested:

Summary:

Minutes, January 17, 2017

ATTACHMENTS:

- ▣ DRAFT Minutes, February 7, 2017

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE – Boy Scout Troop 1

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Bill Bronson, Tracy Houck and Fred Burow. Commissioner Bob Jones was excused. Also present were City Manager Greg Doyon; Deputy City Clerk Darcy Dea; Public Works Director Jim Rearden; Planning and Community Development Director Craig Raymond; Interim Park and Recreation Director Patty Rearden; Library Director Kathy Mora; Fire Chief Steve Hester; Assistant City Attorney Joe Cik; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

AGENDA APPROVAL: No changes were proposed by the City Manager or City Commission. The agenda was approved as submitted.

PROCLAMATION: Mayor Kelly read a proclamation for Scouting Anniversary Week.

FIREFIGHTER OATH: Mayor Kelly performed the swearing in ceremony for Fire Fighter Josh Mattson.

**** Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of the meeting for additional detail****

PETITIONS AND COMMUNICATIONS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Daniel Hartzel, 514 7th Street North, discussed school district regulations. Mr. Hartzel further discussed proper English rather than slang.

Brett Doney, Great Falls Development Authority (GFDA), 300 Central Avenue, provided and discussed a 2016 Montana Small Business Development Center (SBDC) Report handout. Mr. Doney provided a flyer for the Great Falls Agri-Tech Park.

Ron Gessaman, 1006 36th Avenue NE, expressed appreciation to farmers and ranchers, and commented that they are the basis of Great Falls' economy.

NEIGHBORHOOD COUNCILS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

There were no miscellaneous reports or announcements from Neighborhood Council representatives.

BOARDS & COMMISSIONS

3. **APPOINTMENT, BUSINESS IMPROVEMENT DISTRICT BOARD OF TRUSTEES.**

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission appoint Alison Fried to the Business Improvement District Board of Trustees to the remainder of a four-year term expiring June 30, 2017.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

4. **REAPPOINTMENT, CASCADE COUNTY CONSERVATION DISTRICT BOARD OF SUPERVISORS.**

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission reappoint John Chase to a three-year term through December 31, 2019, to the Cascade County Conservation District Board of Supervisors.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

5. **APPOINTMENTS, GREAT FALLS CITIZEN'S COUNCIL (COUNCIL OF COUNCILS).**

Mayor Kelly moved, seconded by Commissioners Bronson and Burow, that the City Commission appoint Mayor Bob Kelly and Commissioner Bob Jones to serve on the Great Falls Citizen's Council also known as Council of Councils for one-year terms ending on December 31, 2017.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public.

Ron Gessaman, 1006 36th Avenue NE, expressed concern with regard to appointing someone in their absence without their approval.

Mayor Kelly called for the vote.

Motion carried 4-0.

6. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM BOARDS AND COMMISSIONS.**

There were no miscellaneous reports and announcements from members of boards and commissions.

CITY MANAGER

7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon discussed his attendance at the University of Montana's Bureau of Business and Economic Research Economic Outlook Seminar. He also attended a Montana Municipal Interlocal Authority (MMIA) board meeting with regard to health insurance rates for employees.

Manager Doyon and Mayor Kelly participated in a visit from Lockheed Martin with regard to aspects of the program for the next ground base strategic deterrent missile program.

Manager Doyon reported that the Deputy City Manager starts his position on February 13th.

Manager Doyon discussed his and Mayor Kelly's participation with the Malmstrom Air Force Base (MAFB) Missile Maintenance Crew with regard to maintaining facilities in the winter.

Mayor Kelly commended MAFB's professionalism with regard to its security breach protocol.

CONSENT AGENDA.

8. Minutes, January 17, 2017, Commission meeting.
9. Total Expenditures of \$2,650,451 for the period of December 31, 2016 through January 25, 2017, to include claims over \$5,000, in the amount of \$2,288,436.
10. Contracts list.
11. Grants list.
12. Lien Release list.
13. Approve Municipal Golf Concession Agreement with K&M, Inc. to provide concessions services at Eagle Falls and Anaconda Hills Golf Courses for three golf seasons, and authorize the City Manager to execute the agreement.

Commissioner Burow moved, seconded by Commissioner Houck, that the City Commission approve the Consent Agenda as presented.

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

Referring to Items 10 B, C, and D, Commissioner Burow expressed concern with regard to the amount of money spent on engineering and architectural services.

Mayor Kelly asked if there were any comments from the public.

Ron Gessaman, 1006 36th Avenue NE, referred to Agenda Item 9, expressed concern with regard to the amount of money that the City gives the City-County Health Department.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 4-0.

PUBLIC HEARINGS

14. ORDINANCE 3148, AMENDING THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), AMENDING TITLE 1, CHAPTER 4, SECTION 070 PERTAINING TO THE GENERAL PENALTY PROVISION.

City Attorney Sara Sexe reported that there has been an increase in the number disorderly or abusive conduct at the Great Falls Public Library. It was determined that there were extreme circumstances where the ordinance change would be of benefit to other City properties and public facilities, such as parks or other city-owned buildings.

The Ordinance under consideration was drafted to allow the City to ban individuals from City public property for a period not to exceed one year when those individuals are disorderly or abusive. It was written in this manner, as to allow a case by case analysis of the facts of each instance to determine whether the ban is necessary and whether a period of time less than a year may deter the behavior and protect the public and employees.

City Attorney Sexe reported that evaluating the facts of each case, it is anticipated that reference to the statutory disorderly conduct definition of Montana Code Annotated (MCA) would be used as a guide. In most instances, when City staff believes that a person is engaging in disorderly or abusive behavior, staff would contact the Great Falls Police Department (GFPD) to report that conduct.

Depending upon the GFPD investigation, criminal charges against the offending person may or may not be made. Regardless of the disposition of any criminal charges, without being trespassed from the property, the offending individuals would not be precluded from going to the same location where the disorderly or abusive conduct occurred.

The GFPD does not advise individuals that they are no longer welcome on, or trespassed from, another's property. This would only occur when the property owner provides notice to the person who engaged in the disorderly or offending behavior that he/she is trespassed from the premises.

The City Manager is vested with the authority to administrate and manage the City Government under the City of Great Falls Charter Article II, Section 3. In fulfilling such duties, the City Manager must have the ability to provide trespass notices like private property owners, in appropriate circumstances. These notices should be used judiciously, in extreme cases, and only with documented supporting facts from City personnel upon which the City Manager may base his opinion, along with a review by the City Attorney's office.

Under the terms of the Ordinance, if approved by the City Commission, any person trespassed from public property could appeal to the City Commission according to the Charter. The City Commission may review, inquire, and investigate any operation, management decision,

administrative function or other affairs of the City.

The City Commission may compel the attendance and testimony of witnesses and the production of books and records by issuance of a subpoena. Except for the purpose of inquiry, or investigation, the City Commission shall be involved with administrative and management operations solely through the City Manager.

There have been raised concerns that the passing of Ordinance 3148 would have the effect of suppressing public comment or participation in government. The purpose of this Ordinance is not to squelch the public's ability to fully, substantially and meaningfully participate in government or exercise the public's free speech rights, rights which are clear under the law.

This proposed Ordinance provides a mechanism by which staff can maintain public order and safety, while still providing public accommodations and services like the Great Falls Public Library.

With regard to Exhibit "A" subpart C, the word "is" was removed from the second sentence.

Mayor Kelly declared the public hearing open.

No one spoke in support of Ordinance 3148.

Speaking in opposition to Ordinance 3148 were:

Kathy Gessaman, 1006 36th Avenue NE, expressed opposition with regard to the authority that any future City Manager could have. She received clarification with regard to referencing the MCA and the City Code together in the Ordinance.

Ron Gessaman, 1006 36th Avenue NE, concurred with the previous speaker.

Jenny Dodd, 3245 8th Avenue North, received clarification with regard to the MCA definition being a part of the changes to Ordinance 3148. She expressed concern with regard to giving one person too much leeway to decide what is disorderly and abusive. She further expressed concern with regard to free speech rights.

There being no one further to address the Commission, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Bronson moved, seconded by Commissioners Burow and Houck, that the City Commission adopt Ordinance 3148.

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

Commissioner Bronson commended the legal staff for their analysis presented in the agenda report. He commented that there are constitutional rights that protect citizens from any abuse with regard to enforcing Ordinance 3148.

Commissioner Houck expressed support with regard to the language in Ordinance 3148 being the best way to protect citizens.

There being no one further discussion, Mayor Kelly called for the vote.

Motion carried 4-0.

15. **ORDINANCE 3149, AMENDING TITLE 2, CHAPTER 56, SECTION 020 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE REMOVAL OF MEMBERS OF BOARDS, COMMISSIONS, AND COUNCILS.**

City Attorney Sara Sexe reported that a member of the Great Falls Transit District Board was removed based on continued absences from regularly scheduled board meetings. No explanation was given for the absence. City staff discussed the need for additional criteria by which members of boards, commissions, and councils may be removed by the City Commission, as the only current stated reason for removal of members is for lack of attendance.

The Official Code of the City of Great Falls (OCCGF) currently states that members of any board or commission or council, who misses more than one-third of the regular meetings in a calendar year without a health or medical excuse, shall lose his/her status as a member of such board, commission or council and shall be replaced by the City Commission. Such removal must be preceded by delivery of a copy of a notice of removal stating the reasons therein to such member at least ten days prior to a hearing thereon before the City Commission, should such member request a hearing on the removal.

City Attorney Sexe commented that the current code does not allow for the Commission to consider other valid reasons that a board, commission or council member should be removed, such as neglect of duties, physical or mental inability to continue to serve, unethical acts, or criminal behavior. By adopting Ordinance 3149, the City Commission will be able to review and consider other reasons for removal in addition to attendance and codify restrictions on such behavior.

After first reading of Ordinance 3149, a question arose as to the City Commission's ability to remove elected officials, such as Neighborhood Council members. Staff researched the removal of board, commission and council members, and found nothing in Montana law providing a process to remove such members, except as provided by local governing bodies such as the City, under self-governing powers granted by the City Charter, Article I, Section 2, Powers of City Government:

(a) The City of Great Falls shall have all the powers of a self-governing charter city not prohibited by the Montana Constitution, this charter, or specific provisions of Montana law.

(b) The powers of the City of Great Falls shall be liberally construed. Every reasonable doubt as to the existence of a power or authority of the City of Great Falls shall be resolved in favor of the existence of that power or authority.

It is Staff's opinion that the City Commission is the appropriate body to hear and decide issues of

forfeiture of, or removal from, office as a board, commission or council member. Under Article IV, Section 2, Vacancy in the Office of City Commission or Mayor, the City Commission is the arbiter of forfeiture of office of the Mayor and/or Commissioners, who are also elected officials:

a) The office of City Commissioner or Mayor shall become vacant upon death, resignation, recall or forfeiture of office. Grounds for forfeiture of office shall be:

- (1) Loss of eligibility for election.
- (2) Violation of any express provision of this charter.
- (3) Conviction of a felony.

b) A majority of the City Commission shall be the judge of the election and qualifications of its members and the grounds for forfeiture of their office. A City Commissioner or Mayor charged with conduct constituting grounds for forfeiture of office shall be entitled to notice in writing of such charges and a public hearing on demand before a majority of the City Commission.

c) When a vacancy occurs, the City Commission, may, by majority vote of its remaining members, appoint a person, eligible to hold such office, to fill the vacancy of City Commissioner or Mayor until the next regular City election. The person elected at the next regular City election shall serve the unexpired term of the office in which the vacancy occurred.

Under its self-governing powers, the City of Great Falls has designated a program of Neighborhood Councils, which act in an advisory capacity to the City Commission. OCCGF 2.50.010 and 040.

The City Charter and OCCGF 2.50.060 give the Neighborhood Council members the ability to appoint an eligible person to hold a vacated Neighborhood Council position. However, there is nothing in the current OCCGF which identifies a process (like that set forth for the Mayor and Commission seats), by which Neighborhood Council members may be removed, or by which Neighborhood Council seats may be filled if a vacancy occurs and the remaining council members cannot agree on a replacement.

In instances where removal is appropriate and the Neighborhood Council may not be able to appoint a new member, it is prudent to have the highest body of local government, the City Commission, prepared to undertake those responsibilities and provide guidance as to the process. Ordinance 3149 identifies the process which is not currently set forth in the OCCGF. Further, this process is clarified in proposed changes incorporated in Ordinance 3153.

Mayor Kelly declared the public hearing open.

Mayor Kelly noted that written correspondence supporting Ordinance 3149 were provided by Brittany Olson, NC 2 and Sandra Guynn, NC 4.

No one spoke in support of Ordinance 3149.

Speaking in opposition to Ordinance 3149 were:

Kathy Gessaman, 1006 36th Avenue NE, representing Neighborhood Council 3, expressed

concern with regard to the removal of board members without a medical excuse. She expressed concern that Exhibit A, section 2.56.020 F leaves it wide open for elected Neighborhood Council members to be subject to removal.

Jenny Dodd, 3245 8th Avenue North, concurred with the previous speaker with regard to Exhibit A, commenting that section 2.56.020 F gives too much power to the City Commission to remove elected officials.

Ron Gessaman, 1006 36th Avenue NE, concurred with both previous speakers. Mr. Gessaman submitted and discussed the Bylaws of Neighborhood Council 1 with regard to vacancies on that Council.

There being no one further to address the Commission, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3149.

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

Commissioner Burow received clarification with regard to Neighborhood Council by the Charter has the authority to remove and reappoint a member only in the event of a vacancy.

Referring to the Montana Recall Act, Assistant City Attorney Joe Cik commented that Neighborhood Council members are designated by the Charter and Code of Ordinances.

Commissioner Bronson commented that recall laws are not intended to apply to Advisory Boards or Commissions.

Commissioner Houck reported that Council members support the Ordinance since they have a difficult time having quorums.

Mayor Kelly commented that the Commission is trying to facilitate Neighborhood Councils with the tools in order to help manage their own situations.

Mayor Kelly received clarification that excused absences from Neighborhood Council members would not need to come before the Commission.

There being no further discussion, Mayor Kelly called for the vote.

Motion carried 4-0.

16. **ORDINANCE 3153, AMENDING TITLE 2, CHAPTER 50, SECTIONS 040 AND 060 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO NEIGHBORHOOD COUNCILS.**

City Attorney Sara Sexe reported in the current Official Code of the City of Great Falls (OCCGF)

regarding Neighborhood Councils, there are two provisions which require amendment. The first involves the dates for Neighborhood Council elections. The second contains a typographical transposition. The filing period for neighborhood council candidates closes 45 days prior to the general election, which is a different time period than that for mayoral and commission candidates.

City Attorney Sexe further reported that these dates have been the subject of past discussion with the Cascade County Elections Office and the County Attorney's Office. The filing dates should coincide with the other elected positions, for consistency and efficiency. Further this is the best use of the limited local government resources and was suggested after coordinated City efforts and County representatives' input.

The second necessary change involves OCCGF 2.50.060, dealing with Neighborhood Council organization. The code indicates that the Councils should meet and organize with officers within 30 days following the election. However, this time period expires before the Council members are even provided their oaths of office or are sworn into office. The code has therefore been amended to allow for the time necessary to have the members properly placed in their positions.

During public comment on first reading of Ordinance 3153, it was suggested to clarify in 2.50.060 (A) that the officers of the Neighborhood Councils be chosen from that Council's members. Exhibit B to Ordinance 3153 has been amended to reflect that suggestion.

During Public Comment on first reading of Ordinance 3149, a question was raised as to whether Neighborhood Councils, or the City Commission, replaces vacant Council seats.

2.50.060 (B) has been amended to clarify that the City Commission would only replace a vacant Neighborhood Council seat, in the event that the remaining Council members cannot agree on a replacement.

Mayor Kelly declared the public hearing open.

No one spoke in support of Ordinance 3153.

Speaking in opposition to Ordinance 3153 were:

Kathy Gessaman, 1006 36th Avenue NE, received clarification that Ordinance 3153 further clarifies language set forth in the City Charter with regard to how officers are selected, from what body, and the timing of the organization.

Ron Gessaman, 1006 36th Avenue NE, concurred with the previous speaker. Mr. Gessaman discussed the Bylaws of Neighborhood Councils. With regard to the 30 day issue, Mr. Gessman commented that it takes a vote from the citizens of Great Falls to change the Charter.

There being no one further to address the Commission, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Houck moved, seconded by Commissioner Bronson, that the City

Commission adopt Ordinance 3153.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly called for the vote.

Motion carried 4-0.

Mayor Kelly expressed appreciation to Neighborhood Council member Kathy Gessaman with regard to the time and efforts that she has put into her group.

OLD BUSINESS**17. 2017/2018 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) POLICIES AND FUNDING PRIORITIES.**

Planning and Community Development Director Craig Raymond reported that this item is to consider adopting Community Development Block Grant (CDBG) policies, and setting 2017-2018 funding allocation guidelines that will provide the Community Development Council (CDC) with parameters for funding before they hear requests to fund specific programs during the next CDBG funding cycle.

City Staff provided the City Commission with a status report on CDBG funding and funding recommendations at the January 17 2017, Work Session, and the Needs Hearing was held before the City Commission on January 3, 2017.

It is anticipated that, in the upcoming federal funding cycle, the City will receive roughly equal to last year's allocation. Staff is asking the City Commission to set "funding percentages" so the actual dollar amounts will be adjusted, up or down, when funding levels are announced by HUD.

The funding percentages being recommended is Administration 20%, Public Services 12.5%, Economic Development 7.5%, Affordable Housing 30% and Public Facility Improvements 30%.

Commissioner Houck moved, seconded by Commissioner Bronson, that the City Commission adopt the 2017/2018 Community Development Block Grant Policies, reaffirm the Citizen Participation Plan, and set the 2017/2018 CDBG Funding Priorities.

Mayor Kelly asked if there was any discussion amongst the Commissioners. Hearing none, Mayor Kelly asked if there were any comments from the public.

Brett Doney, Great Falls Development Authority (GFDA), 300 Central Avenue, expressed appreciation to City staff and new CDBG Administrator for its hard work with regard to economic development. Mr. Doney commented that there is a need for more high quality jobs. He further commented that there is a need to build the tax base through economic development. Mr. Doney reported that when GFDA submits the application for loan capital, 100% of that money is put to work in the community. He expressed concern with regard to the City's policy that prohibits GFDA's use of CDBG funds for economic development in order to provide technical assistance for entrepreneurs to create jobs. Mr. Doney concluded that a five year plan

would be more cost effective in order to administer funds.

Ron Gessaman, 1006 36th Avenue NE, referred to the January 3rd CDBG hearing and expressed concern with regard to low income citizens advocating for the policies they want. He further commented that organizations should be providing job training for low income citizens.

Mayor Kelly responded that Neighborworks represents low and moderate income housing projects. Mayor Kelly further commented that GFDA has several meetings for the public to attend to discuss how GFDA money is put to work.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 4-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

18. **ORDINANCE 3152, AN ORDINANCE TO REZONE THE PROPERTIES LEGALLY DESCRIBED AS: MARKS 2,3,5,11, BLOCK 3, COUNTRY CLUB ADDITION AND LOTS 1B, 1, 1A-1, BLOCK 1, TIETJEN TRIANGLE ADDITION AND LOT 1, BLOCK 1, MONTANA ADDITION FROM C-1 NEIGHBORHOOD COMMERCIAL TO C-2 GENERAL COMMERCIAL.**

Planning and Community Development Director Craig Raymond reported that Brett and Sandra Haverlandt, Meadowlark FF&S LLC, Billings Holdings, LLC, and Galloway Investments Inc., owners of the property in question, have filed an application for a zoning map amendment (or rezone) of their respective properties from C-1 Neighborhood Commercial to C-2 General Commercial.

The subject properties are located on the south side of the Country Club Boulevard and Fox Farm Road intersection. In total, the properties consist of approximately 5.949 acres and the properties are generally known as: Beef 'O Brady's, Holiday Gas Station, Lucky Lil's Casino, Dairy Queen, Dahlquist Realtors and a vacant parcel which historically contained a motel until it was ultimately demolished.

The applicants are requesting the subject properties be rezoned to C-2 general commercial district in order to have the ability to allow higher intensity uses with less restrictive development standards. The Official Code of the City of Great Falls 17.20.2.040, establishment and purpose of districts, describes these two districts as:

C-1 Neighborhood commercial. This district is found near established and developing residential areas and is intended to accommodate low intensity commercial activities that serve the nearby residential area. Development standards ensure the compatibility of this district to those residential districts that may adjoin.

C-2 General commercial. This district is primarily intended to accommodate high-traffic

businesses that focus on vehicle traffic. Where this district abuts a residential district, appropriate screening and landscaping will be provided to lessen associated impacts. Current residential uses are not considered nonconforming. As such, current residential uses existing at the time this Title was adopted are allowed to expand or to be re-established, if damaged.

City Staff has in the past contemplated a rezone of this area as the existing development and businesses in the vicinity most closely resemble the C-2 zoning designation in that they primarily depend on high volume traffic and do not predominantly cater to the nearby residential area. There have also been significant code conflicts primarily pertaining to signage due to the dependence on nearby highway traffic for some of these businesses.

The OCCGF, Chapter 20 – Land Use, outlines development standards for each zoning district in Exhibit 20-4. The primary differences between the C-1 and C-2 districts are the maximum height permitted, maximum lot coverage, and front yard setback. The C-2 district permits:

- an additional 30 feet in building height
- 20% more total lot coverage
- a reduction in the front yard setback to 0 feet
- a 10-foot increase in the maximum height of a free standing sign.

The basis for decision on zoning map amendments or zone changes is listed in OCCGF, 17.16.40.030. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are contained in the Findings of Fact as follows:

1. The amendment is consistent with and furthers the intent of the City's growth policy.
2. The amendment is consistent with and furthers adopted neighborhood plans, if any.
3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.
4. The code with the amendment is internally consistent.
5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.
6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

At the conclusion of a public hearing held on January 10, 2017, the Zoning Commission recommended the City Commission approve the rezoning request from C-1 Neighborhood commercial district to C-2 General commercial district for the subject properties.

Commissioner Burow moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3152 on first reading and set public hearing for March 7, 2017.

Mayor Kelly reminded the public that the requested action is to accept Ordinance 3152 on first reading and set the public hearing for March 7, 2017.

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

Commissioner Bronson explained that state law requires that there must be two readings when considering an Ordinance. Commissioner Bronson reported that he received a phone call from a member of the community with regard to the merits of Ordinance 3152. He commented that if the public has concerns to send correspondence in care of the City Clerk's office and the information would be forwarded to the Commission.

Commissioner Burow commented that he spoke with a member of the public that had concerns with regard to Ordinance 3152. Commissioner Burow further commented that any concerns could be presented at the first reading or at the Public Hearing on March 7th.

Mayor Kelly asked if there were any comments from the public.

Steve Gillespie, 9 12th Street North, expressed concern with regard to accepting Ordinance 3152 on first reading and setting the public hearing for March 7th. Mr. Gillespie commented that no opponents were mentioned in the Neighborhood Council 1 minutes. Mr. Gillespie further expressed concern with regard to the impact that Ordinance 3152 would have on the single family residences. He expressed concern with regard to the zoning application having a possibility of spot zoning.

Brett Doney, Great Falls Development Authority (GFDA), 300 Central Avenue, commented that the zoning application is not spot zoning, and that multi-family high density comes from the City zoning code.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 4-0.

19. **ORDINANCE 3154, AN ORDINANCE AMENDING TITLE 3, CHAPTER 8, SECTION 040 OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO COMPETITIVE SEALED PROPOSALS.**

Assistant City Attorney Joe Cik reported that members of the City Commission and staff have examined numerous sections of the OCCGF and have noticed various types of deficiencies throughout numerous sections of the code. The deficiencies vary from typographical errors, to conflicts with State and Federal law.

Additionally the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to begin a comprehensive revision of the deficiencies mentioned.

The section of the Code to be cured by the ordinance under consideration is OCCGF §3.8.040 pertaining to competitive sealed proposals. The section currently states:

A. When, not required by law, the City Manager or a department head determines in writing that

the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by competitive sealed proposals.

B. Proposals must be solicited through a request for proposals.

C. Adequate public notice of the request for proposals must be given in the same manner as provided in 7-5-4302(2) MCA.

D. Proposals must be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals must be prepared and open for public inspection at the City Clerk's Office after contract award.

E. The request for proposals must state the relative importance of price and other evaluation factors.

F. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit apparently responsive proposals for the purpose of clarification, to assure full understanding of and responsiveness to the solicitation requirements.

Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted, after submissions and prior to award, for the purpose of obtaining best and final offers.

In conducting discussions, there may be no disclosure of any information derived from proposals submitted by competing offerors. The City may require the submission of cost or pricing data in connection with an award under this section.

G. The award must be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price, including the preference in 18-1-102 MCA, and the evaluation factors set forth in the request for proposals. No other factors or criteria may be used in the evaluation. The contract file shall contain the basis on which the award is made.

MCA §7-5-4302 states:

(1) Except as provided in 7-5-4303, 7-5-4310, or Title 18, chapter 2, part 5, a contract for the purchase of any automobile, truck, other vehicle, road machinery, other machinery, apparatus, appliances, equipment, or materials or supplies or for construction, repair, or maintenance in excess of \$ 80,000 must be let go to the lowest responsible bidder after advertisement for bids.

(2) The advertisement must be published as provided in 7-1-4127, and the second publication must be made not less than 5 days or more than 12 days before the consideration of bids. If the advertisement is made by posting, 15 days must elapse, including the day of posting, between the time of the posting of the advertisement and the day set for considering bids.

(3) The council may: **(a)** postpone awarding a contract until the next regular meeting after bids are received in response to the advertisement; **(b)** reject any or all bids; and **(c)** re advertise as provided in this section.

MCA §7-5-4302 only requires the advertisement dictated in (2), if the contract being created involves the criteria listed in (1). Therefore, an otherwise legal contract may be bid for by competitive sealed proposals that need not be advertised in compliance with (2).

The current language of OCCGF §3.8.040 restricts the City Manager and the various department heads from using the competitive sealed proposal process. Unless the contract being created meets the criteria listed in MCA §7-5-4302(1), these restrictions are not necessary, and they should not be applied to every single request for competitive sealed proposals. The ordinance under consideration cures this deficiency.

Commissioner Bronson moved, seconded by Commissioner Burow, that the City Commission accept Ordinance 3154 on first reading and set public hearing for February 21, 2017.

Mayor Kelly asked if there was any discussion amongst the Commissioners or comments from the public.

Ron Gessaman, 1006 36th Avenue NE, referred to Exhibit A, Section C, and expressed concern with regard to adequate public notice of the request for proposals.

There being no one further to address the Commission, Mayor Kelly called for the vote.

Motion carried 4-0.

CITY COMMISSION

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Bronson reported that on January 20th the Montana Historical Society presented two Historic Preservation Awards. The Arvon Block Great Falls received the Outstanding Historic Preservation Rehabilitation Project. The East Side Neighborhood Historic District was recognized for an entry in the National Register of Historic places.

Commissioner Houck reported that there are Board and Commission openings which can be located on the City's web site.

Mayor Kelly commented that there will be a Mayor's report at the February 21st Commission meeting with regard to a recent meeting the Commission had at the Great Falls College MSU.

Mayor Kelly wished good luck to Chamber of Commerce former CEO, Brad Livingston, and to the new CEO, Shane Etzeiler.

21. LEGISLATIVE INITIATIVES.

Mayor Kelly reported that there is a large movement by some members of the Legislature to deconstruct the City's Tax Increment Financing (TIF) capabilities. He suggested that anyone

interested should go to Helena to represent their opinion. Mayor Kelly commented that he and Commissioner Bronson are going to Helena on February 8th to work with the League of Cities and Towns and local legislators.

22. **COMMISSION INITIATIVES.**

There were no Commission initiatives.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Houck moved, seconded by Commissioner Burow, to adjourn the regular meeting of February 7, 2017, at 9:00 p.m.**

Motion carried 4-0.

Mayor Bob Kelly

Deputy City Clerk Darcy Dea

Minutes Approved: February 21, 2017



Agenda # 7.
Commission Meeting Date: February 21, 2017
City of Great Falls
Commission Agenda Report

Item: Total Expenditures of \$3,034,159 for the period of January 18, 2017 through February 8, 2017, to include claims over \$5000, in the amount of \$2,764,457.

From: Fiscal Services

Initiated By: City Commission

Presented By: Melissa Kinzler, Fiscal Services

Action Requested:

ATTACHMENTS:

- ▣ 5000 Report for 2/21/17



ITEM: \$5,000 Report
 Invoices and Claims in Excess of \$5,000

PRESENTED BY: Fiscal Services Director

ACTION REQUESTED: Approval with Consent Agenda

LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT
www.greatfallsmt.net/fiscalservices/check-register-fund

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

ACCOUNTS PAYABLE CHECK RUNS FROM JANUARY 26, 2017 - FEBRUARY 8, 2017	2,990,301.48
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JANUARY 18, 2017 - JANUARY 30, 2017	43,857.20
TOTAL: \$	<u>3,034,158.68</u>

GENERAL FUND

POLICE

ARMSCOR CARTRIDGE INC	AMMUNITION	6,075.00
BALCO UNIFORM COMPANY INC	BODY ARMOR	5,650.00

FIRE

BIG SKY FIRE EQUIPMENT/AFFIRMED MEDICAL	SELF CONTAINED BREATHING APPARATUSES	331,872.41
--	---	------------

SPECIAL REVENUE FUND

POLICE SPECIAL REVENUE

GUY TABACCO CONSTRUCTION	RECONSTRUCTION OF EVIDENCE AREA	16,996.32
--------------------------	---------------------------------	-----------

FEDERAL BLOCK GRANTS

GREAT FALLS DEVELOPMENT AUTHORITY INC	CDBG ECONOMIC DEVELOPMENT 2016/17	40,000.00
--	-----------------------------------	-----------

DEBT SERVICE

MEDICAL TECH PARK

US BANK NATIONAL ASSOCIATION	DEBT SERVICE	43,106.25
------------------------------	--------------	-----------

WEST BANK TID BONDS

BOLAND WELL SYSTEMS INC	OF 1585.3 WEST BANK PARK LANDSCAPE AND IRRIGATION	78,796.21
-------------------------	--	-----------

ENTERPRISE FUNDS

SEWER

PHILLIPS CONSTRUCTION LLC	OF 1695.5 SANITARY SEWER SPOT REPAIR	44,901.94
US BANK NA	DEBT SERVICE	404,191.25

STORM DRAIN

US BANK NA	DEBT SERVICE	101,722.60
DOWL HKM	OF 1554 S GREAT FALLS DRAINAGE IMPROVEMENTS	6,952.50

911 DISPATCH CENTER

CENTURYLINK	DISPATCH MONTHLY LINE CHARGE	5,839.27
A T KLEMENS INC	INSTALLATION OF GENERATOR AT 911 CTR	7,941.05

CIVIC CENTER EVENTS

GREAT FALLS SYMPHONY ASSOCIATION INC	17-55 ANNIE PAY OUT	26,575.55
--------------------------------------	---------------------	-----------

INTERNAL SERVICES FUND

HEALTH & BENEFITS

MONTANA MUNICIPAL INTERLOCAL AUTHORITY	HEALTH INSURANCE PREMIUM FOR FEBRUARY 2017	691,432.00
--	--	------------

CENTRAL GARAGE

HUGHES FIRE EQUIPMENT INC	2016 (ALTERNATIVE RESPONSE VEHICLE) AMBULANCE	160,525.00
MOUNTAIN VIEW CO-OP	FUEL-DIESEL	11,507.40

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	29,364.16
CASCADE COUNTY TREASURER	FINES & FORFEITURES COLLECTIONS	5,961.20

PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	42,894.00
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	50,042.97
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	62,599.09
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	118,403.84
US BANK	FEDERAL TAXES, FICA & MEDICARE	199,408.74
AFLAC	EMPLOYEE CONTRIBUTIONS	11,440.67
LABORERS INTERNATIONAL UNION	EMPLOYEE CONTRIBUTIONS	23,457.88
WESTERN CONF OF TEAMSTERS	EMPLOYEE CONTRIBUTIONS	15,305.30
MONTANA OE - CI TRUST FUND	EMPLOYEE CONTRIBUTIONS	22,989.82
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	9,276.02

UTILITY BILLS

NORTHWESTERN ENERGY	JANUARY 2017 SLD CHARGES	77,699.57
NORTHWESTERN ENERGY	NOVEMBER 2016 TRANSMISSION	13,258.76
NORTHWESTERN ENERGY	DECEMBER 16 WATERPLANT CHARGES	6,312.18
TALLEN TREASURE STATE	JANUARY 2017 ELECTRICITY CHARGES	91,958.40

CLAIMS OVER \$5000 TOTAL: \$ 2,764,457.35



Agenda # 8.
Commission Meeting Date: February 21, 2017
City of Great Falls
Commission Agenda Report

Item: Contracts List.
From: Lisa Kunz, City Clerk
Initiated By: Various Departments
Presented By: Lisa Kunz, City Clerk
Action Requested:

Summary:
Contracts List

ATTACHMENTS:

- ▣ February 21, 2017 - - Contracts List

COMMUNICATION TO THE CITY COMMISSION

DATE: February 21, 2017

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR’ S SIGNATURE: _____

CONTRACTS LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
A	City Manager/ Admin	Montana Department of Commerce, Big Sky Economic Development Trust Fund Program, First Call Resolution and Great Falls Development Authority	09/27/2016 – 09/27/2017	Not to exceed amount of \$120,000 to be awarded to contractor	Montana Department of Commerce, Big Sky Economic Development Trust Fund Program Contract, Contract Amendment, Business Assistant Agreement and Management Plan (Contract Nos. MT-BSTF-1-17-03 & 03A), all pertaining to First Call Resolution (CR: City Commission adopted Resolution 10160 and authorized submittal of Grant Application 092016.11)
B	Great Falls Police Department	Tiger Springs Properties	Current – 03/31/2018	\$2,874.11/mo through 3/31/17 \$2,931.59/mo through 3/31/18	Lease Renewal Agreement (office lease) for High Intensity Drug Task Force (CR: 100212.9C & 052014.4D)

C	Public Works	Cascade County	02/21/2017 – 02/21/2018	N/A	Agreement between the City of Great Falls and Cascade County for Snow and Ice Removal within each other's jurisdictions
---	--------------	----------------	----------------------------	-----	---



Agenda # 9.
Commission Meeting Date: February 21, 2017
City of Great Falls
Commission Agenda Report

Item: Grants List
From: Lisa Kunz, City Clerk
Initiated By: Various Departments
Presented By: Lisa Kunz, City Clerk
Action Requested:

ATTACHMENTS:

- ▣ February 21, 2017 - - Grants List

COMMUNICATION TO THE CITY COMMISSION

DATE: February 21, 2017

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Grants through the Consent Agenda

MAYOR’S SIGNATURE: _____

GRANTS

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	GRANT AMOUNT REQUESTED	CITY MATCH	PURPOSE
A	Planning & Community Development	Montana State Historic Preservation Office, P.O. Box 201202, Helena, MT 59620-1202	04/01/2017 – 03/31/2018	\$5,500	\$19,999 City \$ 5,004 County \$ 6,000 Private/Non-Profit	Certified Local Government Grant Application for next fiscal year. Grant funds offset Historic Preservation Officer salary and operating costs for the historic preservation program.
B	Park and Recreation	KaBoom, Inc.	Through 07/31/17	\$76,500	\$8,500 (Park Trust or Community Partner)	KaBoom! Funding Opportunities Grant Application for natural playground to be installed in West Bank Park.



Item: Lease Agreement for 4 New LIFEPAK 15 V4 Heart Monitors/Defibrillators
From: Stephen A. Hester, Fire Chief
Initiated By: Great Falls Fire Rescue
Presented By: Stephen A. Hester, Fire Chief
Action Requested: Approve the lease agreement for four Stryker/Physio-Control LIFEPAK 15 V4 heart monitor/defibrillators.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (approve/reject) the five year lease agreement with Stryker/Physio Control, Inc. for 4 new LIFEPAK 15 V4 heart monitors/defibrillators in the total amount of \$136,825."

2. Mayor calls for a second to the motion, Commission Discussion, public comment, and calls for the vote.

Staff Recommendation:

Staff recommends that the City Commission approve the lease agreement for four new LIFEPAK 15 V4 heart monitors/defibrillators that will be used by Great Falls Fire Rescue (GFFR) to save lives through early detection and treatment of cardiac patients.

Summary:

GFFR's current heart monitors/defibrillators are in need of replacement. The equipment has been in service for over 10 years, exceeding the manufacturer's recommended 8 year service life, and are at greater risk of not performing as intended.

The LIFEPAK 15 V4 monitors/defibrillators being requested also are capable of wirelessly transmitting the patient's heart rhythm to the receiving hospital for analysis. This allows hospital staff to diagnose the potential severity of the cardiac emergency, saving time and

lives by diverting critical patients directly to life saving cardiac surgical units, instead of stopping in the Emergency Room first.

If approved, this equipment will replace all of GFFR's antiquated heart monitors that lack new technology and have exceeded the recommended service life.

At the conclusion of the lease period, the City has the option of purchasing all four monitors/defibrillators for \$1.00.

Background:

With the use of technology and necessary training, GFFR has provided advanced life support emergency services to the community since 2000, improving the outcomes of critical patients by timely transporting patients. GFFR Paramedics and EMT's provide essentially the same initial emergency care for the victims of cardiac arrest that those patients would receive in the Emergency Room. The LIFEPAK 15 is a crucial tool in the Paramedics' toolboxes.

GFFR Paramedics will use the LIFEPAK 15 several times each shift during the assessment and treatment of cardiac and other critical patients. In addition to the ability to transmit pre-hospital cardiac rhythms to the hospital, this monitor has a multitude of advanced features that GFFR medics can use to treat several other critical heart conditions that, if gone untreated, could be fatal.

Great Falls Emergency Services (GFES) uses the LIFEPAK 12 model which will be compatible with the LIFEPAK 15 monitors, ensuring seamless continuity of care for cardiac patients and, per the EMS Contract, a source of restocking perishable supplies for these monitors.

Fiscal Impact:

The total cost of the heart rate monitors with batteries, chargers, and four year service agreement is \$132,363. While GFFR is under the lease, the vendor will provide training, updates, and preventative maintenance on the monitors.

The annual lease payment is \$27,365 for 5 years. At the end of the lease the City may purchase the 4 monitors for \$1.00. The total cost, including interest, to lease the equipment is \$136,825. The first annual payment was included in the 2017 General Fund Budget.

Alternatives:

- Disapprove the lease and pay full price now.
- Disapprove the purchase and the lease, and use the current heart monitors.

Concurrences:

- City Attorney

- City Fiscal Services
- Great Falls Emergency Services
- Benefis Health Care, Emergency Department and Cardiac Unit
- Great Falls Medical Director

ATTACHMENTS:

- ▣ LIFEPAK 15 QUOTE
- ▣ LIFEPAK 15 Lease



Physio-Control, Inc
11811 Willows Road NE
P.O. Box 97006
Redmond, WA 98073-9706 U.S.A.
www.physio-control.com
tel 800.442.1142
Sales Order fax 800.732.0956
Service Plan fax 800.772.3340

To CITY OF GREAT FALLS FD
Attn: Jeremy Jones
105 9TH ST S
GREAT FALLS,MT 59401
4068991502
capt22jones@yahoo.com

Quote Number 00067380
Revision # 1
Created Date 1/24/2017
Sales Consultant Matthew Hense
(406) 581-2656
FOB Destination
Terms All quotes subject to credit approval and the following terms and conditions
NET Terms NET 30

Contract NASPO #SW300 v2
Promotion (RP-LIFP) - Low Interest Financing

Expiration Date 4/7/2017

Product	Product Description	Quantity	List Price	Unit Discount	Unit Sales Price	Total Price
99577-001955	LIFEPAK 15 V4 Monitor/Defib, Adaptive Biphasic, Manual & AED, Color LCD, 100mm Printer, Noninvasive Pacing, Metronome, Trending, SpO2, NIBP, 12-Lead ECG, EtCO2, Bluetooth INCLUDED AT NO CHARGE: 2 PAIR QUIK-COMBO ELECTRODES PER UNIT - 11996-000091, TEST LOAD - 21330-001365, IN-SERVICE DVD - 21330-001486, SERVICE MANUAL CD- 26500-003612 (one per order) and ShipKit- (RC Cable) 41577-000284. HARD PADDLES, BATTERIES AND CARRYING CASE NOT INCLUDED.	4.00	31,495.00	-4,446.56	27,048.44	108,193.76
11140-000015	AC power cord	3.00	81.00	-16.03	64.97	194.91
11140-000052	LP15 REDI-CHARGE Adapter Tray	3.00	206.00	-39.94	166.06	498.18
11141-000115	REDI-CHARGE Base (power cord not included)	3.00	1,520.00	-294.42	1,225.58	3,676.74
11160-000013	NIBP CUFF-REUSEABLE,CHILD, BAYONET	4.00	24.00	-3.60	20.40	81.60
11160-000017	NIBP CUFF-REUSEABLE, LARGE ADULT, BAYONET	4.00	33.00	-4.95	28.05	112.20
11160-000019	NIBP CUFF- REUSEABLE,X-LARGE ADULT, BAYONET	4.00	48.00	-7.20	40.80	163.20
11171-000040	M-LNCS Pdx, Pediatric Adhesive Sensor, 18-inch, 20/box	1.00	357.00	-53.55	303.45	303.45
11171-000046	M-LNCS DCI, Adult Reusable Sensor, 1/box	4.00	301.00	-45.15	255.85	1,023.40
11220-000028	Carry case top pouch for use w/LIFEPAK 12 or LIFEPAK 15	4.00	57.00	-10.59	46.41	185.64
11260-000039	LIFEPAK 15 Carry case back pouch	4.00	82.00	-14.68	67.32	269.28
11996-000081	FilterLine Set Adult/Pediatric (box of 25)	1.00	286.00	-43.24	242.76	242.76
11577-000002	LIFEPAK 15 Basic carry case w/ right & left pouches. INCLUDED AT NO CHARGE WHEN ORDERED WITH DEVICE: 11577-000001 Shoulder Strap	4.00	320.00	-57.18	262.82	1,051.28
21300-008147	NIBP HOSE BAYONET-LP15,9FT	4.00	62.00	-9.30	52.70	210.80
21330-001176	LP 15 Lithium-ion Battery 5.7 amp hrs	12.00	469.00	-99.58	369.42	4,433.04
21996-000085	3G Modem (Verizon, customer has own data plan)	4.00	1,205.00	-192.32	1,012.68	4,050.72
Trade-in product	Trade in of Zoll E-Series towards the purchase of Lifepak 15	2.00	0.00	0.00	-4,000.00	-8,000.00
Trade-in product	Trade in of Zoll M-Series Biphasic towards the purchase of Lifepak 15	2.00	0.00	0.00	-2,500.00	-5,000.00
LP15-OSPMSIRP-4-POS	LIFEPAK 15 Service - 4 YEAR. On-site Preventative Maintenance; Ship in Repair Plus. Annual Payments.	4.00	6,080.00	-912.00	5,168.00	20,672.00

Subtotal	USD 132,362.96
Estimated Tax	USD 0.00
Estimated Shipping & Handling	USD 0.00

Grand Total	USD 132,362.96
-------------	----------------

Pricing Summary Totals	
List Price Total	USD 170,520.00

Total Contract Discounts Amount	USD -24,551.76
Total Discount	USD -605.28
Trade In Discounts	USD -13,000.00
Tax + S&H	USD 0.00

GRAND TOTAL FOR THIS QUOTE
USD 132,362.96

PHYSIO-CONTROL, INC. REQUIRES WRITTEN VERIFICATION OF THIS ORDER. A PURCHASE ORDER IS REQUIRED ON ALL ORDERS \$5,000 OR GREATER BEFORE APPLICABLE FREIGHT AND TAXES. THE UNDERSIGNED IS AUTHORIZED TO ACCEPT THIS ORDER IN ACCORDANCE WITH THE TERMS AND PRICES DENOTED HEREIN.

CUSTOMER APPROVAL (AUTHORIZED SIGNATURE)

NAME

TITLE

DATE

Reference Number BV/11439401/96084

General Terms for all Products, Services and Subscriptions.

Physio-Control, Inc. ("Physio") accepts Buyer's order expressly conditioned on Buyer's assent to the terms set forth in this document. Buyer's order and acceptance of any portion of the goods, services or subscriptions shall confirm Buyer's acceptance of these terms. Unless specified otherwise herein, these terms constitute the complete agreement between the parties. Amendments to this document shall be in writing and no prior or subsequent acceptance by Seller of any purchase order, acknowledgment, or other document from Buyer specifying different and/or additional terms shall be effective unless signed by both parties.

Pricing. Prices do not include freight insurance, freight forwarding fees, taxes, duties, import or export permit fees, or any other similar charge of any kind applicable to the goods and services. Sales or use taxes on domestic (USA) deliveries will be invoiced in addition to the price of the goods and services unless Physio receives a copy of a valid exemption certificate prior to delivery. Discounts may not be combined with other special terms, discounts, and/or promotions.

Payment. Payment for goods and services shall be subject to approval of credit by Physio. Unless otherwise specified by Physio in writing, the entire payment of an invoice is due thirty (30) days after the invoice date for deliveries in the USA, and sight draft or acceptable (confirmed) irrevocable letter of credit is required for sales outside the USA.

Minimum Order Quantity. Physio reserves the right to charge a service fee for any order less than \$200.00.

Patent Indemnity. Physio shall indemnify Buyer and hold it harmless from and against all demands, claims, damages, losses, and expenses, arising out of or resulting, from any action by a third party against Buyer that is based on any claim that the services infringe a United States patent, copyright, or trademark, or violate a trade secret or any other proprietary right of any person or entity. Physio's indemnification obligations hereunder will be subject to (i) receiving prompt written notice of the existence of any claim; (ii) being able to, at its option, control the defense and settlement of such claim (provided that, without obtaining the prior written consent of Buyer, Physio will enter into no settlement involving the admission of wrongdoing); and (iii) receiving full cooperation of Buyer in the defense of any claim.

Limitation of Interest. Through the purchase of Physio products, services, or subscriptions, Buyer does not acquire any interest in any tooling, drawings, design information, computer programming, patents or copyrighted or confidential information related to said products or services, and Buyer expressly agrees not to reverse engineer or decompile such products or related software and information.

Delays. Physio will not be liable for any loss or damage of any kind due to its failure to perform or delays in its performance resulting from an event beyond its reasonable control, including but not limited to, acts of God, labor disputes, the requirements of any governmental authority, war, civil unrest, terrorist acts, delays in manufacture, obtaining any required license or permit, and Physio inability to obtain goods from its usual sources.

Limited Warranty. Physio warrants its products and services in accordance with the terms of the limited warranties located at <http://www.physio-control.com/Documents/>. The remedies provided under such warranties shall be Buyer's sole and exclusive remedies. Physio makes no other warranties, express or implied, including, without limitation, **NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, AND IN NO EVENT SHALL PHYSIO BE LIABLE FOR INCIDENTAL, CONSEQUENTIAL, SPECIAL OR OTHER DAMAGES.**

Compliance with Confidentiality Laws. Both parties acknowledge their respective obligations to maintain the security and confidentiality of individually identifiable health information and agree to comply with applicable federal and state health information confidentiality laws.

Compliance with Law. The parties agree to comply with any and all laws, rules, regulations, licensing requirements or standards that are now or hereafter promulgated by any local, state, and federal governmental authority/agency or accrediting/administrative body that governs or applies to their respective duties and obligations hereunder.

Regulatory Requirement for Access to Information. In the event 42 USC § 1395x(v)(1)(I) is applicable, Physio shall make available to the Secretary of the United States Department of Health and Human Services, the Comptroller General of the United States General Accounting Office, or any of their duly authorized representatives, a copy of these terms, such books, documents and records as are necessary to certify the nature and extent of the costs of the products and services provided by Physio.

No Debarment. Physio represents and warrants that it and its directors, officers, and employees (i) are not excluded, debarred, or otherwise ineligible to participate in the Federal health care programs as defined in 42 USC § 1320a-7b(f); (ii) have not been convicted of a criminal offense related to the provision of healthcare items or services; and (iii) are not under investigation which may result in Physio being excluded from participation in such programs.

Choice of Law. The rights and obligations of Physio and Buyer related to the purchase and sale of products and services described in this document shall be governed by the laws of the state where Buyer is located. All costs and expenses incurred by the prevailing party related to enforcement of its rights under this document, including reasonable attorney's fees, shall be reimbursed by the other party.

Additional Terms for Purchase and Sale of Products.

In addition to the General Terms above, the following terms apply to all purchases of products from Physio:

Delivery. Unless otherwise specified by Physio in writing, delivery shall be FOB Physio point of shipment and title and risk of loss shall pass to Buyer at that point. Partial deliveries may be made and partial invoices shall be permitted and shall become due in accordance with the payment terms. In the absence of shipping instructions from Buyer, Physio will obtain transportation on Buyer's behalf and for Buyer's account. Delivery dates are approximate. Freight is pre-paid and added to Buyer's invoice. Products are subject to availability.

Inspections and Returns. Within 30 days of receipt of a shipment, Buyer shall notify Physio of any claim for product damage or nonconformity. Physio, at its sole option and discretion, may repair or replace a product to bring it into conformity. Return of any product shall be governed by the Returned Product Policy located at <http://www.physio-control.com/Documents/>. Payment of Physio's invoice is not contingent on immediate correction of nonconformities.

No Resale. Buyer agrees that products purchased hereunder will not be resold to third parties and will not be reshipped to any persons or places prohibited by the laws of the United States of America.

Additional Terms for Purchase and Sale of Service Plans.

In addition to the General Terms above, the following terms apply to all Physio Service Plans.

Service Plans. Physio shall provide services according to the applicable Service Plan purchased by Buyer and described at <http://www.physio-control.com/ServicePrograms.aspx> for the length of the subscription purchased and for the devices specified as covered by the Service Plan ("Covered Equipment").

Pricing. If the number or configuration of Covered Equipment changes during the Service Plan subscription, pricing shall be pro-rated accordingly. For Preventative Maintenance, Inspection Only, Comprehensive, and Repair & Inspect Service Plans, Buyer is responsible to pay for preventative maintenance and inspections that have been performed since the last anniversary of the subscription start date and such services shall not be pro-rated.

Device Inspection Before Acceptance. All devices that are not covered under Physio's Limited Warranty or a current Service Plan must be inspected and repaired (if necessary) to meet specifications at then-current list prices prior to being covered under a Service Plan.

Unavailability of Covered Equipment. If Covered Equipment is not made available at a scheduled service visit, Buyer is responsible to reschedule with the Physio Service Technician, or ship-in the Equipment to a Physio service depot. Physio reserves the right to charge Buyer a surcharge for a return visit. Surcharges will be based on then-current Physio list price of desired services, less 10% for labor and 15% for parts, plus applicable travel costs. The return visit surcharge will be in addition to the subscription price of the Service Plan. To avoid the surcharge, Buyer may ship devices to a Physio service depot. Buyer shall be responsible for round-trip freight for ship-in service.

Unscheduled or Uncovered Services. If Buyer requests services to be performed on Covered Equipment which are not covered by a Service Plan, or are outside of designated Services frequency or hours, Physio-Control will charge Buyer for such services at 10% off Physio-Control's standard rates (including overtime, if appropriate) and applicable travel charges. Repair parts required for such repairs will be made available at 15% off the then-current list price.

Loaners. If Covered Equipment must be removed from service to complete repairs, Physio will provide Buyer with a loaner device, if one is available. Buyer assumes complete responsibility for the loaner and shall return the loaner to Physio in the same condition as received, normal wear and tear exempted, upon the earlier of the return of the removed Covered Equipment or Physio's request.

Cancellation. Buyer may cancel a Service Plan upon sixty (60) days' written notice to Physio. In the event of such cancellation, Buyer shall be responsible for the portion of the designated price which corresponds to the portion of the Service Plan subscription prior to the effective date of termination and the list-price cost of any preventative maintenance, inspections, or repairs rendered after the last anniversary date of the subscription start date.

No Solicitation. During the Service Plan subscription and for one (1) year following its expiration Buyer agrees to not to actively and intentionally solicit anyone who is employed by Physio to provide services such as those described in the Service Plan.

01/24/2017

CITY OF GREAT FALLS FD
 105 9TH ST S
 GREAT FALLS, Montana 59401

Equipment: Stryker Equipment
Finance structure: \$1 out and FMV end of term option

\$1 out end of term option: Purchase the equipment for \$1.00

FMV end of term options:

- Return the equipment and upgrade to current technology
- Continue to rent the equipment on a month-to-month basis
- Purchase the equipment at its fair market value

Payment terms:

\$1 OUT	5 annual payments
Equipment total	\$111,690.96
Service total	\$20,672.00
Equipment payment	\$23,231.04
Service payment	\$4,134.40
Total payment	\$27,365.44

FMV	5 annual payments
Equipment total	\$111,690.96
Service total	\$20,672.00
Equipment payment	\$20,006.32
Service payment	\$4,134.40
Total payment	\$24,140.72

Payments are exclusive of all applicable taxes and freight unless otherwise noted.

Contract commencement: Upon delivery, installation and acceptance

First payment due: Net 30

Payment adjustment: The payments quoted herein were calculated based, in part, on a rate reported in the "interest rate swaps" section of Federal Reserve Statistical Release H-15 and are subject to change relative to the movements in interest rate swaps. Stryker's Flex Financial business reserves the right to adjust the payments prior to contract commencement in order to maintain current economics of this proposed transaction.

Deal consummation: This proposal is subject to final credit, pricing, and documentation approval. Legal documents must be signed before your equipment can be delivered.

Please note that this proposal is subject to change if documents are not signed prior to 1/31/2017.



Item: One New 2016 Tandem Axle Truck with New Sideload Refuse Packer
From: Doug Alm, Vehicle Maintenance Supervisor
Initiated By: Public Works Department
Presented By: Jim Rearden, Public Works Director
Action Requested: Approve Purchase

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/reject) the purchase of one new 2016 Autocar ACX64 tandem axle truck with new Heil Durapack Rapid Rail sideload refuse packer to Kois Brothers Equipment Company Inc., of Great Falls, for \$270,000, through NJPA (National Joint Powers Alliance).”

2. Mayor requests a second to the motion, Commission discussion, public comment, and calls for the vote.

Staff Recommendation:

Staff recommends that the City Commission approve the purchase of one new 2016 Autocar ACX64 tandem axle truck with one new Heil Durapack Rapid Rail sideload refuse packer to Kois Brothers Equipment Company Inc., of Great Falls, for \$270,000.

Background:

Purpose

This unit will be used for residential solid waste collection.

Evaluation and Selection Process

The City of Great Falls has a membership with NJPA to view their competitive bid contracts. As an NJPA member, the City of Great Falls can interact directly with awarded vendors to facilitate a purchase. This also allows the City of Great Falls to work with the NJPA contract manager to verify pricing, answer contract questions or any other questions

that may arise. Through this process the City receives equipment in an expedited manner by purchasing ready to work equipment.

Conclusion

The bid specifications from NJPA meet specifications for the tandem axle truck with sideload refuse packer.

Fiscal Impact:

The new unit will replace the City's 2007 Condor/Wayne Curbtender, VIN #5SXHANCY97RZ10534, Unit #911. This unit has 13,452 hours on it, which from City staff experience, indicates it is headed for further major repairs. Unit #911 has been out of service since 12/7/16. Currently it needs \$25,000-\$45,000 in repairs, not including \$20,000 for an engine rebuild. Maintenance costs from 2014-2016 totaled \$80,291.85. Parts from this unit will be used for other truck repairs.

This purchase along with the trucks purchased with the Intercap Loan will help bring the Sanitation fleet current and continue to lower maintenance charges. Funds for this purchase would come from the Sanitation Division FY 2017 Budget.

Alternatives:

City Commission could vote to reject the purchase of one new 2016 tandem axle truck with sideload refuse packer.


ATTACHMENTS:

- ▣ Form G Proposal Evaluation
- ▣ Kois Quote Sideloader 2-6-17
- ▣ NJPA Contract Acceptance & Award

FORM G


MOBILE REFUSE COLLECTION VEHICLES WITH RELATED EQUIPMENT, ACCESSORIES, AND SERVICES

	Possible Points	Crane Carrier Company	Labrie Enviroquipo Group	McNeilus Companies	Pak-Mor Ltd	Routeware Inc.	Scranton Mifting Company Inc/New Way	The Heil Company
Conformance to Terms/ Conditions to Include Documentation	50	42.50	38.00	32.50	30.00	25.00	40.00	45.00
Pricing	400	312.50	327.50	333.75	275.00	237.50	307.50	343.75
Financial, Industry and Marketplace Successes	75	55.00	56.25	65.00	47.50	41.25	52.50	68.75
Bidder's Ability to Sell/ Service Contract Nationally	100	70.00	67.50	77.50	51.25	41.25	76.25	85.00
Bidder's Marketing Plan	50	38.75	38.75	36.25	32.50	31.25	37.50	42.75
Value Added Attributes	75	60.00	64.00	53.75	48.75	50.00	53.75	68.75
Warranty Coverages and Information	50	38.75	38.75	40.00	30.00	40.00	33.75	40.00
Selection and Variety of Products and Services Offered	200	116.25	152.50	145.00	133.75	110.00	155.00	167.50
Total Points	1,000	733.75	783.25	783.75	648.75	576.25	756.25	861.50



 Ginger Line, CPPB, NJPA

12/3/2014



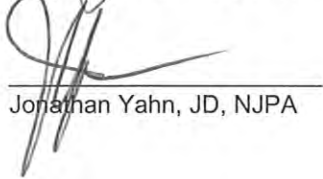
 Tracy Plinske, NJPA

12/3/2014



 Gregg Meierhofer, CPPO, NJPA

12/3/2014



 Jonathan Yahn, JD, NJPA

12/3/2014



 Keith Hanson, CPA, NJPA

12/3/2014



EQUIPMENT COMPANY INC.

DENVER
5200 Colorado Blvd.
Commerce City, CO 80022
Phone: 303-298-7370
Fax: 303-298-8527

BILLINGS
2107 Harnish Blvd.
Billings, MT 59101
Phone: 406-652-3975
Fax: 406-652-3744

GREAT FALLS
1610 River Drive North
Great Falls, MT 59401
Phone: 406-452-2757
Fax: 406-452-2799

Quote # 17-4019
Date: 02/ 6/17

PAGE 1

Customer: 7725
Quote to: CITY OF GREAT FALLS
FISCAL SERVICES
P.O. BOX 5021
GREAT FALLS MT 59403-5021

* QUOTE *

WE ARE PLEASED TO BE ABLE TO QUOTE YOU THE FOLLOWING EQUIPMENT:

HEIL NJPA CONTRACT# 112014-THC
CITY OF GREAT FALLS PIN# 16787

2016 AUTOCAR ACX64 CAB-OVER CHASSIS
CUMMINS ISL9 345HP ENGINE
ALLISON 4500 RDS AUTOMATIC TRANSMISSION
SINGLE RIGHT HAND DRIVE
66,000 GVWR
STANDARD CHASSIS WARRANTY
HEIL DURAPACK RAPID RAIL 28YD AUTOMATED SIDELOADER
UNIVERSAL BELT GRABBER OR NEW GRABBER ARMS
TRANSMISSION MOUNTED PTO/PUMP HYD.
OPERATE-IN-GEAR-AT-IDLE SYSTEM
1/4" BODY FLOOR
SINGLE JOYSTICK CONTROL
IN CAB ELECTRICAL "ON DEMAND" PACKING CONTROLS
ADDITIONAL CONTROL UNDER SEAT- TOGGLE
STREET SIDE ACCESS DOOR
DUAL STROBE LIGHT PACKAGE ON TAILGATE
SPLIT SCREEN COLOR LCD- HOPPER AND REAR
FULL MOUNT AT HEIL PLANT
PAINT ONE COLOR- WHITE
2 YEAR BODY WARRANTY
REFUSE BODY PACKAGE PRICE----- \$270,000.00
FOB GREAT FALLS, MT

BEST REGARDS,

KEVIN SMERKER
BRANCH MANAGER

QUOTED BY: _____

Contract Award
RFP 112014 #

FORM D

Formal Offering of Proposal

**MOBILE REFUSE COLLECTION VEHICLES WITH RELATED EQUIPMENT, ACCESSORIES,
AND SERVICES**

In compliance with the Request for Proposal (RFP) for MOBILE REFUSE COLLECTION VEHICLES WITH RELATED EQUIPMENT, ACCESSORIES, AND SERVICES the undersigned warrants that I/we have examined this RFP and, being familiar with all of the instructions, terms and conditions, general specifications, expectations, technical specifications, service expectations and any special terms, do hereby propose, fully commit and agree to furnish the defined equipment/products and related services in full compliance with all terms, conditions of this RFP, any applicable amendments of this RFP, and all Proposer's Response documentation. Proposer further understands they accept the full responsibility as the sole source of responsibility of the proposed response herein and that the performance of any sub-contractors employed by the Proposer in fulfillment of this proposal is the sole responsibility of the Proposer.

Company Name: The Heil Co.

Date: 11/19/2014

Company Address: 2030 Hamilton Place Blvd, Suite 200

City: Chattanooga, TN 37421

Contact Person: Larry Angel

Authorized Signature (ink only): Larry Angel
(Name printed or typed)



Contract Acceptance and Award

(To be completed only by NJPA)

NJPA 112014 # MOBILE REFUSE COLLECTION VEHICLES WITH RELATED EQUIPMENT, ACCESSORIES, AND SERVICES

The Heil Co.

Proposer's full legal name

Your proposal is hereby accepted and awarded. As an awarded Proposer, you are now bound to provide the defined product/equipment and services contained in your proposal offering according to all terms, conditions, and pricing set forth in this RFP, any amendments to this RFP, your Response, and any exceptions accepted or rejected by NJPA on Form C.

The effective start date of the Contract will be December 16, 20 14 and continue for four years from the board award date. This contract has the consideration of a fifth year renewal option at the discretion of NJPA.

National Joint Powers Alliance® (NJPA)

NJPA Authorized signature:

NJPA Executive Director

Dr. Chad Coquette

(Name printed or typed)

Awarded this 16th day of December, 20 14 NJPA Contract Number 112014-THC

NJPA Authorized signature:

NJPA Board Member

Scott Veronen

(Name printed or typed)

Executed this 16th day of December, 20 14 NJPA Contract Number 112014-THC

Proposer hereby accepts contract award including all accepted exceptions and NJPA clarifications identified on FORM C.

Vendor Name THE HEIL CO.

Vendor Authorized signature:

LARRY ANGEL

(Name printed or typed)

Title: GENERAL MANAGER - READY TRUCKS

Executed this 12th day of JANUARY, 20 15 NJPA Contract Number 112014-THC



Item: Public Hearing - Ordinance 3151 - An Ordinance by the City Commission of the City of Great Falls to rezone the property legally described as West Ridge Addition Phases VII - XI, previously known as Peretti Addition Tract 2, located in the SE 1/4 Section 26, Township 21 North, Range 3 East, PM, City of Great Falls, Cascade County, Montana, from R-3 Single-family high density district to PUD Planned Unit Development district; and, final amended plat of Lots 7-12, Block 5, and Lots 1-6, Block 6, Final Plat of West Ridge Addition, Phase VII, of Peretti Addition Tract 2, located in the SE 1/4 Section 26, Township 21 North, Range 3 East, PM, City of Great Falls, Cascade County, MT.

From: Galen Steffens, Planner III

Initiated By: S&L Development, LLC, Owner

Presented By: Craig Raymond, Director P&CD

Action Requested: City Commission adopt Ordinance 3151, and approve the final amended plat of West Ridge Addition Phase VII, and Findings of Fact.

Public Hearing:

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

Suggested Motion:

1. Commissioner moves:

I. "I move that the City Commission (adopt/deny) Ordinance 3151 and (accept/not accept) Findings of Fact - Zoning Map Amendment."

And, if motion is made in the affirmative, then:

II. "I move that the City Commission (approve/deny) final amended plat of West Ridge Addition Phase VII and (accept/not accept) Findings of Fact, all pertaining to the

Montana Subdivision and Platting Act.”

2. Mayor calls for a second to the motion, Commission discussion, and calls for the vote after each motion.

Staff Recommendation:

At the conclusion of a public hearing held on December 13, 2016, the Zoning Commission recommended the City Commission approve rezoning request from R-3 Single-family high density to PUD Planned Unit Development for the subject, and the Planning Advisory Board recommended approval of the subsequent minor subdivision preliminary amended plat, all subject to fulfillment of the following Conditions of Approval:

1. **General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. **Amended Plat.** Provide an Amended Plat of the subject property which shall incorporate corrections of any errors or omissions noted by Staff.
3. **Utilities.** The final engineering drawings and specifications for public improvements for the subject property shall be submitted to the City Public Works Department for review and approval.
4. **Land Use & Zoning.** Except as provided herein, development of the property shall be consistent with allowed uses and specific development standards for this PUD Planned unit development district designation.
5. **Subsequent modifications and additions.** If after establishment of townhomes, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.

Public Notice for the Planning Advisory Board/Zoning Commission Public Hearing was published in the *Great Falls Tribune* on November 27, 2016. Ordinance 3151 to rezone the subject property from R-3 Single-family high density district to PUD Planned Unit Development upon City Commission approval was accepted by the City Commission on first reading on January 3, 2017.

At the conclusion of a public meeting held on January 24, 2017, the Planning Advisory Board recommended approval of the subsequent minor subdivision final amended plat. Notice of Public Hearing before the City Commission for the rezone request and amended plat was published in the *Great Falls Tribune* on February 5, 2017. To date, Staff has received three

phone calls from residents with general questions about the proposed project.

Staff recommends approval of the proposed rezone and subsequent minor subdivision of the subject property.

Background:

The subject property is located in the vicinity of 2nd Street Northeast and 4th Street Northeast, from 41st Avenue Northeast to what will eventually be 43rd Avenue Northeast. The subject property is ±58.749 acres and will consist of West Ridge Addition, Phases VII – XI after all phases are final platted. The City Commission approved annexation of the whole property, assigning R-3 Single-family high density zoning, and the final plat of West Ridge Addition, Phase VII on August 18, 2015.

Rezone Request: The subject property is currently zoned R-3 Single-family high density. The Owner is requesting that the subject property be rezoned from the R-3 district to PUD Planned Unit Development district in order to have the option of building either detached single-family residential dwelling units or 2-unit townhomes throughout the subdivision.

The Official Code of the City of Great Falls (OCCGF) Title 17 - Land Development Code permits townhouses (similar to the proposed “townhome” units) in the R-3 zoning district with a conditional use permit, but only in groups of 3 to 8 attached units. However, along Northview Avenue, off of 9th Street Northeast, approximately 1 mile to the east of the subject property, PUD zoning was established for 2-unit residential building, with the units separated by a property line where the shared wall is located.

Use of the PUD zoning district allows for this mix of residential uses to be established within close proximity to one another, per OCCGF § 17.20.2.040 - Establishment and purpose of districts, which states:

“A Planned Unit Development district is a special type of zoning district that is proposed by the developer to account for a desired mix of uses. Each district is unique and therefore has its own set of development standards which are documented in the approval.”

Because similar housing and lot configurations exist in this area of the City, with similar look, function and impact, it would not be inappropriate to establish PUD zoning and adopt similar building envelope and dimensional standards for the subject property.

PUD zoning district classification is subject to building envelopes and setbacks. The proposed development standards for both the 2-unit townhomes and detached single-family units are attached. The proposed development standards for the PUD have underlying R-3 Single-family high density development standards, and will be compatible with adjacent neighborhoods to the west and south. An example of the proposed 2-unit townhome

elevations is also attached.

The basis for decision on zoning map amendments is listed in OCCGF § 17.16.40.030. The recommendation of the Planning Advisory Board/Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact – Zoning Map Amendment.

Amended Plat Request: Concurrent to the rezoning request, the applicant is also requesting a subsequent minor subdivision, boundary line adjustment and amended plat that involves boundary line adjustments and subdivision of the existing 12 lots in Phase VII to create 16 lots along the north and south side of 41st Avenue Northeast, between the west property line and 2nd Street Northeast (see the attached Draft Amended Plat, Preliminary Plat, and Final Plat for reference). The Owner would like to start developing this portion of the subject property with the aforementioned 2-unit townhomes.

Lots shown on the approved preliminary plat for Phases VII - XI of West Ridge Addition range in size from $\pm 9,771$ square feet and $\pm 11,801$ square feet. The lots on the proposed amended plat for the western portion of Phase VII would range in size from $\pm 8,320$ square feet to $\pm 8,503$ square feet. The final plat of West Ridge Addition, Phase VII, is currently 38 lots on ± 12.46 acres, which is a density of 3.05 dwelling units per acre (du/ac). The proposed amended plat would increase the density to 42 lots, or 3.37 du/ac.

Even though this seems as simple as a minor subdivision, section 76-3-609 (3) of the Montana Code Annotated (MCA) lists the criteria for a subsequent minor subdivision to be reviewed, which is the same as a major subdivision. The basis for decision to approve, conditionally approve, or deny a proposed subdivision is whether the subdivision application, preliminary plat, applicable environmental assessment, public hearing, planning board recommendations, or additional information demonstrate that development of the proposed subdivision meets the requirements of 76-3-608 MCA. The governing body shall issue written findings of fact that weigh the criteria in of 76-3-608 (3) MCA, which are attached as Findings of Fact – Subdivision.

Improvements:

Roadways

The Owner has connected Phase VII of the subject property to existing City roadways. The owner will also be responsible for expanding City roadways to future phases when they are final platted and constructed. Sidewalks will be constructed along each lot frontage at the time of home construction, and will connect to a fully built-out sidewalk network. No changes to the road or sidewalk network are being proposed with this application.

From the Institute of Transportation Engineers (ITE) Trip Generation Manual (9th edition), the initial proposed development of only detached single-family residential units creates an average trip generation rate of 9.52 trips per occupied dwelling unit on a weekday, resulting in 1,628 estimated daily trips from the original 171 units for West Ridge Addition, Phases VII

Per the ITE, the average trip generation of a condominium or townhouse is 5.81 trips per dwelling unit. The total number of 2-unit townhomes that could be constructed throughout West Ridge Addition, Phases VII – XI is not set because the requested PUD zoning allows for flexibility with developers and contractors being able to respond to market demand at time of construction.

An example of how the differences between residential types and trip generation rates may impact the traffic in the vicinity is shown on the following table. This example takes the increase in lots created in Phase VII, via the requested subsequent minor subdivision and zone change, and assumes that this will be the case for all remaining future phases. This would create 18 new lots total between the west property line and 2nd Street Northeast for all phases. This example also only looks at developing townhomes between the west property line and 2nd Street Northeast for all phases, which currently consists of 54 lots. The following table shows the maximum reduction in trips (if all units are townhomes), as well as the maximum increase in trips (if all single-family units are constructed on the existing plus additional lots).

CALCULATION OF ESTIMATED CHANGE IN TRIPS GENERATED BY A CHANGE FROM SINGLE-FAMILY UNITS TO TOWNHOUSE UNITS		
	Single Family	Condominium/Townhouse
Weekday avg. daily trip ends per unit*	9.52	5.81
Currently 54 SF Units	515 trips	
Convert all 54 SF Units to Townhouses		- 201 trips
Add 18 Townhouse Units		+ 105 trips
TOTAL POSSIBLE REDUCTION	-96 average daily weekday trips	
All SF Units, plus 18 new SF Units	+172 trips	
TOTAL POSSIBLE ADDITION	+172 average daily weekday trips	
* <i>SOURCE: ITE Trip Generation Manual, 9th Edition</i>		

While the above table shows the extreme ranges of trips, a mixture of single-family and townhome units are anticipated. Therefore, the actual change in traffic will likely be negligible, and the existing transportation network and proposed roadway layout will have sufficient capacity to accommodate traffic generated by the proposed zone change and potential for increased density via similar subdivision requests.

Utilities

The on-site improvements required for the development of the subject property shall be installed as shown on the final construction plans that are submitted to and approved by the Public Works Department. The on-site improvements shall include everything required to provide water, sanitary sewer, storm water management, and access, including streets and sidewalks, serving each lot proposed. Most of the required infrastructure for Phase VII has already been installed at the Owner's expense. Future phases will also be installed at the Owner's expense in accord with the requirements of the OCCGF and the attached Improvement Agreement.

Storm Water Management

The Improvement Agreement for West Ridge Addition, Phases VII – XI, recorded with the Cascade County Clerk & Recorder's office on September 3, 2015, record # R0311745 GFA, outlines the Owner's permanent and temporary storm water management requirements in sections 12.4 and 20. This Agreement is attached for reference. The Owner has worked with the City Public Works and Planning and Community Development Departments and the owner of Thaniel Addition for the general location of a principal detention pond located on the northwest corner of the Thaniel Addition property, with a secondary, larger detention pond being located immediately north on the adjacent property. This is still being worked out, but both developers will be participating in the cost of a storm water master plan for the area for what the ultimate improvements required will be. All future storm water management plans will be reviewed and approved by the Public Works Department.

Neighborhood Council Input

The subject property is located in Neighborhood Council #3. The Owner presented information to Council #3 on December 1, 2016, and the Council voted in favor of the project.

Fiscal Impact:

The subject property has already been annexed, so services are already being provided by the City, and the cost of infrastructure improvements are being covered by the Developer per the agreed upon terms of the Improvement Agreement for the West Ridge Addition, Phases VII through XI. The rezone request and amended plat provide for a slight increase in density, which increases the City's tax base and increases revenue.

Alternatives:

If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute. Such reasons would have to be detailed as alternative Findings of Fact.

Concurrences:

Representatives from the City's Public Works, Police, Park and Recreation and Fire Departments have been involved throughout the review and approval process for this project.

ATTACHMENTS:

- ▣ Ordinance 3151
- ▣ Ord 3151 Attachment A standards for 2 unit townhomes
- ▣ Attachment A SRF
- ▣ West Ridge Aerial map
- ▣ Zoning Map
- ▣ Finding of Fact - Zoning Map Amendment
- ▣ Development standards for Residential Zoning Districts
- ▣ Example renderings of 2-unit townhomes
- ▣ Finding of Fact - Subdivision
- ▣ West Ridge Amended Plat
- ▣ West Ridge Final Plat
- ▣ Preliminary Plat of Phases VII-XI
- ▣ Improvement Agreement for West Ridge Addition, Phases VII-XI

ORDINANCE 3151

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE PROPERTY LEGALLY DESCRIBED AS WEST RIDGE ADDITION PHASES VII – XI, PREVIOUSLY KNOWN AS PERETTI ADDITION TRACT 2, LOCATED IN THE SE ¼ SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, PM, CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, FROM R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO PUD PLANNED UNIT DEVELOPMENT DISTRICT.

* * * * *

WHEREAS, West Ridge Addition Phases VII – XI, previously known as Peretti Addition Tract 2, located in the SE ¼ Section 26, Township 21 North, Range 3 East, PM, City of Great Falls, Cascade County, Montana, are presently zoned R-3 Single-family high density residential district; and,

WHEREAS, the property owner, S & L Development, LLC, has petitioned the City of Great Falls rezone said property to PUD Planned unit development district; and,

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 21st day of February, 2017, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that the said rezoning designation be made; and,

WHEREAS, the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls, Section 17.16.40.030; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on December 13, 2016, to consider said rezoning from R-3 Single-family high density residential district to PUD Planned unit development district and at the conclusion of said hearing passed a motion recommending the City Commission rezone the property legally described as West Ridge Addition Phases VII – XI, previously known as Peretti Addition Tract 2, located in the SE ¼ Section 26, Township 21 North, Range 3 East, PM, City of Great Falls, Cascade County, Montana.

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

Section 1. It is determined that the herein requested rezoning will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Land Development Code of the City of Great Falls.

Section 2. That West Ridge Addition Phases VII – XI, previously known as Peretti Addition Tract 2, located in the SE ¼ Section 26, Township 21 North, Range 3 East, PM, City of Great Falls, Cascade County, Montana, be rezoned to PUD Planned unit development district, subject to the setbacks, and other development standards attached hereto as Attachment A, and by this reference made a part hereof, as well as all other applicable regulatory codes and ordinances.

Where the Official Code of the City of Great Falls regulations apply to a specific zoning district, the R-3 Single-family high density district regulations shall apply to the subject property where not in conflict with Attachment A.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading January 3, 2016.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

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

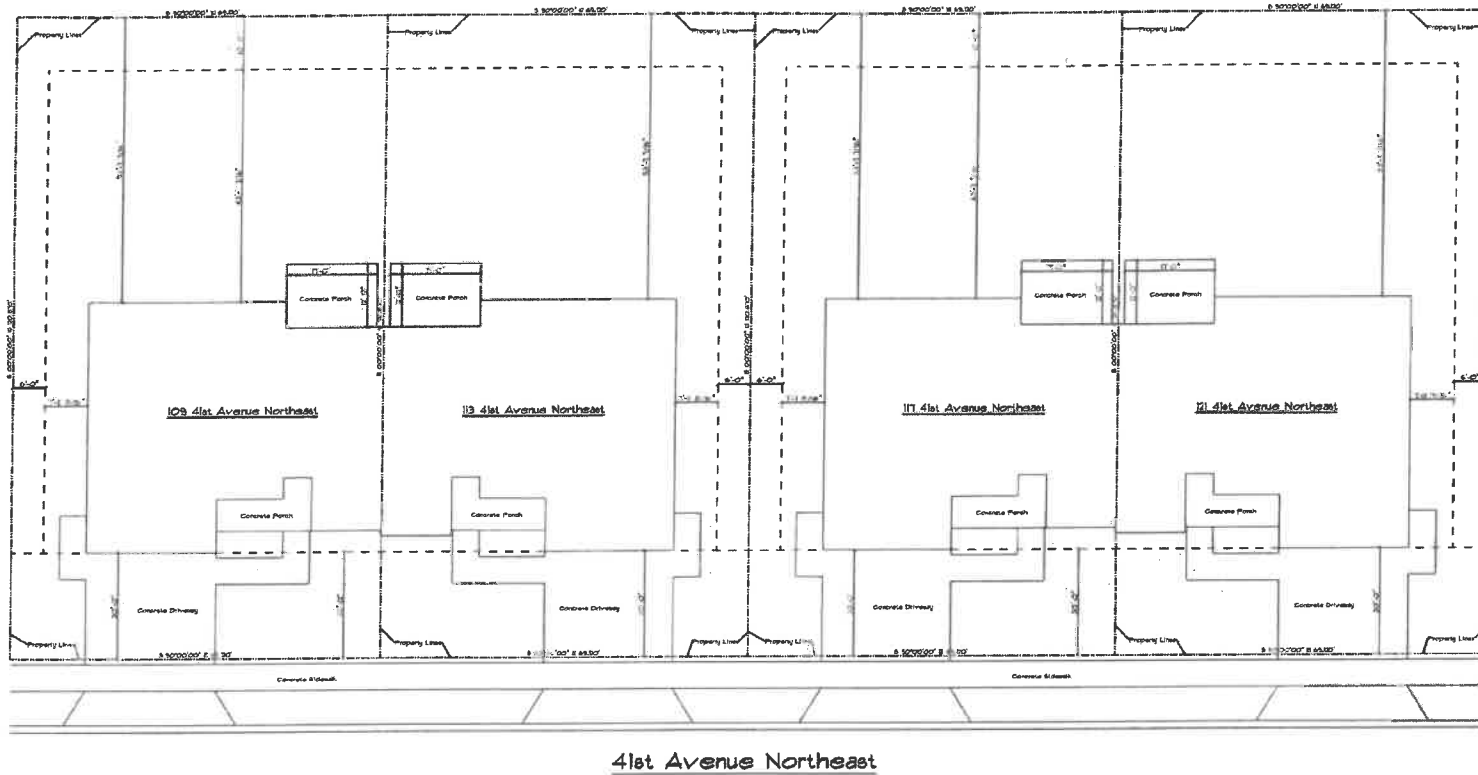
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the City Commission, Ordinance 3151 in three conspicuous places within the limits of said City to-wit:

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

(CITY SEAL)

Lisa Kunz, City Clerk

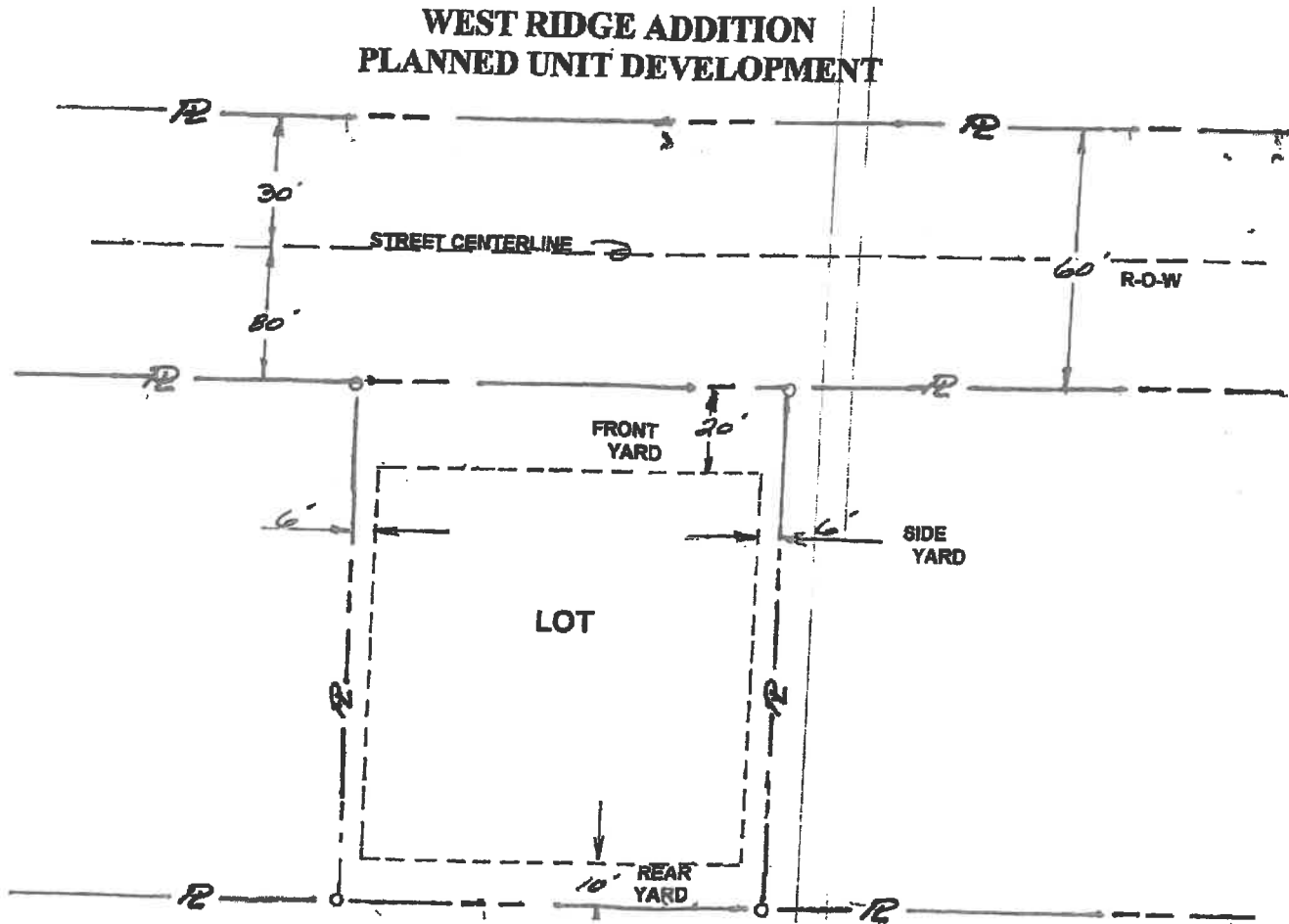
Ordinance 3151 Attachment A
PUD Development Standards for 2-unit Townhomes



- Lot size range from 7500 to 11300 square feet
- Minimum lot width: 61 feet
- Max building height of principal building: 35 feet
- Max building height of accessory detached buildings: 24 feet, but may not be higher than principal building
- Front yard setback: 20 feet
- Side yard setback: Principal building: 6 feet on detached side, 0 feet on attached side
- Side yard setback: Accessory buildings: 2 feet & meet building code
- Rear yard setback: 10 feet
- Maximum lot coverage of principal and accessory buildings: Corner lots: 55% Other lots: 50%
- Lot proportion of newly created lots (Max depth to width): 2.5:1

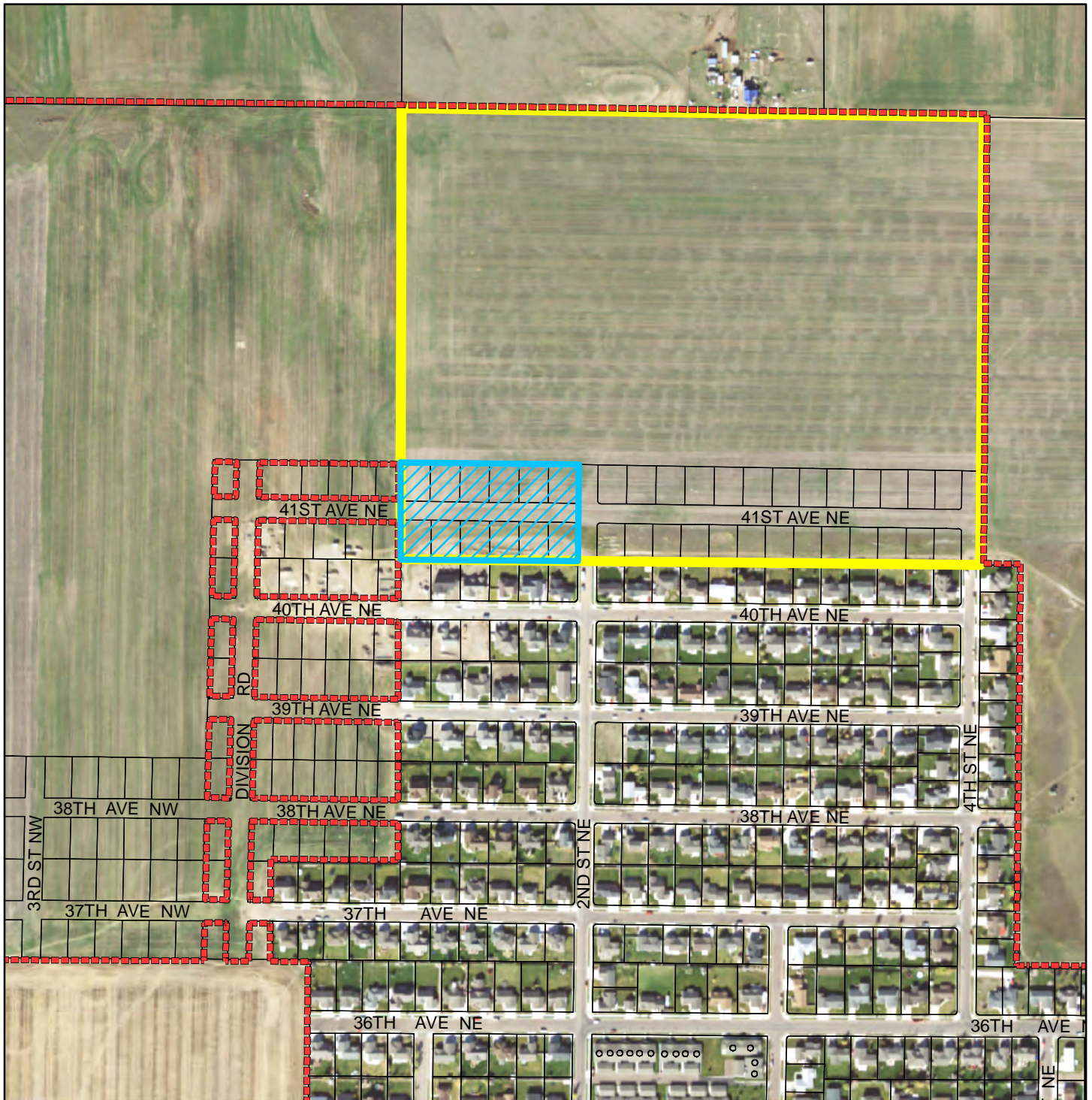






Ordinance 3151 Attachment A
 PUD Development Standards for Single-family Residential

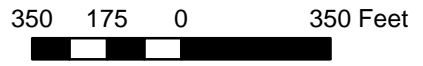


- Lot size range from 7500 to 11300 square feet
- Minimum lot width: 61 feet
- Max building height of principal building: 35 feet
- Max building height of accessory detached buildings: 24 feet, but may not be higher than principal building
- Front yard setback: 20 feet
- Side yard setback: Principal building: 6 feet
- Side yard setback: Accessory buildings: 2 feet & meet building code
- Rear yard setback: 10 feet
- Maximum lot coverage of principal and accessory buildings: Corner lots: 55% Other lots: 50%
- Lot proportion of newly created lots (Max depth to width): 2.5:1

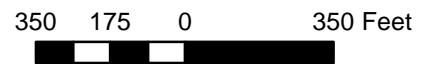
AERIAL MAP



-  City Limits
-  West Ridge Addition Ph VII - XI
-  Tracts of Land
-  West Ridge Addition Ph VII Lots to be Amended



ZONING MAP



- City Limits
- Tracts of Land
- West Ridge Addition Ph VII - XI
- West Ridge Addition Ph VII Lots to be Amended
- R-2 Single-family Medium Density
- R-3 Single-family High Density
- PUD Planned Unit Development

FINDINGS OF FACT – ZONING MAP AMENDMENT

West Ridge Addition Phases VII – XI, previously known as Peretti Addition Tract 2, located in the SE ¼ Section 26, Township 21 North, Range 3 East, PM, City of Great Falls, Cascade County, MT

PRIMARY REVIEW CRITERIA:

The basis for decision on zoning map amendments is listed in Official Code of the City of Great Falls § 17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

1. The amendment is consistent with and furthers the intent of the City's growth policy.

The proposed rezoning is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project strongly supports the Social and Physical portions of the Growth Policy, specifically the goals and principles to 1) encourage a safe, adequate and diverse supply of housing and fair housing opportunities in the City; and 2) develop new and diverse housing supply throughout the City, including single-family residential, multi-family, and housing for those with special needs.

Additional supportive Policies that this project is consistent with include:

Social - Housing

- Soc1.4.1 Work with the private sector and non-profits to increase housing opportunities in the city.
- Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes and assisted living facilities.
- Soc1.4.3 Encourage, promote and support adequate and affordable home ownership in the City.
- Soc1.4.6 Encourage a variety of housing types and densities so that residents can choose by price or rent, location and place of work.

Physical - Land Use

- Phy4.1.3 Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.
- Phy4.1.4 Foster the development of safe, walkable neighborhoods, with a mix of uses and diversity of housing types.

The Growth Policy identifies that Great Falls embodies balanced, compatible growth, while at the same time sets the task to review the zoning districts in which townhomes are permitted in order to expand this use, either by allowing it in more zoning districts or improving the review standards so as to make it more suitable for other zoning districts.

2. The amendment is consistent with and furthers adopted neighborhood plans, if any.

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #3. The Owner presented information to Council #3 on December 1, 2016, and the Council voted in favor of the project.

3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.

The area in which this project is located is reflected in Figure 11.2, Future Major Street Network, in the 2014 Update to the Great Falls Long Range Transportation Plan. The Figure shows a future collector on 2nd Street NE and a future arterial on 43rd Avenue NE, and the subject subdivision provides roadways in these locations to accommodate area growth and adequate access to and from the subdivision. Figure 11.2 is attached.

4. The code with the amendment is internally consistent.

The proposed rezoning is within the city limits. There are existing subdivisions to the south and southeast that are established PUD districts, which have similar residential uses and development standards. If approved, this project development would be very similar to said PUD. The mix of housing types proposed is consistent with the intent of the PUD district, and proposed development shall be consistent with applicable code.

5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.

The subject property is located in a developing residential neighborhood along the northern fringes of the city. Any development within the city limits requires City review, including review of how the development will impact the public health, safety and welfare. At the time that this project was initially annexed and received City zoning, it went through said review.

According to the U.S. Census Bureau's *American Community Survey*, Great Falls home owner vacancy rates are estimated at 1.5%, with a margin of error of $\pm 0.9\%$, which confirms the local demand for an increase in available housing stock. This project was originally zoned for single-family residential development, yet after following the current housing market and tracking development in the area, the applicant would like to amend their original development plans. As stated earlier, because the zoning code restricts development of 2-unit townhome development, rezoning ultimately allows the applicant to address the need for diverse housing options in the City and will have no negative effect on the public health, safety and welfare.

6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

Completion of the full project proposal, contingent on rezoning, will have beneficial financial impact for the City due to the creation of four additional lots for property taxes to be assessed on. There is adequate staffing to administer and enforce the amendment.

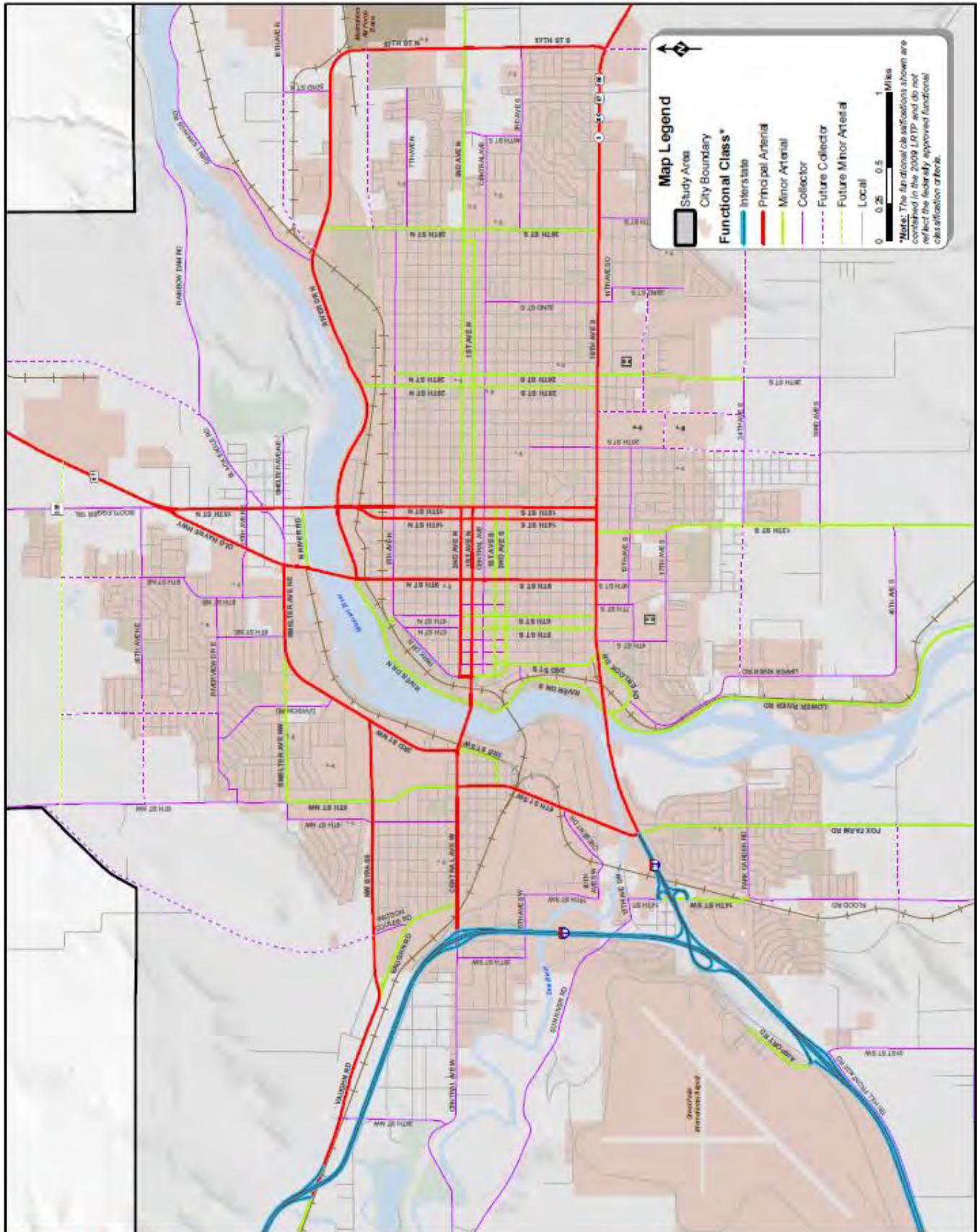


Figure 11.2: Future Major Street Network (Detail)

Exhibit 20-4. Development standards for residential zoning districts

Standard	R-1	R-2	R-3	R-5	R-6	R-9	R-10
Residential density	-	-	-	1,875 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	1,200 sq. feet of lot area per dwelling unit	10 dwelling units per acre
Minimum lot size for newly created lots	15,000 sq. feet	11,000 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	n/a
Minimum lot width for newly created lots	90 feet	80 feet	60 feet	50 feet	50 feet	50 feet	n/a
Lot proportion for newly created lots (maximum depth to width)	3:1	3:1	2.5:1	2.5:1	2.5:1	2.5:1	n/a
Maximum building height of principal building	35 feet	35 feet	35 feet	45 feet	65 feet	35 feet, single-family 50 feet, multi-family	12 feet to exterior wall
Maximum building height of detached private garage [1]	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	16 feet
Maximum building height of other accessory buildings	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet	12 feet
Minimum front yard setback [2]	30 feet	20 feet	20 feet	10 feet	15 feet	10 feet	n/a
Minimum side yard setback [3]	Principal building: 15 feet each side; accessory building: 2 feet each side provided the front of the building is at least 50 feet from the front lot line	Principal building: 8 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line	Principal building: 6 feet each side; accessory building: 2 feet provided the front of the building is at least 40 feet from the front lot line	4 feet; 8 feet if adjoining a R-1, R-2, R-3 district	5 feet; 10 feet if adjoining a R-1, R-2, R-3 district	Principal building: 6 feet each side; accessory building: 2 feet each side provided the front of the building is at least 40 feet from the front lot line	n/a
Minimum rear yard setback [7]	20 feet for lots less than 150 feet in depth; 25 feet for lots 150 feet in depth and over	15 feet for lots less than 150 feet in depth; 20 feet for lots 150 feet in depth and over	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	15 feet	10 feet for lots less than 150 feet in depth; 15 feet for lots 150 feet in depth and over	n/a
Maximum lot coverage of principal and accessory buildings	Corner lot: 40% Other types: 30%	Corner lot: 45% Other types: 35%	Corner lot: 55% Other types: 50%	Corner lot: 60% Other types: 50%	Corner lot: 70% Other types: 60%	Corner lot: 70% Other types: 60%	none

[1] Attached private garages are considered a part of the principal building for application of height and setback development standards.

[2] An unenclosed front porch on a single family residence may extend into the front yard setback up to nine (9) feet, provided the porch does not occupy more than sixty (60) percent of the length of the main part of the house. (Ord. 2950, 2007)

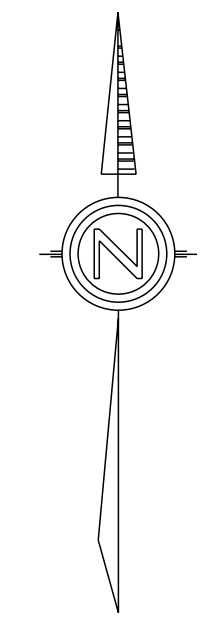
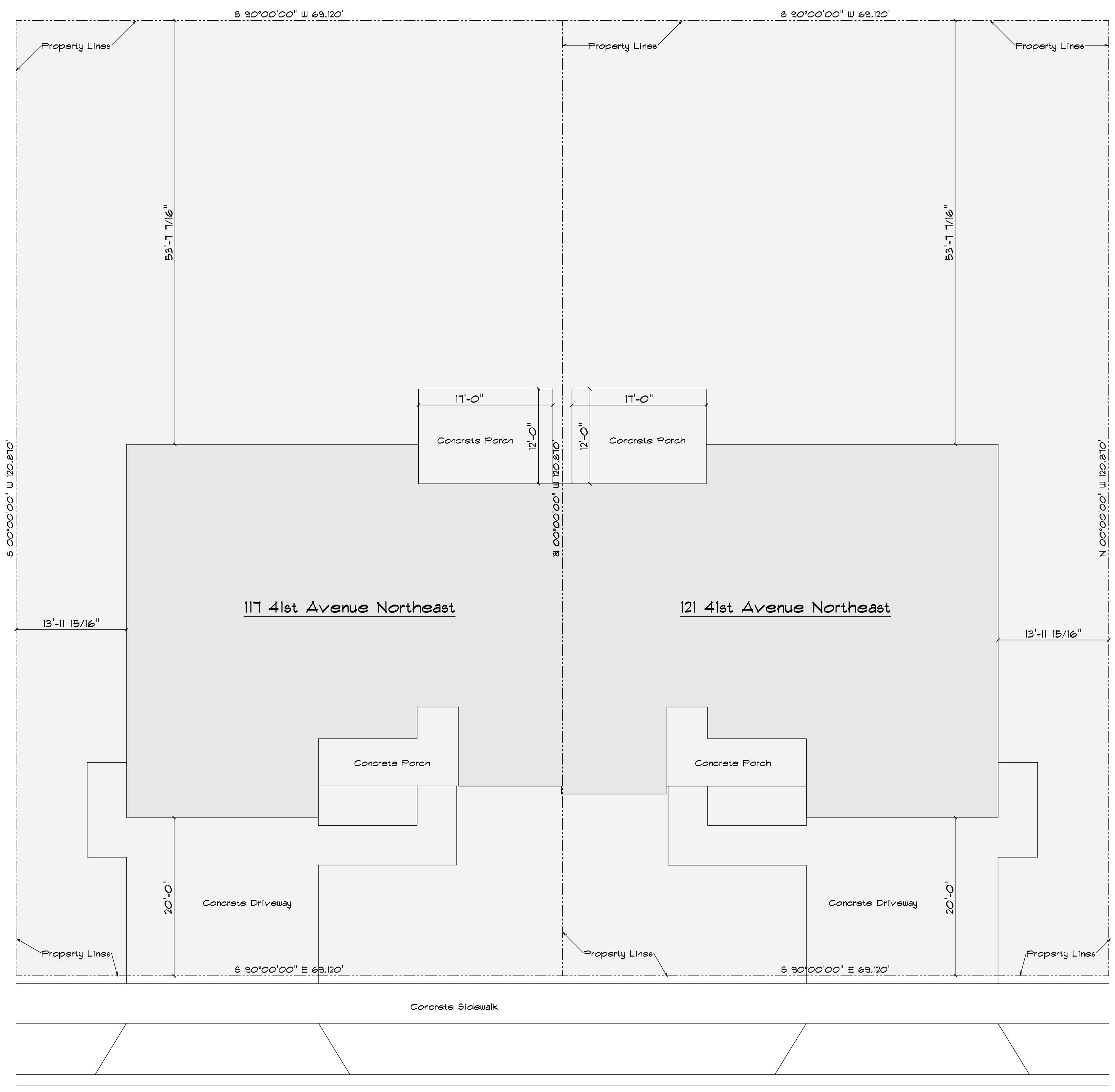
[3] See Section 17.20.6.020 for side yard requirements for zero lot-line projects and Section 17.20.7.010 for accessory buildings with accessory living spaces.

[4] Smaller lots and reduced setbacks and frontages may be accomplished through a Planned Unit Development (PUD).

[5] An existing structure that does not meet the setback requirements stated above can be rebuilt on its original foundation or the original foundation location.

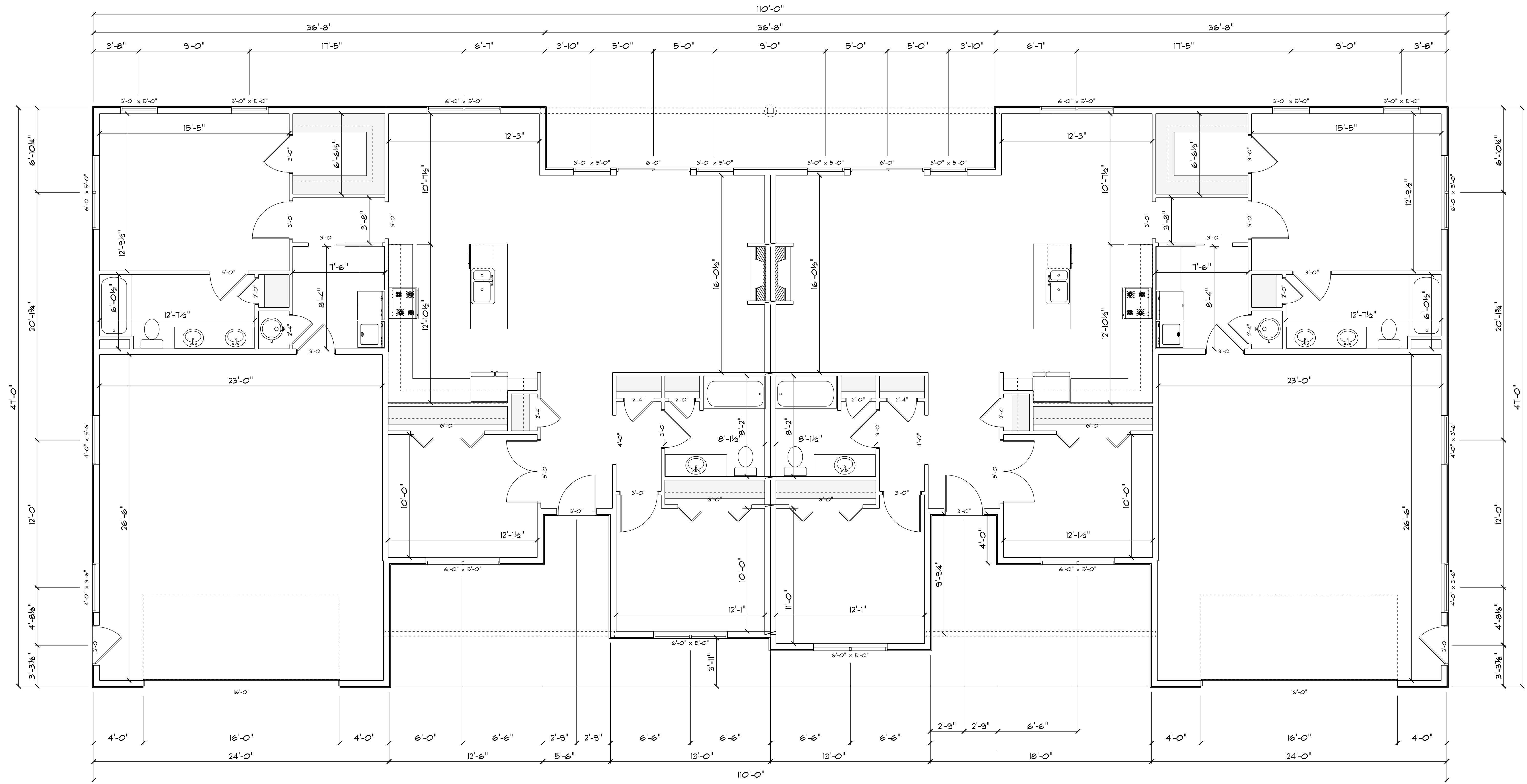
[6] For townhouses, see Section 17.20.6.050 for additional and superseding requirements.(Ord. 2950, 2007)

[7] Permitted accessory structures and buildings shall have a minimum rear setback of 2 feet in all residential zoning districts. (Ord. 2950, 2007)

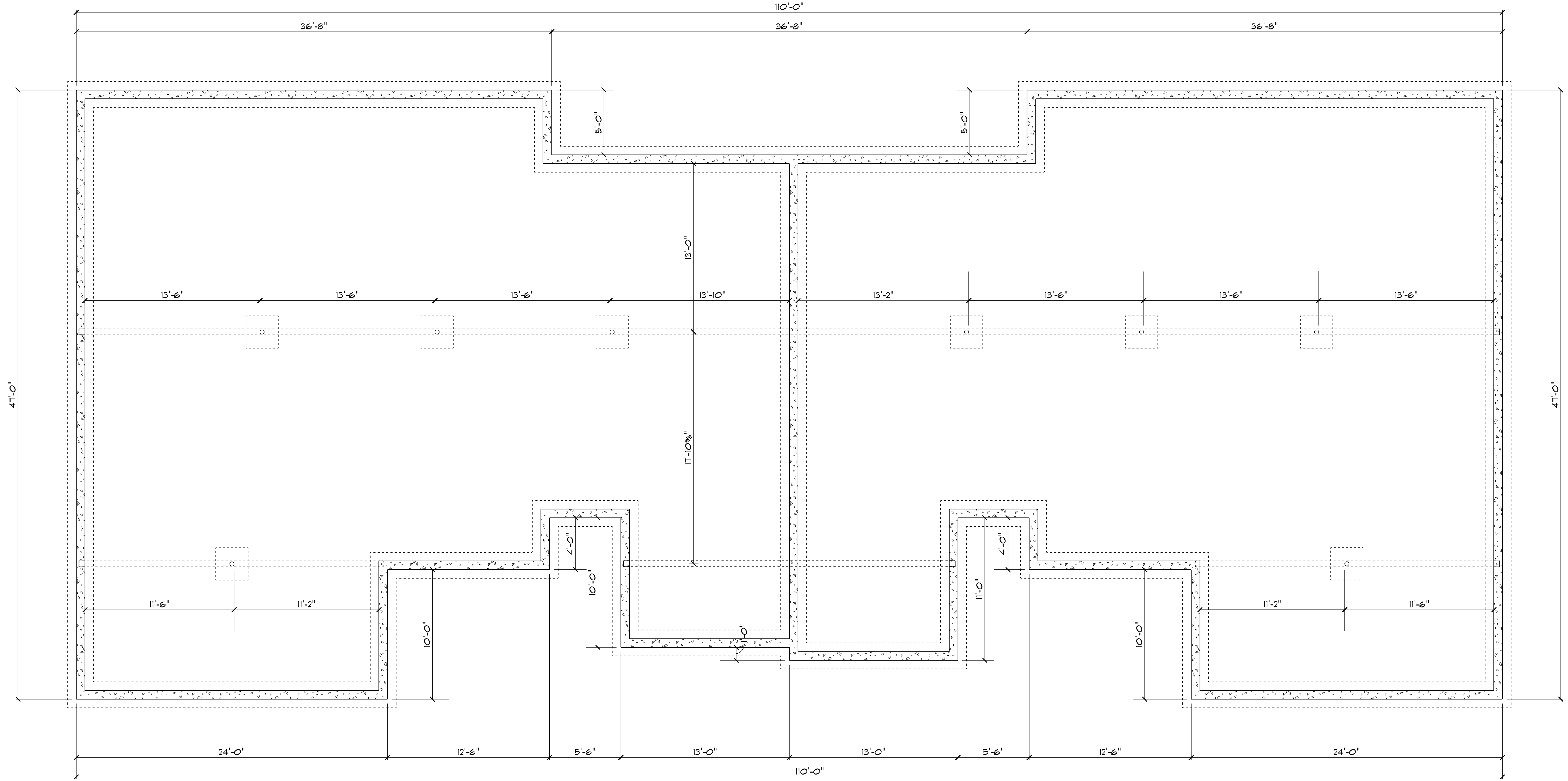


41st Avenue Northeast

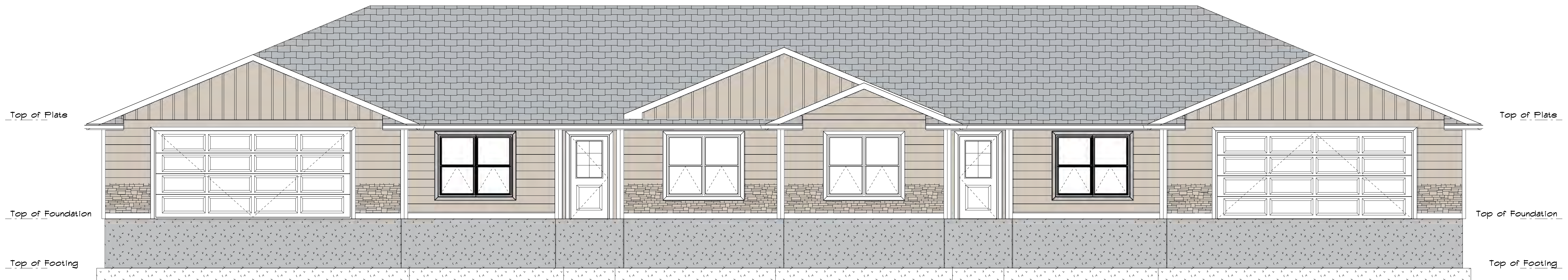
Site Plan
SCALE: 1/8" = 1'-0"



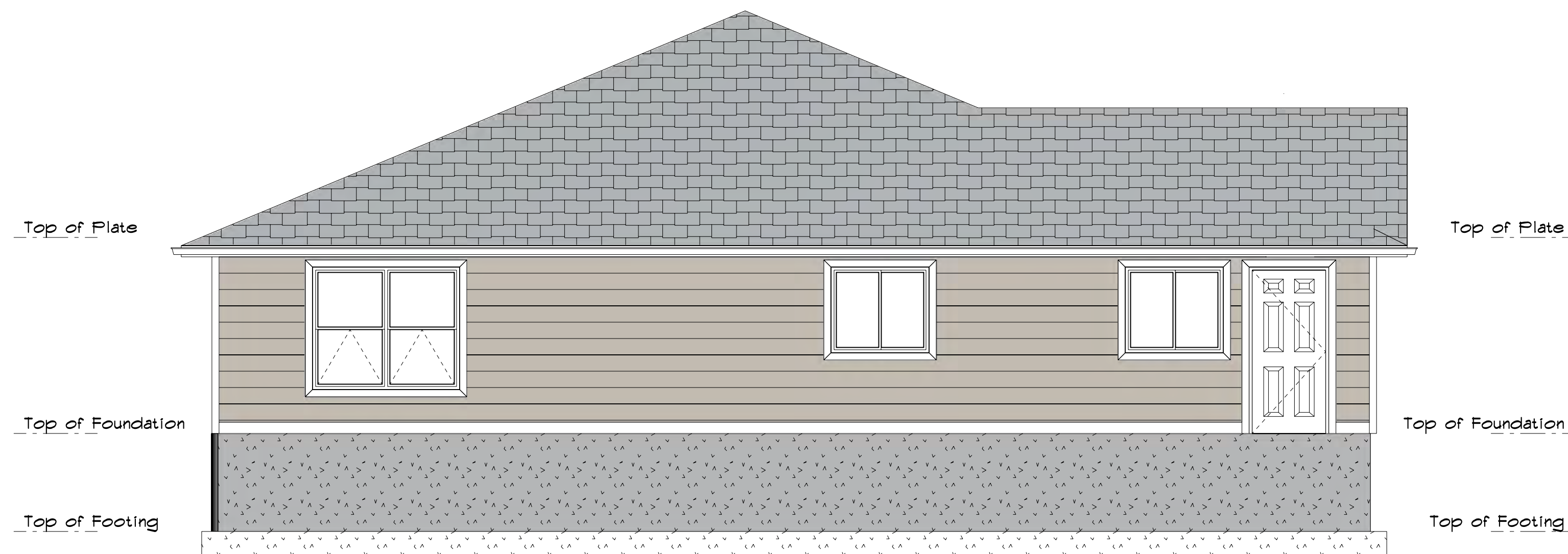
MAIN FLOOR
SCALE: 1/4" = 1'-0"



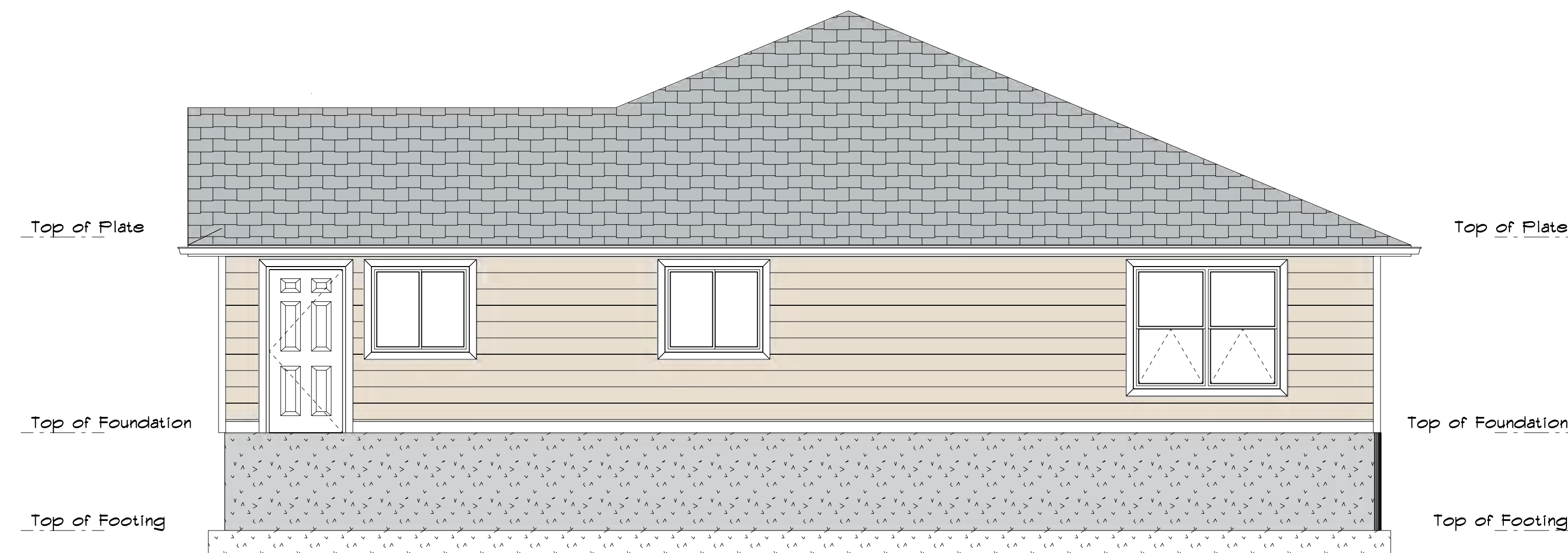
FOUNDATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



REAR ELEVATION
SCALE: 1/4" = 1'-0"

FINDINGS OF FACT – MONTANA SUBDIVISION AND PLATTING ACT

Amended Plat of Lots 7-12, Block 5, and Lots 1-6, Block 6, Final Plat of West Ridge Addition, Phase VII, of Peretti Addition Tract 2, located in the SE ¼ Section 26, Township 21 North, Range 3 East, PM, City of Great Falls, Cascade County, MT

(PREPARED IN RESPONSE TO 76-3-608(3) MCA)

PRIMARY REVIEW CRITERIA:

Effect on Agriculture and Agricultural Water User Facilities: The subject property was used for land crop production prior to annexation. The Improvement Agreement for West Ridge Addition, Phases VII – XI, recorded with the Cascade County Clerk & Recorder’s office on September 3, 2015, record # R0311745 GFA, allowed current agricultural uses to continue on the portions of the subject property that are not being actively developed in Section 21. Agricultural use in the immediate vicinity has decreased due to residential development. There is not an agricultural water user facility in the area that the proposed development will interfere with. The subject property is in the City limits in a developing neighborhood and the subdivision increasing the lots from 12 to 16 does not interfere with agricultural operations in the area.

Effect on Local Services: Lots in the subdivision will extend and connect to City water and sewer mains. The Owner will pay the cost of extending these utility mains and reimburse the City its proportionate share of the cost of installing a new sanitary sewer lift station, to be constructed on the adjacent property to the west (Thaniel Addition) and force mains to serve the property and surrounding area. The Owner will also pay per lot fees for sanitary sewer, water service and storm water maintenance fee. The occupants of the single-family residences within the subdivision will pay regular water and sewer charges, and monthly storm drain charges. There will also be an annual park fee which will go towards improvements and maintenance of the neighborhood park dedicated by the Thaniel Addition Major Subdivision. Additionally, Section 17.68.040.B of the Official Code of the City of Great Falls requires the Owner provide a security that will allow the City to contract for and complete the required improvements if the Owner fails to do so.

The nearest fire station is ±2 miles away from Phase VII. This subdivision is receiving law enforcement and fire protection service from the City of Great Falls. Providing these services to the subdivision is expected to be a manageable cost to the City and increased tax revenues from improved properties may cover increased costs.

The Owner will have the responsibility to install curb, gutter, sidewalks and paved roadways within the subdivision. Because this is a large property that will be developed over many years the Improvement Agreement accounts for the development of a future Special Improvement District (SID) for roadway improvements outside of the subdivision, and the Owner paid its proportional share, 30%, of the costs of a study of the impacts of traffic that the development

of West Ridge Addition Phases VII - XI and prospective development of neighboring properties will generate, with that study being completed before final construction plans and a final plat for the second phase of the Development is accepted by the City. The improvement Agreement outlines more specific information on how the Owner will be required to address the effects on local services.

Effect on the Natural Environment: The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the subdivision primarily flows to the northwest of the subject property, with a smaller portion flowing due north. The dedication of a natural drainage on the Thaniel Addition property for parkland and a detention pond, and runs to Watson Coulee, will preserve a portion of the natural drainage in the area from adjacent properties. However, storm water drainage will ultimately be managed in a regional storm water detention facility immediately north of the Thaniel Addition. It is expected that any excess surface runoff will flow into Public Works reviewed and approved temporary storm drainage improvements made by the applicant at the time of construction.

The City is aware that the subject property is a contributing property to the Watson Coulee, which flows to the Sun River. The City also understands that Watson Coulee is a sensitive drainage and has taken steps to work with and educate developers on managing storm water and requiring that runoff be no greater than pre-development levels as reflected in the Public Works Department Storm Drainage Design Manual for Great Falls and by the Montana Department of Environmental Quality (MDEQ) for this area and the City at large.

Effect on Wildlife and Wildlife Habitat: The subdivision creates the northernmost edge of the City limits. There is existing development to the east and south, and this is not in an area of significant wildlife habitat beyond occasional grazing deer or migrating fowl. This subdivision will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety: Based on available information, the subdivision is not subject to abnormal potential natural hazards such wildfire, avalanches or rockslides; however, the drainage basin in which the subject property is located has experienced flooding in the past. Installation of effective storm drainage facilities as reviewed and approved by the City Public Works Department and MDEQ at the time of development will prevent a reoccurrence of said flooding events.

REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

EASEMENT FOR UTILITIES

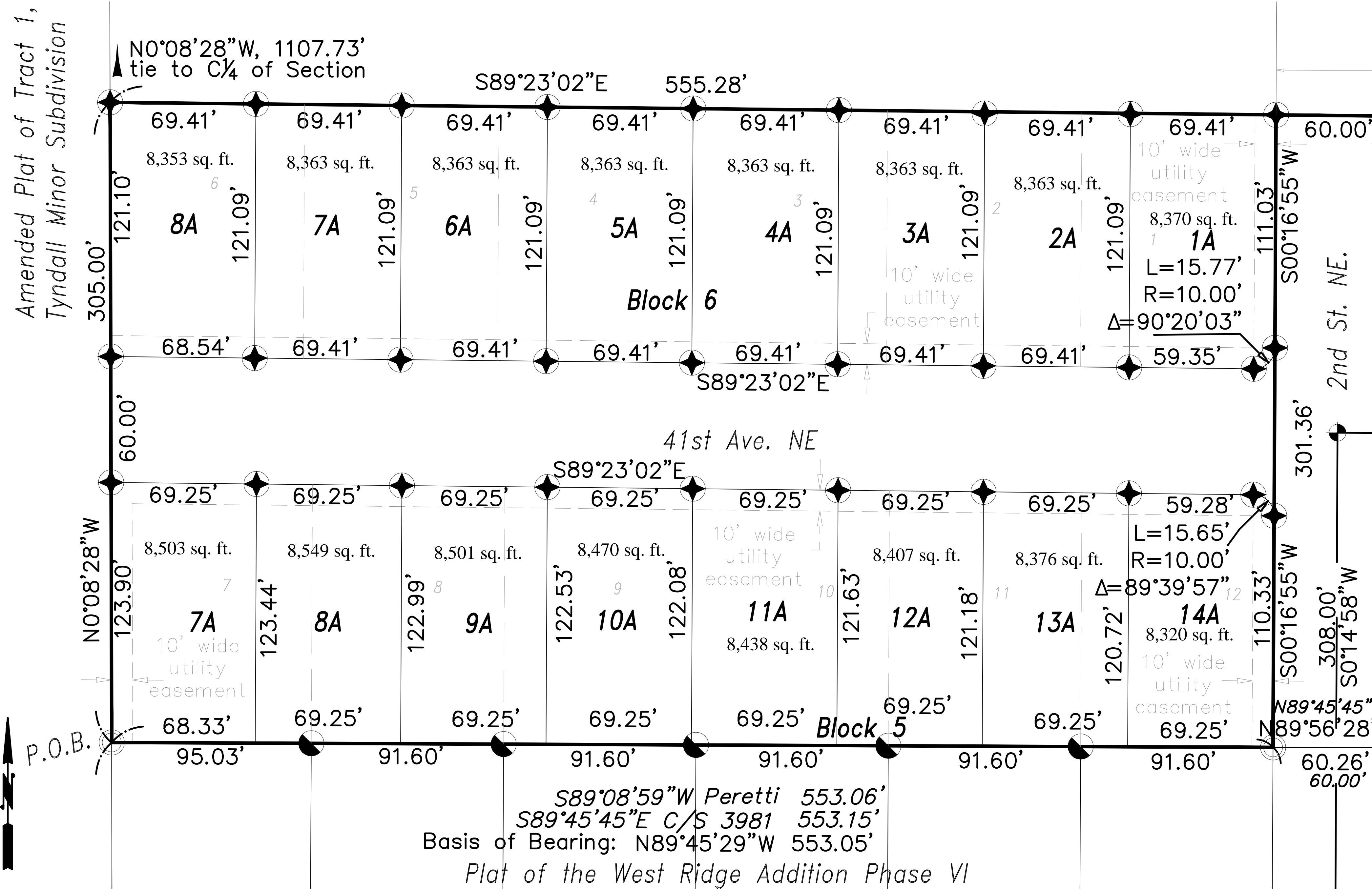
The developer shall provide necessary utility easements to accommodate water mains, sanitary sewer mains and private utilities to serve all lots of the subdivision.

LEGAL AND PHYSICAL ACCESS

Extensions of public right-of-ways and future transportation connectivity is understood by the Owner and is shown on the Approved Preliminary Plat, which includes dedicating and constructing 43rd Avenue Northeast as an 80-foot wide right of way to serve as a future full minor arterial roadway. The grid pattern established by the adjacent neighborhoods to the south is continued on the subject property. The Owner agrees to the dedication and installation of the roadways as each phase is Final Platted and developed, which is also shown on the Preliminary Plat. These will be public right-of-ways maintained by the City of Great Falls after construction is completed and after final acceptance of the improvements by the City.

Amended Plat of Lots 7-12, Block 5, and Lots 1-6, Block 6, West Ridge Addition, Phase VII of Peretti Addition Tract 2

Located in the SE 1/4 Section 26, Township 21 North, Range 3 East, PM, City of Great Falls, Cascade County, Montana



Legend

Bearing/Distance found this survey.

Bearing/Distance from deeds or previous survey

- ◆ To be set within 240 days, a 5/8" rebar & aluminum cap: marked "Kendall 18576"
- Found 5/8" rebar & plastic cap: marked "NCI NEELEY 14015PLS"
- Found 5/8" rebar & plastic cap: markings illegible
- Found 5/8" rebar & plastic cap: marked "AXELSEN 8641LS"
- ◇ Found 5/8" rebar and YPC Marked "5206ES"

Area Summary:

Block 5	Lots 7A-14A	Zoning PUD	67,533 sq. ft.
Block 6	Lots 1A-8A	Zoning PUD	67,167 sq. ft.
Total lots		16	
Roads			33,313 sq. ft.
Total Area		3.85 Acres or	168,013 sq. ft.
Block 7	Lots 1-13	Zoning R-3	132,602 sq. ft.
Block 8	Lots 1-13	Zoning R-3	138,071 sq. ft.
Total lots		42	405,392 sq. ft.
Roads			137,555 sq. ft.
Total Area		12.46 Acres or	542,947 sq. ft.

P.O.B. = Point of Beginning

Certificate Dispensing with Park or Playground

I, Gregory T. Doyon, City Manager of the City of Great Falls, Cascade County, Montana do hereby certify that the City Commission of the City of Great Falls, Montana, found that no cash donation or dedication of any park or playground is required in the Amended Plat of Lots 7-12, Block 5, and Lots 1-6, Block 6, West Ridge Addition, Phase VII of Peretti Addition Tract 2, located in the City of Great Falls, Cascade County, Montana in accordance with Section 76-3-621(3), M.C.A.

Dated this _____ day of _____, 2016

Gregory T. Doyon, City Manager

Certification that adequate storm water drainage and adequate municipal facilities will be provided

I, Gregory T. Doyon, City Manager of the City of Great Falls, Cascade County, Montana do hereby certify that adequate storm water drainage and adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available to the above described property, namely the said facilities of the City of Great Falls, Cascade County, Montana, and this certificate is made pursuant to section 76-4-127, M.C.A., and under the provisions of 76-4-125(2)(d), M.C.A., permitting the Clerk and Recorder of Cascade County, Montana to record the accompanying plat.

Dated this _____ day of _____, 2016

Gregory T. Doyon, City Manager

Certificate of Final Plat Approval

The City Commission of the City of Great Falls, Cascade County, Montana does hereby certify that it has examined this Amended Plat and, having found the same to conform to law, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use, this _____ day of _____, 2016.

By:

Gregory T. Doyon, City Manager

Certificate of Dedication

We, the undersigned property owners of the subject property, do hereby certify that we have caused to be surveyed, as shown by the Amended Plat the following described encompassing parcel of land in the City of Great Falls, Cascade County, Montana, to wit:

Lots 7-12, Block 5, and Lots 1-6, Block 6, West Ridge Addition, Phase VII of Peretti Addition Tract 2
Located in the SE 1/4 Section 26, Township 21 North, Range 3 East, PM,
City of Great Falls, Cascade County, Montana

Description

Beginning at the southwesterly corner of said "TRACT 2" of the "MINOR COUNTY SUBDIVISION PLAT PERETTI ADDITION", common with the northwesterly corner of Lot 6, Block 5 of "Plat of the West Ridge Addition, Phase VI", also being a point on the easterly boundary of "AMENDED PLAT OF TRACT 1, TYNDALL SUBDIVISION"; thence, along the common boundary of said "TRACT 2", with said "AMENDED PLAT OF TRACT 1, TYNDALL SUBDIVISION", N00°08'28"W, 305.00 feet; thence, leaving said common boundary, S89°23'02"E 555.28 feet to thence, to a point the easterly boundary of 2nd Street NE; S00°16'55"E 301.36 feet to a point on the boundary of Lot 6, Block 5 of West Ridge Phase VI thence, along the northerly boundary of Lots 1-6 of said Block 5, N89°45'29"W, 553.05 feet to the point of beginning, containing an area of 168,013.51 sq. ft., or 3.85 acres,

The above described parcel of land, hereinafter to be known and designated as the Amended Plat of Lots 7-12, Block 5, and Lots 1-6, Block 6, West Ridge Addition, Phase VII of Peretti Addition Tract 2 located in the City of Great Falls, Cascade County, Montana and the land included in the avenue as shown on said plat are hereby granted and donated to the use of the public forever.

Signed:

S & L Development, LLC (Title) (Deed R0239371) S & L Development, LLC (Title) (Deed R0239371)

State of Montana);
County of Cascade): ss.

On this day of _____, 2016, before me, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/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 Public for the State of Montana
Printed Name: _____
Residing at _____
(NOTARIAL SEAL) My Commission Expires: _____

Certificate of Surveyor

I, James S. Kendall, a Licensed Professional Land Surveyor, do hereby certify that I performed the survey shown on the attached Amended Plat of Lots 7-12, Block 5, and Lots 1-6, Block 6, West Ridge Addition, Phase VII of Peretti Addition Tract 2 located in the City of Great Falls, Cascade County, Montana, that said survey is true and complete as shown, and that the monuments found and set are of the character and occupy the positions shown thereon.
As per ARM24.183.1101(1)(d); due to planned improvement installation, the monuments not in place at the time of filing, (as depicted in the legend) will be placed within 240 days of recording this survey
Dated this _____ day of _____, 2016

James S. Kendall, PLS, Montana License No. 18576PLS

Certificate of County Treasurer

I, _____, Treasurer of Cascade County, Montana do hereby certify that I have examined the records covering the areas included in Amended Plat of Lots 7-12, Block 5, and Lots 1-6, Block 6, West Ridge Addition, Phase VII of Peretti Addition Tract 2, located in the City of Great Falls, Cascade County, Montana, and find that the taxes in same have been paid for the past five years.
Tax Parcel #0002579105.
Dated this _____ day of _____, 2016

County Treasurer, Cascade County, Montana

Certificate of Public Works Director

I, Jim Reardon, Public Works Director of the City of Great Falls, Cascade County, Montana do hereby certify that I examined the accompanying Plat and the survey it represents and I found that the same conforms to the regulations governing the platting of lands and to presently platted adjacent land, as near as circumstances will permit and I hereby approve the same.
Dated this _____ day of _____, 2016

Public Works Director

Certificate of Great Falls Planning Advisory Board

We, the undersigned, R. Nathan Weisenburger, President, Great Falls Planning Advisory Board, and Craig Raymond, Secretary of said Great Falls Planning Advisory Board, do hereby certify that the accompanying Amended Plat of Lots 7-12, Block 5, and Lots 1-6, Block 6, West Ridge Addition, Phase VII of Peretti Addition Tract 2 located in the City of Great Falls, Cascade County, Montana, has been submitted to the Great Falls Planning Advisory Board of Great Falls, Cascade County, Montana, for examination by them and was approved at a meeting held on _____ day of _____, 2016.

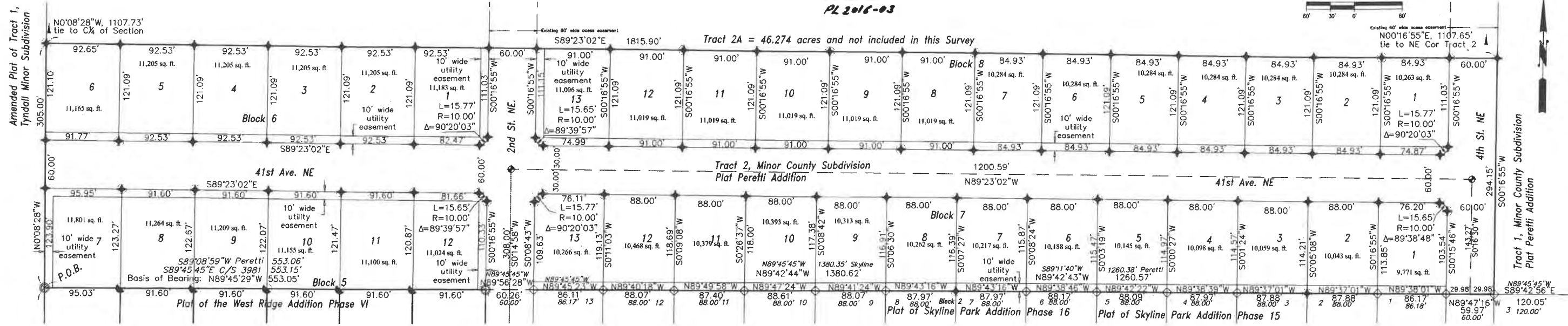
R. Nathan Weisenburger, President, Great Falls Planning Advisory Board
ATTEST:

Craig Raymond, Secretary, Great Falls Planning Advisory Board

JOB NO.: 1405 Phase 7		NCI Engineering Co. 4509 North Star Blvd. P.O. Box 6350 Great Falls, MT 59406-6350 Phone 406-453-5478 Fax 406-453-2009
DATE: October, 2016		SHEET NO. 1 of 1 File #
DRAWN BY: DG		
DRAWING NAME: 1405SubbaseR-1.dwg		

Final Plat of the West Ridge Addition, Phase VII located in the SE1/4 Section 26, Township 21 North, of the Peretti Addition Tract 2

PL 2016-03



Plat of the West Ridge Addition, Phase VII of the Peretti Addition Tract 2

Certificate of Dedication

We, the undersigned property owners of "TRACT 2" of the "MINOR COUNTY SUBDIVISION PLAT PERETTI ADDITION", do hereby certify that we have caused to be surveyed, subdivided, and platted into lots and blocks, and for the purpose of dedicating streets, as shown by the plat hereon annexed, the following described encompassing parcel of land in the City of Great Falls, Cascade County, Montana, to wit:

Description

A parcel of land in Southeast quarter (SE1/4) of Section 26, Township 21 North, Range 3 East, P.M.M., being a portion of "TRACT 2" of the "MINOR COUNTY SUBDIVISION PLAT PERETTI ADDITION", the portion is described below. Beginning at the southwesterly corner of said "TRACT 2" of the "MINOR COUNTY SUBDIVISION PLAT PERETTI ADDITION", common with the northwesterly corner of Lot 6, Block 5 of "Plat of the West Ridge Addition, Phase VI", also being a point on the easterly boundary of "AMENDED PLAT OF TRACT 1, TYNDALL SUBDIVISION"; thence, along the common boundary of said "TRACT 2", with said "AMENDED PLAT OF TRACT 1, TYNDALL SUBDIVISION", N00°08'28"W, 305.00 feet; thence, leaving said common boundary, S89°23'02"E 1815.90 feet to a point the easterly boundary of said "TRACT 2", common with a westerly boundary of said "MINOR COUNTY SUBDIVISION PLAT PERETTI ADDITION"; thence, along the common boundary to said "TRACT 1 and Tract 2", S00°16'55"W, 294.15 feet to the southeasterly corner of said "TRACT 2", common with a westerly corner of said "TRACT 1", also common with the northwesterly corner of Lot 3, BLOCK 1, "PLAT OF SKYLINE PARK ADDITION PHASE 15 AND PHASE 16", also being a point on the easterly sideline of 4th Street NE; thence, the next 15 courses along the northerly boundary of "PLAT OF SKYLINE PARK ADDITION PHASE 15 AND PHASE 16", N89°47'16"W, 59.97 feet to the northeasterly corner of Lot 1, "BLOCK 2" of said "PLAT OF SKYLINE PARK ADDITION PHASE 15 AND PHASE 16", also being a point on the westerly sideline of 4th Street NE; thence, the next 13 courses along the northerly boundary of Lots 1-13 of said "BLOCK 2", N89°38'01"W, 86.17 feet to the northerly corner common to Lots 1 and 2; thence, N89°37'01"W, 87.88 feet to the northerly corner common to Lots 2 and 3; thence, N89°37'01"W, 87.88 feet to the northerly corner common to Lots 3 and 4; thence, N89°38'39"W, 87.97 feet to the northerly corner common to Lots 4 and 5; thence, N89°42'22"W, 88.09 feet to the northerly corner common to Lots 5 and 6; thence, N89°38'46"W, 88.17 feet to the northerly corner common to Lots 6 and 7; thence, N89°43'16"W, 87.97 feet to the northerly corner common to Lots 7 and 8; thence, N89°43'16"W, 87.97 feet to the northerly corner common to Lots 8 and 9; thence, N89°41'24"W, 88.07 feet to the northerly corner common to Lots 9 and 10; thence, N89°47'24"W, 88.61 feet to the northerly corner common to Lots 10 and 11; thence, N89°49'58"W, 87.40 feet to the northerly corner common to Lots 11 and 12; thence, N89°40'18"W, 88.07 feet to the northerly corner common to Lots 12 and 13; thence, N89°45'23"W, 86.11 feet to the northwesterly corner of said Lot 13, also being a point on the easterly sideline of 2nd Street NE; thence, N89°56'28"W, 60.26 feet to the northeasterly corner of Lot 1, Block 5 of said "Plat of the West Ridge Addition, Phase VI", also being a point on the westerly sideline of 2nd Street NE; thence, along the northerly boundary of Lots 1-6 of said Block 5, S89°08'59"W, 553.06 feet to the point of beginning, containing an area of 542,947 sq. ft., or 12.46 acres.

The above described parcel of land, hereinafter to be known and designated as Plat of the West Ridge Addition, Phase VII, of the Peretti Addition Tract 2, to the City of Great Falls, Cascade County, Montana and the land included in all streets and avenues shown on said plat are hereby granted and donated to the use of the public forever.

Signed:

S & L Development, LLC (Title) (Deed R0239371) S & L Development, LLC (Title) (Deed R0239371)

State of Montana); County of Cascade): ss.

On this day of December, 2015, before me, a Notary Public in and for the State of Montana, personally appeared _____ and _____, known to me to be the person(s) whose name(s) are subscribed to the within instrument and acknowledged to me that he/she/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.

(NOTARIAL SEAL)

Certificate of Surveyor

I, David P. Neeley, a Licensed Professional Land Surveyor, do hereby certify that I performed the survey shown on the attached Plat of West Ridge Addition, Phase VII, of the Peretti Addition Tract 2, the City of Great Falls, Cascade County, Montana, that said survey is true and complete as shown, and that the monuments found and set are of the character and occupy the positions shown thereon. As per ARM24.183.110(1)(d), due to planned improvement installation, the monuments not in place at the time of filing, (as specified in the legend) will be placed within 240 days of recording this survey. Dated this 14th day of December, 2015.

David P. Neeley, PLS, Montana License No. 14015PLS

Certificate of County Treasurer

I, Jamie A. Baile, Treasurer of Cascade County, Montana do hereby certify that I have examined the records covering the areas included in Plat of West Ridge Addition, Phase VII, of the Peretti Addition Tract 2, the City of Great Falls, Cascade County, Montana, and find that the taxes in same have been paid for the past five years. Tax Parcel #0002579105. Dated this 10th day of December, 2015.

Jamie A. Baile, Deputy County Treasurer, Cascade County, Montana

Legend

Bearing/Distance found this survey.

Bearing/Distance from deeds or previous survey

- To be set within 240 days, a 3/8" rebar & plastic cap: marked "NCI NEELEY 14015PLS"
- Found 3/8" rebar & plastic cap: marked "NCI NEELEY 14015PLS"
- Found 3/8" rebar & plastic cap: markings illegible
- Found 3/8" rebar & plastic cap: marked "AXELSEN 8641LS"
- Found 3/8" rebar and YPC Marked "5206ES"
- To be set within 240 days, Street Monument: marked "NCI NEELEY 14015PLS"

Area Summary:		
Block 5	Lots 7-12	Zoning R-3 67,552 sq. ft.
Block 6	Lots 1-6	Zoning R-3 67,167 sq. ft.
Block 7	Lots 1-13	Zoning R-3 132,602 sq. ft.
Block 8	Lots 1-13	Zoning R-3 138,071 sq. ft.
Total lots		405,392 sq. ft.
Roads		137,555 sq. ft.
Total Area		12.46 Acres or 542,947 sq. ft.

P.O.B. = Point of Beginning

Certificate Dispensing with Park or Playground

I, Gregory T. Doyon, City Manager of the City of Great Falls, Cascade County, Montana do hereby certify that the City Commission of the City of Great Falls, Montana, at a regular meeting held on the 8th day of August, 2015, and entered into the proceedings of said body to-wit: Inasmuch as dedication of parkland within the platted area of the Plat of West Ridge Addition, Phase VII, of the Peretti Addition Tract 2, to the City of Great Falls, Cascade County, Montana, is undesirable for the reasons set forth in the minutes of this meeting, it is hereby ordered by the City Commission of the City of Great Falls, Montana, and instead accepted a cash donation in the sum of \$8,223.60 for the park fund in lieu of the land that would have been dedicated, if dedication were made, in accordance with Section 76-3-621(1)(a), M.C.A. Dated this 4th day of December, 2015.

Gregory T. Doyon, City Manager

Certification that adequate storm water drainage and adequate municipal facilities will be provided

I, Gregory T. Doyon, City Manager of the City of Great Falls, Cascade County, Montana do hereby certify that the City Commission of the City of Great Falls, Montana, at a regular meeting held on the 8th day of August, 2015, and entered into the proceedings of said body to-wit: That adequate storm water drainage and adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available to the above described property, namely the said facilities of the City of Great Falls, Cascade County, Montana, and this certificate is made pursuant to section 76-4-127, M.C.A., and under the provisions of 76-4-125(2)(d), M.C.A., permitting the Clerk and Recorder of Cascade County, Montana to record the accompanying plat. Dated this 4th day of December, 2015.

Gregory T. Doyon, City Manager

Certificate of Public Works Director

I, Jim Reardon, Public Works Director of the City of Great Falls, Cascade County, Montana do hereby certify that I examined the accompanying Plat and the survey it represents and I found that the same conforms to the regulations governing the platting of lands and to presently platted adjacent land, as near as circumstances will permit and I hereby approve the same. Dated this 18th day of August, 2015.

Jim Reardon, Public Works Director

Certificate of Final Plat Approval

The City Commission of the City of Great Falls, Cascade County, Montana does hereby certify that it has examined this subdivision plat and, having found the same to conform to law, approves it, and hereby accepts the dedication to public use of any and all lands shown on this plat as being dedicated to such use, this 4th day of December, 2015.

By: Gregory T. Doyon, City Manager

Certificate of Great Falls Planning Advisory Board

We, the undersigned, R. Nathan Weisenburger, President, Great Falls Planning Advisory Board, and Craig Raymond, Secretary of said Great Falls Planning Advisory Board, do hereby certify that the accompanying plat of West Ridge Addition, Phase VII of the Peretti Addition Tract 2, to the City of Great Falls, Cascade County, Montana has been submitted to the Great Falls Planning Advisory Board of Great Falls, Cascade County, Montana, for examination by them and was approved at a meeting held on the 8th day of June 2015.

R. Nathan Weisenburger, President, Great Falls Planning Advisory Board

ATTEST:

Craig Raymond, Secretary, Great Falls Planning Advisory Board

Plat of the West Ridge Addition, Phase VII of the Peretti Addition Tract 2 located in the SE1/4, Section 26, Township 21 North, Range 3 East, P.M., Cascade County, Montana

F0010914CT F0010915HL R0318584CV

P-2016-0000003 PL

Total Pages: 1 of 09 By: J. Doyon 02/12/2015 10:10:43 AM Cascade County, Montana Platters - Clerks & Records

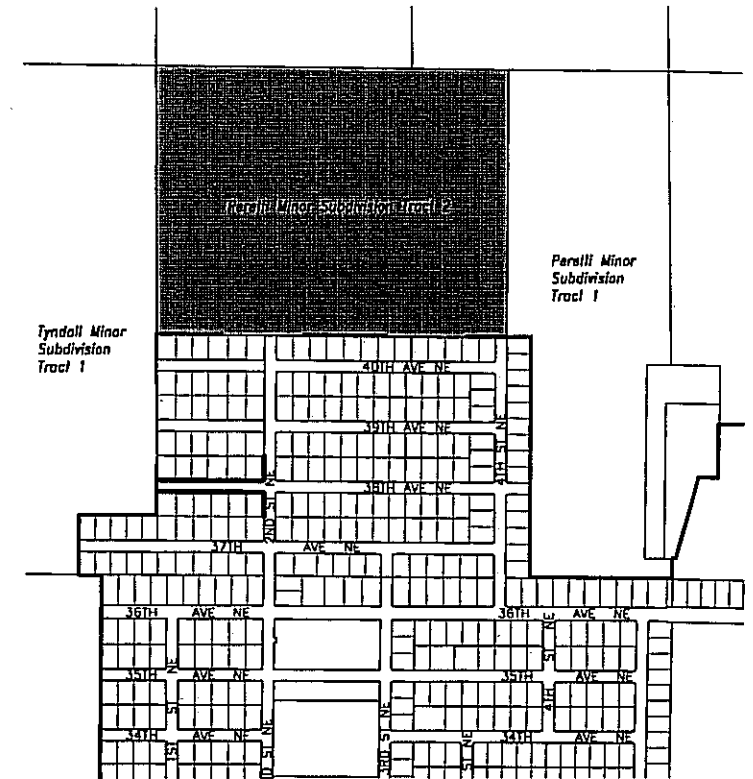
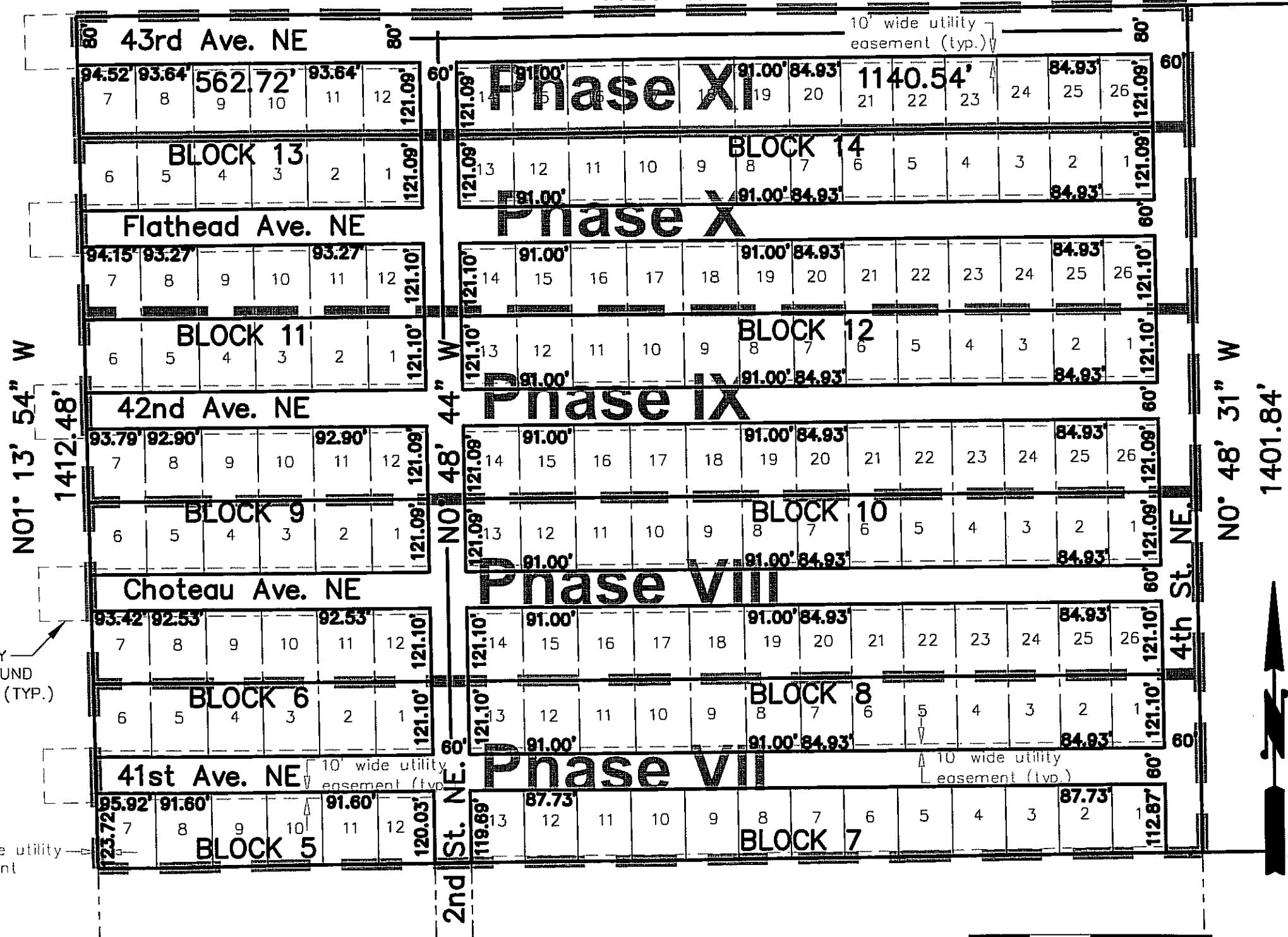
CITY COUNTY HEALTH DEPT
Great Falls, Montana
Exempt From Health Dept. Permits
Date: 12-11-15
BY: Gregory T. Doyon
EQ # 16-1177

JOB NO.: 1405 Phase 7
DATE: July, 2015
DRAWN BY: D. Neeley
DRAWING NAME: 1405SubareaR-1.dwg
NCI Engineering Co.
4509 North Star Blvd.
P.O. Box 6350
Great Falls, MT 59406-6350
Phone 406-453-5478
Fax 406-453-2009
SHEET NO. 1 OF 1 File #

Preliminary Plat of West Ridge Addition Phases VII thru XI of Peretti Addition Tract 2, a Minor County Subdivision

SE1/4, Section 26, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana

N 89° 31' 10" E
1823.90'



Vicinity Map

Legal: Tract 2 of Minor County Subdivision Plat Peretti Addition

Storm water will be surface drainage with a phased detention pond in the northwest property corner

No existing buildings within Project

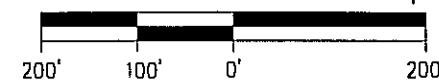
Developer (Landowner) Name - S&L Development

58.749 Acres

171 lots

TEMPORARY TURN-AROUND EASEMENT (TYP.)

10' wide utility easement



JOB NO.: 1405	DESIGNERS PLANNERS ENGINEERS	JEL CONSULTANTS INC.
DATE: 12/8/2014		4509 North Star Boulevard Great Falls, MT, 59408 406-431-5478 fax 406-453-2000 email: jel@jelmtn.net
DRAWN BY: DC		
DRAWING NAME: 140508phase7	SHEET NO. 1 of 1	File #

Improvement Agreement for the West Ridge Addition, Phases VII through XI

The following is a binding Agreement (Agreement) dated this 18th day of August, 2015, between the City of Great Falls (the City) and S & L Development, LLC, the owner (the Owner) of the West Ridge Addition, Phases VII through XI (the Development), the preliminary plat of which was approved by the Great Falls City Commission on July 7, 2015. The City and the Owner are together known as the 'parties' to this agreement.

1. Purpose. The purpose of this Agreement is to ensure that certain improvements are made and certain conditions fulfilled by the Owner, as required by the City's approval of the preliminary plat and accompanying materials, including the phasing plan. Specifically, this Agreement:

- declares that the Owner is aware of and has properly accounted for any natural conditions that may adversely affect the Development;
- insulates the Development from the impact of changes in the City's subdivision and zoning regulations, provided that no substantial changes in the Development are proposed;
- establishes a process for the phased installation of required on-site improvements in the Development, with the approval of final construction plans for those improvements, a final plat, and an amendment to this Agreement being required before the installation of on-site improvements for each phase begins;
- requires the Owner to guarantee that the promised on-site improvements are made in a timely manner by providing the financial securities required by the Official Code of the City of Great Falls (OCCGF), phase-by-phase;
- provides for the inspection and warranty of the required on-site improvements before they are accepted for maintenance by the City;
- requires the Owner to reimburse the City for the installation of sanitary sewer improvements; participate in the preparation of a storm water management plan and the installation of the facilities required by that plan; and contribute to the costs of a traffic impact study;
- waives protest and appeal by the Owner and its successors against the creation of special improvement districts that would provide and maintain necessary infrastructure, including major streets;
- establishes how necessary changes in final construction plans required by this Agreement may be made with the approval of the City;
- provides for reimbursements to the Owner when neighboring properties that benefit from improvements made by the Owner are developed;



- provides for the Development's compliance with the park land dedication requirements of 76-3-621, MCA, and for continuing payment of a fee for neighborhood park maintenance by the owner/s of each lot created;
- embodies certain conditions that were imposed upon approval of the development in order to facilitate their enforcement; and
- indemnifies the City from challenges to its approval of the Development and holds it harmless from errors and omissions in the approval and oversight of the project.

2. Authority. Execution of this Agreement is authorized by 17.68.040, et seq. of the Official Code of the City of Great Falls (OCCGF); by 7-3-510, MCA, which allows local governments to require the extension of public improvements to subdivisions; and by 7-3-507, MCA, which authorizes local governments to require securities guaranteeing the installation of public improvements in subdivisions. This agreement is also intended to fulfill the requirement of 7-2-4610, MCA for a plan for the extension of services to any area that is being annexed.

3. Administrator/Representative. The City's representative and Administrator of this agreement shall be the Director of Planning and Community Development at PO Box 5021, Great Falls, MT 59403. The Owner's representative in the administration of this agreement shall be Shawna K. Rothwell of S & L Development, LLC, at 221 30th Avenue Northeast, Great Falls, MT 59404.

4. Duration. The term of this Agreement begins when it is signed by the City Manager and, with the exceptions stated below, ends at the time the warranty required by Section 14 of this Agreement on the last required improvement installed by the Owner expires and the funds securing that warranty are released.

4.1 Fee Continues. The neighborhood park maintenance fee established by Section 19 of this Agreement will continue indefinitely, except as provided by Subsection 19.3. Annual payment of that fee will be an ongoing obligation of all lot owners within the Development upon Certificate of Occupancy.

4.2 If Work Does Not Begin. This Agreement is void if final construction plans and a final plat for the first phase of the Development are not submitted for approval within three years of the date of the City Manager's signature on this Agreement. The time allowed for work to begin may be extended by renewing the preliminary plat, as provided in Section 9 of this Agreement.

4.3 Failure to Build. The Owner's failure to complete on-site improvements in accord with the final construction plans for any phase may result in the City retaining the securities required by Section 13 of this Agreement. It may also void this Agreement and the vested rights established by Section 8.

4.4 Failure to Pay. The Owner's failure to make timely payment of its share of any of the off-site improvements listed in Section 12 voids this Agreement and the vested rights established by Section 8. It may also result in the City attempting to collect the amount due by any lawful means.

5. Location. The Development occupies the area formerly described as Tract 2 of the Peretti Addition in the SE ¼ of Section 26, Township 21 North, Range 3 East, PMM in Cascade County, MT and now described as the West Ridge Addition, Phases VII through XI, in the SE ¼ of Section 26, Township 21 North, Range 3 East, PMM in

Cascade County, MT, as it is shown on the preliminary plat approved by the Great Falls City Commission on July 7, 2015.

6. Site Conditions. The Owner warrants that it has conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements on the site and its development for the approved use. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits within the Development will properly account for all such conditions. The Owner holds the City harmless for natural conditions and for any faults in its own assessment of those conditions.

7. Permits. This Agreement must be approved by the City Commission and signed by the City Manager before permits for any work, including, but not limited to, grading for the streets or trenching for the installation of utilities, will be approved.

8. Vested Rights. This Agreement and preliminary plat approval by the City create a vested right that protects the Owner from changes in the zoning and subdivision requirements of Title 17 of the OCCGF until this Agreement expires, as provided in Section 4. This vested right does not exempt the Owner from compliance with other provisions of the OCCGF, including but not limited to those specifically intended to prevent and remediate public nuisances, nor does it protect the Owner from changes in the City's building codes and fees, development fees, and inspection fees. This vested right may be voided, in whole or in part, if the Owner proposes substantial changes in the preliminary plat, the approved final construction plans, or a final plat for the Development and will be voided if the Owner fails to seek approval of the first phase or renew approval of the preliminary plat within three years, as provided by Subsection 4.2 of this Agreement. "Substantial change" is defined in Section 16 of this Agreement.

9. Preliminary Plat. This agreement is based on the preliminary plat and accompanying materials approved by the City Commission on July 7, 2015. Changes in that plat and the accompanying materials are governed by Section 16 of this Agreement. The preliminary plat must also be periodically renewed. 76-3-610, MCA, requires that preliminary plat approval be for no more than three years. The Owner understands and agrees that it must submit a letter to the Administrator requesting renewal of the preliminary plat at least 90 days before the third anniversary of this Agreement, and then again, before every third anniversary until this Agreement expires.

10. Phasing Process. A phasing plan for the installation of public improvements serving the Development was approved by the City Commission as part of the preliminary plat.

10.1 Final Plats/Plans. Final construction plans, including estimated costs and a proposed method of providing the securities required by Section 13 of this Agreement, and a final plat must be submitted for each phase identified in the phasing plan. As provided by Subsection 4.2 of this Agreement, the final construction plans and final plat for the first phase or a request for a renewal of the preliminary plat must be submitted within three years of the date of this Agreement or this Agreement will be void.

10.2 Time Allowed to Act. The Administrator will review the final plans/plat submission for each phase within 60 days of its submission.

10.3 Approval/Amendment. If that submission is consistent with the approved preliminary plat, all conditions of approval of the preliminary plat, this Agreement, and the final plans/plat requirements of the OCCGF and state law, the Administrator will draft an amendment to this Agreement and promptly submit that draft for approval by the City Commission along with the final plat.

10.4 Denial/Explanation. If that submission is not consistent with the approved preliminary plat, any condition of the approval of the preliminary plat, this Agreement, or the final plans/plat requirements of the OCCGF and state law, the Administrator shall return it with written comments explaining how it may be brought into compliance.

11. On-Site Improvements. The on-site improvements required for the Development shall be installed as shown on the final construction plans that are submitted to and approved by the Director of Public Works before the final plat of each phase is approved by the City or shall provide a financial security as prescribed in Section 13. The on-site improvements shall include everything required to provide water, sanitary sewer, storm water management, and access, including streets, serving each lot proposed in the Development. Sidewalk installation will be the responsibility of the owner of each individual lot and will be installed before issuance of Certificate of Occupancy. All on-site improvements will be installed at the Owner's expense, in accord with the requirements of the OCCGF and this Agreement. The Owner will be reimbursed the cost of upsizing the water main if it is required by the Director of Public Works.

12. Off-Site Improvements. This section includes improvements that will be paid for, at least in part, by the Owner, but that will also serve other properties.

12.1 Sanitary Sewer. The City has planned for and will install the lift station and mains required to provide sanitary sewer service to the Development and a larger surrounding area. To support these improvements, the Owner will pay the City its proportional share of their actual cost, beginning with an initial payment of \$49,855 for the required gravity main. This initial payment is due and payable within 30 days after the City has accepted a bid on the sanitary sewer improvements. The initial payment will be followed by payments by the Owner that cover Owner's proportional costs of the lift station and force mains. Those payments will be calculated per lot, as explained in Subsection 12.2, of this Agreement, and due phase-by-phase, for the number of lots in each phase, before work begins on that phase.

12.2 Sanitary Sewer: Calculating the Proportional Share. The Developer's per lot proportional share of the sanitary sewer improvements described in Subsection 12.1 of this Agreement will be calculated as follows, once the actual costs of installing the force mains and lift station are known. The total number of lots that can be served by the proposed lift station and force mains has been determined by the Director of Public Works, as shown in Exhibit I. The estimated number of lots in the Development will be divided by that number, yielding the Development's share of the total lots to be served. That share will be multiplied by the total actual cost of the lift station and force mains combined with the estimated cost of future upgrades according to Appendix B, yielding the Development's overall share of the cost of those facilities. That share will then be divided by the estimated number of lots in the Development, resulting in the per lot fee. A trial per lot fee may be used for the first phase of the Development, as provided by Subsection 12.3 of this Agreement.

12.3 Sanitary Sewer: First Phase. The Owner may receive City approval of, record a final plat for, and begin work on the first phase of the Development before work on the off-site sanitary sewer improvements being installed by the City is complete. If the Owner chooses to do this, the Owner will pay a per lot sanitary sewer fee of \$1,009.00, which is based on cost estimates prepared by the Department of

Public Works at the time this Agreement was approved. These cost estimate calculations are provided in Appendix B of this document. The amount paid will be adjusted to match the actual per lot fee at the time the Owner pays for the second phase. Depending on the difference between the estimated and actual costs, this may result in a credit to the Owner or in an additional charge. No certificate of occupancy for any structure in the first phase of the Development shall be issued until the required sanitary sewer improvements are complete.

12.4 Storm Water Management. The Owner understands and agrees that the storm water management facilities needed to detain and treat runoff from the Development are not currently in place, and that the City cannot lawfully approve the Development without a plan for the design, financing, and construction of the necessary facilities. A storm water fee of \$3,115.00 shall be paid by Owner to the City within 30 days from approval of Phase VII. This fee is calculated as follows: \$250.00 per acre multiplied by ±12.46 acres for Phase VII. The \$250.00 per acre storm water fee for the remaining ±46.01 acres of the subject property for Phases VIII - XI shall be paid by Owner as each phase is final platted.

12.4.1 Storm water management for the Development may initially be addressed with temporary facilities installed by and at the expense of the developer, as provided by Section 20 of this Agreement.

12.4.2 The Owner and the City anticipate that runoff from the Development will ultimately be conveyed to shared storm water management facilities, potentially including storm water management facilities on the land dedicated to the City for park purposes in fulfillment of state law and Section 18 of this Agreement and/or on land lying immediately to the north of the Development, which the Owner is currently seeking to acquire for this purpose and the extension of 43rd Avenue NW. Regardless of the ultimate location of the facilities, the Owner will pay its proportional share of the costs of land acquisition, if any, and of designing and building the storm water management facilities that serve the Development along with any upstream sub-basins as delineated in the *Great Falls North Sanitary Sewer and Storm Drain Master Plan* prepared by Morrison-Maierle, Inc. for the City of Great Falls. At this time, the Owner is responsible for the cost of designing and constructing both temporary and/or permanent storm water facilities, either within or outside of the Development. Reimbursement from other property owners for managing storm water contributions from other upstream basin areas may be due to the Owner, as provided in Item 12.4.4 of this Agreement.

12.4.3 The storm water management plan prepared by the Owner in compliance with Item 12.4.2 of this Agreement must be approved by the Director of Public Works before any construction other than that permitted by Subsection 12.5 begins.

12.4.4 As provided by Section 17 of this Agreement, the Owner will be eligible for reimbursement of a pro-rated percentage of the costs of land acquisition, if any, and a pro-rated percentage of the cost of engineering and construction of facilities as required by Item 12.4.2 to serve other drainage basins and/or development when development of other properties in surrounding or upstream sub-basins is permitted by the City.

12.5 Storm Water Management: First Phase. The Owner may record a final plat for and begin work on the first phase of the Development before the storm water management plan required by Item 12.4.2 of this Agreement is complete. If the Owner chooses to do this, temporary storm water management facilities must be installed, as required by Item 12.4.1 of this Agreement.

12.6 Major Streets. The Owner understands and agrees that the arterial and collector street capacity that will ultimately be needed to serve the Development is not currently in place. In order to get that capacity in place:

12.6.1 The Owner will build the full section of that segment of 43rd Avenue NE that is included in the Development to a collector standard rather than as a local street. The Owner may also, with the approval of the Administrator and the Director of Public Works, provide land for the off-site extension of 43rd Avenue NE, with the understanding that reimbursement of a portion of the land acquisition costs may be due from beneficiary property owners, as provided by Section 17 of this Agreement, and/or from a special improvement district that is responsible for major street improvements serving the Development and the surrounding area.

12.6.2 The Owner will pay its proportional share, 30% of \$10,000.00, of the costs of a study of the impacts of the traffic the Development and the proposed and prospective development of neighboring properties will generate, with that study being completed before final construction plans and a final plat for the second phase of the Development is accepted by the City.

12.6.3 The required traffic study will be managed by the City, but paid for by the Owner and neighboring landowners, with possible financial participation from the City to expand its scope.

12.6.4 The Owner's share of the costs of the required traffic study is not to exceed \$3,000.00. This amount will be due and payable within 30 days after the execution of this Agreement.

12.6.5 Notwithstanding the provisions of 12.6.2, if it is determined that the area for the traffic study, required above, applies to areas beyond the Owner's property and adjacent Thaniel Addition property, the Owner and City will contribute their respective proportionate shares toward the costs of said study.

12.7 Waiver of Protest and Appeal. Prior to submitting any final construction plans or a final plat for review, the Owner will record a waiver of protest and appeal against the creation of one or more special improvement districts for the construction and maintenance of necessary off-site facilities, including, but not limited to, storm water management facilities and major streets. The language of this waiver will be approved by the Administrator as clearly ensuring that it runs with the land and applies to all the Owner's successors, including individual lot owners, and then recorded with the Cascade County Clerk and Recorder.

13. Security for On-site Improvements. The Owner understands and agrees that 17.68.040.B of the OCCGF requires it to provide a security that will allow the City to contract for and complete the required improvements if the Owner fails to do so.

13.1. Form and Amount of Security. The Owner shall, upon approval of final construction plans, a final plat, and an amendment to this Agreement for a phase of the Development, and before the installation of the required on-site improvements listed in that amendment is permitted, provide the City with cash in escrow, a performance bond, an irrevocable letter of credit, or another form of security acceptable to the Administrator in an amount equal to 135% of the costs of the required on-site improvements. Total estimated cost of the required on-site improvements is \$611,930.00. These construction cost estimates are listed under Appendix A of this document. This estimate can change based on bids received, reviewed and approved by the City Public Works Department.

13.2 Release of Security. The security required by Subsection 13.1 of this Agreement shall be returned or released upon acceptance of the required on-site improvements, except as provided in Section 14. Following the final required inspection, the Director of Public Works shall promptly inform the Administrator, in writing, that all on-site improvements have been inspected and are acceptable for maintenance by the City. The Administrator shall then, instruct the Director of Fiscal Services to release the security, minus the portion to be held in warranty as required by Section 14 of this Agreement, to the Owner, provided that the Development is in compliance with the final plat, all conditions of approval, this Agreement, and the OCCGF.

14. Warranty of On-Site Improvements. The Owner is responsible for the repair or replacement of any faults or failures in the materials or workmanship of the required on-site improvements for a period of two years from the date those improvements are accepted for maintenance by the City. This warranty will be enforced by the City's retaining 10% of the security required by Section 13 of this Agreement during the two-year warranty period. That sum will be released at the end of two years unless the parties are involved in a dispute about the condition, repair, or replacement of any of the required improvements, in which case the funds will be held by the City until that dispute is resolved. The release of warranty funds shall follow the procedure established in Section 13.2 of this Agreement for the release of securities.

15. Fees. The Owner understands that it is required to pay the following fees as they come due during the development process.

15.1 Recording fees. The Owner is responsible for all recording fees at the rate charged by Cascade County at the time a document or plat is submitted for recording.

15.2 Engineering Inspections. The Owner is responsible to pay all applicable engineering fees established by Resolution 10075 of the City of Great Falls or its successors.

15.3 Permit Fees. The Owner is responsible to pay all applicable planning and building permit fees established by Resolutions 10063 and 10064 or their successors.

16. Changes. The Owner understands that failure to install required improvements in accord with the final construction plans approved for each phase of the Development is a breach of this Agreement and may void it. The Owner also understands that failure to build in accord with the approved plans is a violation of the OCCGF, subject to the penalties provided for such violations. The City recognizes, however, that minor changes are often necessary as construction proceeds. The Administrator is hereby authorized to permit minor changes to the approved final construction plans, as provided below.

16.1 Revised Plans. Before making minor changes, the Owner must submit revised plans to the Administrator for review. Failure to do this before the proposed minor change is made is a breach of this Agreement and a violation of the OCCGF. The Administrator shall respond to all proposed minor changes within 10 business days.

16.2 Plat Changes. The aggregation of lots and boundary line adjustments may be permitted as minor changes, but will require amendment of the final plat as provided by Title 17 of the OCCGF and state law.

16.3 Dimensional Changes. Based on a review of the revised plans, the Administrator may permit minor dimensional changes provided that they do not result in a violation of the conditions of approval for the Development or the OCCGF.

16.4 Materials Changes. Based on a review of the revised plans, the Administrator may permit substitutions for proposed building materials provided that the proposed substitute has the same performance and, for exterior materials, appearance as the originally approved material.

16.5 Public Improvements. Minor changes in the location and specifications of the required public improvements may be permitted. Revised plans showing such changes must be referred to and accepted by the Director of Public Works before being permitted by the Administrator.

16.6 Substantial Change. Substantial changes are not permitted by this Agreement. A new public review and permitting process will be required for such changes. 'Substantial Change' is defined here, in order to further clarify what may be permitted as a 'minor change.' A substantial change adds one or more lots; changes the approved use; changes the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); changes the location, extent, or design of any required public improvement, except where a minor change is approved by the Director of Public Works and the Administrator; or changes the approved number of buildings, structures or units; or the size of any building or structure by more than 10%. A smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change.

17. Reimbursements. The parties recognize that some improvements required by Section 12 of this Agreement will result in substantial benefit to other landowners, specifically to the owners of land that will be made more accessible by the construction of 43rd Avenue NE and to landowners who benefit from the required storm water management plan and facilities.

17.1 Beneficiary Parcels: Streets. Reimbursements for the costs of the required traffic impact study, and street design and construction may be required from the beneficiary parcels which are mapped in Exhibit II.

17.2 Beneficiary Parcels: Storm Water. Reimbursements for the costs of the required storm water management plan and facilities may be required from the beneficiary parcels which are mapped in the *Great Falls North Sanitary Sewer and Storm Drain Master Plan* prepared by Morrison-Maierle, Inc.

17.3 Reimbursement Required. The City will require, as a condition of annexation and/or the approval of any permit, including an approach permit that allows access to a City street from a property that has not been annexed, that the owners of the beneficiary properties identified in Exhibit II and *Great Falls North Sanitary Sewer and Storm Drain Master Plan* reimburse the Owner for their proportional share of the costs of the planning and construction that is required by Section 12 of this Agreement.

17.4 Regardless of Sale or Division. Reimbursements will be due from the parcels identified in Exhibit II and *Great Falls North Sanitary Sewer and Storm Drain Master Plan* regardless of changes in ownership and/or their division. Future owners of the beneficiary parcels and all owners, present or future, of all parcels resulting from a division of the parcels identified above will be required to reimburse the Owner as provided here before obtaining any permit from the City.

17.5 Reimbursement Calculation. The proportional share of the costs of the planning and construction required by Section 12 of this Agreement that must be paid by the beneficiary parcels will be calculated as follows:

17.5.1 First, the total acreage of the beneficiary parcel will be multiplied by 0.80 to account for the land that is typically devoted to public rights-of-way.

17.5.2 Second, the product of that calculation (80% of the original size of the beneficiary parcel) will be divided by the minimum lot size in the R-3 zoning district.

17.5.3 The resulting number of potential lots will be divided by the total number of lots that exist and are anticipated within the entire benefit area, which is defined as the Development plus the parcels shown in the *Great Falls North Sanitary Sewer and Storm Drain Master Plan*. The result of this calculation will be applied to the actual costs of the improvements for which reimbursement is required, resulting in the fee that must be paid by the beneficiary parcel.

17.5.4 The acreage of a beneficiary parcel will be reduced if, as part of its development, that parcel provides dedicated public open space, including parks and/or trails, or sites for public facilities that serve the benefit area defined here.

17.6 Potential City Reimbursements to Owner. The Owner may receive reimbursements from the City for the following items:

17.6.1 The Owner will be reimbursed the cost of upsizing the water main if it is required by the Director of Public Works.

18. Park Land Dedication. The Owner will fulfill the park land provision obligation imposed by 76-3-621, MCA by making a cash payment to the City equal to 11% of the undivided, undeveloped value of the acreage included in each phase of the Development.

18.1 Calculation of Payment. The amount of the payment in lieu-of parkland dedication shall be based on the 11% statutory requirement cited above as applied to a current appraisal of the undivided, undeveloped value of the acreage included in the Development that is prepared by a licensed real estate appraiser and submitted by the Owner along with the final plat for the first phase of the Development.

18.2 Timing of Payment. This payment will be due and payable within 30 days after the final plat for the first phase of the Development is approved by the City Commission, and before any permits for work on each phase, including the construction of streets and trenching for utilities, are issued.

19. Neighborhood Park Maintenance Fee. The Owner and all its successors, including all owners of individual lots that are being created by the Development shall pay an annual neighborhood park fee to the City of Great Falls, effective after Certificate of Occupancy.

19.1 Use of the Fee. The proceeds of this fee shall be managed as a separate "Northwest Neighborhood Park Assessment" account within the Parks and Recreation Department budget and used solely for the improvement and maintenance of one or more neighborhood parks that serve the Development. For the purposes of this Agreement, "serving" shall mean that the nearest edge of the neighborhood park on which proceeds of the assessment are spent is within ½ mile (2,640 ft) of the Development.

19.2 Amount of the Fee. The annual neighborhood park fee will begin at \$92.44 per lot, a figure that is based on the actual costs of neighborhood park maintenance and the number of lots it is anticipated the park will serve, and will be automatically increased by the rate of inflation each year. The annual rate of inflation shall be calculated using the Consumer Price Index published by the US Bureau of Labor Statistics for the Western Region.

19.3 Citywide Parks District. The neighborhood park fee established here will be terminated by the City upon the creation of citywide parks district that will fund neighborhood park maintenance.

20. Temporary Improvements. The conditions of approval for this Development may require two types of temporary improvements: street turnarounds and temporary storm water detention/retention facilities.

20.1 Design. The location and design of the temporary street turnarounds and storm water facilities serving each phase of the development shall be approved by the Director of Public Works when the final construction plans of that phase are submitted for approval.

20.2 Easements. Where temporary improvements will be on another property, the easement/s permitting the use of that property for temporary street turnarounds and/or storm water facilities shall be submitted for approval along with the design.

20.3 Installation. The required temporary street turnarounds shall be installed at the same time the street they serve is constructed. Temporary storm water facilities shall be installed before any other grading occurs in the phase of the Development they are designed to serve.

20.4 Maintenance. Owner's continuing maintenance of the temporary improvements is required. Failure to properly maintain a required temporary improvement is a breach of this Agreement and a violation of the OCCFG, subject to the penalties it provides. The maintenance to be provided by the Owner includes the following.

20.4.1 For Temporary Street Turnarounds: maintenance of the stabilized surface approved by the City, including snow removal and ensuring that drainage from the turnaround is channeled to a storm water facility or otherwise properly managed.

20.4.2 For Temporary Storm Water Facilities: maintenance of the vegetation required to stabilize the site, including reseeding or replanting if seeding or plantings fail, mowing as needed to suppress wildfire hazards, weed control, the regular removal of litter, and the prompt removal of sediment upon the request of the Director of Public Works.

20.5 Removal. The Owner is responsible for the prompt removal and reclamation of temporary street turnarounds and temporary storm water facilities when they are no longer needed.

21. Interim Land Use. The current agricultural use may continue on those portions of the Development that are not being actively developed.

22. Dust Control. The Owner is responsible for dust control on all graded areas, in accord with a dust control plan approved by the Administrator. The dust control plan need not be completed before the Development is

approved, but must be submitted and approved by the Administrator before any grading, trenching, or other construction activities other than soil and/or groundwater testing and analysis begin.

23. Stabilization. The Owner is responsible for vegetative stabilization of all graded and fallow areas that are not actively used for farming, and for the continuing maintenance of the vegetation planted, including reseeding if seeding fails, weed control, and mowing if that is required to mitigate wildfire hazards. The Owner's responsibility for dust control and site stabilization will end incrementally as lots are sold and developed.

24. Litter Control. The Owner is responsible for the prompt removal of litter from those portions of the Development that are under its control. This specifically includes, but is not limited to, construction waste.

25. Indemnification/Hold Harmless. The Owner will indemnify and defend the City against all claims brought as a result of the approval of the Development. The Owner further agrees, excluding cases of gross negligence, to hold the City harmless for errors or omissions in this Agreement or its subsequent amendments, errors or omissions in related documents, and errors or omissions in plan and plat review conducted by the City.

26. Renegotiation. Either party may request renegotiation of this agreement by submitting a written request to the other party's representative. All negotiated changes must be approved by the City Commission.

27. Binding Effect. The provisions, covenants and terms of this Agreement shall run with the land and bind the present Owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to this Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

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

Jenn Reichert

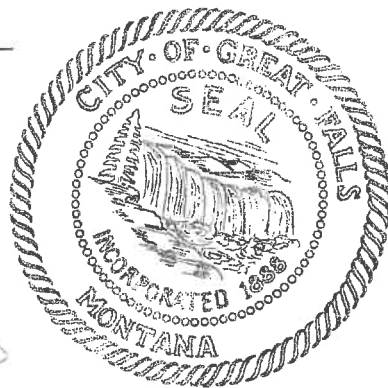
Gregory T. Doyon, City Manager

ATTEST:

Lucy Hallett

Lisa Kunz, City Clerk
Lucy Hallett, Deputy

(Seal of City)



APPROVED FOR LEGAL CONTENT:

Sara R. Sexe

Sara R. Sexe, City Attorney

OWNER

By: Shauna K Rothwell
Its: MGR SAH Development, LLC

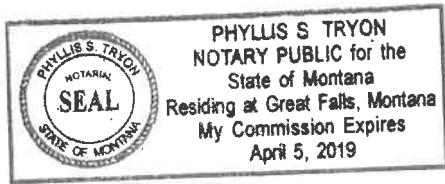
State of Montana

:SS.

County of Cascade

On this 17th day of August, in the year Two Thousand and Fifteen, before me, the undersigned, a Notary Public for the State of Montana, personally appeared Shauna K Rothwell, known to me to 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 Notarial Seal the day and year first above written.



(NOTARIAL SEAL)

Phyllis S Tryon
Notary Public for the State of Montana

Phyllis S Tryon
Notary Public for the State of _____ (Printed)
Residing at _____
My commission Expires _____, 20____

Appendix A

Construction Cost Estimate for On-Site Improvements

West Ridge Addition Phase VII

Provided by Gary Knudson, PE, Representing S & L Development

Reviewed by City of Great Falls Public Works Department

Item	Description	Estimated Quantity	Unit	Unit Price	Estimated Total Price
101	Roadway Subgrade Excavation	2,400	CY	5.00	12,000.00
102	3" Asphalt Surface	7,970	SY	16.00	127,520.00
103	Base Course Gravel	2,366	CY	25.00	59,150.00
104	Separation Fabric	9,375	SY	1.50	14,062.00
105	Integral Curb and Gutter	4,492	LF	17.00	78,610.00
106	Concrete Valley Gutter and Fillets	3	LS	15,000.00	45,000.00
107	Stop Sign and Post	3	EA	400.00	1,200.00
108	Storm Ponds	1	LS	12,000.00	12,000.00

Total Estimated Surfacing Costs **\$ 349,542.00**

Item	Description	Estimated Quantity	Unit	Unit Price	Estimated Total Price
201	16" PVC C905 DR 18 Water Main	302	LF	60.00	18,120.00
202	16" Gate Valve with Box	1	EA	2,000.00	2,000.00
203	8" PVC C900 DR 14 Water Main	2,115	LF	42.00	88,830.00
204	8" Gate Valve with Box	5	EA	1,200.00	6,000.00
205	Fire Hydrant Assembly	8	EA	3,000.00	24,000.00
206	Connection to Existing Main	2	LS	600.00	1,200.00
207	¾" Copper Service Piping, appurt. and Permit	36	EA	1,400.00	50,400.00
208	8" PVC SDR 35 Sewer	1,161	LF	38.00	44,118.00
209	4" PVC SDR 35 Sewer Service, appurt. and Permit	24	EA	1,100.00	26,400.00
210	Sanitary Sewer Manhole	3	EA	2,800.00	8,400.00
211	8" PVC C900 DR14 Sewer	60	LF	42.00	2,520.00

Total Estimated Utility Costs **\$ 271,988.00**

Total Estimated On-site Improvement Costs					\$ 621,530.00
--	--	--	--	--	----------------------

Appendix B

Northwest Great Falls Wastewater Improvements Cost Estimate/Reimbursements (City Office File 1476.5)

Cost Estimate: Wastewater Lift Station Improvements				
Item	Unit	Quantity	Unit Cost	Total Cost
Wastewater Lift Station, Submersible, 300 gpm	L.S.	1	\$469,000	\$469,000
Force Main, Dual 6 or 8"	L.F.	2,820	\$45	\$126,900
Upgrade Capacity of Wastewater Lift Station 300 to 600 gpm	L.S.	1	\$100,000	\$100,000
* Replace Existing Under Capacity Main - 36th Ave NE 4th St. NE to 6th St NE	L.F.	1,400	\$110	\$154,000
Construction Cost				\$849,900
Lift Station Property Cost				\$40,000
Engineering (15%)				\$127,485
Construction Management/Inspection/Staking Inspection (5%)				\$42,495
Construction Contingency (10%)				\$84,990
Total Improvement Cost				\$1,144,870

* Existing 10" dia. to 12" dia.

Cost Assessment Per Lot (At Annexation): Wastewater Lift Station Improvements			
Improvement Description	Potential Develop Area (acres)	Max Lots Served	* Cost Per Lot
Service Area, At Lift Station Capacity (300 gpm)	352	1,135	
Totals	352	1,135	\$1,009.00

* Rounded to nearest dollar

Cost Estimate: Gravity Sewer Main (Between Lift Station & 41st Ave NE and 2nd St NE)				
Item	Unit	Quantity	Unit Cost	Total Cost
Gravity Main, 10" or 12"	L.F.	2,360	\$65	\$153,400
Construction Cost				\$153,400
Engineering (15%)				\$23,010
Construction Management/Inspection/Staking (5%)				\$7,670
Construction Contingency (10%)				\$15,340
Total Improvement Cost				\$199,420

Cost Assessment Per Development (At Annexation): Gravity Sewer Main			
	Quantity of Main (LF)	* Cost Split Factor	Total Cost
Tyndall Addition (Cox)	1,770	0.750	\$149,565
West Ridge Addition (S & L)	590	0.250	\$49,855
Totals	2,360		\$199,420

* Prorated by ratio of quantity of main within subdivision verses total quantity of main

Exhibit I
NW Great Falls
Wastewater Lift Station Service Area



POTENTIAL SERVICE AREA
(MAX 1135 LOTS)

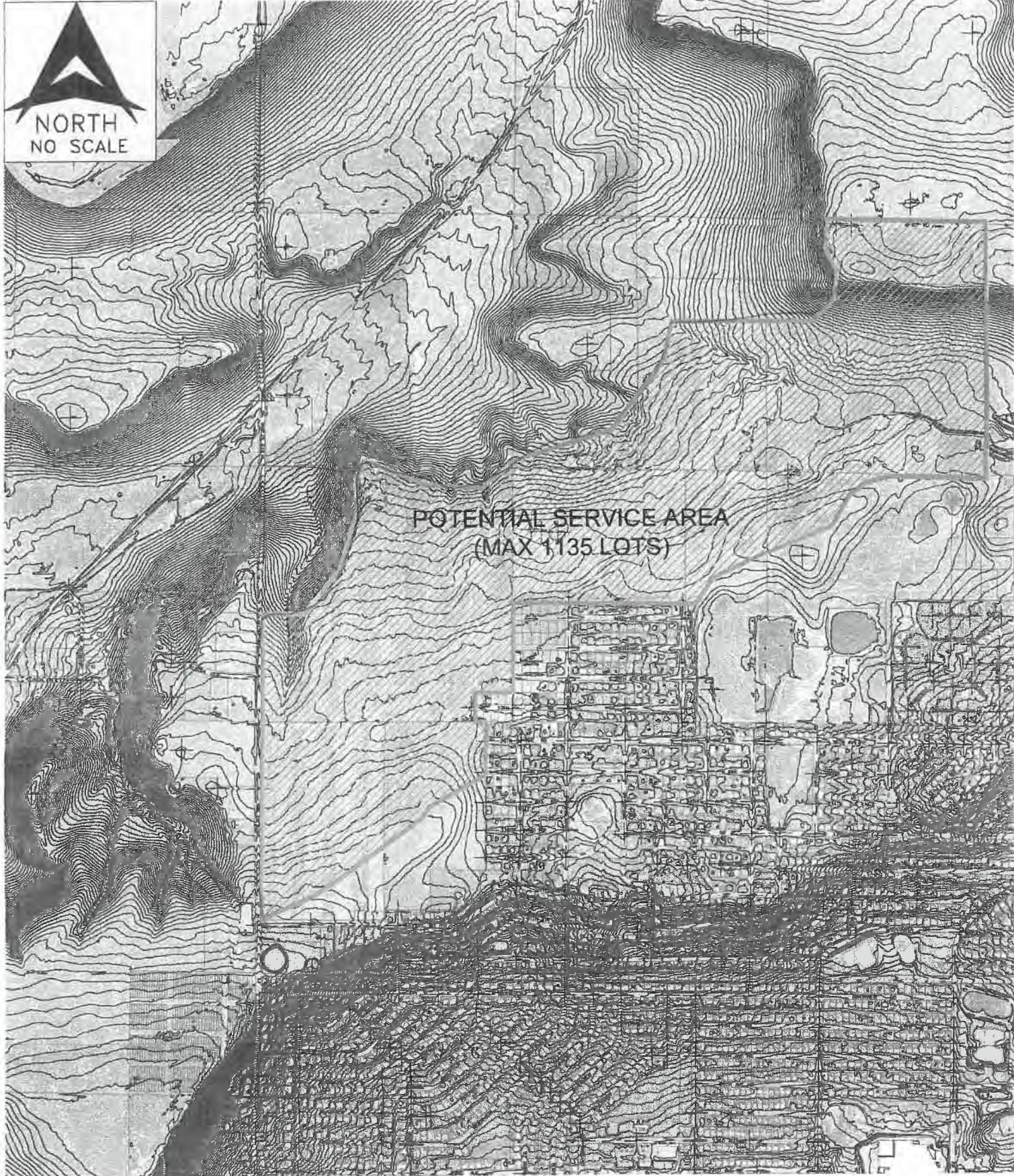
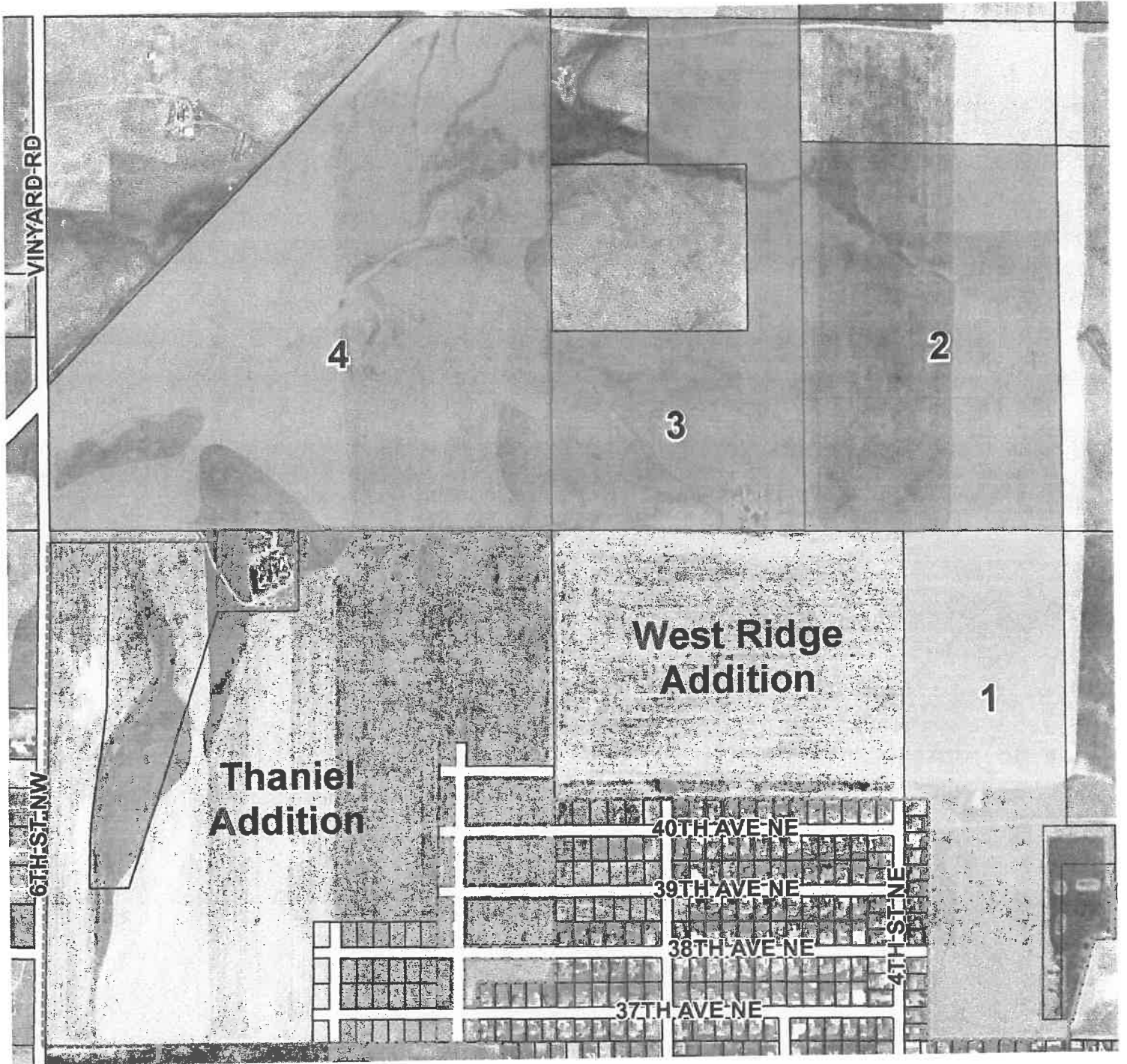
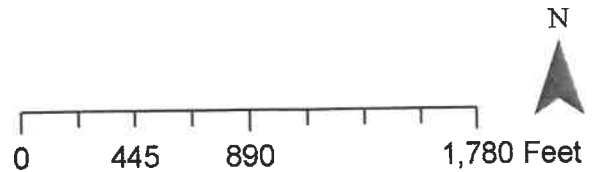


Exhibit II

Potential Street Reimbursements to West Ridge Addition



- 1 - Peretti, John Howard Trust
- 2 - MBA Consultants, Inc.
- 3 - Nelson, Kaylene M ETAL
- 4 - Schultz, Harry L and Donna G
- Parcels
- City Limits





Item: Public Hearing on Ordinance 3154 Amending Title 3, Chapter 8, Section 040 of the Official Code of the City of Great Falls (OCCGF) pertaining to the competitive sealed proposal process.

From: Joseph Cik, Assistant City Attorney

Initiated By: Sara Sexe, City Attorney

Presented By: Joseph Cik, Assistant City Attorney

Action Requested: Adopt Ordinance 3154.

Public Hearing:

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

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3154.”
 2. Mayor calls for a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation:

Staff recommends that the Commission conduct the public hearing and adopt Ordinance 3154.

Background:

Members of the City Commission and Staff have examined numerous sections of the Official Code of the City of Great Falls (OCCGF) and have noticed various types of deficiencies

throughout numerous sections of the code. The deficiencies vary from typographical errors, to conflicts with State and Federal law. Additionally the OCCGF conflicts in various places with itself. In an effort to cure these issues, City staff has assembled input from the different departments to begin a comprehensive revision of the deficiencies mentioned.

The section of the Code to be cured by the ordinance under consideration is OCCGF §3.8.040 pertaining to competitive sealed proposals. The section currently states:

- A. When, not required by law, the City Manager or a department head determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by competitive sealed proposals.
- B. Proposals must be solicited through a request for proposals.
- C. Adequate public notice of the request for proposals must be given in the same manner as provided in 7-5-4302(2) MCA.
- D. Proposals must be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals must be prepared and open for public inspection at the City Clerk's Office after contract award.
- E. The request for proposals must state the relative importance of price and other evaluation factors.
- F. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit apparently responsive proposals for the purpose of clarification, to assure full understanding of and responsiveness to the solicitation requirements. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted, after submissions and prior to award, for the purpose of obtaining best and final offers. In conducting discussions, there may be no disclosure of any information derived from proposals submitted by competing offerors. The City may require the submission of cost or pricing data in connection with an award under this section.
- G. The award must be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price, including the preference in 18-1-102 MCA, and the evaluation factors set forth in the request for proposals. No other factors or criteria may be used in the evaluation. The contract file shall contain the basis on which the award is made.

MCA §7-5-4302 states:

(1) Except as provided in 7-5-4303, 7-5-4310, or Title 18, chapter 2, part 5, a contract for the purchase of any automobile, truck, other vehicle, road machinery, other machinery, apparatus, appliances, equipment, or materials or supplies or for construction, repair, or maintenance in excess of \$ 80,000 must be let to the lowest responsible bidder after advertisement for bids.

(2) The advertisement must be published as provided in 7-1-4127, and the second publication must be made not less than 5 days or more than 12 days before the consideration of bids. If the advertisement is made by posting, 15 days must elapse, including the day of posting, between the time of the posting of the advertisement and the day set for considering bids.

(3) The council may:

(a) postpone awarding a contract until the next regular meeting after bids are received in response to the advertisement;

(b) reject any or all bids; and

(c) readvertise as provided in this section.

MCA §7-5-4302 only requires the advertisement dictated in (2), if the contract being created involves the criteria listed in (1). Therefore, an otherwise legal contract may be bid for by competitive sealed proposals that need not be advertised in compliance with (2).

The current language of OCCGF §3.8.040 restricts the City Manager and the various department heads from using the competitive sealed proposal process. Unless the contract being created meets the criteria listed in MCA §7-5-4302(1), these restrictions are not necessary, and they should not be applied to every single request for competitive sealed proposals. The ordinance under consideration cures this deficiency.

Municipalities are granted the general power to execute contracts pursuant to MCA §7-5-4301. There are very limited circumstances in which municipalities are required to provide public advertisement for such contracts. The first is when the contract would meet the criteria listed in MCA §7-5-4302(1). The second is when the contract would involve the granting of an exclusive franchise, requiring an election, pursuant to MCA §7-5-4321. Finally, if the contract would create a municipal indebtedness, pursuant to §7-7-4103, it would also require advertisement and an election. The code, as currently written, includes more requirements for advertising and notice than necessary under Montana statute. This proposed change allows proposals to have less stringent notice requirements and serves to reduce bureaucratic hurdles.

At the first reading of Ordinance 3154, there was inquiry regarding the definition of "adequate public notice" and suggestion from the Mayor that this be further defined. As such, Exhibit A to Ordinance 3154 has been amended to require compliance with applicable state and federal rules and regulations.

Alternatives:

The City Commission could leave the Ordinance language as currently written, but it is not conducive to allowing staff to utilize the less formal notice procedures allowed for proposals, versus bids, under appropriate circumstances.

ATTACHMENTS:

- ▣ Ordinance 3154
- ▣ Exhibit A (as of first reading)
- ▣ Exhibit A amended
- ▣ Exhibit B MCA 7-5-4302

ORDINANCE 3154

AN ORDINANCE AMENDING TITLE 3, CHAPTER 8, SECTION 040 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO COMPETITIVE SEALED PROPOSALS

WHEREAS, the governing body of an incorporated city may revise and correct, as appropriate, City Code; and

WHEREAS, the City Commission codified the Official Code of the City of Great Falls (OCCGF); and

WHEREAS, the City Commission has an obligation to, as appropriate, amend and revise the OCCGF; and

WHEREAS, the City Commission wishes to amend OCCGF Title 3, Chapter 8, Section 040 to allow competitive sealed proposals for contracts to be submitted to the City that does not otherwise conflict with State or Federal law.

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

- Section 1. Title 3, Chapter 8, Section 040, of the OCCGF pertaining to competitive sealed proposals shall be amended as depicted in Exhibit "A" attached hereto, which removes any language indicated by a ~~strike-out~~; and,
- Section 2: This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

APPROVED by the City Commission on first reading February 7, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading February 21, 2017.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3154 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 Courthouse;
On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(CITY SEAL)

Chapter 8 PURCHASING

Sections:

3.8.040 Competitive sealed proposals.

3.8.040 Competitive sealed proposals.

- A. When, not required by law, the City Manager or a department head determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by competitive sealed proposals.
- B. Proposals must be solicited through a request for proposals.
- C. Adequate public notice of the request for proposals must be given ~~in the same manner as provided in 7-5-4302(2) MCA.~~
- D. Proposals must be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals must be prepared and open for public inspection at the City Clerk's Office after contract award.
- E. The request for proposals must state the relative importance of price and other evaluation factors.
- F. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit apparently responsive proposals for the purpose of clarification, to assure full understanding of and responsiveness to the solicitation requirements. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted, after submissions and prior to award, for the purpose of obtaining best and final offers. In conducting discussions, there may be no disclosure of any information derived from proposals submitted by competing offerors. The City may require the submission of cost or pricing data in connection with an award under this section.
- G. The award must be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price, including the preference in 18-1-102 MCA, and the evaluation factors set forth in the request for proposals. No other factors or criteria may be used in the evaluation. The contract file shall contain the basis on which the award is made.

Title 3 - REVENUE AND FINANCE

Chapter 8 PURCHASING

Chapter 8 PURCHASING

Sections:

3.8.040 Competitive sealed proposals.

3.8.040 Competitive sealed proposals.

- A. When, not required by law, the City Manager or a department head determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by competitive sealed proposals.
- B. Proposals must be solicited through a request for proposals.
- C. Adequate public notice of the request for proposals must be given, **pursuant to applicable state and federal laws and regulations**. ~~in the same manner as provided in 7-5-4302(2) MCA.~~
- D. Proposals must be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals must be prepared and open for public inspection at the City Clerk's Office after contract award.
- E. The request for proposals must state the relative importance of price and other evaluation factors.
- F. As provided in the request for proposals, discussions may be conducted with responsible offerors who submit apparently responsive proposals for the purpose of clarification, to assure full understanding of and responsiveness to the solicitation requirements. Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted, after submissions and prior to award, for the purpose of obtaining best and final offers. In conducting discussions, there may be no disclosure of any information derived from proposals submitted by competing offerors. The City may require the submission of cost or pricing data in connection with an award under this section.
- G. The award must be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price, including the preference in 18-1-102 MCA, and the evaluation factors set forth in the request for proposals. No other factors or criteria may be used in the evaluation. The contract file shall contain the basis on which the award is made.

Competitive, Advertised Bidding Required For Certain Purchase And Construction Contracts

7-5-4302. Competitive, advertised bidding required for certain purchase and construction contracts. (1) Except as provided in **7-5-4303**, **7-5-4310**, or Title 18, chapter 2, part 5, a contract for the purchase of any automobile, truck, other vehicle, road machinery, other machinery, apparatus, appliances, equipment, or materials or supplies or for construction, repair, or maintenance in excess of \$80,000 must be let to the lowest responsible bidder after advertisement for bids.

(2) The advertisement must be published as provided in **7-1-4127**, and the second publication must be made not less than 5 days or more than 12 days before the consideration of bids. If the advertisement is made by posting, 15 days must elapse, including the day of posting, between the time of the posting of the advertisement and the day set for considering bids.

(3) The council may:

(a) postpone awarding a contract until the next regular meeting after bids are received in response to the advertisement;

(b) reject any or all bids; and

(c) readvertise as provided in this section.

History: En. Sec. 1, Ch. 48, L. 1907; Sec. 3278, Rev. C. 1907; re-en. Sec. 5070, R.C.M. 1921; amd. Sec. 1, Ch. 22, L. 1927; re-en. Sec. 5070, R.C.M. 1935; amd. Sec. 1, Ch. 18, L. 1939; amd. Sec. 1, Ch. 59, L. 1941; amd. Sec. 1, Ch. 153, L. 1947; amd. Sec. 1, Ch. 139, L. 1949; amd. Sec. 1, Ch. 220, L. 1959; amd. Sec. 1, Ch. 26, L. 1963; amd. Sec. 1, Ch. 121, L. 1969; amd. Sec. 1, Ch. 371, L. 1971; R.C.M. 1947, 11-1202(part); amd. Sec. 1, Ch. 429, L. 1981; amd. Sec. 1, Ch. 169, L. 1987; amd. Sec. 1, Ch. 475, L. 1993; amd. Sec. 2, Ch. 459, L. 1997; amd. Sec. 14, Ch. 354, L. 2001; amd. Sec. 1, Ch. 192, L. 2005; amd. Sec. 5, Ch. 574, L. 2005; amd. Sec. 2, Ch. 110, L. 2013.



Item: City of Great Falls/Cascade County Joint Public Safety Software Project Bid Award OF 1195.6
From: Dave Bowen, Chief of Police
Initiated By: Jon Legan, IT Manager
Presented By: Dave Bowen, Chief of Police
Action Requested: Approve bid award in the amount of \$810,057 to Zuercher Technologies for the City of Great Falls/Cascade County Joint Public Safety Software Project, and authorize the City Manager to execute the contract documents and any additional agreements needed to implement the software.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (approve/reject) the bid award for the City of Great Falls/Cascade County Joint Public Safety Software project in the amount of \$810,057 from Zuercher Technologies, and (authorize/not authorize) the City Manager to execute necessary contract documents and any additional agreements needed to implement the software."

2. Mayor requests a second to the motion, Commission discussion, public comment, and calls for the vote."

Staff Recommendation:

Approve bid award and authorize the City Manager to execute necessary contract documents and any additional agreements needed to implement the software.

Background:

The City Commission entered into a contract with New World Software Systems on June 21, 2011. New World's software caused issues that affected the City's operation and network of emergency services since go-live in June of 2013. New World was bought out by Tyler

Technologies in 2015. The many issues with the software performance were unable to be cured by New World/Tyler Technologies and, after much discussion and advice of counsel, at its April 5, 2016, special work session, the Commission directed staff to proceed with a 90-day notice of termination.

The Commission was further briefed at subsequent work sessions. Subsequent to the July 19, 2016, work session, City Manager Greg Doyon directed staff to work with County staff, form a committee of representatives from both entities, and develop bid documents for public safety software. A committee was created which included Mayor Bob Kelly, County Commissioner Joe Briggs, Great Falls Police Department representatives, Cascade County Sheriff's Department representatives, Cascade County Detention center representatives, City Attorney, Deputy County Attorney, and City and County Information Technology representatives.

An Invitation to Bid was advertised three times in the Great Falls Tribune, placed on the City's and County's websites, and emailed to prospective bidders. The bids were opened on December 15, 2016, with two bidders responding.

Due to the volume of bid information for the committee to review and compare, including evaluation of 58 pages of technical specifications, staff requested additional time to further evaluate the bids. At its January 3, 2017, meeting, the City Commission postponed the bid award for the City of Great Falls/Cascade County Joint Public Safety Software project.

The committee met to compare and discuss the bids, as well as conducted site visits of some of Zuercher Technologies' customers. Based upon the evaluation of the bids, and the site visits, it was decided that the bid from Zuercher Technologies was the most applicable to the City's needs. Cascade County concurs with this determination. The committee members unanimously agreed that the other bidder, Spillman Technologies, presented a bid which did not meet a number of the identified over 1200 technical specification items in the requests for bids.

Fiscal Impact:

If approved, the City would be entering into a contract with Zuercher. The total projected costs of the full system, if all optional modules are selected, are upfront costs of \$1,019,845.00, plus maintenance costs of \$710,186.00, for a combined projected total of \$1,730,031.00. These are delineated as follows:

Zeurcher Suite	\$810,057.00
e-911 Citations licensing/hardware	\$188,510.00
Fire Bridge- CAD	\$5,500.00
Emergency Reporting- Fire	\$13,078.00
Fire CAD- 6 mobiles	\$2,700.00
Total upfront cost	\$1,019,845.00

Year 1 Zuercher Maintenance	Included in upfront
Year 2 Zuercher Maintenance	\$141,335.00
Year 3 Zuercher Maintenance	\$148,402.00
Year 4 Zuercher Maintenance	\$155,822.00
Year 5 Zuercher Maintenance	\$163,613.00
Total Zuercher suite Maintenance	<i>\$609,172.00</i>
Year 1 Maintenance Optional items	Included in upfront
Year 2 Maintenance Optional items	\$15,575.00
Year 3 Maintenance Optional items	\$16,354.00
Year 4 Maintenance Optional items	\$17,171.00
Year 5 Maintenance Optional items	\$18,090.00
Total Optional items Maintenance	<i>\$67,190.00</i>
Year 1 Emergency Reporting Maintenance	Included in upfront
Year 2 Emergency Reporting Maintenance	\$8,456.00
Year 3 Emergency Reporting Maintenance	\$8,456.00
Year 4 Emergency Reporting Maintenance	\$8,456.00
Year 5 Emergency Reporting Maintenance	\$8,456.00
Total Emergency Response Maintenance	<i>\$33,824.00</i>
Total 5 year cost	<i>\$1,730,031.00</i>

Funds which were budgeted under the contract with New World/Tyler Technologies will be used to offset the total contract amount. Additionally, the City will work with Cascade County to equitably apportion the County's share of these costs.

The only other bidder for the public safety software, Spillman Technologies, presented a bid with projected upfront costs on similar modules of \$1,840,472 and projected estimated maintenance costs of at least \$905,112, for a total of \$2,745,584.

Alternatives:

The Commission could:

1. Reject the bid and request additional bids. However, this would create unacceptable delay, as the City's current software agreement expires early in 2018, and implementation of new software is projected to take at least eight months; or

2. Award the contract to the other bidder. However, this bid was significantly more costly than the bid to which staff recommends the Commission award, and it did not meet a significant number of the identified technical specifications in the Request for Bids.

Concurrences:

City Attorney

Great Falls Fire Rescue
Selection committee representatives

ATTACHMENTS:

- OF 1195.6 Bid Tab

CITY OF GREAT FALLS
 PO BOX 5021
 GREAT FALLS MT 59403

BID TABULATION SUMMARY
 CITY OF GREAT FALLS/CASCADE COUNTY
 JOINT PUBLIC SAFETY SOFTWARE PROJECT
 OF 1195.6

Project Number FS151701
 Bids Taken at Civic Center
 Date: December 15, 2016
 Tabulated By: Lisa Kunz
 Page 1 of 1

NAME & ADDRESS OF BIDDER	Acknowledge Addenda					10% Bid Security	Certificate of Non-Segregated Facilities	Affidavit of Non-Collusion	TOTAL BID
	1	2	3	4	5				
Spillman Technologies 4625 Lake Park Blvd. Salt Lake City, UT 84120	√	√	√	√	√	√	√	√	\$1,840,472
Zuercher Technologies 4509 West 58 th Street Sioux Falls, SD 57108	√	√	√	√	√	√	√	√	\$810,057
Sun Ridge Systems 2325 East F Street Torrington, WY 82240									DID NOT BID
ADSi 12115 Wellwood Ct. Elbert, CO 80106									DID NOT BID
Calibur Smart COP 180 N. Palofox Street Pensacola, FL 32502									DID NOT BID
Infor 3501 E. Frontage Road, Suite 350 Tampa, FL 33607									DID NOT BID
Cogeco Peer1 250 E. Grayson San Antonio, TX 78215									DID NOT BID



Item: Joint Resolution 10171 and 17-15, "In the Matter of the Dissolution of the City and County, Native American Local Government Commission"
From: Joseph Cik, Assistant City Attorney
Initiated By: City Commission
Presented By: Joseph Cik, Assistant City Attorney
Action Requested: Adopt Joint Resolution 10171 and 17-15.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (adopt/deny) Joint Resolution 10171 and 17-15."

2. Mayor calls for a second to the motion, Commission discussion, public comment, and calls for the vote."

Staff Recommendation:

City staff recommends the Commission vote to adopt Joint Resolution 10171 and 17-15.

Background:

The Native American Local Government Commission was created by Joint Resolution 9220 (City) and 02-29 (County) in March of 2002. It was then amended by Resolution 9264 (City) and 02-78 (County) in November of 2002. The purpose of the Commission is to serve as a local point of contact for all local City and County government departments to represent the Native American community at government meetings, functions, and events.

Participation in the Commission has decreased over time, and the Commission has not conducted a meeting in over (5) years. There are currently no actively participating members of the Commission, and many appointed members have had no contact with City or County Staff for a number of years.

Due to the lack of participation it is the wish of City Staff to dissolve this Commission to divert City resources to other matters. Staff recommends, therefore, that this Commission be dissolved.

Commissioner Bronson has discussed the proposed action with James Parker Shield, one of the principal supporters and leaders of the Commission. He has indicated to Commissioner Bronson that he is not opposed to this proposed action.

Alternatives:

1. The Commission could maintain the Native American Local Government Commission. However, staff does not recommend this alternative; or
2. The Commission could suggest revisions to the proposed Joint Resolution, which would be considered for input.

Concurrences:

Cascade County Commission

ATTACHMENTS:

- Joint Resolution 10171 and 17-15

**BEFORE THE BOARD OF COUNTY COMMISSIONERS OF CASCADE COUNTY,
MONTANA and THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA**

In the Matter of the Dissolution)
of the City and County, Native American) JOINT RESOLUTION
Local Government Commission) No. 10171 and 17-15

Whereas, the City Commission of Great Falls, and the Board of Commissioners of Cascade County, by Joint Resolution 9220 (City) and 02-29 (County) in March of 2002; amended by Resolution 9264 (City) and 02-78 (County) created the Native American Local Government Commission in November of 2002; and

Whereas, there has been a profound lack of participation in the Native American Local Government Commission in recent years; and

Whereas, the Board of Commissioners of Cascade County, Montana, and the City Commission of Great Falls, desire to dissolve and eliminate the Native American Local Government Commission due to the lack of participation.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE BOARD OF COMMISSIONERS OF CASCADE COUNTY, MONTANA, AND THE CITY COMMISSION OF GREAT FALLS, MONTANA THAT Joint Resolution 10171 and 17-15 is hereby adopted, dissolving and eliminating the City and County Native American Local Government Commission.

ADOPTED by the City Commission of Great Falls, Montana, on this 21st day of February, 2017.

Bob Kelly, Mayor

ATTEST:

(SEAL OF THE CITY)

Lisa Kunz, City Clerk

APPROVED AS TO FORM:

Sara R. Sexe, City Attorney

ADOPTED by the Board of County Commissioners, Cascade County, Montana on this 28th day of February, 2017.

Cascade County:

BOARD OF COMMISSIONERS
CASCADE COUNTY, MONTANA

James L. Larson, Chairman

Joe Briggs, Commissioner

Jane Weber, Commissioner

ATTEST:

Rina Fontana Moore, Cascade County Clerk and Recorder

APPROVED AS TO FORM:

Carey Ann Haight, Cascade County Deputy Attorney