



**City Commission Meeting**  
**2 Park Drive South, Great Falls, MT**  
**Commission Chambers, Civic Center**  
**August 15, 2023**  
**7:00 PM**

The agenda packet material is available on the City's website: <https://greatfallsmt.net/meetings>. The Public may view and listen to the meeting on government access channel City-190, cable channel 190; or online at <https://greatfallsmt.net/livestream>.

Public participation is welcome in the following ways:

- Attend in person.
- Provide public comments in writing by 12:00 PM the day of the meeting: Mail to City Clerk, PO Box 5021, Great Falls, MT 59403, or via email to: [commission@greatfallsmt.net](mailto:commission@greatfallsmt.net). Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.

**CALL TO ORDER**

**ROLL CALL / STAFF INTRODUCTIONS**

**PLEDGE OF ALLEGIANCE**

**AGENDA APPROVAL**

**CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS**

**COMMUNITY INITIATIVES**

1. Community Health Update from City County Health Department.

**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 either your address or whether you are a city resident for the record.)*

2. Miscellaneous reports and announcements.

**NEIGHBORHOOD COUNCILS**

3. Miscellaneous reports and announcements from Neighborhood Councils.

**BOARDS AND COMMISSIONS**

4. Miscellaneous reports and announcements from Boards and Commissions.

**CITY MANAGER**

5. Miscellaneous reports and announcements from 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, August 1, 2023, City Commission Meeting.
- [7.](#) Total Expenditures of \$3,187,745 for the period of July 20, 2023 through August 2, 2023, to include claims over \$25,000, in the amount of \$2,448,997.
- [8.](#) Contracts List.
- [9.](#) Approve the Agreement for Mutual Aid in Fire Protection and Hazardous Materials Incident Response with Malmstrom AFB Fire Department and authorize the City Manager to execute the Agreement.
- [10.](#) Approve the Final Payment for the Overhead Door Replacement project in the amount of \$154,152.87 to Door Systems of Montana, and \$1,557.10 to the State Miscellaneous Tax Fund and authorize the City Manager execute the necessary documents and to make the payments.

**Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote by any Commission member. After motion is made, Mayor requests a second to the motion, public comment, Commission discussion, and calls for the vote.**

## PUBLIC HEARINGS

- [11.](#) Resolution 10514, to Levy and Assess the General Boulevard District No. 3570. *Action: Conduct a public hearing and adopt or deny Res. 10514. (Presented by Melissa Kinzler)*
- [12.](#) Resolution 10515, to Levy and Assess Great Falls Park District No. 1. *Action: Conduct a public hearing and adopt or deny Res. 10515. (Presented by Melissa Kinzler)*
- [13.](#) Resolution 10516, to Levy and Assess Properties within Special Improvement Lighting Districts. *Action: Conduct a public hearing and adopt or deny Res. 10516. (Presented by Melissa Kinzler)*
- [14.](#) Resolution 10517, to Levy and Assess the Portage Meadows Maintenance District No. 1195. *Action: Conduct a public hearing and adopt or deny Res. 10517. (Presented by Melissa Kinzler)*
- [15.](#) Resolution 10518, to Levy and Assess the Street Maintenance District. *Action: Conduct a public hearing and adopt or deny Res. 10518. (Presented by Melissa Kinzler)*

## OLD BUSINESS

## NEW BUSINESS

## ORDINANCES / RESOLUTIONS

- [16.](#) Ordinance 3261, Amending Title 13, Chapter 12, Section 030 of the Official Code of the City of Great Falls Pertaining to the Industrial Pretreatment Program and Prohibited Discharges and Limitations. *Action: Accept or not accept Ord. 3261 on first reading and set a final reading for future date. (Presented by Christoff Gaub)*

## **CITY COMMISSION**

17. Miscellaneous reports and announcements from the City Commission.

18. Commission Initiatives.

## **ADJOURNMENT**

*(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.)*

*Assistive listening devices are available for the hard of hearing, please arrive a few minutes early for set up, or contact the City Clerk's Office in advance at 455-8451. Wi-Fi is available during the meetings for viewing of the online meeting documents.*

*Commission meetings are televised on cable channel 190 and streamed live at <https://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.*

**JOURNAL OF COMMISSION PROCEEDINGS****August 1, 2023**

Regular City Commission Meeting

Mayor Kelly presiding  
Commission Chambers Room 206**CALL TO ORDER: 7:00 PM****PLEDGE OF ALLEGIANCE**

**ROLL CALL/STAFF INTRODUCTIONS:** City Commission members present: Bob Kelly, Eric Hinebauch, Joe McKenney, Rick Tryon and Susan Wolff. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Public Works Director Chris Gaub; Planning and Community Development Planner III Lonnie Hill; Finance Director Melissa Kinzler and ARPA Project Manager Sylvia Tarman; Human Resources Director Gaye McInerney; City Attorney David Dennis and Deputy City Attorney Rachel Taylor; Police Chief Jeff Newton; and City Clerk Lisa Kunz.

**AGENDA APPROVAL:** City Manager Greg Doyon noted that the date of the meeting minutes was corrected for agenda item 6 after original posting. He also suggested that the Commission pull agenda items 11, 12 and 13 from the consent agenda to obtain additional background information, discussion and separate votes as those items pertain to fees. There were no proposed changes to the agenda by the City Commission. The agenda was approved as presented.

**CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS:** None

**MILITARY UPDATES**

1. **MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM MONTANA AIR NATIONAL GUARD (MANG).**

**Lt. Col. Benjamin Royer**, provided the following activities of the 120<sup>th</sup> Airlift Wing:

- The 219<sup>th</sup> Red Horse Squadron was the lead unit and worked collaboratively with nine Red Horse units on a project at Fort Harrison to build a 60' x 200' building to house the National Guard tanks. This building will save a significant amount of money in annual maintenance costs on those pieces of equipment and will decrease the amount of maintenance and related down time, and thereby increasing the amount of time that MANG soldiers have to train on that equipment.
- The 123<sup>rd</sup> Airlift Wing participated in the largest ever Mobility Guardian exercise in the Pacific region. The exercise was aimed at evaluating how smoothly the Air Force can dispatch personnel and cargo during a crisis and how easily US Troops collaborate with their partners in the region. Partner nations included Australia, Canada, New Zealand, the United Kingdom, France and Japan. Over a period of 19 days, 32 members from MANG executed over 82 flight hours, flew more than 13,600 nautical miles, moved 63 individuals and 47 tons of cargo throughout numerous theater locations.



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- Forty-five members and two aircraft participated in the Silver Arrow exercise supporting airlift operations in Eastern Europe in 14 various theater operations to increase tactical area of capability to US forces in Europe. The exercise also focused on command engagements that support NATO. It also exercised interoperability with NATO allies and partners while supporting continuous military airlift operations. Aircrew executed over 26 missions and moved over 128 tons of cargo that supported numerous multinational exercises with 100% mission completion rate.
- Nineteen members of the 120<sup>th</sup> Airlift Wing flew to Monroe, Louisiana today to participate in an innovative readiness-training event. It is a Department of Defense military training opportunity exclusive to the United States and its territories that delivers joint training opportunities to increase deployment readiness. Simultaneously, these missions provide key services such as health care, transportation, cyber security and construction with lasting benefits for American communities. This medical mission provides training opportunities to our military members while providing health care services to communities via no cost.

2.

## PETITIONS AND COMMUNICATIONS

**Patti Hess**, City resident, expressed concern about animals left in hot cars. She suggested a stronger ordinance inclusive of fines.

Mayor Kelly suggested she get involved with the Great Falls Animal Shelter and visit with the Animal Control Officers to advocate for an educational program through local pet stores and veterinarians, and maybe stronger ordinances.

## NEIGHBORHOOD COUNCILS

### 3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

## BOARDS AND COMMISSIONS

### 4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

## CITY MANAGER

### 5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

In response to comments made at the last Commission meeting, City Manager Greg Doyon provided an update of factual information on the collective bargaining process:

- Seventy-five percent of the City's workforce operates under a collective bargaining agreement (CBA) involving seven unions. Of those seven unions, one CBA is on the agenda for consideration this evening, three have been ratified and three are outstanding.

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- In a collective bargaining year, a letter is sent by the union with an intent to negotiate. Both the union and the management teams create a team of negotiators and have different ways of collecting information to make arguments during the collective bargaining sessions. Typically, the City will use comparable data or surveys from other communities in Montana. This year the City retained a company to evaluate if the City's information was current with regard to wages, and the City's ability to compensate. They looked at it from an individual hourly number all the way to the total benefit package, which includes health insurance. The information is taken into consideration with regard to recruitment efforts, retention, turnover and exit interviews to gain insight as to why people come to work for the City, stay with the City, or why they may leave.
- Agenda Item 16 is a CBA being presented for ratification that the two teams have tentatively agreed to pending a vote of the union and vote of the Commission. CBA's are one of the more significant approvals that the Commission makes because of the impact it has across the organization, not only on this CBA union but the other unions who are watching the ratification of the CBA in their planning and negotiation strategies as well.
- CBA negotiations are difficult and time intensive. This past year has been difficult coming out of Covid, supply chain issues, inflation, and retirements. One union threatened to strike. Two unions, and likely a third, are heading to mediation.
- For those interested in the history of staffing, he suggested looking at the employee counts on pages 125-130 of this year's budget book.

Manager Doyon also announced that Veterans commendations awards will be presented at the Montana Veteran's Memorial on August 16, 2023 at 9:15 a.m.

## CONSENT AGENDA.

Without objection, Mayor Kelly pulled Consent Agenda items 11, 12, 13 for separate discussion and vote.

6. Minutes, July 18, 2023, City Commission Meeting.
7. Total Expenditures of \$5,463,186 for the period of July 6, 2023 through July 19, 2023, to include claims over \$25,000, in the amount of \$4,769,027.
8. Contracts List.
9. Approve the purchase of water meter equipment for the 2024 Fiscal Year from Ferguson Enterprises, Inc. in an amount not to exceed \$350,000.
10. Approve a Final Payment for the Water Treatment Plant Filtration Improvements, Phase II, in the amount of \$239,915.07 to Prospect Construction and \$2,423.38 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments. **OF 1637.6**

**JOURNAL OF COMMISSION PROCEEDINGS****August 1, 2023**

- \*11. Set a Public Hearing for Resolution 10519 on August 15, 2023, a Resolution to establish Engineering Division Review Fees for the Planning and Community Development Department and the Public Works Department.
- \*12. Set a public hearing on Resolution 10521 for August 15, 2023 to amend Planning and Community Development Land Development Application Fees in the City of Great Falls.
- \*13. Set a public hearing on Resolution 10522 for August 15, 2023 to raise permit fees for building, plumbing, mechanical, electrical and other related permit processes by eight percent (8%) in the City of Great Falls.

**Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission approve Consent Agenda items 6 – 10 as presented, and remove items 11, 12, and 13 for separate discussion and vote.**

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

Motion carried 5-0.

- \*11. **SET A PUBLIC HEARING FOR AUGUST 15, 2023 ON RESOLUTION 10519, TO ESTABLISH ENGINEERING DIVISION REVIEW FEES FOR THE PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT AND PUBLIC WORKS DEPARTMENT.**
- \*12. **SET A PUBLIC HEARING FOR AUGUST 15, 2023 ON RESOLUTION 10521, TO AMEND PLANNING AND COMMUNITY DEVELOPMENT LAND DEVELOPMENT APPLICATION FEES IN THE CITY OF GREAT FALLS.**
- \*13. **SET A PUBLIC HEARING FOR AUGUST 15, 2023 ON RESOLUTION 10522, TO RAISE PERMIT FEES FOR BUILDING, PLUMBING, MECHANICAL, ELECTRICAL AND OTHER RELATED PERMIT PROCESSES BY EIGHT PERCENT (8%) IN THE CITY OF GREAT FALLS.**

Public Works Director Chris Gaub reported that both departments are and have been working closely together to transition Public Works infrastructure development review from the Planning Department back to Public Works while retaining a one-stop shop storefront at the Planning Department for the development community.

Staff strives to provide the best possible practices for development review while still protecting the City's assets and the City's taxpayers and ratepayers. They also aim to educate the City's customers on these development review changes.

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The Planning Department sent a joint Planning and Public Works note to the development community last week which provided information about the resolutions being considered tonight and included the agenda reports. The City will host an open house to discuss these proposed fee changes on August 11<sup>th</sup> at 9 a.m. in the Planning and Community Development conference room in the Civic Center.

The requested action is that the Commission set the public hearing on Resolution 10519 for August 15th. This resolution would modify the way that four fees are assessed to cover the review of development applications for engineering in compliance and conformance with the City's standards. The four fees would cover the cost for engineering to review development projects that include some of the following:

- A privately owned and maintained storm water facility or storm permit.
- Private service lines and improvements in the right-of-way for a single-family residential building permit.
- Private service lines and improvements in the right-of-way for a commercial building permit.
- Improvements in the right-of-way associated with a parking lot permit.

These fees do not cover the work associated with the review of public infrastructure that the City owns and maintains. The cost for this type of review is captured in the infrastructure review fee that was previously approved by the City Commission as Resolution 10474.

Currently, through the Planning and Community Development Department, project applications are being reviewed by a third party engineering consulting firm. The consulting firm tracks the number of hours spent reviewing the project and then applies their hourly rates typically in the \$150 to \$180 per hour range depending on project specifics. Those review costs are then passed directly to the project applicant.

Starting on September 5<sup>th</sup>, if approved, the Public Works Engineering Division will perform most of these four types of reviews in house. The proposed review fees are based on the estimated average time it takes to complete the review multiplied by the Engineering Division's hourly rate of \$108, which is less than the hourly rate that the third party engineer consultant is currently charging. This consultant will be retained however in the event that the City needs to cover staff shortages or meet any spikes in development applications.

The Engineering Division's review fee will continue to be validated with the Finance Department to ensure fiscal sustainability. The new permit fee process will also be reviewed in the future to ensure that the rates continue to be fair to the development community while also covering the cost associated with the staff review time.

Planning and Community Development Planner III Lonnie Hill reported that the Planning and Community Development Department is bringing forward two fee resolutions. Resolution 10521 is to set the public hearing to amend land development application fees, as well as Resolution 10522

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to set the public hearing to raise building plumbing, mechanical, electrical and other permit fees by 8%.

Both the building division and the parking division are funded based solely off user fees. Planning collects revenue from user fees, but also receives significant general fund support. If both Resolutions are adopted, the Planning Division's budget will still rely on approximately \$376,932 of an infusion from the general fund. Adoption of these fees will get the Planning Division closer to covering costs for applications that come through the door.

The Agenda Report for Resolution 10521 sets forth three reasons for the fee increase:

- The fees are being proposed due to the shortfall in the Planning Division's budget, which is supplemented by the general fund. The City Commission has previously acknowledged the need to increase user fees to alleviate pressure on the general fund.
- The Planning Division budget will lose revenue from State Legislature changes. Staff is working with the Legal Department to determine the full impacts of what the Department can and cannot charge for licenses.
- Planning has not proposed an increase in fees since 2014.

True costs of staff time were evaluated and the fees compared to other municipalities across the state. The proposed fees will increase application revenue from approximately \$40,000 to \$50,000 to \$110,000 to \$140,000 per year. Obviously, that will depend on how many applications are received.

Agenda item 13, Resolution 10522 is to raise the building review fees, and plumbing, mechanical electrical permit fees by 8%. Again, this is being driven by the shortfalls in the Planning Division's budget. If adopted, this will change how planners are paid and reflects changes in how the City's development review process operates after being reinvented in the last few years.

Planners serve as permit coordinators to provide a single point of contact for developers and designers as their projects work their way through the review process. This process has greatly benefited the development community by creating a faster and more predictable process for project delivery on building permits and land use applications. The building division budget includes 10% of pay for planners. This change creates a need to raise fees to create more predictable revenue for the Planning budget, as well as alleviate pressure from the general fund. Plumbing, mechanical, electrical, and other associated permit fees are also proposed to be increased by 8%. The last fee increase on those permits was in 2014 and, in fact, fees were decreased in 2018 by 5%. Staff views this proposal as a conservative option to cover costs while maintaining a healthy balance in the building division fund.

City Manager Greg Doyon added it is significant to note that planning fees have not changed since 2014. There was a time that the development review process was not good and there was some not very good interaction with the development community. There was a real hesitancy to do cost recovery through those permits because it would have been perceived as the City not being business friendly. It has transitioned to not being very taxpayer friendly when the City does not recover the costs.

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In an effort to streamline the process, development review moved to the Planning Division. The concept was good, but there were difficulties with the logistics. Ultimately, development review was moved back to Engineering. He is confident the structure is where it needs to be. With new leadership, attitudes are in the right place and the services are going to be much better.

Manager Doyon reported that the purpose is to alleviate pressure from the general fund. Everyone is concerned about public safety and public safety is paid out of the general fund. When the Department needs general fund support to do their jobs it takes away any flexibility that he has to put it into priority areas that the Commission has identified. It also means that the taxpayer is providing payment for the services that are being rendered. The Commission has identified over the last couple of years that staff needed to take a sharper look at fee structures and cost recovery to make sure that there was a distribution that was appropriate.

He also noted that those services are attached to something staff has to inspect that is regulated. If there is a permit, there is a requirement to inspect to ensure it is being done correctly. When inspections are not done on the public infrastructure that the City adopts and it is not done well, it falls on the utility ratepayer to fix it.

Mayor Kelly commented that it is not the job here tonight to debate the merits of the increases or not. It is just to set the public hearing and provide the development community notice so there can be a more robust discussion about the fees.

**Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission set a public hearing for Resolution 10519 on August 15, 2023.**

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

**Brad Talcott**, Talcott Properties, 2801 1<sup>st</sup> Avenue North, commented that he does not have any issues with recalculating and increasing the fees, but that he does have a major problem with the predictability of the fees when the review goes out to the third party consultant. He expressed frustration about getting no explanation on \$18,000 in bills from the third party consultant. The inaction or the action of the decisions of the people doing this process cost developers more than double the \$376,000 shortfall in the budget, and that unpredictability he cannot deal with as a developer. The last calendar year has been much more expensive to him than it has been to the City Planning Department.

**Sherrie Arey**, NeighborWorks Great Falls Executive Director, commended the City on all the work that has been done in order to try to help with the development of the community. But, as an organization that has developed single family and multi-family homes and subdivisions, there is a lot to digest. The City has also gone through several staffing changes in the Engineering and Planning Departments, and a new Planning Director coming on. She suggested not setting the public hearing on these three agenda items tonight, and instead schedule a work session or special meeting so the fees could be more thoroughly vetted and for the new Planning Director to be able to weigh in and take into consideration the comments made.

**Katie Hanning**, Homebuilders Association, concurred with the previous speaker.

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There being no one further to address the Commission, Mayor Kelly asked if staff wanted to respond to comments made. He inquired what staff has done thus far to alert the development community about the proposed fees.

Director Gaub reiterated that Planning sent out the joint note to the development community about the proposed fee changes, and that an open house was scheduled for August 11<sup>th</sup>.

Mayor Kelly inquired if there was a fiscal need to schedule the public hearings now or if more communication would be appropriate with the development community first.

Manager Doyon responded that the last time staff went through this process, it was very lengthy. Anticipating some of the budget challenges, he asked staff to come up with the best methodology that made sense, knowing that there were going to be some folks that were not going to be satisfied with it. It is difficult to get realtors, builders, and developers in agreement on these charges. The development review process has been changed to make it better than it was, knowing it is not perfect and it is going to be a work in progress. The budget was adopted and identified that the Departments want to recover costs. He is not anxious for staff to embark into a long negotiation over fees that are going to be heavily disputed.

After a brief discussion amongst the Commission about the concerns expressed from the public, all agreed to allow two additional weeks before the public hearing is conducted to have the meeting and follow up conversation, if needed, with the development community.

Manager Doyon strongly encouraged Commission members to participate in one of the scheduled meetings. He again reiterated that the budget was set and these fees have not been adjusted since 2014. It is important for the new Planning Director to hear issues in terms of process and concerns from the development community, but this particular part of it is going to be beyond him. He concluded that he would get another meeting set up and let the development community and Commission know.

City Attorney David Dennis advised that the appropriate course of action would be to withdraw the motion.

Mayor Kelly withdrew the main motion setting a public hearing for Resolution 10519 on August 15, 2023. No one objected.

**Mayor Kelly moved, seconded by Commissioner Hinebauch, that the City Commission set a public hearing for September 5, 2023, on Resolution 10519.**

Mayor Kelly asked if there was any further public comment. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

**Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission set a public hearing on Resolution 10521 for September 5, 2023.**

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

Motion carried 5-0.

**Commissioner Wolff moved, seconded by Commissioners Hinebauch and Tryon, that the City Commission set a public hearing on Resolution 10522 for September 5, 2023.**

Mayor Kelly asked if there were any comments from the public. Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

**PUBLIC HEARINGS**

**14. RESOLUTION 10523, APPROVING A REQUEST FROM CONTEXT LLC TO USE DOWNTOWN URBAN RENEWAL DISTRICT TAX INCREMENT FINANCING (TIF) FUNDS FOR THE REMODEL OF THE KELLERGEIST PUB THEATER LOCATED AT 111 CENTRAL AVENUE.**

Mayor Kelly declared the public hearing open and asked for presentation of the agenda report.

Planning and Community Development Planner III Lonnie Hill reported Context LLC owns a contributing building in the Central Historic Business District located at 111 Central Avenue that dates back to 1887. Context LLC is proposing a remodel of this historic building involving extensive facade work, new window replacement, wall repair, front awning repair, and concrete repair. Further, Context LLC will improve public safety features including the addition of fire suppression throughout the building, creation of ADA compliant bathrooms, installation of indoor and outdoor cameras, outdoor lighting, and replacement of a rear security door. The applicant has chosen to apply for TIF funding through the approval of the City Commission due to two reasons:

- (1) The aggregate amount requested exceeds the \$130,000 cap set by this Commission; and
- (2) The rear door replacement and concrete repair were not eligible or envisioned through the existing Environmental Safety Program, but staff views the improvements as appropriate for TIF funding.

The project is expected to begin this fall and be completed by Christmas of 2023.

Pursuant to the review criteria, a couple of items specifically fit well with this request:



**JOURNAL OF COMMISSION PROCEEDINGS****August 1, 2023**Economic stimulus

The opening of the Kellergeist Pub Theater has been identified by multiple planning documents as a catalyst project, including the Great Falls Growth Policy, the Downtown Urban Renewal Plan, and the Great Falls Downtown Visioning Project.

The opening of the Kellergeist Pub Theater is proposed to support and expand opportunities for the performing arts through the creation of a destination facility that will attract visitors to downtown Great Falls. The applicant proposes to host weekly events that are estimated to attract roughly 20,000 new visitors to the downtown district each year.

Special or Unique Opportunities

The applicant's request can be partially funded through the three available programs for downtown TIF: the Facade program, the Life Safety Program and the Environmental Safety Program. However, the rear door replacement and the concrete repair are parts of the project not currently eligible. In addition, the proposed TIF funding exceeds the capped aggregate amount set by the Commission for staff approval at \$130,000. Any request over this amount must be brought to the City Commission for approval.

The Downtown Development Partnership (DDP), which is the recommending body, voted at its June 28, 2023 meeting to support the project.

The request will allow for a greater economic impact to the Downtown Urban Renewal District. The City's Downtown TIF fund currently has a cash balance of \$4,476,320.

Mayor Kelly asked if the Commissioners had any questions of staff or the applicant.

Commissioner Tryon referred to pages 87-88 of the agenda packet, item 13 of the application for TIF funds, and inquired how the \$527,000 figure for public infrastructure need was calculated.

Applicant Matthias Schalper responded that the infrastructure costs includes façade, windows, public safety improvements that includes nearly \$200,000 for fire suppression, approximately \$100,000 for ADA compliance, and extensive concrete work in the back of the building.

He further clarified that the concrete pad, fire door, and mechanical work are part of the public infrastructure component included in the \$233,000.

Commissioner Tryon referred to the staff analysis on page 74 of the agenda packet and inquired how it was determined that the concrete work and door provides a public benefit.

Planner III Hill responded that the intent of the Downtown Building Program, Facade Program, Environmental Safety Program and the Life Safety Program are to leverage TIF dollars to go into buildings within our downtown district to benefit the district as a whole. In this case, there is a concrete slab behind this building that is causing trouble and that abuts the public alley, and a rear false door that allows people to go through. Staff is bringing these requests to the Commission to see if there is an appetite to open up the Commission's interpretation of what is TIF eligible through these building programs.

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Commissioner Tryon referred to the economic stimulus criteria on page 74 of the agenda packet and inquired how it was estimated that the opening of the Kellergeist Pub Theater would attract 20,000 new visitors to the downtown district each year.

Applicant Matthias Schalper responded from the business plan.

Commissioner Tryon inquired what credible, measurable information was considered in substantiating the project's economic stimulus in the district.

Planner III Hill responded that projects like theaters and similar uses that attract large quantities or assemblies of people downtown have a catalyst effect on the district as a whole. The Downtown Urban Renewal Plan specifically calls out theaters, and the Growth Policy and the Downtown Visioning Project included the remodel of this building as part of what could become on the 100 block. A theater is a destination venue for activity that creates a catalyst effect on the district as a whole.

Commissioner Hinebauch inquired the expected capacity of the facility and was informed 150. He also referred to the economic stimulus paragraph on page 74 of the agenda packet and inquired if 10% of the construction/rehabilitation costs could be put towards anything in the project or had to be specific to fire suppression or façade.

Planner III Hill responded the 10% is specific to the items listed in the agenda report. The TIF Program runs as a reimbursement program. The applicant does the work and demonstrates through invoices and receipts to the City that the fire suppression, façade or life safety program work has been done, and then the applicant is reimbursed through the TIF District.

What staff wants to see is public dollars going into historic buildings to benefit the District. Similar to the increase for fire suppression, if staff continues to get requests that go over the cap then those caps will be looked at again to determine if they should be adjusted. There is a \$500,000 cap set for the program. At this point in time, staff has not received enough requests to hit the \$500,000 cap.

Commissioner Tryon commented that staff's recommendation was to deny the application for fire suppression for the Metropolitan Building project.

Planner III Hill noted that a change in leadership has changed staff's position on some of these recommendations.

Mayor Kelly clarified that staff's recommendation to deny the Metropolitan or Brush Crazy project was due to being over the limits set by the Commission. The Commission subsequently considered and approved adjusted limits.

Mayor Kelly asked if there were any comments from the public in support of Resolution 10523.

**Brett Doney**, Great Falls Development Alliance, commented that he serves on the Downtown Development Partnership Board. He suggested staff update the language in the application from "public infrastructure" to "TIF eligible activities." Great Falls was commended during the

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legislative session for the job that staff does in determining what is eligible and what is not, and how much is approved is up to the Commission. TIF's are really about leveraging private investment and the private investment increases the taxable value of the property, which then leads to more private investment. At some point, the TIF will no longer be needed because there would be a much stronger market. There is a 1 to 5 leverage with this proposal that is just under 18%. Applicant is asking for the Commission to approve \$260,000 and they will put in over \$1.4 million total. The estimate of 20,000 patrons per year will be a great impact and will spur additional development in that block.

**Sherrie Arey**, NeighborWorks Great Falls Executive Director and member of the Downtown Development Partnership (DDP), commented that this project is a great collaboration between members of the DDP and the Planning staff. These grant amounts are in need of being increased to try to leverage these funds. This project began prior to COVID when there was a much different budget and timeline. She commended the owners for continuing the project because it would have been easy to exit or find a different location, and that would have left a blighted property in our downtown area.

She noted one of the biggest TIF allocations has been given to the Civic Center. She hopes that as that project is completed using those funds that it does bring more investment to the downtown. It does bring more opportunity to use those TIF funds, as well as more individuals will take advantage of those businesses that are in our downtown area.

She urged the Commission to consider passing this Resolution and allowing the applicant to continue to have another great venue for the community.

Mayor Kelly asked if there were any comments from the public in opposition to Resolution 10523.

**Jeni Dodd**, City resident, inquired why the City allowed the business to operate in this building even though, apparently, there were safety concerns. She commented that in her research there is data and strong indications that TIF districts shift the burden of supporting city infrastructure, including things like public safety, to taxpayers outside the districts. She referred to a *Great Falls Tribune* article and quoted the Deputy Planning Director regarding the proposed apartment complex which would have replaced Dick's RV Park that qualifying investment in TIF districts would be water mains, sewer mains, new roadways, street lighting, things that don't just serve the benefit of the developer but have benefits that go beyond just the property. She commented that is not true in this case, as the agenda report sets forth the project will not directly improve public infrastructure. She encouraged the Commission to vote against this Resolution and stand up to this cronyism.

Written comments were submitted by **Bonnie Such** via email August 1, 2023 urging the Commission not to spend one penny of taxpayers' money to help one single business, but rather find a project to help improve the whole community.

Mayor Kelly closed the public hearing and asked if the applicant or staff wanted to respond to the questions posed.

Applicant Matthias Schalper clarified that inspections were conducted when the business was operating in the building. The potential safety issue pertains to the back of the building that was

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never part of public access. The business was operated in the front of the building and had no public safety situations.

With regard to the comment about Dick's RV Park, Planner III Hill clarified that the Downtown TIF District is different than the other TIF Districts in that special programs were created that allow applicants to bring requests that deviate from the public infrastructure normal request. Through Ordinance 3229, the Commission created the program to allow these expenditures to be reimbursed through the Downtown TIF District.

**Commissioner Hinebauch moved, seconded by Commissioner Wolff, that the City Commission adopt Resolution 10523 to allow the use of up to \$263,500 in Downtown Urban Renewal District Tax Increment Financing (TIF) funds for the remodel of the Kellergeist Pub Theater located at 111 Central Avenue, and approve the Development Agreement.**

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

Commissioner McKenney commented that it is his understanding that the whole purpose of a TIF District is to use that tax money to improve that blighted area. That is what is being done here. He received confirmation that when a TIF District is first approved, there are property taxes that continue to go to the general fund referred to as the baseline tax valuation. Everything that accrues from improvements is captured in a separate TIF account to be used for TIF expenditures. The baseline stays solid over time. It is a low number because it is a blighted area. The whole intent is to attract investors, attract developers, and as they develop an area, then there is more tax income and that tax income is captured for further development.

Many new downtown businesses have taken advantage of TIF funds. The development has worked because there is an abundance of money to be used to redevelop downtown. The building program allows for reimbursement of up to 50% for eligible activities for the three programs. As our downtown is being redeveloped, the Commission has to think more outside the box.

Commissioner Tryon commented that use of TIF funds is not a slush fund for private developers. The fund is to improve public infrastructure. He noted his support for the fire suppression system component of the project. Three components were added to the Downtown TIF, which is a program that can be utilized to improve public infrastructure, not to increase the value of private property. He doesn't see any extraordinary circumstances or a transformative opportunity for downtown with this project sufficient to approve TIF funding for the other two components of this project, and doesn't see enough objective analysis in the staff review of this TIF criteria review.

Commissioner Hinebauch clarified that the three programs are specific to the Downtown Urban Renewal District. He agrees this will be a transformative project downtown, and will create activity in downtown that benefits the entire downtown. He thanked staff for being creative because the TIF funds should be utilized to the maximum benefit of the district.

Commissioner Wolff noted her support and wants to see another venue that brings more people to the downtown.

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Mayor Kelly commented that consistency is an issue that we all try to deal with over time. The Commission has some flexibility, which he thinks is appropriate. The programs are not being tapped the way they can be. The development community has been asked to bring forward new challenges or ideas. The uses that the applicant has applied for are in fact within the parameters that the Commission set.

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

Motion carried 4-1 (Commissioner Tryon dissenting).

**OLD BUSINESS****NEW BUSINESS**

**15. FINAL PLAT FOR WEST RIDGE PHASE X, LEGALLY DESCRIBED AS WEST RIDGE ADDITION, PHASE X OF PERETTI ADDITION TRACT 2, LOCATED IN THE SE ¼ SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, PMM, CITY OF GREAT FALLS, CASCADE COUNTY, MT.**

Planning and Community Development Planner III Lonnie Hill reported that this is the final plat request for Phase 10 of West Ridge Addition, which is located along 42<sup>nd</sup> Avenue Northeast between Nathaniel Addition and Fourth Street Northeast.

This proposal will create 40 new lots within the City limits with a total of 70 dwelling units. This project has been before the Commission multiple times for different requests including changing the zoning to PUD and amending the PUD to allow a variety of densities upon the development.

Approval of the final plat is a step to get closer to having lots being able to be built on. The final plat cannot be filed until the public infrastructure is built or bonded for. No permits can be released until the plat is filed.

The staff report includes information about the utility extensions and storm water for this site. This development continues the model of using onsite storm water as supposed to a regional storm water facility.

Mayor Kelly asked if the Commissioners had any questions of staff. Hearing none, Mayor Kelly asked the will of the Commission.

**Commissioner Hinebauch moved, seconded by Commissioner Tryon, that the City Commission approve the final plat of West Ridge Phase X as legally described in the staff report, and the accompanying Findings of Fact, subject to the Conditions of Approval being fulfilled by the applicant.**

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

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**Brett Doney**, Great Falls Development Alliance, thanked staff for its flexibility on this project. GFDA is excited not only about more housing but the great mix of single family, duplexes and four-plexes.

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

Commissioner McKenney noted that this project consists of 70 units, single-family homes, two-unit townhouses and multifamily units. The City needs much more affordable housing and workforce housing, but this is a step in the right direction.

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

Motion carried 5-0.

**16. LABOR AGREEMENT BETWEEN THE CITY OF GREAT FALLS AND THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION #233.**

Human Resources Director Gaye McInerney reported that City staff recommends that the Commission approve the Labor Agreement between the International Brotherhood of Electrical Workers Local Union No. 233, which consists of 4 employees across two departments – Planning and Community Development and Public Works.

The negotiating teams including the following individuals:

Representing the City:

Gaye McInerney, HR Director  
Charles Anderson, Deputy City Manager  
Melissa Kinzler, Finance Director  
Mgr.  
David Dennis, City Attorney

Representing the MFPE:

David Anderson, Water Plant  
Joseph Wofford, Traffic  
Jack McBroom, IBEW Business  
  
Luke Hoffer, IBEW

Key items of change include:

**Article 2 – Term of the Agreement**

Two years – July 1, 2023 through June 30, 2025

**Article 23 – Meal**

Meal reimbursements were increased to \$15.00 per meal.

**Article 24 – Longevity**

Longevity pay was bargained to begin after five years of service with a cap after 25 years of service. The longevity payout amounts did not change.

**Addendum A:**

Job titles of Asset Management/Technical Support Specialist and Water Plant Operations Foreman no longer exist and were removed from Addendum A. The Code Inspector and

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Master Electrician hourly rates will be the same, as the Code Inspector has to be a Master Electrician in order to complete inspections. The schedule reflects a cost of living increase of five percent for each year of contract – FY24 and FY25.

The financial impact of a five percent COLA increase in FY24 is approximately \$17,700. The financial impact of a 5.0 percent COLA increase in FY25 is approximately \$18,600 for a total impact of \$36,300 over the term of the contract.

The IBEW members voted to ratify the contract language on June 30, 2023. The City Commission may choose not to ratify the proposed labor agreement and direct the City Manager and teams to reconvene and continue the collective bargaining process.

**Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission approve the labor agreement between the City of Great Falls and the International Brotherhood of Electrical Workers (IBEW) Local Union #233.**

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

Commissioner McKenney inquired what the biggest areas of friction were between the City and Union.

Director McInerney responded that bargaining over wages was the biggest concern.

Commissioner McKenney received clarification that supervisors were not part of this particular union.

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

Motion carried 5-0.

## 17. **PROFESSIONAL SERVICES AGREEMENT – DESIGN CONTRACT APPROVAL FOR THE CIVIC CENTER COURT RELOCATION PROJECT. OF 1750.3**

ARPA Project Manager Sylvia Tarman reported that the City Court project was identified as a tier one ARPA project by the City Commission at the April 5, 2022 meeting. The project was intended to identify the needs of the court and court staff and provide the best option to either remodel the current facilities in the basement of the Civic Center or to relocate the court to another site.

Numerous options to relocate the court have been looked at over the last decade but a viable opportunity to do so never materialized due to space or budget constraints. This investigation continued in earnest after the ARPA funds were identified and the court project was identified as a tier one project.

Preliminary design efforts on remodeling the current court facilities in the basement revealed that installing adequate court spaces, adding room for a second judge, and providing room for growth in the city court and for staff would be incredibly difficult to accomplish in the basement, and very

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costly. City staff investigated multiple options to relocate the court outside of the Civic Center. All of those facilities were found to be inadequate to serve the court's needs or were not feasible due to budget or time constraints. Focus then shifted to the Missouri Room. City staff have been working with Cushing Terrell on preliminary design options for the Missouri Room. Space designs were presented to the City Commission at the July 18th work session and the City Commission recommended that the project team bring forth a formal design contract for relocating the court space to the Missouri Room. Cushing has provided an estimate for the project in the amount of \$321,950 for the design work.

This design will include the necessary architectural, mechanical, and electrical construction documents to enable bidding by a qualified contractor. This contract also includes allowances for asbestos testing, consulting with a sound engineer, construction administration and engaging in some preliminary design options for the basement layout after the court moves out. Due to their familiarity with the Civic Center building and infrastructure, Cushing is well suited to provide an integrated design for the overall project complementing all of the other infrastructure upgrades that are happening around the Civic Center. Cushing is ready to execute the project immediately on approval from the Commission.

Therefore, staff recommends approval of the design contract put forth by Cushing Terrell for the Civic Center Court relocation project in the amount of \$321,950 utilizing American Rescue Plan Act funds.

**Commissioner Tryon moved, seconded by Commissioner Hinebauch, that the City Commission approve the design contract with Cushing Terrell, for the Civic Center Municipal Court Relocation Project, in the amount of \$321,950 utilizing American Rescue Plan Act funds, and authorizing the City Manager to execute the contract documents.**

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

Mayor Kelly commented that this is not a step that the Commission takes lightly. There has been a lot of input from a variety of people who hold that room near and dear. Judge Bolstad and his staff have promised that they will be good stewards of that space. The City has looked high and low to find an opportunity for the court to be moved out of the basement. This Commission has taken a step that others were not able to or willing to because of the special place that the Missouri Room has. But, there is lots of opportunity in the private sector for meeting spaces that did not exist a few years ago. The business people that have created those spaces for meetings and special events should be embraced and welcomed by the community. He thinks that the Missouri Room is the best use and the highest use of that property for the needs of the City at this point.

Commissioner McKenney also noted there was pushback because of the historical features. He inquired if the historical features of the room will be preserved in the new designs.

ARPA Project Manager Tarman responded that the room is an integral part of the Civic Center. Tony with Cushing Terrell is very versed in preserving architectural features and working on historic buildings and historic preservation issues. They have also worked with the Historic



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Preservation Officer to capture the essence of the room. One of the character defining features of the room is its openness.

Unfortunately, that will be affected. They are doing the best they can to provide security and safety for the court while preserving those features.

Commissioner Wolff commented that, not only are the designs preserving the historical features but enhancing them. Tony with Cushing Terrell listened to what was being said by the people who really wanted the historical nature kept.

City Manager Doyon added that this is probably the most logical location to relocate court with another judge coming on. A lot of time was spent looking internal and external for a suitable space.

He pointed out that this will impact Events. Events is operating already on a very thin margin and gets a subsidy from the general fund. There are rooms that will be part of this project that have been used on a regular basis that will not be available anymore. There is about \$5,000 to do preliminary design work on rooms downstairs that would replace what is being used on the second floor. That amount is insufficient, especially when it comes to relocating the IT training room, which is where all the software training and orientations occur. The City cannot escape not having an IT resource like that for the organization much longer.

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

Motion carried 5-0.

## ORDINANCES/RESOLUTIONS

18. **RESOLUTION 10520, AUTHORIZING THE ISSUANCE AND NEGOTIATED SALE OF UP TO \$850,000 TAX INCREMENT INDUSTRIAL INFRASTRUCTURE DEVELOPMENT REVENUE BONDS, SERIES 2023 (GREAT FALLS INTERNATIONAL AIRPORT TAX INCREMENT FINANCING INDUSTRIAL DISTRICT), SUBJECT TO TERMS AND LIMITATIONS SET FORTH HEREIN AND AUTHORIZING THE CITY MANAGER AND FISCAL SERVICES DIRECTOR TO ENTER INTO A BOND PURCHASE AGREEMENT WITH RESPECT THERETO.**

Finance Director Melissa Kinzler reported that in May of 2021, the City Commission adopted Resolution 10399, which approved the Great Falls Airport Authority's (Authority) request for Tax Increment Financing (TIF) funds from the Great Falls International Airport Tax Increment Financing Industrial TIF District to aid in the cost of infrastructure improvements. This request was in coordination with a project that would construct improvements including water service lines, sewer service lines, storm sewer improvements, electric/data services lines, and two roadway access points. The improvements are now constructed and accepted by the City, and will be used to serve the future construction of buildings to be used for industrial warehouse bays.

After the City Commission's approval of the development agreement recorded on May 19, 2021, which allocated \$762,510 for the projects, the construction and bidding process resulted in higher dollar amounts than estimated in the original request. The Authority requested additional TIF reimbursement to cover the inflated costs. The revised request by the Authority asked for a total reimbursement of \$1,091,238. Amendment No. 1 to the development agreement was approved by

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the City Commission on December 6, 2022. In the amended development agreement, the City agreed to (i) reimburse the Authority for \$400,000 of costs of the Infrastructure Improvements with Tax Increment funds on hand and (ii) issue Bonds payable from the Tax Increment in a principal amount sufficient to pay or reimburse the Authority for up to \$691,238 of Infrastructure Improvements, to fund a deposit to the reserve account and to pay costs of issuance. The City has reimbursed the Authority the \$400,000 from the Tax Increment funds on hand. The amount the City will reimburse the Airport in issuing the Bonds will be \$521,183.80. The total reimbursed amount for Infrastructure Improvements to the Authority will be \$921,183.80.

Resolution 10520, will establish the terms, and limitations of the sale. The City Manager and the Fiscal Services Director, or the Deputy City Manager in the absence or unavailability of either, are authorized to determine the conditions pertaining to the negotiated sale of the Series 2023 Bonds, including whether the Series 2023 Bonds will be sold in a public offering or a private placement. If the Series 2023 Bonds are sold in a public offering, D.A. Davidson & Co., of Great Falls, Montana (“Davidson”) will serve as underwriter for the public sale of the Series 2023 Bonds. If the Series 2023 Bonds are sold in a private placement, Davidson will serve as placement agent and solicit proposals from banks and other financial institutions for the direct purchase of the Series 2023 Bonds.

The purchase price, redemption features, and interest rate on the Bonds will be subject to the following conditions and limitations:

- (1) the aggregate principal amount of the Series 2023 Bonds shall not exceed \$850,000.
- (2) the average coupon rate on the Series 2023 Bonds shall not exceed 6.0%
- (3) the purchase price of the Series 2023 Bonds shall not be less than 98.5% of the principal amount thereof; and
- (4) the final maturity of the Series 2023 Bonds shall not be later than 17 years from their date of issuance.

Upon final approval of the interest rate, purchase price, and other terms and conditions of the sale of the Bonds, the City Manager, Fiscal Service Director, or the Deputy City Manager in the absence or unavailability of the either, shall be authorized to enter into and execute a Bond Purchase Agreement on behalf of the City. The form of the Bonds and the final terms and conditions will be brought in front of the City Commission under a separate resolution for final approval.

The fiscal impact of issuing \$850,000 of revenue bonds is estimated to be an average debt service of \$87,398 a year through Fiscal Year 2039 in the Airport Tax Increment Fund. The final debt service amount is dependent on the interest rate and such parameters will be set with the resolution presented at a September 2023 City Commission meeting.

**Commissioner Wolff moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10520.**

Mayor Kelly asked if there any comments from the public.

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**Brett Doney**, Great Falls Development Alliance, thanked staff for working on this, and he is looking forward to seeing those industrial bays. The City needs housing, but it also needs space for more small businesses. GFDA is seeing a lot of entrepreneurship in the City and they want to foster that.

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

Mayor Kelly was informed the bonds would be tax exempt.

Commissioner Wolff commented she is serving as the ex officio member of the Airport Authority Board. There has been many discussions about what could be built there and the need for small and large industrial spaces. She is excited to see this project happen.

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

Motion carried 5-0.

## 19. **RESOLUTION 10524, A RESOLUTION ESTABLISHING A POLICY CONCERNING APPOINTMENTS TO BOARDS AND COMMISSIONS AND REPEALING RESOLUTION 10235.**

Mayor Kelly reported that this came about during the Commission initiatives section of the July 18, 2023 meeting. Manager Doyon was directed to have staff draft a revision to the current policy.

Currently the policy states:

3. In the case of a member eligible for and interested in reappointment, if the member is in good standing and the applicable board or commission recommends that the member be reappointed, his or her application shall be brought before the City Commission for consideration for reappointment without advertising for other citizen interest. The City Commission reserves the right to accept or reject that member for reappointment.

With proposed Resolution 10524, the language would read:

3. All board vacancies will be advertised on the City's Website and sent out to local media. In the case of a member eligible for and interested in reappointment, if the member is in good standing, his or her application shall be brought before the City Commission for consideration for reappointment along with all newly received applications. The City Commission reserves the right to accept or reject that member for reappointment.

**Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission adopt Resolution 10524.**

Mayor Kelly asked if there any comments from the public.

**Keith Duncan**, Liberty and Values MT, commented that the Library Board is a governing board.

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As a governing board, they can spend money, promote tax increases, establish policy and, as everyone saw recently, even sue other branches of government. It appears to him that the Library Board is independent and has very little accountability to citizens. He is aware that paragraph four of the resolution states that boards and commissions are encouraged to make recommendations. As representatives of the people, he suggested the Commission must guard against allowing these boards to turn the Commission into rubber stamps. The Commission represents the people, and need to do their due diligence and weigh and measure each applicant. He urged the Commission's support of Resolution 10524.

**Jeni Dodd**, City resident, agreed with the prior speaker. She is in favor of this resolution, but would also like the Commission to consider recommendations from boards and commissions be eliminated so it does not appear to be rubber-stamping appointments.

**Kathie Hansen**, 4601 Flood Road, also agreed with Mr. Duncan's comments and is in favor of this Resolution. To have a better say in what happens to tax dollars, she would like boards and commissions to be totally represented by either the City Commission, County Commission or the taxpayers.

**Mitch Tropila**, City resident, supports adoption of Resolution 10524 and making the process more transparent for board appointments and reappointments. He reported that he served on the Library Board for 10 years. During that time, he spent a lot of time with the Library Board. He thanked the City Commission and City Manager, noting that they worked together extremely well during those years. He gave a shout out to the current Library Board members as they took the lead on the successful Library levy process. Thanks to their hard work, \$350,000 of the City budget will be freed up. He concluded that the Commission should continue the good relationship with the Library Board and continue to look to them for guidance and expertise and above all, trust them.

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

Mayor Kelly expressed appreciation to the Commission for bringing this up in his absence at the last meeting.

Mayor Kelly called for the vote.

Motion carried 5-0.

**CITY COMMISSION****20. COMMISSION INITIATIVES.**

None.

**21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Kelly thanked Commissioner Wolff for serving as Mayor Pro Tempore in his absence at the last meeting.

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**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of August 1, 2023, at 9:32 pm.**

Motion carried 5-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

**Minutes Approved: August 15, 2023**



Commission Meeting Date: August 15th, 2023

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**ITEM:** \$25,000 Report  
Invoices and Claims in Excess  
of \$25,000

**PRESENTED BY:** Finance Director

**ACTION REQUESTED:** Approval with Consent Agenda

**LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT**

<https://greatfallsmt.net/finance/checkregister>

**TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN  
ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$25,000:**

ACCOUNTS PAYABLE CHECKS FROM NEW WORLD	07/20/2023-08/02/2023	637,369.75
ACCOUNTS PAYABLE CHECKS FROM MUNIS	07/20/2023-08/02/2023	2,493,866.14
MUNICIPAL COURT CHECKS	07/20/2023-08/02/2023	50,644.62
MISCELLANEOUS ACCOUNTS PAYABLE WIRES	07/20/2023-08/02/2023	5,864.93

TOTAL: \$ 3,187,745.44

**GENERAL FUND**
**DEBT SERVICES**

MONTANA BOARD OF INVESTMENTS	LOAN 2616 COMBO 2659-01 (SPLIT AMONG FUNDS)	43,375.25
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**OTHER ADMIN**

WENDT INC	PUBLIC SAFETY LEVY EDU CAMPAIGN JUN 23	35,367.74
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**SPECIAL REVENUE FUNDS**
**LIBRARY**

MT STATE LIBRARY	MT SHARED CATALOG SERVICES FY24	27,052.95
CASCADE COUNTY ELECTIONS	2023 LIBRARY MILL LEVY	41,314.54

**PLANNING & COMMUNITY DEVELOPMENT**

DEPT OF TRANSPORTATION	RIVERS EDGE CONNECTOR PASS THRU	54,049.05
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**FEDERAL BLOCK GRANTS**

COMMUNITY HEALTH CARE CENTER	PURCHASE OF MOBILE MED UNIT 2ND HALF	94,612.50
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**DEBT SERVICE FUNDS**
**CAPITAL PROJECT FUNDS**

**ENTERPRISE FUNDS****WATER**

SLETTEN CONSTRUCTION	1698.1 PROF ENG SERV WTP SOLIDS MIT/PM (SPLIT AMONG FUNDS)	379,584.56
UNITED MATERIALS OF GF INC	1648.1 SOUTHSIDE WMR PHASE II/PMNT 7	248,958.28
GERANIOS ENTERPRISES INC	OF 1432.4 SW SIDE WMR PHASE III/PMT 7	117,968.12
ADVANCED ENGINEERING ENVIRO	1698.1 PRO ENG SERVICE WTP SOLID MIT/PM (SPLIT AMONG FUNDS)	13,532.50

**SEWER**

SLETTEN CONSTRUCTION	1731.3 WWTP CLARIFIER REHAB/PMNT 6	243,414.57
SLETTEN CONSTRUCTION	1698.1 PROF ENG SERV WTP SOLIDS MIT/PM (SPLIT AMONG FUNDS)	379,584.56
ADVANCED ENGINEERING ENVIRO	1698.1 PRO ENG SERVICE WTP SOLID MIT/PM (SPLIT AMONG FUNDS)	13,532.50

**PARKING**

STANDARD PARKING CORPORATION	PARKING CONTRACT MAY 2023	36,822.41
STANDARD PARKING CORPORATION	PARKING CONTRACT JUNE 2023	32,557.98

**INTERNAL SERVICE FUNDS****INFORMATION TECHNOLOGY**

ENVIROMENTAL SYSTEMS RESEARCH	ESRI SOFTWARE AGREEMENT 10/23-11/24	56,700.00
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**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	UNLEAD FUEL 121929 GAL DIESEL 152332 GAL	26,960.79
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**TRUST AND AGENCY FUNDS****COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	38,458.62
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**PAYROLL CLEARING**

STATE TREASURER	MONTANA TAXES	54,077.00
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	54,069.10
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	71,700.58
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	141,199.10
POLICE SAVINGS & LOAN	EMPLOYEE CONTRIBUTIONS	
US BANK	FEDERAL TAXES, FICA & MEDICARE	241,968.87

**SILD 1309 STONE MEADOWS 2**

MONTANA BOARD OF INVESTMENTS	LOAN 2616 COMBO LOAN 2659-01 (SPLIT AMONG FUNDS)	2,135.44
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**UTILITY BILLS**

**CLAIMS OVER \$25,000 TOTAL:** \$ 2,448,997.01

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

**DATE: August 15, 2023**

**ITEM:** CONTRACTS LIST  
Itemized listing of administratively approved contracts.  
(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
<b>A</b>	Park and Recreation	Boys and Girls Club	07/13/2023 – 12/31/2025	\$1.00/annually	Ratification of Assumption of Lease Agreement – Sunburst Unlimited entered into a merger agreement with the Boys and Girls Club (BAGC). BAGC desires to assume the Lease Agreement the City entered into with Sunburst Unlimited under the same terms and conditions for property located at 410 16 <sup>th</sup> Street SW [CR: 102020.13]
<b>B</b>	Information Technology (IT) Mapping and Addressing	The Montana State Library	08/08/2023 – 06/14/2024	\$25,000 grant award \$1,500 in kind – personnel	Ratification of the Statement of Work for Improvements to the Digital Public Land Survey System (PLSS) Project for the City of Great Falls and Surrounding County Areas Phase 2 [CR: 030723.9A]





Commission Meeting Date: August 15, 2023

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Agreement for Mutual Aid in Fire Protection and Hazardous Materials Incident Response with Malmstrom AFB Fire Department

**From:** Jeremy Jones, Fire Chief

**Initiated By:** Jeremy Jones, Fire Chief

**Presented By:** Jeremy Jones, Fire Chief

**Action Requested:** Approve the Agreement for Mutual Aid in Fire Protection and Hazardous Materials Incident Response and authorize the City Manager to execute the Agreement.

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/not approve) the Agreement for Mutual Aid in Fire Protection and Hazardous Materials Incident Response and (authorize/not authorize) the City Manager to execute the Agreement.”

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

**Staff Recommendation:** Staff recommends that the City Commission approve the Agreement for Mutual Aid with Secretary of the Air Force acting by and through the Commander of the 341<sup>st</sup> Mission Support Group of Malmstrom AFB.

**Summary:** Malmstrom AFB Fire Department and Great Falls Fire Rescue have a long standing relationship in providing mutual aid to the respective jurisdictions served. As proven in the recent Gibson Flats Fire, during times of need, each department has been able to respond during large incidents or disasters that have occurred in our communities. Both agencies can rapidly render assistance to the other during these events resulting in additional resources available to mitigate the emergency.

**Background:** This mutual aid agreement has been exercised regularly by both parties. The City has exercised this agreement when additional resources are needed immediately at a conflagration fire to minimize the loss of property and life in areas protected by Great Falls Fire Rescue. During these times, Malmstrom firefighters work alongside GFFR firefighters and fall within our Incident Command System.

**Fiscal Impact:** There is no cost to enter/continue this mutual aid agreement. A component to any fire service mutual aid is to not seek reimbursement from the party requesting assistance.

Each Party waives all claims against the other Party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this agreement.

At times it may be necessary to hire back GFFR firefighters to cover for firefighters rendering mutual aid assistance. This also affects our partners in times they render aid to the City of Great Falls.

**Alternatives:** The City Commission could choose to disapprove this mutual aid agreement.

**Concurrences:** None

**Attachments/Exhibits:** Memorandum for Malmstrom AFB Fire Emergency Services Mutual Aid Partners and Agreement for Mutual Aid in Fire Protection and Hazardous Materials Incident Response

**AGREEMENT FOR MUTUAL AID IN FIRE PROTECTION AND HAZARDOUS  
MATERIALS INCIDENT RESPONSE  
(ICBM ALERT/LAUNCH FACILITIES, ICBM TRANSPORT INCIDENTS AND  
ON/OFF BASE SUPPORT)**

This Mutual Aid Agreement (the “Agreement”), is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2023, between the Secretary of the Air Force (the “Air Force”) acting by and through the Commander, **Malmstrom AFB** pursuant to the authority of 42 U.S.C. § 1856a and the **GREAT FALLS FIRE RESCUE**. Together the Air Force and the **GREAT FALLS FIRE RESCUE** are hereinafter referred to as the “Parties”.

WITNESSETH:

WHEREAS, each of the Parties hereto maintains equipment and personnel for the suppression of fires and the management of other emergency incidents occurring within areas under their respective jurisdictions; and

WHEREAS, as set forth in 42 U.S.C. § 1856 the term ‘fire protection’ includes personal services and equipment required for fire prevention, the protection of life and property from fire, firefighting, and emergency services, including basic medical support, basic and advanced life support, hazardous material containment and confinement, and special rescue incidents involving vehicular and water mishaps, and trench, building, and confined space extractions; and

WHEREAS, the Parties hereto desire to augment the fire protection capabilities available in their respective jurisdictions by entering into this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, obligations and agreements herein established, the Parties hereby agree as follows:

- a. The authority to enter into this Agreement is set forth in 42 U.S.C. § 1856a, and Title 15 United States Code Section 2210, the regulations implementing the same at Title 44 Code of Federal Regulations Part 151 Emergency Management and Assistance and Department of Air Force Instruction 32-2001, Fire and Emergency Services Program.
- b. This Agreement will serve as the agreement between the Parties for securing to each mutual aid in fire protection services as defined above.
- c. On request to a representative of the **Malmstrom AFB** fire department by a representative of the **GREAT FALLS FIRE RESCUE**, fire protection equipment and personnel of the **Malmstrom AFB** fire department will be dispatched to any point within the area for which the **GREAT FALLS FIRE RESCUE** normally provides fire protection services as designated by the representatives of the **GREAT FALLS FIRE RESCUE**.

d. On request to a representative of the **GREAT FALLS FIRE RESCUE** by a representative of the **Malmstrom AFB** fire department, fire protection equipment and personnel of the **GREAT FALLS FIRE RESCUE** will be dispatched to any point within the jurisdiction of the **Malmstrom AFB** as designated by the representative of the **Malmstrom AFB** fire department.

e. Any dispatch of equipment and personnel by the Parties pursuant to this Agreement is subject to the following conditions:

(1) Any request for aid hereunder will include a statement of the amount and type of equipment and personnel requested and will specify the location to which the equipment and personnel are to be dispatched, but the amount and type of equipment and the number of personnel to be furnished will be determined by the responding organization. The requesting organization will ensure access to site for the responding organization.

(2) The responding organization will report to the officer in charge of the requesting organization at the location to which the equipment is dispatched, and will be subject to the orders of that official.

(3) The responding organization will be released by the requesting organization when the services of the responding organization are no longer required or when the responding organization is needed within the area for which it normally provides fire protection.

(4). Sharing of non-encrypted Radio Frequencies/INOPERABILITY capability between agencies specifically during Mutual Aids for accountability of personnel and assets, including sharing of valuable information between Incident Command and firefighters.

(5). HAZMAT incident response will include the response to, and control and containment of any release or suspected release of any material suspected to be or known to be hazardous. Where the properties of a released material are not known, it will be considered hazardous until proven otherwise by the requesting organization using all technical resources available. Cleanup and removal of contained HAZMAT will be the responsibility of the requesting organization.

(6). In the event of a crash of an aircraft owned or operated by the United States or military aircraft of any foreign nation within the area for which the **GREAT FALLS FIRE RESCUE** normally provides fire protection services, the chief of the **Malmstrom AFB** fire department or his or her representative may assume full command on arrival at the scene of the crash.

(7). Regardless of local agencies assigning an incident safety officer, an Air Force representative will be assigned to act as the incident safety officer for **Malmstrom AFB** to observe Air Force support and operations at an incident. Local agencies are encouraged to assign a safety officer to observe the agencies support and operations at an incident on the installation.

f. Each Party hereby agrees that its intent with respect to the rendering of assistance to the other Party under this Agreement is not to seek reimbursement from the Party requesting such assistance.

(1). Notwithstanding the above, the Parties hereby recognize that pursuant to the Section 11 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. § 2210) and Federal regulations issued there under (44 Code of Federal Regulations Part 151), **GREAT FALLS FIRE RESCUE** is permitted to seek reimbursement for all or any part of its direct expenses and losses (defined as additional firefighting costs over normal operational costs) incurred in fighting fires on property under the jurisdiction of the United States. Furthermore, under the authority of 42 U.S.C. § 1856a, and pursuant to any applicable state or local IAW each Party hereby reserves the right to seek reimbursement from the other for all or any part of the costs (defined as additional firefighting costs over normal operational costs) incurred by it in providing fire protection services to the other Party in response to a request for assistance.

(2.) Furthermore, **GREAT FALLS FIRE RESCUE** agrees to indemnify and hold harmless the United States from any liability that may arise from the use of fire-fighting foams, chemicals, or other materials by the Air Force in providing fire protection services to the **GREAT FALLS FIRE RESCUE**, which agreement to indemnify and hold harmless includes, but is not limited to, such uses that may result in hazardous substance exposure or pollution of or contamination to air, land, water, person or property or such uses that may result in response actions under CERCLA, RCRA, or any other federal, state, or local laws. Notwithstanding any other provision of this Agreement, termination of this Agreement shall in no way affect **GREAT FALLS FIRE RESCUE's** obligation under this paragraph to indemnify and hold harmless the United States from any liability that may arise from the use of foams, chemicals, or other materials by the Air Force in providing fire protection services to the **GREAT FALLS FIRE RESCUE**, which obligation shall survive such termination.

g. Both Parties agree to implement the National Incident Management System during all emergency responses on and off Installations in accordance with National Fire Protection Association Standard 1561.

h. Each Party waives all claims against the other Party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this Agreement. This provision does not waive any right of reimbursement pursuant to paragraph f.

i. All equipment used by **GREAT FALLS FIRE RESCUE** in carrying out this Agreement will, at the time of action hereunder, be owned by it; and all personnel acting for **GREAT FALLS FIRE RESCUE** under this Agreement will, at the time of such action, be an employee or volunteer member of **GREAT FALLS FIRE RESCUE**.

j. The rendering of assistance under the terms of this Agreement will not be mandatory; however, the Party receiving a request for assistance will endeavor to immediately inform the requesting Party if the requested assistance cannot be provided and, if assistance can be provided, the quantity of such resources as may be dispatched in response to such request.

k. Neither Party will hold the other Party liable or at fault for failing to respond to any request for assistance or for failing to respond to such a request in a timely manner or with less than optimum equipment and/or personnel, it being the understanding of the Parties that each is primarily and ultimately responsible for the provision of fire protection services needed within their own jurisdictions.

#### l. Disputes.

Parties to Negotiate. If a dispute arise, the Parties agree to first attempt to resolve the dispute using unassisted negotiations techniques (i.e., without the assistance of a neutral third party). Either Party may request in writing the unassisted negotiations commence. As part of unassisted negotiation, the Parties shall consider employing joint fact-finding, if material factual disputes are involved, and shall use other early resolution techniques appropriate to the circumstances. If the dispute involves material issues of fact, the Parties may employ a neutral third party to provide a confidential evaluation of the issues in fact.

#### m. Alternative Dispute Resolution

1. If the dispute is not resolved within sixty (60) days after the request for unassisted negotiations, and the Parties do not mutually agree to continue the unassisted negotiations, the Parties shall employ alternative dispute resolution procedures involving nonbinding mediation of the dispute by a neutral third party. The alternative dispute resolution procedures employed shall include a confidential evaluation of both the facts and the law and the issuance of confidential recommendations by the neutral third party.

2. By entering into this Agreement, the Parties have voluntarily adopted alternative dispute resolution procedures IAW 5 United States Code. § 572(c). These procedures shall not be employed if determined by either party to be inappropriate after taking into consideration the factors enumerated at 5 United States Code. § 572(b). A party rejecting alternative dispute resolution as inappropriate shall document its reasons in writing and deliver them to the other Party. The Parties shall enter into a master written alternative dispute resolution Agreement governing alternative dispute resolution proceedings that may be amended as needed to fit individual proceedings. (A template of an acceptable alternative dispute resolution agreement may be found at [www.adr.af.mil](http://www.adr.af.mil)).

3. The Government's obligation to make any payment arising out of an agreement resolving a dispute under this Agreement is contingent upon the availability of funds proper for such payment. The **GREAT FALLS FIRE RESCUE** obligation to make any payment arising out of an agreement resolving a dispute under the Agreement is contingent upon the availability of funds proper for such payment.

n. All notices, requests, demands, and other communications which may or are required to be delivered hereunder will be in writing and will be delivered by messenger, by a nationally-recognized overnight mail delivery service or by certified mail, return receipt requested, at the following addresses:

For the Air Force:  
Malmstrom AFB Fire Department  
c/o Commander

21 77th St N. Suite 144  
Malmstrom AFB, MT, 59402-7538

And:

Department of the Air Force  
Air Force Civil Engineer Center/CXF

139 Barnes Dr, Suite 1  
Tyndall AFB FL 32403-5319

And:

Malmstrom AFB  
c/o Fire Chief

21 73rd St.  
Malmstrom AFB, MT 59402

For: GREAT FALLS FIRE RESCUE

Attention to: Fire Chief  
105 9th St. South  
Great Falls, MT 59401

## TERMS OF THE AGREEMENT

o. This Agreement shall become effective on the date of the last signature to the Agreement and will remain in effect for 5 years (insert date) from that date (the "Term"). The Parties to this agreement shall conduct an annual review for currency to the respective regulatory and policy guidance and shall acknowledge review by cover letter signature from both Parties' senior fire officers. Either Party may unilaterally terminate this Agreement during the Term by sending notification of its intent to terminate to the other Party at 180 days in advance of the proposed date of termination. Such notification will be in the form of a written submission to the other Party.

p. Upon becoming effective, this Agreement will supersede and cancel all previous agreements between the Parties concerning the rendering of assistance from one to the other for the purposes stated in this Agreement.

r. The modification or amendment of this Agreement, or any of the provisions of this Agreement, will not become effective unless executed in writing by both Parties.

s. This Agreement may be executed in one or more counterparts, each of which will be deemed an original.

IN WITNESS WHEREOF, The Parties have caused this Agreement to be executed by their duly authorized representatives on the dates shown below:

FIRE DEPARTMENT  
For: GREAT FALLS FIRE RESCUE

THE UNITED STATES OF AMERICA  
by the Secretary of the Air Force

By: \_\_\_\_\_

Name: \_\_\_\_\_

Fire Chief

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

By:  \_\_\_\_\_

Name: BARRY E. LITTLE

Commander, 341st Missile Wing

Date: 24 Jun 23





**DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS 341 ST MISSILE WING (AFGSC)**

19 May 2023

**MEMORANDUM FOR MALMSTROM AFB FIRE EMERGENCY SERVICES MUTUAL AID  
PARTNERS**

**FROM: MALMSTROM AFB FIRE and EMERGENCY SERVICES**

**SUBJECT: Mutual Aid Agreement Update**

1. On behalf of CMSgt Corey T. Coleman, Fire Chief, Malmstrom Air Force Base, I would like to say thank you for your continued support to the Malmstrom AFB mission. Without your support, it would be nearly impossible for us to provide the emergency services necessary to protect our critical resources in the missile field complex.
2. Annually, we call your departments to update contact information and response capabilities, which we completed back in February of this year. Now you are probably wondering why we are contacting you again! Well, periodically changes come out in our DAFI's that require us to update our current mutual aid agreements due to added stipulations on response criteria, as is the case in this situation. Therefore, we have enclosed the new updated agreement for your review and concurrence. Please take the time to read it and if you have questions, feel free to give us a call at 406-731-4836. If not, once review is complete, please date first paragraph of agreement with day & month reviewed and then sign on the last page on the "By" line and then print name & date where designated for Fire Chief.
4. Furthermore, we would appreciate it if you could return the signed agreement in the self-addressed return envelope enclosed once completed.
5. Finally, as stated previously in prior coordination letters, if you would like to arrange on site training for missile field response familiarization or any other training pertinent to our agreement, please feel free to contact us. We will do our best to coordinate this training and accommodate all parties.
6. In closing, the road runs both ways so please remember we are available for emergency response support per the agreement in your areas also, so feel free to request us if the situation dictates.
7. If you any questions please contact me at (406) 731-4836 or [rickey.naccarato@us.af.mil](mailto:rickey.naccarato@us.af.mil).

**RICKEY G. NACCARATO,**  
Assistant Fire Chief, Fire Prevention  
Malmstrom AFB, Fire Emergency Services



Commission Meeting Date: August 15, 2023

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Approve Final Payment: Fire Department Overhead Door Replacement, O. F. 1797.0

**From:** Great Falls Fire Rescue

**Initiated By:** Great Falls Fire Rescue

**Presented By:** Jeremy Jones, Fire Chief

**Action Requested:** Consider and Approve Final Payment.

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission (approve/not approve) the Final Payment for the Overhead Door Replacement project in the amount of \$154,152.87 to Door Systems of Montana, and \$1,557.10 to the State Miscellaneous Tax Fund and authorize the City Manager execute the necessary documents and to make the payments.”

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

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**Staff Recommendation:** Approve Final Payment.

**Summary:** The Great Falls City Commission identified several “Tier One” projects for American Rescue Plan Act (ARPA) funds at the April 5<sup>th</sup>, 2022 Work Session. These projects were selected from a long list of projects as eligible priority uses for ARPA.

Among the projects identified was the Fire Station Overhead Doors project. The overhead vehicle bay doors at each of the four fire stations were rapidly approaching obsolescence. These doors were approximately 40-50 years old. These installations were increasingly plagued by mechanical malfunctions and significant “wear and tear”. Additionally, parts required for repairs were becoming more and more difficult to acquire. Fire Department response time was being negatively impacted by slow or completely inoperable doors.

Fire Department Staff researched potential replacements and selected a simple “no frills” commercial door replacement. An advertised bid process was undertaken and a contract was awarded to Door Systems of Montana at the October 18, 2022 Commission Meeting.

**Background:**Purpose

The primary objective of this project was the replacement of aging doors and operating systems. The majority of the doors were 40-50 years old and replacement/maintenance had become cost prohibitive.

Workload Impacts:

Contract bid documents and specifications were completed by the City Engineering staff with assistance from City Fire and Rescue. City Engineering staff will provide contract administration services and assist with project inspection

Project Work Scope:

Work performed included:

- Installation of 20 insulated steel sectional overhead doors; and
- Installation of 20 commercial sectional door operators.

Conclusion:

City staff recommends approving making the Final Payment. City staff has verified that Door Systems of Montana, has completed all work and punch list items in accordance with the plans and contract. The two-year warranty period started at the time of substantial completion which was June 6, 2023.

**Fiscal Impact:**

This project was funded with American Rescue Plan Act (ARPA) funds. \$5,300.00 were allocated to the project for bid preparation, advertisement, and other misc. costs. \$3,954.17 of this pool was expended. The contract for \$421, 868.00 was awarded at the October 18, 2022 Commission Meeting. \$386,286.37 was spent under the contract. The total project cost (including Misc. Budget and Contract) was \$390,240.54. The total budget was \$427,168.00. This project came in \$36,927.46 under budget.

**Alternatives:**

The City Commission could vote to deny approval of the final payment and request staff to further investigate if this project is ready for final payment. This action would result in delaying payment to the contractor.

**Concurrences:**

The coordination of this item began after the City Commission approved the advancement for consideration of certain ARPA projects. There was extensive collaboration between the Fire, Public Works, Finance, and City Manager's offices in evaluating and preparing this proposal.

**Attachments/Exhibits:**

Final Pay documents.

Certificate of Completion

Vicinity Maps

PROJECT FUNDING/EXPENDITURE SUMMARY

OF 1797.0 Overhead Door Replacement Fire Department

PREPARED BY THE CITY ENGINEERS OFFICE: RJB

DATE: 7/12/2023

Final - Hold for Commission

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5			
CONTRACTOR: Door Systems of MT	Building Repair & Maintenance 2205.436200	\$228,270.64	\$154,152.87				\$417,649.32	\$382,423.51	\$35,225.81
	DATE	5/1/2023	7/12/2023				\$417,649.32	\$382,423.51	\$35,225.81

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5			
MT. DEPT. OF REV. 1%	Building Repair & Maintenance 2205.436200	\$2,305.76	\$1,557.10				\$4,218.68	\$3,862.86	\$355.82
	DATE	5/1/2023	7/12/2023				\$4,218.68	\$3,862.86	\$355.82

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE				
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5
MISCELLANEOUS	Building Repair & Maintenance 2205.436200	\$125.98	160.26	3376.33	49.87	202.42
	DATE	5/1/2022	09/16/22	05/22/23	05/05/23	06/12/23
	VENDOR	Tribune	Tribune	Glacier State	General Dist.	Glacier State

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 6	NO. 7	NO. 8	NO. 9	NO. 10			
MISCELLANEOUS	Building Repair & Maintenance 2205.436200	\$39.31					\$5,300.00	\$3,954.17	\$1,345.83
	DATE	6/14/2023					\$5,300.00	\$3,954.17	\$1,345.83
	VENDOR	General Dist.							

PROJECT #	ACCOUNT NUMBER	FUND DESIGNATION	FUNDING	EXPENDITURES	BALANCE
Po# 20230917 ↳ contractor Po# 20230916 ↳ 1 1/2	AR242201				
	2205.436200	Building Repair & Maintenance	\$421,868.00	\$386,286.37	\$35,581.63
	2205.436200	Building Repair & Maintenance	\$5,300.00	\$3,954.17	\$1,345.83
		TOTALS	\$427,168.00	\$390,240.54	\$36,927.46

Project Totals \$427,168.00 \$390,240.54 \$36,927.46

**APPLICATION FOR PAYMENT NO. FINAL**

To: City of Great Falls (OWNER)  
 From: Door Systems of Montana (CONTRACTOR)  
 Contract: Overhead Door Replacement fire department, O. F. 1797.0  
 Project: Handicap Ramps Installation  
 OWNER's Contract No. \_\_\_\_\_ ENGINEER's Project No. AR 242201  
 For Work accomplished through the date of: July 02, 2023

1.	Original Contract Price:	\$	<u>421,868.00</u>
2.	Net change by Change Orders and Written Amendments (+ or -):	\$	<u>0.00</u>
3.	Current Contract Price (1 plus 2):	\$	<u>421,868.00</u>
4.	Total completed and stored to date:	\$	<u>380,652.60</u>
5.	Retainage (per Agreement):		
	<u>0</u> % of Completed Work: \$ _____		
	_____ % of stored material: \$ _____		
	Total Retainage:	\$	<u>0.00</u>
6.	Total completed and stored to date less retainage (4 minus 5):	\$	<u>230,576.40</u>
7.	Less previous Applications for Payments:	\$	<u>230,576.40</u>
8.	Gross Amount Due this application: (6 minus 7):	\$	<u>155,709.97</u>
9.	Less 1% State Gross Receipts Tax:	\$	<u>1,557.10</u>
10.	<b>DUE THIS APPLICATION (8 MINUS 9):</b>	\$	<u>154,152.87</u>

Accompanying Documentation:

**CONTRACTOR's Certification:**

The undersigned CONTRACTOR certifies that (1) all previous progress payments received from OWNER on account of Work done under the Contract referred to above have been applied on account to discharge CONTRACTOR'S legitimate obligations incurred in connection with Work covered by prior Applications for Payment numbered 1 through 1 inclusive; (2) title of all Work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to OWNER at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to OWNER indemnifying OWNER against any such Lien, security interest or encumbrance); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and not defective.

Dated 7/11/23

Door Systems of Montana  
 CONTRACTOR

By: [Signature]

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 7/11/2023

City of Great Falls  
 ENGINEER

By: [Signature]

EJCDC No. 1910-8-E (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute. Modified by the City of Great Falls to add Items 9 and 10.





PROJECT FUNDING/EXPENDITURE SUMMARY

OF 1797.0 Overhead Door Replacement Fire Department

*Final - Hold for Commission*

PREPARED BY THE CITY ENGINEERS OFFICE: RJB DATE: 7/12/2023

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	VENDOR	Tribune	Tribune	Glacier State	General Dist.	Glacier State			

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Project Totals \$427,168.00 \$390,240.54 \$36,927.46

**APPLICATION FOR PAYMENT NO. FINAL**

To: City of Great Falls (OWNER)  
 From: Door Systems of Montana (CONTRACTOR)  
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Dated 7/11/23

Door Systems of Montana

CONTRACTOR

By: [Signature]

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 7/11/2023

City of Great Falls

ENGINEER

By: [Signature]

EJCDC No. 1910-8-E (1996 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute. Modified by the City of Great Falls to add items 9 and 10.



**OF 1797.0 Overhead Door Replacement Fire Department**  
 Prepared by the City Engineers Office  
 7/3/2022

Item #	Description of Pay Items	Total Due this Application				Total to Date			
		Pay Qty	Unit	Price	Total	Pay Qty	Unit	Price	Total
101	16'2" x 14'1" Thermacore 592 Sectional Overhead Door	2.00	EA	\$16,000.00	\$32,000.00	2.00	EA	\$16,000.00	\$32,000.00
102	14'2" x 14'1" Thermacore 592 Sectional Overhead Door	6.00	EA	\$17,326.00	\$103,956.00	18.00	EA	\$17,326.00	\$311,868.00
103	¾ HP RSX Standard Duty Overhead door opener	8.00	EA	\$2,900.00	\$23,200.00	20.00	EA	\$2,900.00	\$58,000.00
104	Onhand Replacement Parts	-	LS	\$0.00	\$0.00	1.00	LS	\$0.00	\$0.00
105	Miscellaneous Work	5.634.31	Unit	\$1.00	\$5,634.31	5.634.31	Unit	\$1.00	\$5,634.31
	Discount				(\$21,215.94)				(\$21,215.94)
	<b>Total Base Bid Amount, Items 101-105</b>				<b>\$143,574.37</b>				<b>\$386,286.37</b>
								COGF RET 5%	
								Total Completed and Stored	\$386,286.37
								Previous Applications For Payment	\$230,576.40
								Gross Due This Application	\$155,709.97
								MT. DEPT. OF REV. 1%	\$1,557.10
								Total to Contractor	\$154,152.87

## Electronic Copy is For Your Records Only: Do Not Mail



Status: Submitted, Tracking #: 1-815-964-416

**MONTANA**  
CGR

### 1% Contractors Gross Receipts

#### CGR-1

##### Contract awarded by:

**Name:** CITY OF GREAT FALLS  
**Address:** PO BOX 5021 GREAT FALLS MT 59403-5021  
**Account ID:** 4006289-007-CGR

##### Submitted By:

**Name:** Rosa Hugg  
**Title:** ENGINEERING ADMIN SECRETARY  
**Phone:** 4067711258  
**Fax:**  
**Issued:** 26-Jul-2023

##### Contract awarded to:

**Name:** DOOR SYSTEMS OF MONTANA GREAT FALLS LLC  
**Address:** 815 18TH ST N GREAT FALLS MT 59401-1317  
**Account ID:** 6576485-003-CGR

#### Contract Details:

Contract Identifier	OF1797.0
Contract award date	18-Oct-2022
Estimated Contract Amount:	421,868.00
Estimated Completion Date:	31-Dec-2025
Description of the work performed under this contract	
OVERHEAD DOOR REPLACEMENT FIRE DEPT.	

Location in Montana where this work is performed  
GREAT FALLS MT

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#### CGR-2

##### Payment Details (CGR-2):

1. Date Payment Made	26-Jul-2023
2. Month and year this payment was earned	6-2023
3. Gross Amount due contractor / sub-contractor	155,709.97
4. Amount Withheld (1% of Line 3)	1,557.10
5. Amount sending with this submission.	0.00
6. Amount that will be mailed to the Department of Revenue after submission.	1,557.10
7. Amount to be allocated with this submission.	0.00



# Certificate of Substantial Completion

Project: Overhead Door Replacement Fire Department	Owner: City of Great Falls	Owner's Contract No.: O.F. 1797.0
Contract: Overhead Door Replacement Fire Department, O. F. 1797.0		Date of Contract: 10/19/22
Contractor: Door Systems of Montana-Great Falls		Engineer's Project No.: AR242201

This [tentative] [definitive] Certificate of Substantial Completion applies to:

☒ All Work under the Contract Documents: ☐ The following specified portions:

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6/16/2023  
Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Project or portion thereof designated above is hereby declared and is also the date of commencement of applicable warranties required by the Contract Documents, except as stated below.

A [tentative] [revised tentative] [definitive] list of items to be completed or corrected, is attached hereto. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract Documents.

**The responsibilities between OWNER and CONTRACTOR for security, operation, safety, maintenance, heat, utilities, insurance and warranties shall be as provided in the Contract Documents except as amended as follows:**

☐ Amended Responsibilities ☒ Not Amended

Owner's Amended Responsibilities:

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Contractor's Amended Responsibilities:

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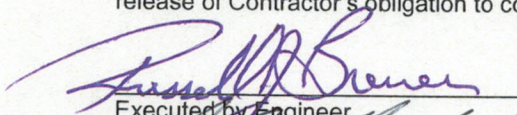
The following documents are attached to and made part of this Certificate:

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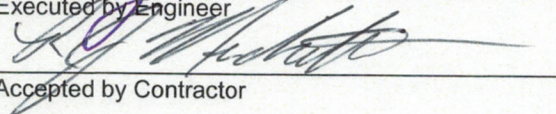
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This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract Documents.

  
Executed by Engineer

6/20/23  
Date

  
Accepted by Contractor

7/11/23  
Date

Accepted by Owner

Date











**FIRE STATION OVERHEAD DOOR  
REPLACEMENT**

**STATION #3  
VICINITY**

OF 1797.0

05-25-50





Commission Meeting Date: August 15, 2023

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10514 to Levy and Assess the General Boulevard District No. 3570

**From:** Melissa Kinzler, Finance Director

**Initiated By:** Annual Budget and Assessment Process

**Presented By:** Melissa Kinzler, Finance Director

**Action Requested:** City Commission conduct public hearing and adopt Resolution 10514 to Levy and Assess the General Boulevard District No. 3570

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**Public Hearing:**

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
  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) Resolution 10514.”
  2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
- 

**Staff Recommendation:** Staff recommends the City Commission adopt Resolution 10514.

**Background:** The Park and Recreation Department, Natural Resources - Boulevard Division is responsible for the care and maintenance of over 15,000 street trees located within the General Boulevard District. Services provided within the District are pruning, removal, planting and streetscape design.

The budget development process begins in January of each year when the Natural Resources - Boulevard Division receives its midyear financial reports. The midyear reports, and subsequent reports, are used to determine the current financial position of the division. Information is gathered regarding the actual and anticipated expenses, future projects, goals and objective of the department.

After calculating all factors pertinent to the operation of the Natural Resources - Boulevard Division, an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commission for approval. For Fiscal Year 2024, the boulevard assessment is increasing 6% or \$5.77 for the average size lot to cover the increased costs of operations (i.e. personnel, tree planting, fuel, etc.). The last General



Boulevard increase of 12% was approved in Fiscal Year 2023. There were no assessment increases in Fiscal Years 2021 or 2022 to aid in the economic recovery from COVID-19.

In order to legally provide for the necessary assessment support, State laws require City Commission hearings and passage of authorizing resolutions. MCA Sections 7-12-4102, 4176, and 4179 authorize the City Commission to create and assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such district.

As part of the annual budget development and adoption procedures, the General Boulevard Maintenance District Assessment Resolution must be submitted for City Commission action. A public notice and hearing is required prior to final passage of the assessment resolution.

**Fiscal Impact:** Adoption of Resolution 10514 will allow the City to finance the costs of work, improvements and maintenance conducted each year in the General Boulevard District.

The estimated assessment amount for the General Boulevard District for the next fiscal year is the amount reflected in the Fiscal Year 2024 Budget. This equates to an estimated assessment of \$0.013581 per square foot, for a total of \$481,875 and will result in an assessment of approximately \$101.86 for an average size lot of 7,500 square feet (7,500 sq. ft. x 0.013581 factor = \$101.86.)

**Alternatives:** The City Commission could choose to deny the adoption of Resolution 10514 to Levy and Assess the General Boulevard Maintenance District; however, the reduction in services to trim, prune, spray, and maintain the trees within the district would be harmful and devastating to the overall shelter and beauty provided by the street trees to the community.

**Concurrences:** Park and Recreation staff is responsible for the operation expenses of the Boulevard District Fund. Finance staff is responsible for assessing and collecting the revenues necessary to carry out the operations.

**Attachments/Exhibits:**

Resolution 10514

Map of the General Boulevard District

## RESOLUTION NO. 10514

### A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING BOULEVARDS IN THE GENERAL BOULEVARD DISTRICT NO. 3570 OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024

**WHEREAS**, the Great Falls City Commission did create a General Boulevard Maintenance District No. 3570 by Resolution 3570 on January 2, 1946; and

**WHEREAS**, the City Commission did amend and exclude Lots 8-14, Block 34 of Boston and Great Falls Addition, from the boundaries of the General Boulevard District by Resolution 8132 on September 1, 1987, in accordance with Mont. Code Ann. § 7-12-4335; and

**WHEREAS**, the City intends to continue trimming, pruning, spraying, and otherwise maintaining the trees within said district, except when such maintenance conflicts with other provisions of the Official Code of the City of Great Falls; and

**WHEREAS**, on July 18, 2023, the City Commission adopted Resolution 10509, Annual Budget Resolution, in which the estimated assessment for such maintenance within the General Boulevard Maintenance District No. 3570 was reflected as FOUR-HUNDRED EIGHTY-ONE THOUSAND EIGHT HUNDRED SEVENTY-FIVE DOLLARS (\$481,875); and

**WHEREAS**, in accordance with Mont. Code Ann. § 7-1-4127, notice was published setting forth that Resolution No. 10514 Levying and Assessing the Cost of Maintaining Boulevards in the General Boulevard Maintenance District No. 3570 would be brought before the Great Falls City Commission for public hearing on August 15, 2023.

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

#### Section 1 – Maintenance Costs Assessed

The cost of maintaining boulevards in General Boulevard Maintenance District No. 3570, totaling \$481,875, be levied and assessed upon the properties in said district for the fiscal year ending June 30, 2024.

#### Section 2 – Maintenance Assessment Method

Each lot and parcel within the district be assessed in proportion to its square footage. The procedure for determining the square footage to be assessed is the total square footage as set forth in Exhibit “A” of Resolution 6202 adopted by the Great Falls City Commission on July 22, 1968, and presently on file in the office of the City Clerk.

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2023 and May 31, 2024.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 15<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

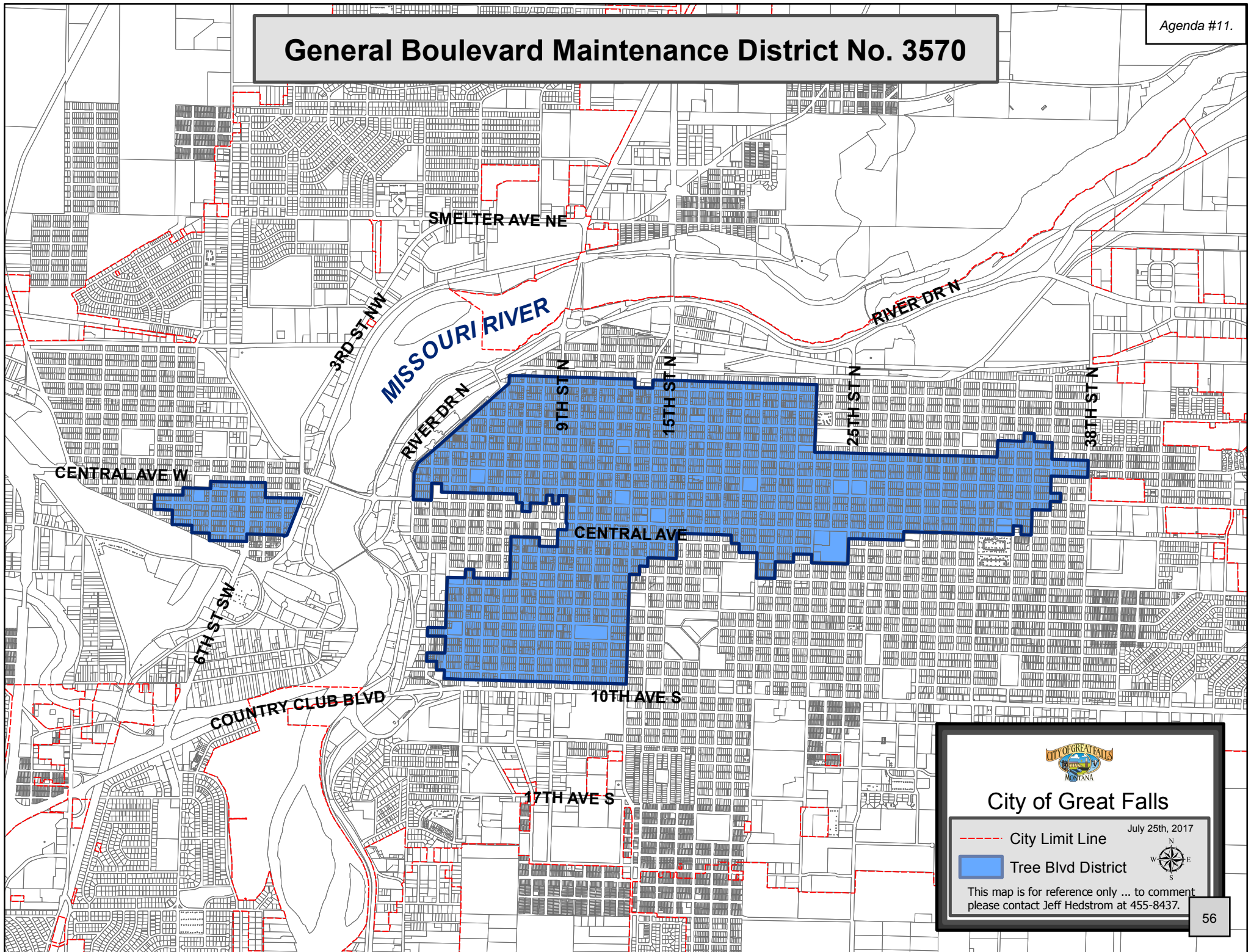
\_\_\_\_\_  
Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David Dennis, City Attorney

# General Boulevard Maintenance District No. 3570



## City of Great Falls

July 25th, 2017

- City Limit Line
- Tree Blvd District



This map is for reference only ... to comment please contact Jeff Hedstrom at 455-8437.



Commission Meeting Date: August 15, 2023

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10515 to Levy and Assess Great Falls Park District No. 1

**From:** Melissa Kinzler, Finance Director

**Initiated By:** Annual Budget and Assessment Process

**Presented By:** Melissa Kinzler, Finance Director

**Action Requested:** City Commission conduct public hearing and adopt Resolution 10515 to Levy and Assess Great Falls Park District No. 1

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**Public Hearing:**

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
  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) Resolution 10515."
  2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
- 

**Staff Recommendation:** Staff recommends the City Commission adopt Resolution 10515.

**Background:** On June 5, 2018, the City Commission adopted Resolution 10238 creating the Great Falls Park District Number 1. The boundaries of the District are the current incorporated limits of the City, as well as all properties later annexed thereto.

The Park District's overall purpose is to utilize assessment dollars and direct those monies to:

- Maintenance, repair, replacement, upkeep, installation, improvements, operation enhancement, construction, acquisition of land;
- Implementation of measures required to maintain public health and safety or meet legal or regulatory requirements;
- Purchase, replace and/or maintain equipment, tools or vehicles used to carry out the functions described herein; and/or

- Other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands, and equipment under the responsibility and care of the City of Great Falls Park and Recreation Department including but not limited to:
  - Public parks and park areas (as described in the City of Great Falls Park and Recreation Master Plan), recreation facilities, trails, open space, urban forest, medians, boulevards, pathways, sidewalks, public easements, and other facilities which are located in the city limits and/or are owned by the City.

The Park District's revenue may not be used for programming.

According to Mont. Code Ann. Sections 7-11-2021 and 1025, prior to annually levying assessments necessary to carry out the services to be performed in the District, each year the Commission shall specify the method of assessment for the lots of parcels of land located in the District, publish notice, and conduct a public hearing on such assessment before finally adopting a resolution levying assessments against the lots of parcels of land in the District. The Commission must annually adopt a resolution establishing the annual assessment for the District.

**Fiscal Impact:** The cost of the proposed improvements for the Great Falls Park District No. 1 is \$1,500,000 annually. Fiscal Year 2024 is year 6 of the assessment.

The annual assessment shall be based on the taxable value of each parcel within the District for a total of \$1,500,000 district-wide. The City will not receive current taxable value information from the Montana Department of Revenue until August approximately. Therefore, based on last year's valuations, the estimated annual assessment for a \$100,000 market value property would be \$24.44. For a \$200,000 market value property, the estimated annual assessment is \$48.88. For a \$300,000 market value property, the estimated annual assessment is \$73.32.

**Alternatives:** The City Commission could choose to deny Resolution 10515 to Levy and Assess Great Falls Park District No. 1. However, the reduction in services and improvements to the park system including facilities and the urban forest or maintenance will not improve and facilities will deteriorate or close.

**Concurrences:** Park and Recreation staff is responsible for the operational expenses of the Park District Number 1. Finance staff is responsible for assessing and collecting the revenue necessary to carry out the operations.

**Attachments/Exhibits:**  
Resolution 10515

## RESOLUTION NO. 10515

### A RESOLUTION LEVYING AND ASSESSING THE COST OF IMPROVEMENTS AND MAINTENANCE IN THE GREAT FALLS PARK DISTRICT NUMBER 1 OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024

**WHEREAS**, the City Commission did create Great Falls Park District No. 1 (hereinafter “District”) by adoption of Resolution 10238 on June 5, 2018; and

**WHEREAS**, said Resolution 10238 set forth the boundaries of the District, the method of governing the District, the assessment method, estimated cost of the District and method of financing, payment of the assessment, list of properties available and the duration of the District. The District was established for the purpose of providing services including but not limited to:

- Maintenance, repair, replacement, upkeep, installation, improvements, operation enhancement, construction, reconstruction, acquisition of land;
- Implementation of measures required to maintain public health and safety or meet legal or regulatory requirements;
- Purchase, replace and/or maintain equipment, tools or vehicles used to carry out the functions described herein; and/or
- Any other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands, and equipment under the responsibility and care of the City of Great Falls Park and Recreation Department including but not limited to:
  - Public parks and park areas (as described in the City of Great Falls Park and

Recreation Master Plan), recreation facilities, trails, open space, urban forest, medians, boulevards, pathways, sidewalks, public easements, and other facilities which are located in the city limits and/or are owned by the City; and

**WHEREAS**, pursuant to Montana Code Annotated, Title 7, Chapter 11, Part 10 (the “Act”) and in accordance with the provisions of Title 7, Chapter 7, Part 44, the City is permitted to issue revenue bonds in one or more series (collectively, the “Bonds”) to fund costs of improvements in the District, and pursuant to Ordinance No. 3228 adopted on May 4, 2021, the City Commission established the authority of the City to levy assessments each year against the properties in the District in an amount necessary to pay debt service on any outstanding Bonds.

**WHEREAS**, on July 18, 2023, the City Commission adopted Resolution 10509, Annual Budget Resolution, in which the estimated assessment for such maintenance and improvements (including debt service on Bonds) within the District was reflected as ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000); and

**WHEREAS**, in accordance with Mont. Code Ann. § 7-11-1024 and § 7-1-4127, notice was published setting forth that Resolution No. 10515 Levying and Assessing the Cost of the Great Falls Park District No. 1 would be brought before the Great Falls City Commission for public hearing on August 15, 2023.

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

Section 1 – Costs Assessed

The cost of maintenance and improvements (including debt service on Bonds) in the District, totaling \$1,500,000, be levied and assessed upon the properties in the District for the fiscal year ending June 30, 2024.

Section 2 –Assessment Method

Each lot or parcel of land, including improvements on the lot or parcel, will be assessed for that part of the cost of the District that its taxable valuation bears to the total taxable valuation of the properties within the District.

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2023 and May 31, 2024.

Section 4 – Office of Record

The official list of properties subject to potential assessment, fees or taxation of the District is on file and available for public inspection in the City Clerk’s office, and further that such list is the last completed property tax record maintained by the Department of Revenue for the county. The City Clerk’s office is designated as the office of record for the minutes to be maintained.



PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,  
this 15<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

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

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David Dennis, City Attorney



Commission Meeting Date: August 15, 2023

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10516 to Levy and Assess Properties within Special Improvement Lighting Districts

**From:** Melissa Kinzler, Finance Director

**Initiated By:** Annual Budget and Assessment Process

**Presented By:** Melissa Kinzler, Finance Director

**Action Requested:** City Commission conduct public hearing and adopt Resolution 10516 to Levy and Assess Properties within Special Improvement Lighting Districts

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**Public Hearing:**

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
  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) Resolution 10516.”
  2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
- 

**Staff Recommendation:** Staff recommends the City Commission adopt Resolution 10516.

**Background:** There are currently 27 Special Improvement Lighting Districts (SLD's) with approximately 9,429 roadway lights. The majority (97%) of the roadway lights are owned by Northwestern Energy. The City pays a maintenance fee to Northwestern Energy for these lights in addition to a fee which covers the electrical transmission and distribution. The electrical supply for the street lights is currently being furnished by Energy Keepers. The remaining 3% of roadway lighting is City-owned. The Special Improvement Lighting District funds are administered by the Finance Department. The purpose of the funds is to maintain the light poles and furnish electrical supply for the lighting districts throughout the year. After determining financial factors pertinent to the operation of the special improvement lighting districts, an assessment amount for the next fiscal year is calculated, budgeted and presented to the City Commissioners for approval.

As part of the annual budget development and adoption procedures, the Special Improvement Lighting Districts Assessment Resolution must be submitted for City Commission action. A public notice and hearing is required prior to final passage of the assessment resolution.

**Fiscal Impact:** Adoption of Resolution 10516 will allow the City to fund the operational and maintenance costs required in the Special Improvement Lighting Districts for the fiscal year.

The estimated assessment amount for the Special Improvement Lighting District funds for the next fiscal year is \$1,325,660. After review of the budget and the estimated assessment for Fiscal Year 2024, the total assessment amount reflects an aggregate 14.1% increase from the prior fiscal year. It is important to note that not all districts will have an increased assessment this year. Only those districts without a sufficient cash balance to cover the cost of operations will be increased (shown in Exhibit A). The largest contributor to the increased annual assessment is increased electricity costs. The city's electricity supply cost has increased 200%. Many districts have been using their fund balance in recent years to offset assessment increases. In most districts, the fund balance cannot offset the large electricity increase.

<u>BUDGETED</u>	<u>FISCAL YEAR</u>
<u>TOTAL ASSESSMENT</u>	
\$ 1,159,589	2017/2018 (27 Districts)
\$ 1,164,252	2018/2019 (27 Districts)
\$ 1,170,052	2019/2020 (27 Districts)
\$ 1,123,242	2020/2021 (27 Districts)
\$ 1,111,842	2021/2022 (27 Districts)
\$ 1,161,507	2022/2023 (27 Districts)
\$ 1,325,660	2023/2024 (27 Districts)

The Fiscal Year 2024 assessment per district is indicated on the Lighting Districts Maintenance Budget & Assessment Worksheet attached as Exhibit "A" and made a part of Resolution 10516.

**Alternatives:** The City Commission could choose to not set the public hearing and thereby deny the adoption of Resolution 10516; however, there will either be a reduction in services or some districts may have a negative cash balance.

**Concurrences:** Public Works staff is responsible for the maintenance of all City-owned lights. Finance staff is responsible for assessing and collecting revenues.

**Attachments/Exhibits:**

Resolution 10516

Exhibit A

## RESOLUTION NO. 10516

**A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING SPECIAL IMPROVEMENT LIGHTING DISTRICTS (SLD'S) NUMBERED 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1303, 1304, 1305, 1306, 1308, 1309 AND 1310 IN THE CITY OF GREAT FALLS, MONTANA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024**

**WHEREAS**, the City Commission declares that the above-captioned Special Improvement Lighting Districts were created, lighting systems installed and that the City intends to continue maintenance of such lighting systems in said SLD's; and

**WHEREAS**, the City Commission declares that each lot or parcel of land contained in each of said SLD's will continue to be benefited by such lighting in the same manner as determined in the creation of each Special Improvement Lighting District; and

**WHEREAS**, on July 18, 2023, the City Commission adopted Resolution 10509, Annual Budget Resolution. The budgeted amounts for maintenance of the City's lighting systems were reviewed and adjusted. The newly adjusted assessment amount totals ONE MILLION THREE HUNDRED TWENTY-FIVE THOUSAND SIX HUNDRED SIXTY DOLLARS (\$1,325,660); and

**WHEREAS**, in accordance with § 7-1-4127, MCA, notice was published setting forth that Resolution No. 10516 Levying and Assessing the Cost of Maintaining Special Improvement Lighting Districts (SLD's) Nos. 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1303, 1304, 1305, 1306, 1308, 1309 and 1310 in the City of Great Falls, Montana, would be brought before the Great Falls City Commission for public hearing on August 15, 2023.

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

Section 1 – Maintenance Costs Assessed

The cost of maintenance for said lighting systems in the above-captioned SLD's totaling \$1,325,660 be levied and assessed upon the properties in said SLD's.

Section 2 – Assessment Method

Each lot and parcel within each SLD is hereby assessed a proportion of the maintenance costs attributed to the SLD in the proportion to which its assessable area (individual square feet) bears to the area of the whole special improvement lighting district (total square feet), exclusive of streets, avenues, alleys and public places. An assessment projection summary of each district, describing total cost, is attached hereto and, by this reference, incorporated herein as if fully set

forth. The description of each lot or parcel of land within each SLD and the respective assessments are set forth in the records of the Finance Department of the City of Great Falls, Montana and by this reference is also incorporated herein as if fully set forth.

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2023 and May 31, 2024.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 15<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

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

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David Dennis, City Attorney

**FY2024 LIGHTING DISTRICTS BUDGET & ASSESSMENT WORKSHEET**  
**RESOLUTION 10516 - EXHIBIT "A"**

	DISTRICT	DISTRICT TYPE	FUND	FY 2024 PROJECTED BEGINNING CASH	FY 2024 REQUESTED TOTAL EXPENSES	FY 2024 ESTIMATED ASSESSMENT	FY 2024 ENDING CASH	TARGET CASH BALANCE	FY 2023 ASSESSMENT	FY 2024 ASSESSMENT	\$ DIFF (+/-)	% DIFF (+/-)
1	18	STREET	8402	\$ 3,715	\$ 2,689	\$ 2,700	\$ 3,727	\$ 1,344	\$ 2,700	\$ 2,700	\$ -	0%
2	650	PERIOD	8403	56,575	677	500	56,399	338	500	500	0	0%
3	651	STREET	8404	2,295	3,854	4,000	2,441	1,927	2,000	4,000	2,000	100%
4	912	STREET	8405	20,917	12,055	10,000	18,862	6,027	10,000	10,000	0	0%
5	973	STREET	8406	24,045	203	40	23,882	102	40	40	0	0%
6	1067A	ALLEY	8407	4,306	5,400	5,000	3,906	2,700	4,400	5,000	600	14%
7	1105	STREET	8408	1,864	4,307	4,600	2,158	2,153	3,850	4,600	750	19%
8	1230	STREET	8409	549	201	170	518	100	170	170	0	0%
9	1255	STREET	8410	1,164	401	350	1,112	201	350	350	0	0%
10	1261	PERIOD	8411	20,793	10,657	8,500	18,636	5,328	7,000	8,500	1,500	21%
11	1269	PERIOD	8412	100,732	36,761	22,500	86,471	18,381	18,000	22,500	4,500	25%
12	1270	PERIOD	8413	19,517	17,326	11,000	13,191	8,663	8,500	11,000	2,500	29%
13	1289	STREET	8414	5,562	14,503	15,000	6,058	7,252	12,207	15,000	2,793	23%
14	1290	STREET	8415	1,228	1,235	1,100	1,093	617	900	1,100	200	22%
15	1294	SLDA	8416	107,393	163,883	150,000	93,509	81,942	135,000	150,000	15,000	11%
16	1298	SLDI	8417	(12,354)	24,282	26,000	(10,636)	12,141	13,240	26,000	12,760	96%
17	1295	SLDC	8418	89,245	59,758	54,000	83,487	29,879	54,000	54,000	0	0%
18	1296	SLDR	8419	850,443	1,049,220	950,000	751,223	524,610	855,750	950,000	94,250	11%
19	1297	SLDT	8420	1,281	54,117	55,000	2,163	27,059	27,500	55,000	27,500	100%
20	1302	ML3	8430	19,919	2,509	600	18,010	1,255	400	600	200	50%
21	1304	EC1	8432	11,087	1,118	1,200	11,169	559	1,500	1,200	(300)	-20%
22	1306	ML4	8434	6,547	2,509	600	4,638	1,255	300	600	300	100%
23	1308	ECII & III	8436	11,343	1,736	1,000	10,608	868	1,000	1,000	0	0%
24	1310	MLS	8438	6,610	856	750	6,504	428	750	750	0	0%
25	1303	Stone Meadow 1	8440	11,131	392	350	11,089	196	350	350	0	0%
26	1305	Water Tower	8442	11,634	331	250	11,553	166	250	250	0	0%
27	1309	Stone Meadow 2	8444	4,519	443	450	4,526	222	850	450	(400)	-47%
	ALL DIST	Fund 217	8401	138,296	-	-	138,296	-	-	-	-	-
				\$ 1,520,355	\$ 1,471,422	\$ 1,325,660	\$ 1,374,593	\$ 735,711	\$ 1,161,507	\$ 1,325,660	\$ 164,153	14.1%

City-Owned Lighting Districts

Aggregate % of Increase (Decrease) 14.1%



Commission Meeting Date: August 15, 2023

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10517 to Levy and Assess the Portage Meadows Maintenance District No. 1195

**From:** Melissa Kinzler, Finance Director

**Initiated By:** Annual Budget and Assessment Process

**Presented By:** Melissa Kinzler, Finance Director

**Action Requested:** City Commission conduct public hearing and adopt Resolution 10517 to Levy and Assess the Portage Meadows Maintenance District No. 1195

---

**Public Hearing:**

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
  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) Resolution 10517."
  2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
- 

**Staff Recommendation:** Staff recommends the City Commission adopt Resolution 10517.

**Background:** In February 1977, Resolution 6913 created Special Improvement Maintenance District No. 1195 for the purpose of maintaining the Green Belt of the Portage Meadows Addition. The assessment covers the costs for materials, snow removal labor, water, mowing labor, fertilizer costs and labor, aerification labor, and tree pruning, which was part of the original Planned Unit Development.

The budget development process begins in January of each year when the Park & Recreation Department receives its midyear financial reports for the Portage Meadows Fund. The midyear reports and subsequent reports are used to determine the current financial position of the department. Information is gathered regarding the actual and anticipated expenses, future projects, goals and objective of the department.

After calculating all factors pertinent to the operation of the Portage Meadows Maintenance District, an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commissioners for approval. For Fiscal Year 2024, the Portage Meadows assessment is increasing 5%

or \$18.32 for the average size lot to cover the increased costs of operations (i.e. personnel, fuel, maintenance of the irrigation system, etc.). There were no assessment increases in Fiscal Years 2021 or 2022 to aid in economic recovery from COVID-19. The last Portage Meadows Maintenance District increase of 5% was approved in Fiscal Year 2023.

In order to legally provide for the necessary assessment support, State laws require City Commission hearings and passage of authorizing resolutions. MCA Sections 7-12-4102, 4176, and 4179 authorize the City Commission to create and assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such district.

As part of the annual budget development and adoption procedures, the Portage Meadows Maintenance District Assessment Resolution must be submitted for City Commission action. A public notice and hearing is required prior to final passage of the assessment resolution.

**Fiscal Impact:** Adoption of Resolution 10517 will allow the City to finance the cost of repairs and maintenance required each year in the Portage Meadows Maintenance District.

The estimated assessment amount for Portage Meadows Boulevard Maintenance for the next fiscal year is the amount reflected in the Fiscal Year 2024 Budget. This equates to an estimated assessment of \$0.085463 per square foot, a total of \$71,941 and will result in an annual assessment of approximately \$384.67 for an average lot of 4,501 square feet ( $4,501 \text{ sq. ft.} \times 0.085463 \text{ factor} = \$384.67$ ).

**Alternatives:** The City Commission could choose to deny Resolution 10517 to Levy and Assess the Portage Meadows Maintenance District; however, the City agreed to provide the services when the land area was donated to the City. The proposed assessment will allow for the recovery of costs incurred providing those services.

**Concurrences:** Park and Recreation staff members are responsible for the operational expenses for the Portage Meadows Maintenance District. Finance staff members are responsible for assessing and collecting the revenues necessary to carry out the operations.

**Attachments/Exhibits:**

Resolution 10517

Map of Portage Meadows Boulevard District



**RESOLUTION NO. 10517****A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING THE GREEN BELT PARK OF PORTAGE MEADOWS ADDITION IN THE CITY OF GREAT FALLS ON ALL REAL ESTATE IN SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 1195 FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024**

**WHEREAS**, the City Commission did create and amend Special Improvement Maintenance District No. 1195 by Resolutions 6913, 6980, and 8426 on February 15 and July 17, 1977, and July 16, 1991, respectively; and

**WHEREAS**, the City intends to continue maintaining the Green Belt Park of Portage Meadows Addition within Special Improvement Maintenance District No. 1195; and

**WHEREAS**, on July 18, 2023, the City Commission adopted Resolution 10509, Annual Budget Resolution, in which the estimated costs for the assessment of such maintenance within Special Improvement Maintenance District No. 1195 was reflected as SEVENTY-ONE THOUSAND NINE HUNDRED FORTY-ONE DOLLARS (\$71,941); and

**WHEREAS**, in accordance with § 7-1-4127, MCA, notice was published setting forth that Resolution No. 10517 Levying and Assessing the Cost of Maintaining the Green Belt Park of Portage Meadows Addition in the City of Great Falls on all Real Estate in Special Improvement Maintenance District No. 1195 would be brought before the Great Falls City Commission for public hearing on August 15, 2023.

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

**Section 1 – Maintenance Costs Assessed**

The cost of care and maintenance in Special Improvement Maintenance District No. 1195, totaling \$71,941, be levied and assessed upon the properties in said district for the fiscal year ending June 30, 2024.

**Section 2 – Maintenance Assessment Method**

There are 188 properties contained within the boundaries of Portage Meadows Special Improvement Maintenance District No. 1195. The costs per property and the property list for Portage Meadows Special Improvement Maintenance District No. 1195 are set forth in the records of the City Clerk of the City of Great Falls. Said property is generally identified as each lot or parcel of land within Portage Meadows Additions #1, #2, and #3, excluding Blocks 4, 5, and 6 of Portage Meadows #1 Addition.

Assessments may be reviewed on an annual basis and the amount may be revised according to the following formula: cost plus ten percent (10%) divided by the total square feet of all of the lots within said district times the square feet of each lot. Costs shall be for expendable material, snow

removal labor, water, mowing labor, fertilizer costs and labor, aerification labor, and tree pruning costs.

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2023 and May 31, 2024.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 15<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

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

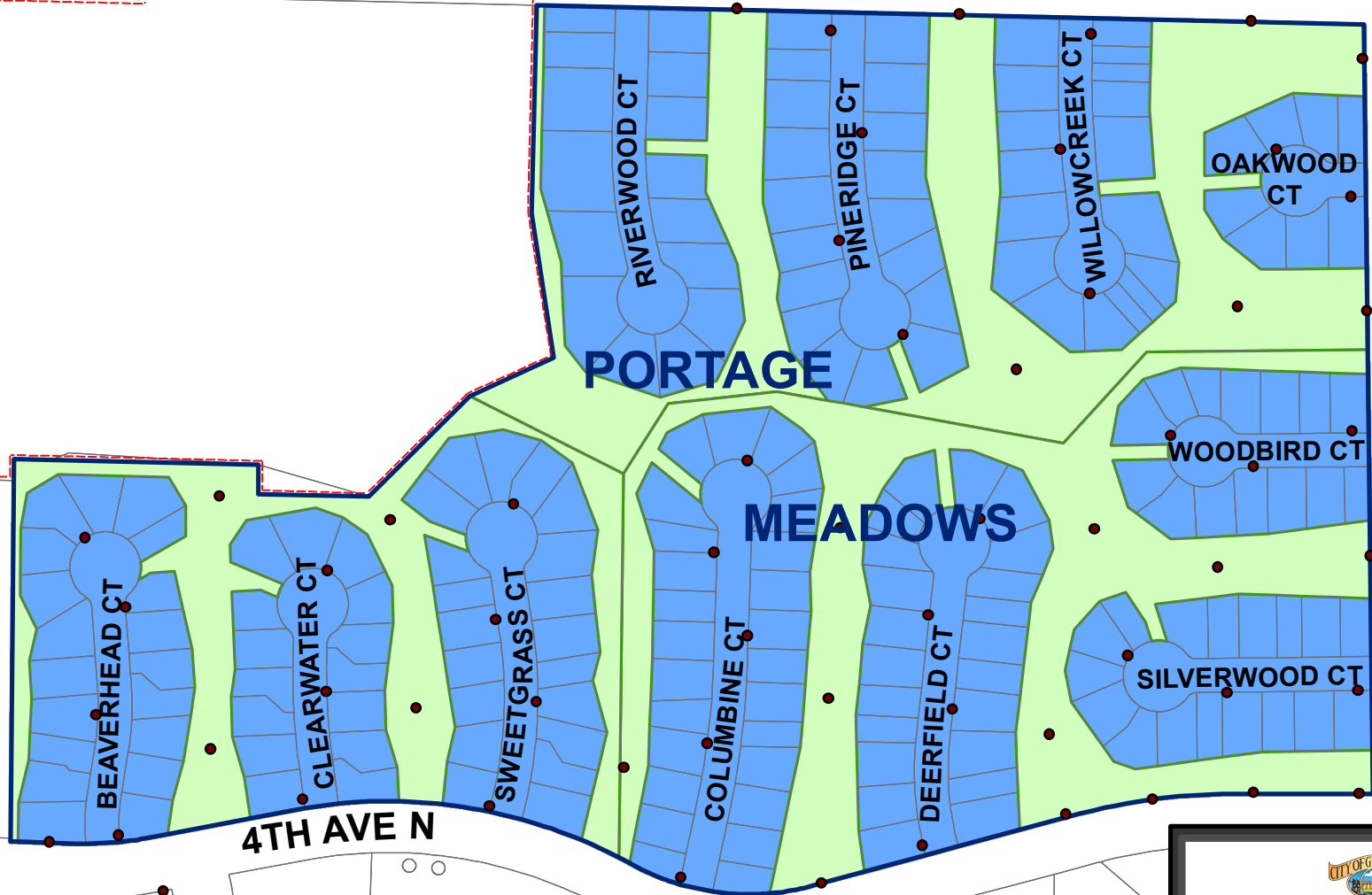
(Seal of the City)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David Dennis, City Attorney

# Portage Meadows Maintenance District No. 1195

Agenda #14.



52TH ST N

4TH AVE N

46TH ST N



City of Great Falls

June 12th, 2014

- City Limit Line
- Light Poles
- Green Belt Area
- Portage Properties



This map is for reference only ... to comment please contact Jeff Hedstrom at 455-8437.



Commission Meeting Date: August 15, 2023

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10518 to Levy and Assess the Street Maintenance District

**From:** Melissa Kinzler, Finance Director

**Initiated By:** Annual Budget and Assessment Process

**Presented By:** Melissa Kinzler, Finance Director

**Action Requested:** City Commission conduct public hearing and adopt Resolution 10518 to Levy and Assess the Street Maintenance District

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**Public Hearing:**

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
  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) Resolution 10518."
  2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
- 

**Staff Recommendation:** Staff recommends the City Commission adopt Resolution 10518.

**Background:** The Street Division maintains approximately 393 miles of streets and alleys within the city limits. Maintenance consists of pavement rehabilitation and restoration, street cleaning, snow and ice removal, alley maintenance, and the nuisance weed program. In addition, Traffic Operations are funded through the Street Division and are responsible for the maintenance of all roadway signs, signals, and pavement markings.

During the budget process, information is gathered regarding the actual and anticipated expenses of the Street District Fund, future capital projects are reviewed, and the street maintenance assessment for the next fiscal year is discussed.

After calculating all factors pertinent to the operation of the Street Maintenance District, an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commission for approval. The proposed 10% increase was used in preparing the FY 2024 annual budget. The last street maintenance increase of 10% was approved in FY 2016.

In the years since the last street maintenance assessment increase, the costs of asphalt overlays have increased 38%, chip seal materials have increased 49%, and winter maintenance material has increased 65%. The 10% increase in FY 2024 will allow for pavement preservation to continue at the same rate and the budget for material costs will be adequate to account for inflation. Furthermore, coupled with the funds received from BaRSAA, the capital improvement program will be able to continue at the same rate (blocks/year).

As part of the annual budget development and adoption procedures, the Street Maintenance Assessment Resolution must be submitted for separate City Commission action. A public notice and hearing is required prior to final passage of the assessment resolution.

#### *ASSESSMENT OPTION*

MCA Section 7-12-4425 states: "...The council shall pass and finally adopt a resolution specifying the district assessment option and levying and assessing all the property within the several districts..." The City uses the "assessable area" option under MCA Section 7-12-4422, to assess its street maintenance. The assessable area option defines assessable area by square footage caps. Four options for assessments exist:

Residential: Square footage caps per parcel of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c)(13) as defined by the Internal Revenue Code.

Downtown: Downtown District shall be defined as being within an area bounded on the north by Third Alley North, on the south by Third Alley South, on the east by Tenth Street and on the west by Park Drive. Any properties located in this area with a designated residential land use code of 111, 112 or 114 shall be excluded from the District and assessed as part of the Residential District.

Mixed-Use: A 'mixed-use' category consists of property equal to or greater than 112,000 square feet but less than 50% commercially developed. For the 'mixed-use' category, the Planning & Community Development Department shall annually identify all property equal to or greater than 112,000 square feet which are 50% or less commercially developed. Those properties shall be assessed 50% commercial and 50% at capped residential.

Commercial: 1 million square foot cap for all other property. The 1 million square foot cap for all other property encourages large green areas on some private properties within the City.

**Fiscal Impact:** Adoption of Resolution 10518 will allow the City to fund the cost of work, improvements and maintenance in the Street Maintenance District.

For Fiscal Year 2024, the street maintenance assessment will increase 10%. For an average-sized residential lot of 7,500 square feet, the estimated assessment factor is \$0.016170 per square foot, or approximately \$121.27 (7,500 sq. ft. x 0.016170 factor = \$121.27.). This is an estimated increase of \$11.02 or 10% for the averaged-sized residential lot. The estimated total assessment for the District is \$5,041,592.

**Alternatives:** The City Commission could choose to deny Resolution 10158 to Levy and Assess the Street Maintenance District; however, there would be a significant reduction in services for street maintenance.

**Concurrences:** Public Works staff is responsible for the operational expenses of the Street Department. Finance staff is responsible for assessing and collecting revenues necessary to carry out the operations.

**Attachments/Exhibits:**

Resolution 10518

## RESOLUTION NO. 10518

### A RESOLUTION LEVYING AND ASSESSING THE COST OF STREET MAINTENANCE FOR STREETS AND ALLEYS IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2023 AND ENDING JUNE 30, 2024

**WHEREAS**, creation and alteration of Street Maintenance Districts is authorized pursuant to Mont. Code Ann. Title 7, Chapter 12, Part 44; and

**WHEREAS**, the Great Falls City Commission did provide for street maintenance pursuant to Ordinance 1687 adopted September 7, 1971; and

**WHEREAS**, the City Commission did amend and expand the scope of street maintenance services pursuant to Ordinance 2584 adopted February 5, 1991; and

**WHEREAS**, the City Commission finds and has determined that each and every lot or parcel within said district has been or will be specially benefited by said maintenance; and

**WHEREAS**, the City intends to continue maintaining streets and alleys within the corporate limits of the City of Great Falls; and

**WHEREAS**, on July 18, 2023, the City Commission adopted Resolution 10509, Annual Budget Resolution, in which the estimated assessment for such maintenance not offset by other revenues within the Street Maintenance District was reflected as FIVE MILLION FORTY-ONE THOUSAND FIVE-HUNDRED NINETY-TWO DOLLARS (\$5,041,592); and

**WHEREAS**, in accordance with Mont. Code Ann. § 7-12-4426, notice was published setting forth that Resolution No. 10518 Levying and Assessing the Cost of Street Maintenance for Streets and Alleys in the City of Great Falls, Montana, would be brought before the Great Falls City Commission for public hearing on August 15, 2023.

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

#### Section 1 – Maintenance Costs Assessed

The costs of maintenance, not offset by other revenues, in the Street Maintenance District, totaling FIVE MILLION FORTY-ONE THOUSAND FIVE-HUNDRED NINETY-TWO DOLLARS (\$5,041,592) be levied and assessed upon the property in said district for the fiscal year ending June 30, 2024. The description of each lot or parcel of land within the Street Maintenance District and the respective assessments are set forth in the records of the Finance Department of the City of Great Falls, Montana, and by this reference incorporated herein as if fully set forth.

## Section 2 – Maintenance Assessment Method

The percentage of the cost of maintenance for the assessable areas benefitted by the maintenance district as established in Mont. Code Ann. § 7-12-4425 shall be made as set forth in Mont. Code Ann. § 7-12-4422.

The Street Maintenance District shall be assessed according to factors based on the property classification and square footage with caps. Assessable areas within the Street Maintenance District shall be set with a square footage cap of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c)(13) as defined by the Internal Revenue Code, and a square footage cap of one million square feet for all other property. Downtown District shall be defined as being within an area bounded on the north by Third Alley North, on the south by Third Alley South, on the east by Tenth Street and on the west by Park Drive and any properties located within this area with a designated residential land use code shall be excluded from the District and assessed as residential. The Planning and Community Development Department shall annually identify all mixed-use property equal to or greater than 112,000 square feet which are 50% or less commercially developed. Those mixed-use properties shall be assessed 50% commercial and 50% capped residential.

No proration of the street maintenance assessment shall be made for any reason, including the fact that a particular property did not have paved streets for the entire taxable year.

## Section 3 – Assessments Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2023 and May 31, 2024.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 15<sup>th</sup> day of August, 2023.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

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

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David Dennis, City Attorney





*Commission Meeting Date:* August 15, 2023

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Ordinance 3261, Amending Title 13, Chapter 12, Section 030 of the Official Code of the City of Great Falls Pertaining to the Industrial Pretreatment Program and Prohibited Discharges and Limitations

**From:** Nathan Besich, Public Works Environmental Supervisor

**Initiated By:** United States Environmental Protection Agency & Montana Department of Environmental Quality

**Presented By:** Christoff Gaub, Public Works Director

**Action Requested:** Accept Ordinance 3261 on first reading and set final reading for future date upon EPA approval of the proposed program modifications as submitted.

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3261 on first reading and set final reading for future date upon EPA approval of the proposed program modifications as submitted.”

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

---

**Staff Recommendation:** Staff recommends that the City Commission accept Ordinance 3261 on first reading and schedule final reading and consideration of adoption for a future date upon EPA approval of the proposed program modifications as submitted.

**Background:** The City of Great Falls’ (City) current Montana Pollutant Discharge Permit (MPDES) for the wastewater treatment plant (WWTP) was renewed on September 1, 2019. The 2019 permit contains requirements that the City shall determine if the existing technically based local limits are adequate to implement the general and specific prohibitions of the Industrial Pretreatment Program. The City’s local limits, adopted at OCCGF §13.12.030, are a direct reflection of MPDES effluent limitations and were previously updated in 2016. As such, the City conducted a technical review of its local limits and concluded re-evaluation was necessary.

Subsequently, the City conducted sampling in order to collect updated analytical data representative of current WWTP influent/effluent. The City utilized the latest revision of the “EPA Region VIII Strategy for Developing Technically Based Local Limits” when developing the proposed limits.

The City submitted a draft report of the proposed limits to United States Environmental Protection Agency (EPA) for review and worked through multiple iterations of the report to address EPA's comments/concerns. This process resulted in the City receiving notification from EPA (July 10, 2023) indicating the proposed local limits are considered "approvable", pending City Ordinance updates.

The proposed local limits will enforce more stringent applicable water quality standards and help protect the City's Publicly Owned Treatment Works (POTW) including the WWTP, sanitary sewer collection system, and lift stations. This Ordinance update adjusts the City's Industrial Pretreatment local limits to reflect the City's current 2019 MPDES permit requirements.

**Fiscal Impact:** No Fiscal impact is expected from this action.

**Alternatives:** The City Commission may deny Ordinance 3261. The City would then be forced by EPA to enforce upon its industrial users the local limits currently adopted in City Code, which;

1. Are less stringent than necessary to ensure the wastewater plant remains in compliance with State & Federal regulations,
2. Are less stringent than necessary to ensure potential contaminants are not discharged to our local waterbodies, and
3. Do not reflect the City's current influent/effluent characteristics.

**Attachments/Exhibits:** Ordinance 3261 and Exhibit "A"

# ORDINANCE 3261

## AN ORDINANCE AMENDING TITLE 13, CHAPTER 12, SECTION 030 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS PERTAINING TO THE INDUSTRIAL PRETREATMENT PROGRAM AND PROHIBITED DISCHARGES AND LIMITATIONS

\* \* \* \* \*

**WHEREAS**, local limits are numerical wastewater limitations that apply to commercial and industrial facilities that discharge to the City’s Publicly Owned Treatment Works (POTW); and

**WHEREAS**, local limits are developed to meet the Pretreatment Program objectives and site specific needs of the local POTW; and

**WHEREAS**, the City has received notice from the United States Environmental Protection Agency that modifications to the City’s local limits have been publicly noticed, no significant comments were received, and that the modifications to the Pretreatment Program are approved.

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

Section 1. That Title 13, Chapter 12, Section 030 of the Official Code of the City of Great Falls (OCCGF) is hereby amended as depicted in Exhibit “A” attached hereto, which removes any language indicated by a ~~strike-out~~ and adds language which is **bolded**.

Section 2. This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

APPROVED by the City Commission of the City of Great Falls, Montana on first reading August 15, 2023.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading October 3, 2023.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

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

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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David Dennis, City Attorney

State of Montana  
County of Cascade  
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 3261 on the Great Falls Civic Center posting board and the Great Falls City website.

(CITY SEAL)

---

Lisa Kunz, City Clerk

## Exhibit "A"

## Title 13 - WATER AND SEWER AND STORM DRAINAGE

## Chapter 12 INDUSTRIAL PRETREATMENT PROGRAM

**13.12.030 Prohibited discharges and limitations.**

...

2. No Significant Industrial User shall discharge wastewater that exceeds the following limits:

## MAXIMUM CONTRIBUTION

POLLUTANT	SYMBOL	Daily Maximum
Arsenic, Total	As	<del>1.57 mg/l</del> <b>1.32 lbs/day</b>
Cadmium, Total	Cd	<del>3.51</del> <b>0.052 mg/l</b>
Chromium, Total	Cr	<del>5.92</del> <b>1.621 mg/l</b>
<del>Chromium (III)</del>	<del>Cr (III)</del>	<del>0.57 mg/l</del>
<del>Chromium (VI)</del>	<del>Cr (VI)</del>	<del>1.621 mg/l</del>
Copper, Total <sup>1</sup>	Cu	<del>5.37</del> <b>5.84 lbs/day</b>
Lead, Total	Pb	<del>0.14</del> <b>1.087 mg/l</b>
Mercury, Total	Hg	0.02 mg/l
Nickel, Total	Ni	<del>0.59</del> <b>0.612 mg/l</b>
Selenium, Total <sup>1</sup>	Se	<del>1.42</del> <b>1.60 lbs/day</b>
Silver, Total	Ag	<del>0.62</del> <b>0.314 mg/l</b>
Zinc, Total	Zn	<del>2.13</del> <b>2.183 mg/l</b>
Sulfide, Total		<del>3608</del> <b>61.3 mg/l</b>

Great Falls, Montana, Code of Ordinances

Exhibit "A"

Title 13 - WATER AND SEWER AND STORM DRAINAGE

Chapter 12 INDUSTRIAL PRETREATMENT PROGRAM

<sup>(1)</sup> The loading specified is the total loading for this pollutant that is available to all Significant Industrial Users. The City shall not allocate more pollutant loading through control mechanisms than is available for discharge as specified in this table.

. . .

(**Ord. 3261, 2023**; Ord. 3144, 2016; Ord. 3082, § 1(~~Exh. A~~), ~~11-1-2011~~; Ord. 3050, § 1, ~~8-3-2010~~; Ord. 2645, 1993; Ord. 2386-~~Exh. A (part)~~, 1985, § ~~13.20.020~~)