



**City Commission Meeting Agenda
2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
December 05, 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. 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

PLEDGE OF ALLEGIANCE

ROLL CALL / STAFF INTRODUCTIONS

AGENDA APPROVAL

CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS

MILITARY UPDATES

1. Miscellaneous Reports and announcements from Montana Air National Guard.

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, November 21, 2023, City Commission Meeting.
- [7.](#) Total Expenditures of \$2,709,804 for the period of November 9, 2023 through November 22, 2023, to include claims over \$25,000, in the amount of \$2,108,459.
- [8.](#) Contracts List.
- [9.](#) Approve Final Payment for the Southside Water Main Replacement Phase 2 project in the amount of \$90,058.22 to United Materials of Great Falls, Inc. and \$909.68 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.
- [10.](#) Approve Final Payment for the Lincoln ADA Upgrades project in the amount of \$10,045.88 to MRTE Inc, and \$101.47 to the State Miscellaneous Tax Fund, and authorize the City Manager to make the payments.
- [11.](#) Approve Final Payment for the 33rd Street South ADA Upgrades project in the amount of \$9,942.03 to MRTE Inc, and \$99.42 to the State Miscellaneous Tax Fund, and authorize the City Manager 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

- [12.](#) 2023 CDBG & HOME Amended Annual Action Plan. *Action: Conduct a public hearing and adopt or deny the 2023 CDBG & HOME Amended Annual Action Plan. (Presented by Tom Hazen).*

OLD BUSINESS

- [13.](#) Amendment No. 1 to Construction Agreement for Natatorium Demolition. *Action: Approve or deny Amendment No. 1 to Construction Agreement with Shumaker Trucking and Excavation Contractors, Inc. for the Park and Recreation Natatorium Demolition project to include HUD's Section 3 requirements, and authorize the City Manager to execute the contract documents. (Presented by Sylvia Tarman)*

NEW BUSINESS

- [14.](#) Construction Contract Award: 7th Avenue NW Street Reconstruction project. *Action: Award or not award a contract with United Materials of Great Falls, Inc. for the 7th Avenue Northwest Street Reconstruction project, in the amount of \$763,784.00, and authorize the City Manager to execute the necessary documents, subject to the Commission approval of the Community Development Block Grant Funding Agreement presented in Agenda Item #15. (Presented by Jesse Patton)*
- [15.](#) Community Development Block Grant (CDBG) Funding Agreement for the 7th Avenue NW Street Reconstruction Project. *Action: Approve or not approve the CDBG Funding Agreement between the City of Great Falls and the Public Works Department for the 7th Avenue NW Street Reconstruction project presented in Agenda Item #14. (Presented by Tom Hazen)*

ORDINANCES / RESOLUTIONS

CITY COMMISSION

16. Miscellaneous reports and announcements from the City Commission.

17. 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
November 21, 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 Deputy City Manager Chuck Anderson, Finance Director Melissa Kinzler, City Attorney David Dennis, Police Captain John Schaffer, and City Clerk Lisa Kunz.

AGENDA APPROVAL: Deputy City Manager Chuck Anderson pulled Item 12 from the agenda to comply with federal noticing requirements, and noted the item will be rescheduled for the December 5, 2023 meeting. There were no proposed changes to the agenda by the City Commission. The agenda was approved as amended.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

1. PROCLAMATIONS

Small Business Saturday [November 25, 2023].

Kellie Pierce, Director of the Business Improvement District and Downtown Association, commented that as an ambassador for Shop Small Saturday registered with the National Main Street Program they encourage everyone to shop small the holiday season and year-round.

COMMUNITY INITIATIVES

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS FROM CITY COUNTY HEALTH DEPARTMENT.

Mattie Paddock, CCHD WIC Program Manager and Dietician, reported that 10 authorized stores participating in the Women, Infant and Children (WIC) Program made over 32,000 transactions from October 2022 to September 2023 resulting in \$958,532.45 in WIC purchases. She also reviewed various pamphlet handouts pertaining to CCHD services, as well as provided contacts of who to call for services not provided by CCHD.

3. PETITIONS AND COMMUNICATIONS

Stuart Lewin, 615 3rd Avenue North, thanked the sitting Commission for their service. He commented he was impressed by the new Planning and Community Development Director beginning the Master Plan process for the City. He is a member of Missouri River Citizens and they encourage the protection of clean air and water and its responsible maintenance.

JOURNAL OF COMMISSION PROCEEDINGS

November 21, 2023

Jeni Dodd, City resident, received confirmation Item 12 will be rescheduled for December 5, 2023. She noted City staff participation in clean up of the sagebrush incident at Eagle's Crossing and suggested a conflict of interest because the City Manager lives in the area. She also alleged that six recipients of ARPA funds awarded in January and February reported incorrect tax id numbers on their applications for the funds, which is a federal offense.

Mayor Kelly responded that Grant Administrator Tom Hazen would provide a response pertaining to the tax id numbers, and that he would be providing a report pertaining to item 12 on December 5, 2023.

With regard to the City's participation in the sagebrush clean up efforts, Deputy City Manager Chuck Anderson responded that the initial Fire Department call was initiated by an elderly couple who were not able to get out of their residence due to the sage brush that had accumulated causing a safety hazard. The Fire Department will follow up with Ms. Dodd.

NEIGHBORHOOD COUNCILS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Sandy Rice, Neighborhood Council #7, reported that, within 5 days of the council receiving a constituent complaint and notifying Neighborhood Council Liaison Lanni Klasner, seven streetlights were fixed between 7th and 9th Street North and 3rd and 5th Avenue North, two of which were by Whittier Elementary School. She expressed kudos to all involved in that effort and noted this is a good example of what Neighborhood Councils can do for the City. She also commented that visiting all the downtown stores on Shop Small Saturday is a great way to get your Christmas shopping done.

BOARDS AND COMMISSIONS

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

6. REAPPOINTMENTS/APPOINTMENTS TO THE PARK AND RECREATION BOARD.

Mayor Kelly reported that the Park and Recreation Advisory Board has three board members with term expiration dates of December 31, 2023. Patrick Carroll has been a long-standing member to the Board with his most recent appointment on April 7, 2020. Erin Borland was appointed to the Board to fill a partial term on December 6, 2022. Kortny Maurer was recently appointed on October 3, 2023 to fill a partial term. All three members are in good standing and eligible for an additional term.

Through the Municipal election, Board Member Shannon Wilson was elected as a City Commissioner making her ineligible to remain on the Board once she takes office in January.

The city advertised for citizen interest in accordance to Resolution 10524 and received one application. Jim Sargent submitted his application on September 19, 2023.

JOURNAL OF COMMISSION PROCEEDINGS
November 21, 2023

The Park and Recreation Advisory Board met on November 13, 2023 and recommended the City Commission reappoint Mr. Carroll, Ms. Borland and Ms. Maurer to three-year terms through December 31, 2026 and appoint Mr. Sargent to serve Ms. Wilson's remaining term through December 31, 2024.

Commissioner Wolff moved, seconded by Commissioner Hinebauch, that the City Commission reappoint Patrick Carroll, Erin Borland and Kortny Maurer to the Park and Recreation Board for three year terms through December 31, 2026 and appoint Jim Sargent for the remainder of a three-year term through December 2024.

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.

CITY MANAGER

7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Deputy City Manager Chuck Anderson announced that the Public Works snowplow crews will be on standby or on schedule over the holiday depending on the amount of snow received, and the sanitation division schedule would remain the same through the holiday.

CONSENT AGENDA.

- 8.** Minutes, November 7, 2023, City Commission Meeting.
- 9.** Total Expenditures of \$3,160,596 for the period of October 26, 2023 through November 8, 2023, to include claims over \$25,000, in the amount of \$2,577,945.
- 10.** Contracts List.
- 11.** Approve the 2020 Urban Area Boundary Map and Great Falls Highway System Approvals map, as prepared by the Montana Department of Transportation.

JOURNAL OF COMMISSION PROCEEDINGS**November 21, 2023**

Commissioner Tryon moved, seconded by Commissioner McKenney, that the City Commission approve the Consent Agenda as presented.

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

Written communication was received from **Shyla Patera**, North Central Independent Living Services, Inc., pertaining to agenda item 11. Ms. Patera noted that acceptance of the MDT map brings to light not only accessibility issues for citizens with disabilities, but traffic issues for both drivers and pedestrians. Streets and boulevards that are on the urban system in Great Falls and throughout Montana show how cities are growing and developing. The map also serves as a snapshot of current and future priorities, and serves as a baseline for projects that benefit the urban system and connector streets and sidewalks in Great Falls neighborhoods.

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

Motion carried 5-0.

PUBLIC HEARINGS***12. 2023 CDBG & HOME AMENDED ANNUAL ACTION PLAN.**

*This item was pulled from the agenda.

OLD BUSINESS**NEW BUSINESS****ORDINANCES/RESOLUTIONS****CITY COMMISSION****13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Wolff expressed appreciation to the Park and Recreation Department and Public Works Street Division for leaf pick up and street sweeping in the boulevard district, to Eric Boyd of the Street Division for addressing Neighborhood Council 5 concerns regarding 32nd Street and 11th Avenue South, and to Park and Recreation for follow up to a citizen regarding resurfacing of tennis courts.

Commissioner Tryon expressed appreciation to the BID for procuring through donations the beautiful Christmas tree in front of the Civic Center.

14. COMMISSION INITIATIVES.

None.

JOURNAL OF COMMISSION PROCEEDINGS
November 21, 2023

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Mayor Kelly, to adjourn the regular meeting of November 21, 2023, at 7:30 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: December 5, 2023



Commission Meeting Date: December 5th, 23
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	11/09/2023-11/22/2023	690,439.29
ACCOUNTS PAYABLE CHECKS FROM MUNIS	11/09/2023-11/22/2023	1,928,069.43
MUNICIPAL COURT CHECKS	11/09/2023-11/22/2023	7,567.73
MISCELLANEOUS ACCOUNTS PAYABLE WIRES	11/09/2023-11/22/2023	83,727.56

TOTAL: \$ 2,709,804.01

GENERAL FUND

SPECIAL REVENUE FUNDS

DEBT SERVICE FUNDS

CAPITAL PROJECT FUNDS

ENTERPRISE FUNDS

WATER

ADVANCED ENGINEERING & ENVIRO	PRO ENG SERVICE WTP SOLIDS MIT/PMT25 (SPLIT AMONG FUNDS)	12,683.00
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SEWER

ADVANCED ENGINEERING & ENVIRO	PRO ENG SERVICE WTP SOLIDS MIT/PMT25 (SPLIT AMONG FUNDS)	12,683.01
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CIVIC CENTER EVENTS

INNOVATION ARTS & ENTERTAINMENT	BROADWAY DIRTY DANCING	51,472.89
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INTERNAL SERVICE FUNDS

CENTRAL GARAGE

DUVAL FORD LLC	2023 POLICE INTERCEPTOR STD UNIT #46	45,761.64
DUVAL FORD LLC	2023 POLICE INTERCEPTOR STD UNIT #43	45,761.64
72 HOUR LLC	2023 3/4 TON 4X4 CAB PICKUP UNIT #701	53,234.62

FLAWLESS AUTOBODY INC	DAMAGE REPAIRS TO POLICE UNIT #62	30,368.04
JOE JOHNSON EQUIPMENT LLC	2023 ELGIN PELICAN STREET SWEEPER	266,509.00
JACKSON GROUP PETERBILT	TANDEM DUMP/PLOW TRUCK UNIT #824	153,619.00

HEALTH & BENEFITS

HEALTH SERVICE CORPORATION	BLUE CROSS HEALTH INSURANCE OCT 23	736,993.33
SUN LIFE FINANCIAL	SUN LIFE DENTAL AND VISION OCT 2023	48,697.77

TRUST AND AGENCY FUNDS

PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	52,058.00
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	52,640.47
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	74,413.58
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	142,262.22
POLICE SAVINGS & LOAN	EMPLOYEE CONTRIBUTIONS	
US BANK	FEDERAL TAXES, FICA & MEDICARE	225,706.60
LIUNA NATIONAL PENSION FUND	EMPLOYEE & EMPLOYER CONTRIBUTIONS	26,733.49

UTILITY BILLS

NORTHWESTERN ENERGY	ELECTRIC SUPPLY OCTOBER 2023	76,861.16
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CLAIMS OVER \$25,000 TOTAL: \$ 2,108,459.46

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

DATE: December 5, 2023

ITEM: CONTRACTS LIST
Itemized listing of administratively approved contracts.
(Listed contracts are available for inspection in the City Clerk's Office.)

PRESENTED BY: Darcy Dea, Deputy City Clerk
ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR' S SIGNATURE: _____

CONTRACTS LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
A	Park and Recreation	DaySmart Recreation	12/05/2023 – 12/04/2026	\$8,100 yr. 1 \$8,424 yr. 2 \$8,761 yr. 3 Plus credit card and ACH processing fees	Ratification of Service Agreement for support, maintenance, hosting and updates for new software package (replacing RecTrac) for the Aim High Big Sky Aquatic and Recreation Center [OF 1770.0]



Commission Meeting Date: Dec. 5, 2023

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Construction Final Pay: Southside Water Main Replacement Phase 2, O.F. 1648.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Christoff T. Gaub, Public Works Director

Action Requested: Consider and Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/not approve) Final Payment for the Southside Water Main Replacement Phase 2 project, in the amount of \$90,058.22 to United Materials of Great Falls, Inc. and \$909.68 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

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

Staff Recommendation:

Approve the Final Payment of \$90,058.22 to United Materials of Great Falls, Inc. and \$909.68 to the State Miscellaneous Tax Fund.

Summary:

The project replaced approximately 5,500 lineal feet of water mains including 6-inch, 8-inch, and 12-inch mains along 1st Avenue South, 2nd Avenue South, and 12th Street South.

Background:

This project was necessary to replace water mains that have been failing with increasing frequency, causing damage to property and roadways, while disrupting water service to local residents and businesses. The water main breaks are primarily due to corrosive soils, age, and the type of pipe material used. The water mains were installed in 1891, 1903, and 1919.

Workload Impacts:

City Engineering staff completed the project design, performed construction inspection, and performed contract administration duties. City Utility Division staff assisted the Contractor with shutting down water mains, providing taps for water services, and aiding in providing temporary water service connections.

Project Work Scope:

This project replaced approximately 5,500 lineal feet of water mains including 6-inch, 8-inch, and 12-inch mains; eight fire hydrants; 153 water service connections; 6,000 square yards of gravel; and 6,800 square yards of asphalt pavement.

Project locations included:

- 1st Avenue South from 9th Street to 13th Street
- 2nd Avenue South from 9th Street to 15th Street
- 12th Street from 1st Avenue South to 4th Avenue South

Final Payment:

The final project cost is \$1,819,357.91 which is less than the award of 1,991,450.00. The \$172,092.09 decrease in project cost is due in part to great communication between staff and the contractor, and due to minimal type II bedding and flowable fill needed for the project.

Conclusion:

City staff recommends making the Final Payment of \$90,058.22 to United Materials of Great Falls, Inc. and \$909.68 to the State Miscellaneous Tax Fund. City staff verified that United Materials of Great Falls, Inc. has completed all work and punch list items in accordance with the plans and the contract. The two year warranty period started on July 28, 2023.

Fiscal Impact: This project has been programmed and prioritized as a needed capital improvement and is being funded through the Water Utility Enterprise Fund.

Alternatives: The City Commission could vote to deny Final Payment and direct staff to continue evaluation of the project deliverables.

Attachments/Exhibits:

OF 1648.1 Final Pay Documents
 OF 1648.1 Project Summary Sheet
 OF 1648.1 Vicinity Map
 OF 1648.1 Photo No. 1
 OF 1648.1 Photo No. 2

Final Pay

PROJECT FUNDING/EXPENDITURE SUMMARY
SOUTHSIDE WATER MAIN REPLACEMENTS - PHASE II
1st Avenue South and 2nd Avenue South
PREPARED BY THE CITY ENGINEERS OFFICE
O. F. 1648.1

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE										CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10 FINAL			
CONTRACTOR: United Materials of Great Falls, Inc	Water Department	\$46,890.36	\$88,016.46	\$250,132.47	\$330,477.77	\$339,697.59	\$85,350.37	\$248,958.28	\$163,748.57	\$157,834.23	\$90,058.22	\$1,971,535.50	\$1,801,164.32	\$170,371.18
	TOTAL	\$46,890.36	\$88,016.46	\$250,132.47	\$330,477.77	\$339,697.59	\$85,350.37	\$248,958.28	\$163,748.57	\$157,834.23	\$90,058.22	\$1,971,535.50	\$1,801,164.32	\$170,371.18
	INVOICE DATE	3-May-22	5-Jul-22	11-Aug-22	7-Sep-22	6-Oct-22	11-Nov-22	6-Jul-23	7-Aug-23	6-Sep-23	27-Oct-23			
PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE										CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10 FINAL			
MT. DEPT. OF REV. United Materials of Great Falls, Inc.	Water Department	\$473.64	\$889.06	\$2,526.59	\$3,304.77	\$3,464.67	\$862.13	\$2,514.73	\$1,654.03	\$1,594.29	\$909.68	\$19,914.50	\$18,193.59	\$1,720.91
	TOTAL	\$473.64	\$889.06	\$2,526.59	\$3,304.77	\$3,464.67	\$862.13	\$2,514.73	\$1,654.03	\$1,594.29	\$909.68	\$19,914.50	\$18,193.59	\$1,720.91
	INVOICE DATE	3-May-22	5-Jul-22	11-Aug-22	7-Sep-22	6-Oct-22	11-Nov-22	6-Jul-23	7-Aug-23	6-Sep-23	27-Oct-23			
MISCELLANEOUS	Water Department	\$1,760.00	\$547.50	\$177.40	\$3,900.00							Misc. Amount	Misc. EXPENDITURES	Misc. BALANCE
	TOTAL	\$1,760.00	\$547.50	\$177.40	\$3,900.00						\$0.00			
	INVOICE DATE	1-Nov-21	14-Dec-21	24-Jan-22	1-Jul-22									
	VENDOR	DEQ	DEQ	Tribune	Tree Amigos									
TOTALS												\$2,001,450.00	\$1,825,742.81	\$175,707.19

PROJECT #	ACCOUNT NUMBER	FUND DESIGNATION	FUNDING	EXPENDITURES	BALANCE
PW 352204					
	5210556.493100	Water Department - Construction	\$1,991,450.00	\$1,819,357.91	\$172,092.09
	5210556.493100	Water Department - Miscellaneous	\$10,000.00	\$6,384.90	\$3,615.10
TOTALS			\$2,001,450.00	\$1,825,742.81	\$175,707.19

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Project Bid Amount = \$1,991,450.00

APPLICATION FOR PAYMENT NO. TEN - FINAL

To: City of Great Falls (OWNER)
 From: United Materials of Great Falls, Inc. (CONTRACTOR)
 Contract: Southside Water Main Replacement – Phase II, O. F. 1648.1
 Project: Water Main Replacement
 OWNER's Contract No. _____ ENGINEER's Project No. PW352204
 For Work accomplished through the date of: August 31, 2023

1.	Original Contract Price:	\$ <u>1,991,450.00</u>
2.	Net change by Change Orders and Written Amendments (+ or -):	\$ <u>0.00</u>
3.	Current Contract Price (1 plus 2):	\$ <u>1,991,450.00</u>
4.	Total completed <u>\$1,819,357.91</u> and stored (<u>\$0.00</u> to date:	\$ <u>1,819,357.91</u>
5.	Retainage (per Agreement):	
	<u>5</u> % of Completed Work: \$ <u>0.00</u>	
	<u>5</u> % of stored material: \$ <u>0.00</u>	
	Total Retainage:	\$ <u>0.00</u>
6.	Total completed and stored to date less retainage (4 minus 5):	\$ <u>1,819,357.91</u>
7.	Less previous Applications for Payments:	\$ <u>1,728,390.01</u>
8.	Gross Amount Due this application: (6 minus 7):	\$ <u>90,967.90</u>
9.	Less 1% State Gross Receipts Tax:	\$ <u>909.68</u>
10.	DUE THIS APPLICATION (8 MINUS 9):	\$ <u>90,058.22</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 TEN 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 10/24/2023

United Materials of Great Falls, Inc.

CONTRACTOR

By: _____

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 10/24/2023

City of Great Falls

ENGINEER

By: _____

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.**

O. F. 1648.1

NO. FINAL	\$909.68
	\$909.68
27-Oct-23	

9m
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gap

Project Bid Amount =

PROJECT SUMMARY SHEET:
SOUTHSIDE WATER MAIN REPLACEMENT PHASE 2, O.F. 1648.1
FY 2023 Capital Improvement Plan
Current as of: November 14, 2023

Description: The project consists of replacing approximately 5,550 lineal feet of 6-, 8-, and 12-inch water mains along 1st Avenue South, 2nd Avenue South, and 12th Street South.

Justification: This project was necessary to replace water mains that were under sized and had been failing with increasing frequency, causing damage to property and roadways, while disrupting water service to local residents and businesses. The water main breaks are primarily due to corrosive soils, age, and the type of pipe material used. The water mains were installed in the 1891, 1903, and 1919.

Scope: This project replaced approximately 5,500 lineal feet of water mains including 6 –inch, 8-inch, and 12-inch mains; 8 fire hydrants; 153 water service connections; 6,000 square yards of gravel; and 6,800 square yards of asphalt pavement.

Project locations included;

- 1st Avenue South from 9th Street to 13th Street
- 2nd Avenue South from 9th Street to 15th Street
- 12th Street from 1st Avenue South to 4th Avenue South

Added to CIP: 2nd half FY2023

CIP Timeline: On track, final pay to Commission on Dec. 5, 2023

Cost:

- CIP programmed \$1,450,000/ 2nd half FY23
- Current Working Estimate: \$1,819,357.91
- Awarded Cost: \$1,991,450.00
- Final Cost: \$1,819,357.91

Funding Source(s): Water Utility Enterprise Fund

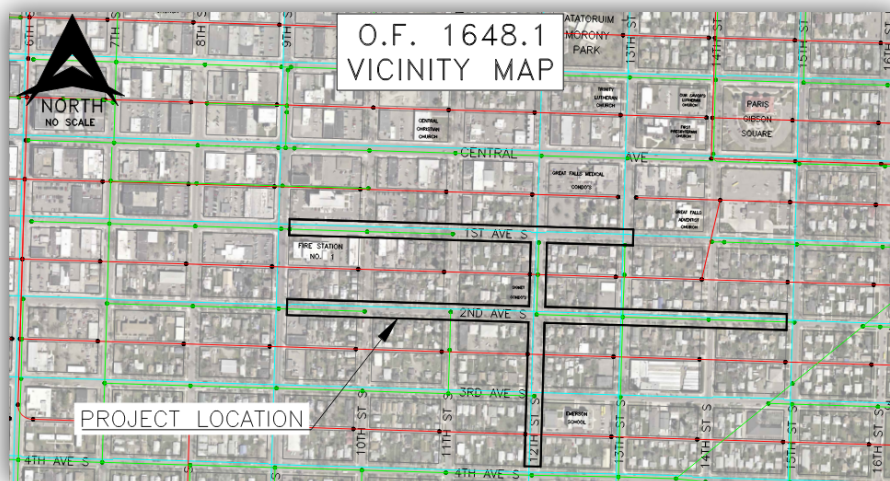
Planned Execution Method: Design-Bid-Build, Project Management

Planned Construction CY: Summer 2022 to Summer 2023

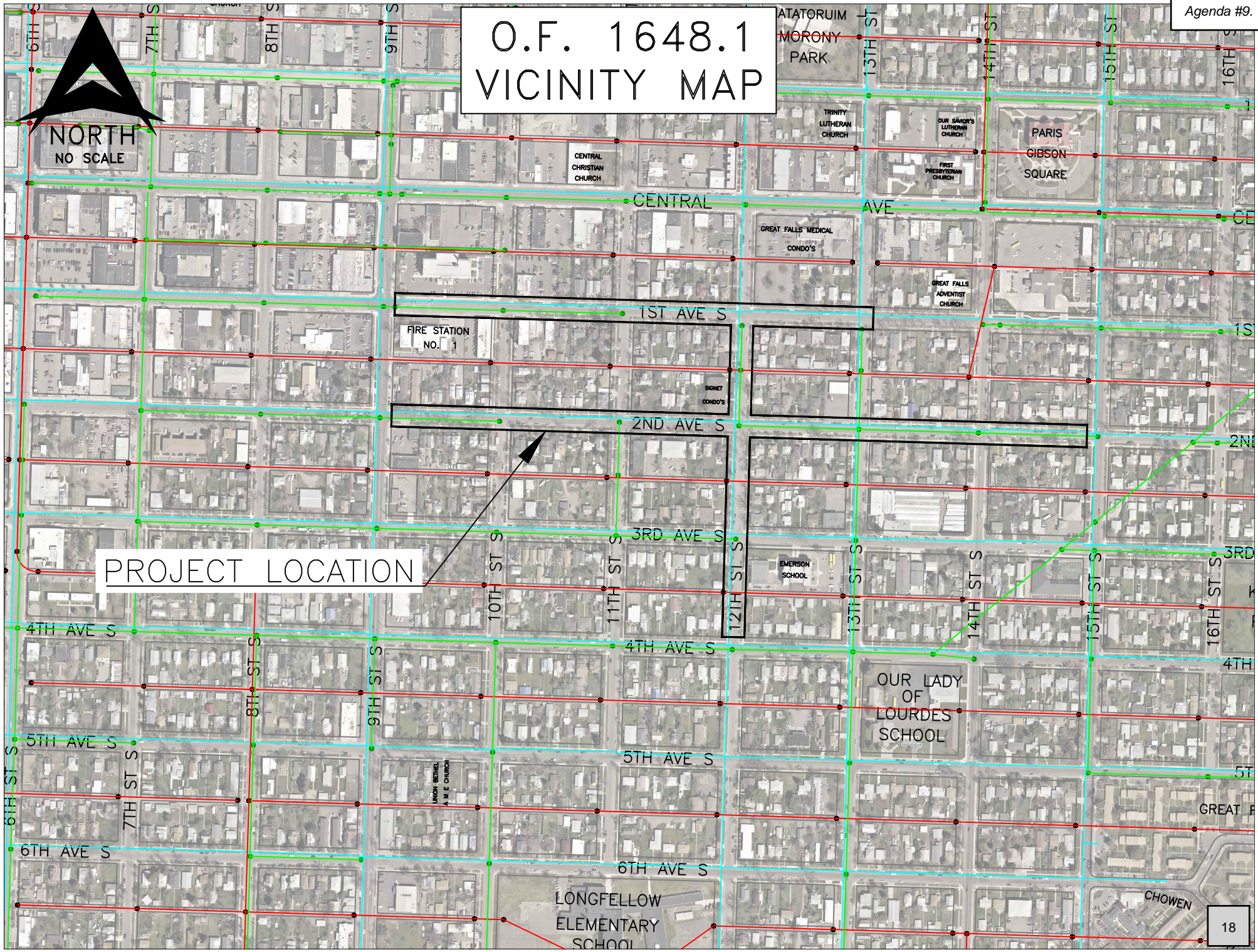
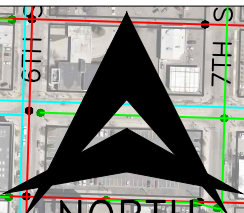
Current Project Stage (Estimated Completion Date): Planning (Summer 2021), Design (Fall 2021), Bidding (February 2022), Construction (Summer 2022 – Summer 2023), Substantial Completion (July 28, 2023), Warranty (July 28, 2023 – July 28, 2025)

- Design Method: In House

Map & Site Pictures:



O.F. 1648.1 VICINITY MAP



PROJECT LOCATION

FIRE STATION
NO. 1

CENTRAL
CHRISTIAN
CHURCH

ATATORUIM
MORONY
PARK

TRINITY
LUTHERAN
CHURCH

OUR SAVIOR'S
LUTHERAN
CHURCH

PARIS
GIBSON
SQUARE

FIRST
PRESBYTERIAN
CHURCH

GREAT FALLS MEDICAL
CONDO'S

GREAT FALLS
ADVENTIST
CHURCH

2ND AVE S

3RD AVE S

EMERSON
SCHOOL

OUR LADY
OF
LOURDES
SCHOOL

LONGFELLOW
ELEMENTARY
SCHOOL

CHOWEN





SOUTHSIDE WATER MAIN REPLACEMENT
PHASE 2

PHOTO NO. 2

O.F. 1648.1

Date: 2023



Commission Meeting Date: December 5, 2023

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Final Payment: Lincoln ADA Upgrades O. F. 1781.0

From: Engineering Division

Initiated By: Public Works Department

Presented By: Christoff T. Gaub Public Works Director

Action Requested: Consider and Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/not approve) Final Payment for the Lincoln ADA Upgrades, in the amount of \$10,045.88 to MRTE Inc, and \$101.47 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

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

Staff Recommendation:

Approve the Final Payment of \$10,045.88 to MRTE Inc. and \$101.47 to the State Miscellaneous Tax Fund.

Summary:

This project improved pedestrian traffic and accommodated Americans with Disabilities Act (ADA) federally mandated criteria by installing new curb and gutter, sidewalk, and ADA ramps. Patrons that use the public right of way in and around Lincoln School have benefited from this project. Various school events now have greater ADA accessibility for attendees, faculty, parents, and visitors. The ADA improvements also serve to support the connectivity of the pedestrian route system in the area by providing an accessible route to a State maintained ADA compliant pedestrian corridor along 10th Avenue South. This location for ADA upgrades was established as a high priority by public stakeholders as well as by ADA federally mandated characteristics using metrics established and monitored in the Public Works ADA Transition Plan.

Background:

Citizen Participation:

The area was prioritized by disability stakeholders in meetings and infrastructure scoring processes outlined in the Public Right of Way ADA Transition Plan.

Workload Impacts:

City Engineering Staff completed the project design and performed construction inspection and contract administration duties.

Project Work Scope:

The project consisted of installing: approximately 1,700 Linear Feet of integral concrete curb and gutter; 5,700 Square Feet of four (4)-inch concrete sidewalk; 4,100 Square Feet of six (6)-inch reinforced concrete; 24 truncated domes; and 10,200 Square Feet of sod placement.

Final Payment:

The final project cost is \$202,947.00 which is less than the original award of \$231,710.00. A majority of the cost savings is due to great collaboration between staff and the contractor, leading to an efficient and fiscally responsible project. There have been four payments made to MRTE Inc. for \$190,863.52 and \$1,936.12 to the State Miscellaneous Tax Fund, thus the final pay will be the remaining project cost.

Conclusion:

City Staff recommends making the final payment of \$10,045.88 to MRTE Inc. and \$101.47 to the State Miscellaneous Tax Fund. City Staff verified that MRTE Inc. has completed all work and punch list items in accordance with the plans and the contract. The two year warranty period started October 1, 2023.

Fiscal Impact:

The funding will come from the Streets Unassigned Capital Improvement fund.

Alternatives:

The City Commission could vote to deny Final Payment.

Attachments/Exhibits:

Final Pay Documents
Project Summary Sheet
Vicinity Map



MRTE, Inc.

P.O. Box 538
Black Eagle, MT 59414
Phone (406)761-5640

Agenda #10.

Invoice

Date	Invoice #
11/1/2023	51764

Bill To

City of Great Falls, MT
Public Works Dept
P.O. Box 5021
Great Falls, MT 59403

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project	
			10/31/2023			33 ST S ADA Up...	
Quantity	Item Code	Description			Price Each	Amount	
1.00	Bid Job Concrete	LINCOLN ADA UPGRADES O.F 1781.0 Application for Final Pay Retainage			10,147.35	10,147.35	
	Gross Receipts ...				-1.00%	-101.47	
<div>M RTE, Inc.</div>					Total		\$10,045.88
					Payments/Credits		\$0.00
					Balance Due		\$10,045.88

PROJECT SUMMARY SHEET:
Lincoln ADA Upgrades, O.F. 1781.0
FY2022 Capital Improvement Plan
Current as of: November 13, 2023

Description: Sidewalk directly adjacent to Lincoln School, 26th St S, 27th St S, 6th Ave S to 8th Ave S. 12 new corners ADA compliant pedestrian ramps, one mid-block crossing, and two full blocks of ADA compliant sidewalk.

Justification: Per the ADA Transition plan areas around schools have a higher demand for pedestrian routes. Most of the students at Lincoln school walk to school.

Scope: The project consisted of installing: approximately 1,700 Lineal Feet of integral concrete curb and gutter; 5,700 Square Feet of four (4)-inch concrete sidewalk; 4,100 Square Feet of six (6)-inch reinforced concrete; 24 truncated domes, 1 replacement valley gutter, and 2 partial replacements of valley gutters.

Added to CIP: 2nd half FY2022/1st half FY2023

CIP Timeline: Delayed. Finished FY2024 due to punch list work needing to be completed in the summer when school was out.

Cost:

- Current Working Estimate: \$226,505.00
- Awarded Cost: \$231,710.00
- Final Cost: 202,947.00

Funding Source(s): Streets, Unassigned Capital Improvements, and Great Falls Public School District.

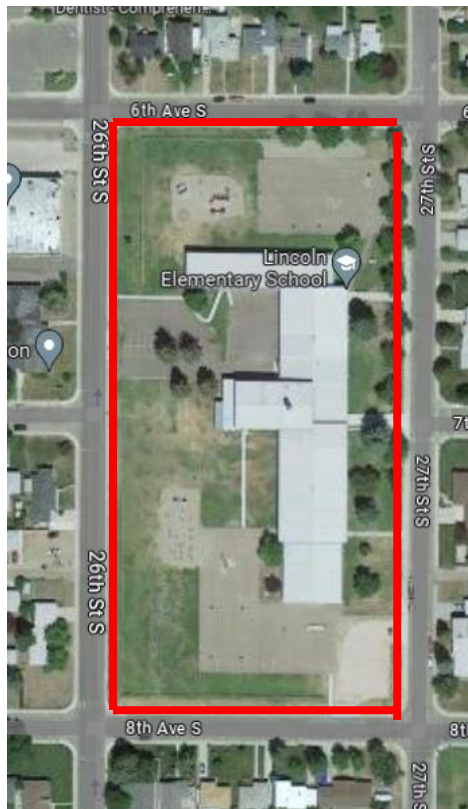
Planned Execution Method: Design-Bid-Build

Planned Construction CY: Summer 2022

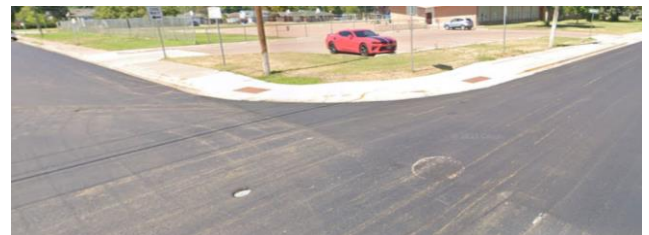
Current Project Stage (Estimated Completion Date): Planning (Summer 2021), Design (Fall 2021), Bid (Winter 2021) Construction (Summer 2022 through Summer 2023), Warranty (November 2025)

- Design Method: In House

Map & Site Pictures:



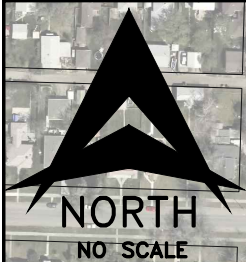
Before



After

Both above pictures are the NW corner of 8th Ave S and 27th St S.

O.F. 1781 VICINITY MAP



PROJECT LOCATION

DENTAL PARK
CONDO'S

LINCOLN MEDICAL
COURT

LINCOLN
ELEMENTARY
SCHOOL

3RD AVE S

4TH AVE S

5TH AVE S

6TH AVE S

7TH AVE S

8TH AVE S

LIONS
PARK



Commission Meeting Date: December 5, 2023

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Final Payment: 33rd Street South ADA Upgrades, O. F. 1788.0

From: Engineering Division

Initiated By: Public Works Department

Presented By: Christoff T. Gaub, Public Works Director

Action Requested: Consider and Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/not approve) Final Payment for the 33rd Street South ADA Upgrades, in the amount of \$9,942.03 to MRTE Inc, and \$99.42 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

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

Staff Recommendation:

Approve the Final Payment of \$9,942.03 to MRTE Inc. and \$99.42 to the State Miscellaneous Tax Fund.

Summary:

This project improved pedestrian traffic and accommodates Americans with Disabilities Act (ADA) federally mandated criteria by installing new curb and gutter, sidewalk, and ADA ramps. The ADA improvements also serve to support the connectivity of the pedestrian route system in the area by providing an accessible route to a State maintained ADA compliant pedestrian corridor along 10th Avenue South. The locations priority was established as well above average by public stakeholders and ADA federally mandated characteristics using metrics established and monitored in the Public Works ADA Transition Plan.

Background:

Citizen Participation:

The area was prioritized by infrastructure scoring processes outlined in the Public Right of Way ADA Transition Plan. The construction activity required temporary lane closures of 33rd Street South and 11th Ave South through 15th Avenue South.

Workload Impacts:

City Engineering Staff completed the project design and performed construction inspection and contract administration duties.

Purpose:

This project provides an Americans with Disabilities Act (ADA) compliant route of travel to connect citizens to each other and larger arterial routes for travel to various public and private amenities. The area was prioritized by Public Right of Way ADA Transition Plan due to a mill and overlay project scheduled for 33rd St South. These routes improve the functional and aesthetic properties of the area and connect all citizens while providing a means of independence to the young and old and those with disabilities in the area. The project provides ADA compliant routes with curb ramps and alley aprons from the intersection at 33rd St South and 11th Ave South to the north side of the intersection at 33rd St South and 15th Ave South.

The project corridor is located in the Public Right of Way, and identified in the ADA Transition Plan as high priority.

Project Work Scope:

The project consisted of installing: approximately 1,200 Lineal Feet of integral concrete curb and gutter; 1,300 Square Feet of four (4)-inch concrete sidewalk; 4,200 Square Feet of six (6)-inch reinforced concrete; 36 truncated domes, 1,100 Square Feet of sod placement, and 2 type 1 curb inlets.

Final Payment:

The final project cost is \$198,840.50 which is less than the original award of \$217,845.00. A majority of the cost savings is due to great collaboration between staff and the contractor, leading to an efficient and fiscally responsible project. There has been two payments made to MRTE Inc. for a total of \$187,009.49 and \$1,888.99 to the State Miscellaneous Tax Fund, thus the final pay will be the remaining project cost.

Conclusion:

City Staff recommends making the final payment of \$9,942.03 to MRTE Inc. and \$99.42 to the State Miscellaneous Tax Fund. City staff verified that MRTE Inc. has completed all work and punch list items in accordance with the plans and the contract. The two year warranty period started on November 1, 2023.

Fiscal Impact:

The funding will come from the Streets Capital Improvements Fund and the Storm Capital Improvements Fund.

Alternatives:

The City Commission could vote to deny Final Payment.

Attachments/Exhibits:

Final Pay Documents
Vicinity Map
Project Summary Sheet



MRTE, Inc.

P.O. Box 538
Black Eagle, MT 59414
Phone (406)761-5640

Agenda #11.

Invoice

Date	Invoice #
11/1/2023	51151

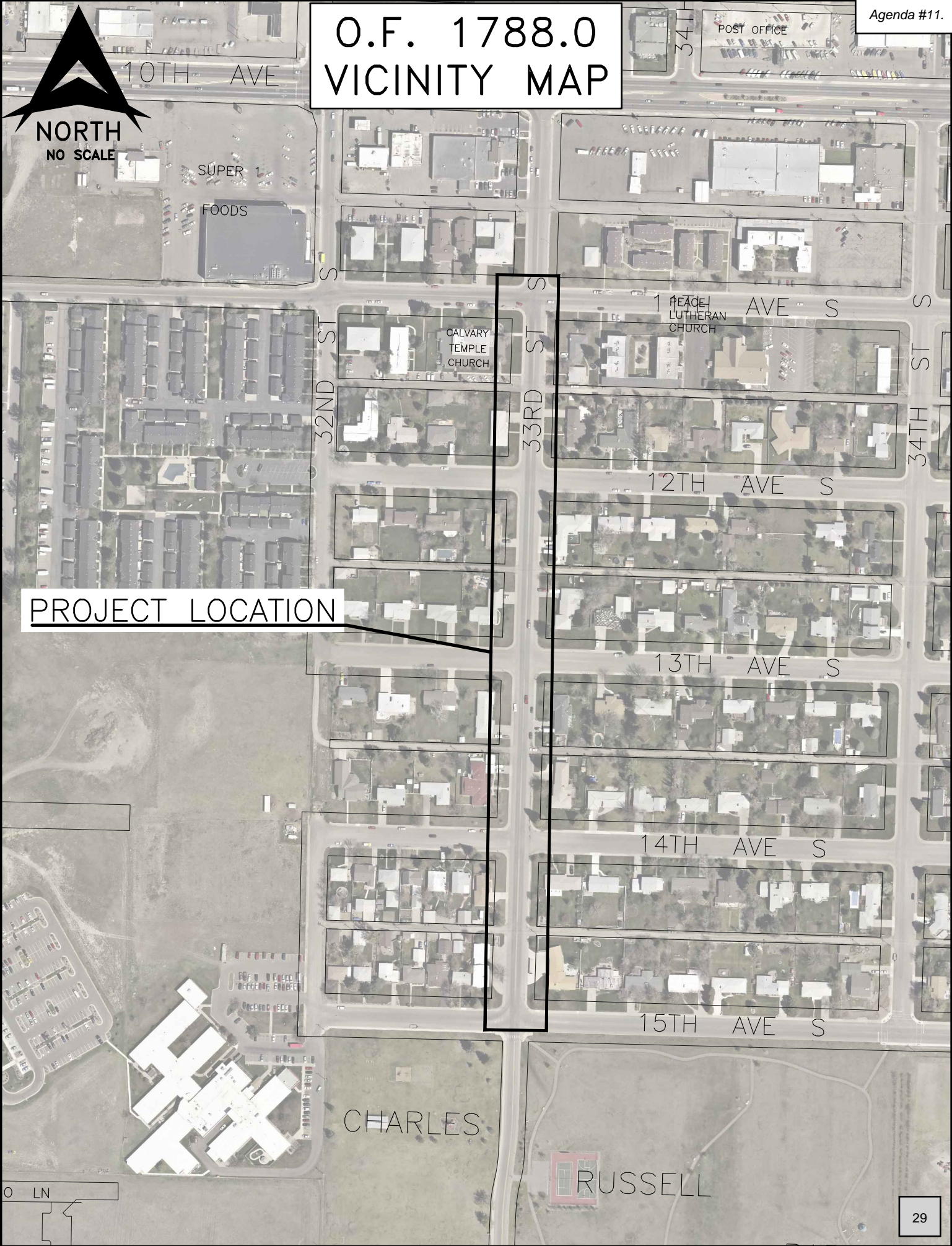
Bill To

City of Great Falls, MT
Public Works Dept
P.O. Box 5021
Great Falls, MT 59403

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project	
			10/31/2023			33 ST S ADA Up...	
Quantity	Item Code	Description			Price Each	Amount	
1.00	Bid Job Concrete	33 ST South ADA UPGRADES O.F 1788.0 Application for Final Pay Retainage			9,942.03	9,942.03	
	Gross Receipts ...				-1.00%	-99.42	
<div>M RTE, Inc.</div>					Total		\$9,842.61
					Payments/Credits		\$0.00
					Balance Due		\$9,842.61

O.F. 1788.0 VICINITY MAP



PROJECT LOCATION

PROJECT SUMMARY SHEET:
33rd St S ADA Upgrades, O.F. 1788.0
FY2023 Capital Improvement Plan
Current as of: November 13, 2023

Description: New ADA compliant Pedestrian Ramps and alley aprons from 11th Ave S through 15th Ave S along 33rd St S.

Justification: Per the ADA Transition plan areas around schools, medical facilities, and parks have a higher demand for pedestrian routes. This area is a main path to Mountain View School and a walking path for Park Place Health Care Center and is in close proximity to Russel Park.

Scope: The project consisted of installing: approximately 1,200 Lineal Feet of integral concrete curb and gutter; 1,300 Square Feet of four (4)-inch concrete sidewalk; 4,200 Square Feet of six (6)-inch reinforced concrete; 36 truncated domes; and two type 1 curb inlets for storm water.

Added to CIP: 2nd half FY2022/1st half FY2023

CIP Timeline: Delayed due to scheduling conflict with contractor. Pushed one year from Summer 2022 to Summer 2023.

Cost:

- Current Working Estimate: \$246,010
- Awarded Cost: \$217,845.00
- Final Cost: 198,840.50

Funding Source(s): Streets; Unassigned Capital Improvements and Storm; Unassigned Capital Improvements.

Planned Execution Method: Design-Bid-Build

Planned Construction CY: Summer 2022

Current Project Stage (Estimated Completion Date): Planning (Spring 2022), Design (Spring 2022), Bid (Spring 2022) Construction (Summer 2023), Warranty (November 2025)

- Design Method: In House

Map & Site Pictures:





Commission Meeting Date: December 5, 2023

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: 2023 CDBG & HOME Amended Annual Action Plan Public Hearing

From: Tom Hazen, Grant and Project Administrator, Finance Department

Initiated By: Tom Hazen, Grant and Project Administrator, Finance Department

Presented By: Tom Hazen, Grant and Project Administrator, Finance Department

Action Requested: Adoption of the 2023 Community Development Block Grant Amended Annual Action Plan

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) the 2023 CDBG & HOME Amended Annual Action Plan."
2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.

Staff Recommendation: Staff recommends the adoption of the 2023 CDBG & HOME Amended Annual Action Plan for HUD-Funded Programs.

Summary: The City is required to develop an Annual Action Plan to outline allocated uses of Community Development Block Grant (CDBG) and HOME Investment Partnerships Act (HOME) funds in the community. The 2023 Annual Action Plan (Action Plan) was presented to and approved by the Commission at the May 2, 2023 meeting. This Action Plan must be amended due to unforeseen developments in order to comply with Federal timeliness requirements. The requisite Amendment has been drafted, made available for public comment, and reviewed by HUD. Holding a Public Hearing is a requirement outlined in the City's Citizen Participation Plan submitted to the United States Department of Housing and Urban Development (HUD). The Public Hearing is the final formal opportunity for public participation and the final step in adopting the Action Plan as amended.

Background: CDBG and HOME funds are issued by the Federal Government to State and Local governments to fund programs benefitting low and moderate income (LMI) individuals. HUD administers the programs and identifies national objectives, eligible activities, and required compliance activities.

Local governments are required to develop strategic five year plans, called Consolidated Plans, to outline future activities that will pursue HUD's objectives. This Consolidated Plan is implemented through five Annual Action Plans that identify specific local goals and objectives.

The current Action Plan was approved on May 2nd, 2023 and identifies the following funding areas and amounts as goals for the coming year:

1. Public Services - \$117,380.00 of CDBG (15% cap); and
2. Affordable Housing - \$2,828,624.00 of HOME and \$15,000.00 of CDBG; and
3. Housing Rehabilitation - \$1,285,000.00 of CDBG; and
4. Economic Development - \$13,000 of CDBG; and
5. Public Facilities and Improvements - \$1,208,656.00 of CDBG; and
6. Planning and Administration - \$156,508.00 of CDBG and \$29,911.00 of HOME.

Individual activities, approved by the City Grant Committee and the City Commission, serve as vehicles for utilizing these balances and achieving these goals.

The \$1,285,000.00 balance of CDBG funds apportioned to Housing Rehabilitation was allocated to provide financial assistance to programs upgrading affordable housing stock. \$1,200,000.00 was allocated to the Madison Apartments project in a request approved by the Commission at the August 16th, 2022 Commission meeting.

On May 5th, 2023, the City received a letter from HUD providing notice that the City was not in compliance with Federal timely use of funds requirements. A CDBG recipient is considered timely if its total CDBG Line of Credit balance is less than 1.5 times its annual allocation or less as of 60 days before the end of the Program Year. A recipient that is found to be untimely is given 12 months to spend down its balance and regain compliance. The City's current CDBG award is \$764,295.00. Taken times 1.5, the City's timeliness threshold is \$1,146,442.50. Currently, the City's Line of Credit Balance is \$2,888,854.27. The City must draw a minimum of \$1,742,411.77 from this balance by May of 2024 to meet the 1.5 threshold.

Unfortunately, the complexity of the Madison Apartment project was to such an extent that preliminary engineering, designs, and other non-CDBG eligible activities would not be complete prior to the timeliness deadline. The award was rescinded by the Commission at the September 19th, 2023 Commission meeting.

Once the award was rescinded, Staff began the process to amend the Action Plan to reallocate the \$1,285,000.00 Housing Rehabilitation balance to Public Facilities and Improvements. This proposed amendment is intended to facilitate funding large scale projects that may be initiated and completed in such a way that the City will comply with HUD timeliness requirements.

The proposed amendment has been reviewed by HUD. Further, as required by the City of Great Falls Citizen Participation Plan, copies of the Proposed Amendment were made available to the community between the dates of October 16th and November 16th of this year. This hearing is the final step in the Amendment process.

Conclusion: This Amendment is a necessary step in reallocating assets in such a manner that the City may utilize CDBG funds in a manner that complies with federal timeliness requirements while simultaneously pursuing HUD's National Objectives.

Alternatives: The City Commission could vote against adoption of the proposed amendment and retain the 2023 Annual Action Plan as adopted at the May 2, 2023 Commission Meeting.

Concurrences: Amending the Action Plan does not require any concurrences from other City departments. City departments were involved in the public process to develop the priorities of the current Consolidated Plan.

Attachments/Exhibits: Proposed 2023 Amended Annual Action for HUD-Funded Programs

CITY OF GREAT FALLS

2023 Amended Annual Action Plan for HUD-Funded Programs

Community Development Block Grant (CDBG) and
HOME Investment Partnerships Program (HOME)



Prepared by
City of Great Falls
Planning & Community Development
2 Park Drive South
Great Falls, MT 59401
(406) 455-8443

Public Meeting: October 18, 2022
Public Needs Hearing: November 1, 2022
Public Comment: March 6 – April 5, 2023
Public Meeting: April 18, 2023
Public Hearing and City Commission Action: May 2, 2023
Submitted to HUD: May 12, 2023
Approved by HUD: June 26, 2023



2023-2024 Annual Action Plan Amendment

This amendment is to reallocate funds from the Housing Rehabilitation Goal to the Public Facilities and Improvements Goal. CDBG Fund recipients are required by federal law to make timely use of Block Grant allocations. A Grantee is considered timely if, as of 60 days before its Program Year End, its CDBG Line of Credit balance does not exceed 1.5 times the annual grant for its current program year. The City must spend \$1,742,411.77 by May of 2024 to achieve timeliness. A Housing Rehabilitation project, which was previously allocated \$1,285,000.00, will not be able to begin construction before May of 2024. Therefore, the City proposes amending the Annual Action Plan so that those funds may be allocated to Public Projects (i.e. streets, sidewalks, parks, etc.) that may reasonably be expected to be completed by May of 2024.

All changes are outlined in RED below.

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2023 Annual Action Plan

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

The City of Great Falls Annual Action Plan for Program Year 2023 is scheduled for review by the Great Falls City Commission on May 2, 2023. City Commission action on the Annual Action Plan follows a plan development process which included input from local organizations and community residents through a public needs hearing held by the City Commission on November 1, 2022, and a 30-day public comment period extending from March 6, 2023 through April 5, 2023. There were also two City Commission Meetings that were held to set the public hearings that offered the public the opportunity to comment on the needs of low to moderate income residents; these meetings were held in October, 2022 and April, 2023.

The purpose of this Annual Action Plan is to implement program year four of the five-year 2020-2024 Consolidated Plan, identify the housing and community development needs of low and moderate income (LMI) people in the community, and develop comprehensive, coordinated strategies for addressing those needs using available federal and non-federal resources. This Annual Action Plan for Program Year 2023 serves as the budget for the City of Great Falls Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME). Detailed within this Plan are the City's recommended community grant goals and priorities for the upcoming program year, which begins July 1, 2023, and ends June 30, 2024. The City expects to receive an annual allocation of \$782,543 through CDBG and \$299,318 through HOME.

The five-year Consolidated Plan and subsequent Annual Action Plans are required for participation by the City of Great Falls in the U.S. Department of Housing and Urban Development (HUD) CDBG and HOME programs. The Consolidated Plan combines the planning and application requirements for the CDBG and HOME programs. Combining the submission requirements for these two programs allows program planning and citizen participation to take place in a comprehensive context.

Eight priorities and related objectives are identified in the 2020-2024 Consolidated Plan to meet the diverse needs of low to moderate income households in Great Falls. These needs were identified primarily through the plan development process and citizen participation described in this section. Census data and other HUD-provided data were also reviewed to assist in identifying needs.

Summarize the Objectives and Outcomes Identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The eight objectives, or goals, identified in the City's 2020-2024 Consolidated Plan are displayed in the following table.

2020-2024 Goals and Objectives

1	Goal Name	Public Services
	Goal Description	Provide support to public service agencies' operating programs that benefit low to moderate income persons. The City of Great Falls will provide CDBG funds to social service agencies for activities that service low to moderate income people or areas.
2	Goal Name	Affordable Housing
	Goal Description	Increase and preserve affordable housing opportunities for very low to moderate income renters, homeowners, first-time homebuyers, and those experiencing homelessness. This includes, but is not limited to rehabilitation, acquisition/rehab/resale, demolition, site preparation, reconstruction, and slum and blight activities.
3	Goal Name	Housing Rehabilitation
	Goal Description	Provide construction and rehabilitation assistance for very low to moderate income homeowners, rental property owners through the City's revolving loan fund. Provide construction and rehabilitation assistance for Public Housing Modernization activities. Housing Rehab may include meeting standard building code upgrades, demolition, site preparation, slum and blight activities, rehabilitation activities addressing livability and life safety.
4	Goal Name	Fair Housing
	Goal Description	Provide funding for activities that affirmatively further fair housing. The City of Great Falls will fund activities that include, but are not limited to fair housing education, counseling, outreach, and referrals pertaining to the laws, rights, and responsibilities related to housing and housing-related transactions, as well as service activities that reduce and remove barriers to fair housing choice.
5	Goal Name	Economic Development
	Goal Description	Provide funding for projects which create decent paying jobs with benefits for persons from low to moderate income households. The City of Great Falls will fund economic development projects which will result in the creation and retention of jobs for low to moderate income people.
6	Goal Name	Public Facilities and Improvements
	Goal Description	Provide public facility and infrastructure assistance, including but not limited to handicap accessibility, energy efficiency improvements, and removal of slum and blighted properties to provide a suitable living environment. The City of Great Falls will prioritize meeting handicap accessibility requirements in public facilities and infrastructure.
7	Goal Name	Planning and Administration
	Goal Description	City staff to administer, manage, and monitor CDBG and HOME funded activities.

8	Goal Name	CDBG Slum & Blight Removal
	Goal Description	The City will allocate funding to remediate properties negatively affected by slum and blighted conditions. This will include clearance with the end goal of providing affordable housing opportunities and/or public facility improvements.

Based on the 2020-2024 Consolidated Plan goals and objectives, as well as citizen input during this plan development process, the following priorities have been identified in the Annual Action Plan for Program Year 2023:

Public Improvements: The City of Great Falls will prioritize meeting handicap accessibility requirements in public facilities and infrastructure. There will be a focus on funding activities that are associated with public parks, public safety, public recreation as well as slum and blight removal this program year with the understanding that efforts are not limited solely to these priorities.

Affordable Housing: Increase and preserve affordable housing opportunities for very low to moderate income renters, homeowners, first-time homebuyers, and those experiencing homelessness through HOME Program funding, including the NeighborWorks Great Falls HOME-funded Down Payment Assistance and Owners in Partnership programs. Affordable housing efforts to remediate properties negatively affected by slum and blighted conditions will be funded through CDBG.

Public Services: The City of Great Falls will provide CDBG funds to social service agencies for activities that provide services for low to moderate income people or areas. The City will focus efforts on meeting the needs of our underserved youth, homeless population, those with physical and mental health needs, and substance abuse this program year. Applications will not be limited to these activities; however, the City will give priority to applications that directly address youth services, homelessness, physical and mental health, and substance abuse.

Residential Housing Rehabilitation: Provide construction and rehabilitation assistance for very low to moderate income homeowners, property owners and the Public Housing Authority. The City will focus on upgrading the City's housing stock to meet standard building codes to provide and sustain safe, affordable housing through its revolving loan fund. The City of Great Falls will address Public Housing Authority rehabilitation or modernization with the use of CDBG funding. Housing efforts to remediate properties negatively affected by slum and blighted conditions will be funded through CDBG.

Economic Development All Economic Development Activities in this Program Year will be carried out by the Great Falls Development Authority (GFDA) through the administration of their already established CDBG Revolving Loan Fund for the purpose of job creation and retention for low to moderate income households. This program operates on program income from CDBG.

Planning and Administration: City staff from the Planning and Community Development Department will continue to administer, manage, and monitor CDBG and HOME funded activities.

In Program Year 2023, the City will continue to provide funding for the following programs utilizing program income:

CDBG Program Income:

City of Great Falls – Housing Rehabilitation Loan Program

Great Falls Development Authority – Economic Development Revolving Loan Fund

HOME Program Income:

NeighborWorks Great Falls – Down Payment Assistance and Owners in Partnership Program

At any time, program income from the above programs may be reallocated to eligible grant activities if City Staff deem it necessary. Activities to be funded as a grant from program income must meet an outlined priority already approved and a National Objective.

Evaluation of Past Performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The City of Great Falls receives CDBG funds as an Entitlement City and HOME funds as a Participating Jurisdiction. Year after year, the City's HUD-funded grant programs have successfully met performance expectations to benefit low and moderate income individuals and areas within the community.

Prior to the development of the 2018 Annual Action Plan, more than midway through the 2015-2019 Consolidated Plan cycle, the City evaluated its performance to date. After careful review of the City's practices, staff determined that it was necessary to update the program's Grant Policies to meet the City's current staff capacity and to create a more strategic and sustainable community grant program. Past performance demonstrated that the City was funding many small grants, collaborating with multiple non-profit agencies, and relying solely on subrecipients to reach community goals. Another challenge was that public facility projects were difficult for non-profits to implement due to their lack of knowledge of federal requirements. Evaluation of past performance also identified that many of the same agencies continuously requested funding for the same programs.

The evaluation of these issues led to updating the City's Grant Policies in 2018. The City now balances the funding of subrecipients with providing direct programming in order to reach community goals. Instead of funding many small grants, the City's most recent Annual Action Plans have focused on fewer goals. This narrowed funding approach is intended to make a greater impact by allocating greater funding amounts to a smaller number of projects annually. Additionally, the City had moved to a year - round application process that has posed issues in meeting timely expenditure of funding for CDBG. As

a result, the City has made the change this year to return to an annual grant application cycle for CDBG funded projects. These updated policies and procedures will be implemented in Program Year 2023.

Summary of Citizen Participation Process and Consultation Process

Summary from citizen participation section of plan.

Community involvement is a critical component of the planning process for the effective use and prioritization of CDBG and HOME funds. The Citizen Participation Plan contains the City of Great Falls' policies and procedures for involving the community in the development of the Citizen Participation Plan, Annual Action Plan and the Consolidated Plan; the review of the Consolidated Annual Performance and Evaluation Report (CAPER); and any substantial amendments to the Consolidated Plan. The City's Citizen Participation Plan was adopted by the City Commission on July 5, 2022, following a 30-day public comment period from May 16, 2022, through June 15, 2022. A copy of the Citizen Participation Plan can be found as an appendix to this document and on the City's website.

A Community Needs Assessment survey and three public meetings were held to gather citizen input for the development of the 2020-2024 Consolidated Plan. As detailed in the Consolidated Plan, a total of 529 survey responses were received, and the public meetings were attended by community residents, as well as public agencies, nonprofit agencies, and Neighborhood Council members. For the development of this 2023 Annual Action Plan, a public needs hearing was held by the City Commission on November 1, 2022; a 30-day public comment period on the proposed Plan was provided from March 6, 2023 through April 5, 2023; and a final public hearing was held at the City Commission Meeting on May 2, 2023. All public comments received and themes addressed in public meetings were transcribed and attached to this document as an appendix.

Public outreach included notifications via traditional and social media outlets, including the Great Falls Tribune, The Electric, and the City's Facebook page and webpage, as well as direct emails to other public, private, and non-profit agencies. Additionally, City Staff distributed a detailed memo to partners and to all 9 Neighborhood Councils outlining the process and important dates. A detailed review of public outreach and citizen participation for Program Year 2023 is found in sections AP-10 and AP-12 of this Plan.

Summary of Public Comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

All public comments received for the development of this Plan are attached to this document as an appendix. Below is a brief summary by commenter.

City Commission Meeting Setting the Public Needs Hearing - October 18, 2022;

No comments were received.

Public Needs Hearing – November 1, 2022:

Andrew Ryan – Commented on homeless issues and housing.

Casey More – Commented on the need for affordable housing and public services. Also would like to see operational expenses funded for nonprofits.

Jolene Schalper – Spoke about the need for housing and childcare options.

Laurie O’Leary – Spoke about the need for affordable childcare.

Sheila Rice – Spoke about the need for funds towards housing and operating expenses to grant recipients.

Sherrie Arey – Submitted comments prior to the meeting in regard to the need for housing and operational expenses.

Shyla Patera – Submitted comments prior to the meeting in regard to the need for universally accessible housing as well as needs within our homeless population. She also pointed out the need for more transportation options and ADA compliant routes for those with limited mobility.

30 Day Public Comment Period – March 6, 2023 to April 5, 2023:

Susie Zeak – Submitted comments in support of the Peace Place project and the need for service to children and youth especially those with special needs.

Jennifer Perez – Submitted comments in support of the Peace Place project.

Kim Martin – Submitted comments in support of the Peace Place project.

Louisa Libertelli-Dunn – Submitted comments in support of the Peace Place project.

Gloria Braucht – Submitted comments in support of the Peace Place project.

Shyla Patera – Submitted comments in regard to the need for universally accessible housing. She also pointed out the need for ADA compliant routes for those with limited mobility through accessible sidewalks, alley ways, and parking areas.

Chrissy Kirk – Submitted comments in support of the Peace Place project.

KC Beall – Submitted comments in support of the Peace Place project.

Angela Rodriguez – Submitted comments in support of the Peace Place project.

Rob Beall – Submitted comments in support of the Peace Place project.

Public Hearing – May 2, 2023:

Shyla Patera – Submitted comments prior to the meeting in regard to the need for universally accessible housing. She also pointed out the need for more transportation options and ADA compliant routes for those with limited mobility which help in connecting accessible routes to services and attractions.

KC Beall – Spoke in support of the plan, in particular the Peace Place Project. She spoke about the individuals that are served by Peace Place.

Louisa Libertelli-Dunn – Spoke about statistics of trauma in children, and medical needs. She spoke about how Peace Place provides services to these children free of charge to the family.

Proposed Amendment - 30 Day Public Comment Period – October 16th to November 16th

None

Summary of comments or views not accepted and the reasons for not accepting them

All public comments were noted, transcribed, or accepted into the Annual Action Plan where applicable. No comments or views were rejected.

Summary

The needs of the Great Falls community are greater than the funding provided from the Entitlement Community's CDBG funds or Participating Jurisdiction's HOME funds. Despite this, coordination of public and nonprofit leaders seeks to make the best use of these federal funds.

PR-05 Lead & Responsible Agencies – 91.200(b)

Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator	GREAT FALLS	Planning & Community Development
HOME Administrator	GREAT FALLS	Planning & Community Development

HUD Table 1 – Responsible Agencies

Narrative

The Planning and Community Development Department administers the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) within the City of Great Falls, Montana. An Annual Action Plan is required by the U.S. Department of Housing and Urban Development (HUD) in order to receive federal assistance annually. The City of Great Falls receives CDBG and HOME funds as an Entitlement Community and Participating Jurisdiction, respectively. The City Commission is required to review and approve the Consolidated Plan and associated Annual Action Plans and will continue to do so in May 2023.

The City of Great Falls will submit the 2023 Annual Action Plan to HUD by July 1, 2023, following the required public comment period and City Commission review. The City program year begins July 1 and ends June 30, 2024.

Consolidated Plan Public Contact Information

On the web: <https://greatfallsmt.net/planning/consolidated-plan-annual-action-plan>

Call: (406) 455-8443 or (406) 455-8432

Mail: P.O. Box 5021 | Great Falls, MT 59403

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

Introduction

The 2023 Annual Action Plan was authored by City of Great Falls Planning and Community Development Department staff. Other City departments were heavily involved either in attendance/guidance for input meetings or available for consultation in updating current City projects, particularly the Public Works, and Park and Recreation Departments. The Great Falls Housing Authority, nonprofit service agencies, affordable housing service providers, and housing developers were heavily involved in the creation and fulfillment of past and current Consolidated Plan goals and are crucial to the further fulfillment of these goals during the 2023 program year.

Provide a concise summary of the jurisdiction’s activities to enhance coordination between

public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(I))

The City will encourage the participation of public and assisted housing residents from the Great Falls Housing Authority and Opportunities, Inc., to provide input to the City on whether their needs in regard to physical health, mental health, and basic services are being adequately met in the community. In response to this input, the City will make every effort to share this feedback with other public, private and non-profit agencies that provide housing, health services, and social services to these residents.

The City is actively engaged with the local Continuum of Care to assist with the collaboration of multiple agencies, including mental health and service agencies, to address homelessness. The City also partners with local Economic Development and Affordable Housing agencies to collaborate on enhancing community growth and providing opportunity for low-income individuals.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Montana Continuum of Care Coalition (MT CoCC) was established by representatives of relevant geographies within the state of Montana for the purpose of carrying out the duties of the CoCC program, as provided for in federal statute 24 CFR Part 578. Great Falls is within Region 5 of this statewide CoCC, and this Region is used to determine homeless survey data from the Montana Department of Health and Human Services.

The City participates in the local Continuum of Care for Homelessness (CoC) group. The CoC group meets monthly throughout the year to expand understanding of the services needed by those who are homeless, to facilitate consolidation and coordination of homeless services and to improve service delivery to people experiencing homelessness. The CoC meetings provide a networking opportunity and assist in keeping funding options open for future HUD homeless grant funds. Since September 2017, the CoC has incorporated a Coordinated Entry System and bi-monthly Case Conferencing meetings. The progression of the CoC has allowed the community service providers to collaborate, partner, and offer wraparound services to address the community's needs.

The City encourages applications for federal homeless grant funds for projects assisting homeless people through the Montana Continuum of Care Coalition (MT CoCC) statewide application process. The MT CoCC is a statewide entity which addresses homelessness issues and is the main vehicle for organizations in Montana to apply for federal homeless grant funds. If local agencies pursue projects through the MT CoCC, the local CoC will support all appropriate proposals. The City will also encourage our local CoC to undertake activities which will move toward reaching the federal goal of ending chronic homelessness.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

ESG funds are not projected to be available for the City for Program Years 2020-2024.

Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

1	Agency/Group/Organization	NEIGHBORWORKS GREAT FALLS
	Agency/Group/Organization Type	Housing Services - Housing Services - Education Regional Organization Neighborhood Organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provided input on community needs; attended Public Needs Hearing and offered comments; attended meetings with City staff to develop potential project ideas.
2	Agency/Group/Organization	GREAT FALLS DEVELOPMENT AUTHORITY
	Agency/Group/Organization Type	Services - Education Services - Employment Regional Organization Planning Organization Business Leaders Community Development Financial Institution
	What section of the Plan was addressed by Consultation?	Economic Development
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provided input on community needs; attended meetings with City staff to develop potential project ideas for proposed Economic Development funds.
3	Agency/Group/Organization	CITY PARK AND RECREATION - COMMUNITY RECREATION CENTER
	Agency/Group/Organization Type	Services - Children Services - Persons with Disabilities Other Government - Local

	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Facility/ADA Improvements
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Attended meetings with City staff to develop potential project ideas for proposed Public Infrastructure funds.
4	Agency/Group/Organization	Great Falls Public Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Fair Housing Other Government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Attended CoC meetings and bi-monthly Case Conferencing meetings. Attended meetings with City staff to develop potential project ideas for Public Housing Modernization.
5	Agency/Group/Organization	North Central Independent Living Services
	Agency/Group/Organization Type	Services - Housing Services - Elderly Persons Services - Persons with Disabilities Services - Homeless Services - Fair Housing Regional Organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provided input on community needs; attended Public Needs Hearing and offered comments; attended CoC meetings.
6	Agency/Group/Organization	HELPING HANDS
	Agency/Group/Organization Type	Services – Food & Clothing Services - Homeless

What section of the Plan was addressed by Consultation?	Homeless Needs – Chronically homeless Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Homelessness Strategy Anti-poverty Strategy
Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Provided input on community needs; attended Public Needs Hearing and offered comments; attended CoC meetings.

HUD Table 2 – Agencies, groups, organizations who participated

Identify any Agency Types not consulted and provide rationale for not consulting

The City has contacted local public and private agencies with public notice announcements and information via electronic mail as well as traditional and social media platforms. Media outlets included KFBB, KRTV, the Great Falls Tribune, The Electric, and the City's webpage and Facebook page. Our community is noteworthy for its numerous existing social service and housing agencies, and all play a key role in participatory and advisory sessions that shape our Annual Action Plan.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Montana Continuum of Care Coalition	Coordinates local and statewide housing and services for households experiencing homelessness
City of Great Falls Growth Policy Update	City of Great Falls	Dedicated Housing section informs needs for all four housing goals (Fair and Affordable Housing, Rental Rehabilitation, and Homeownership)
PHA 5-Year and Annual Plan	GFHA, U.S. Department of Housing and Urban Development	Quantifiable goals and objectives for very low to low income needs; including public improvements (building sites), Affordable Housing
Great Falls Downtown Master Plan (2011)	City of Great Falls	Consists of census tracts qualifying as Low to Moderate Income areas, Housing Rehabilitation, Affordable rental goals
Analysis of Impediments to Fair Housing Choice (2015-2019)	City of Great Falls	Goals and strategies that address Fair and Affordable Housing
Comprehensive Housing Affordability Strategy	City of Great Falls	Needs assessment for previous goals and included in previous Strategic Plans (2011-2015; 2015-2019)
Housing Market Demand Assessment for Great Falls, MT	Great Falls Development Authority	Dedicated Housing section informs needs for all four housing goals (Fair and Affordable Housing, Rental Rehabilitation, and Homeownership)

HUD Table 3 – Other local / regional / federal planning efforts

Narrative (or Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the

Consolidated Plan (91.215(l)).

The City of Great Falls works closely with state and county agencies in determining the needs of the region despite the relative isolation of Great Falls from adjacent municipalities. For example, the community of Black Eagle is adjacent to the city limits but is found within the county jurisdiction, and the Malmstrom Air Force Base is adjacent but outside city limits. Over the last several years, representatives from Malmstrom have engaged extensively with City staff about the challenges in finding quality and affordable rental housing units for the Malmstrom employees who are unable or choose to live outside of airbase property. In recent years, the Comprehensive Housing Affordability Strategy (CHAS) for 2010-2020 was conducted by a “Great Falls/Cascade County Housing Planning Group” to consider both city and county housing needs.

AP-12 Participation – 91.105, 91.200(c)

Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting.

The goals outlined in this Plan are primarily driven by community input through the Community Needs Assessment survey that was incorporated into the Consolidated Plan, a public meeting, a public needs hearing, and the public comment period. The City intentionally provided multiple avenues of public engagement to ensure the priority-setting process was community-driven and inclusive. The 2023 goals reflect the community's identified priorities, which allows for strategic funding in areas of need.

Citizen Participation Outreach

1	Mode of Outreach: PUBLIC MEETING	
	Target of Outreach	Minorities, Persons with disabilities, Non-targeted/broad community, Residents of Public and Assisted Housing
	Summary of response/attendance	On October 18, 2022 a public meeting was held during the City Commission meeting to solicit input for Program Year 2023 activities and priorities while also setting the formal public needs hearing date.
	Summary of comments received	No comments were received during the Public Meeting.
	Summary of comments not accepted and reasons	No comments were rejected.
2	Mode of Outreach: PUBLIC NEEDS HEARING	
	Target of Outreach	Minorities, Persons with disabilities, Non-targeted/broad community, Residents of Public and Assisted Housing

	Summary of response/attendance	Five Individuals commented at the Public Hearing that was held on November 1, 2022, while two others presented written comments via email.
	Summary of comments received	Comments received were in regard to addressing homelessness, the need for more housing, as well as the need for youth/childcare services. Comments received are included as an appendix.
	Summary of comments not accepted and reasons	No comments were rejected.
3	Mode of Outreach: PUBLIC MEETING	
	Target of Outreach	Minorities, Persons with disabilities, Non-targeted/broad community, Non-profit agency personnel, faith-based institutions
	Summary of response/attendance	On April 18, 2023 a second public meeting will be held by the City Commission to present the City's Plan Goals and solicit input for Program Year 2023 activities and priorities while also setting the formal public hearing date.
	Summary of comments received	No comments were received during the Public Meeting.
	Summary of comments not accepted and reasons	No comments were rejected.
4	Mode of Outreach: PUBLIC HEARING	
	Target of Outreach	Minorities, Persons with disabilities, Non-targeted/broad community, Non-profit agency personnel, faith-based institutions
	Summary of response/attendance	A second Public Hearing will be held on May 2, 2023, when the City Commission will receive additional community input, followed by a vote on the 2023 Annual Action Plan.
	Summary of comments received	Comments received were in support of the proposed AAP. Comments received are included as an appendix.
	Summary of comments not accepted and reasons	No comments were rejected.
5	Mode of Outreach: INTERNET OUTREACH	

	Target of Outreach	Minorities, Persons with disabilities, Non-targeted/broad community, Residents of Public and Assisted Housing, Non-profit agency personnel, faith-based institutions
	Summary of response/attendance	The City's website and Facebook page were utilized to provide additional sources of Public Notice for the following: Public Needs Hearing on November 1, 2022; public comment period for the proposed Annual Action Plan from March 6 - April 5, 2023; Public Hearing on May 2, 2023; and to host the proposed Annual Action Plan drafts for public review, comment, and download.
	Summary of comments received	Comments received are included as an appendix.
	Summary of comments not accepted and reasons	No comments were rejected.
6	Mode of Outreach: NEWSPAPER AD	
	Target of Outreach	Minorities, Persons with disabilities, Non-targeted/broad community, Residents of Public and Assisted Housing, Non-profit agency personnel, faith-based institutions
	Summary of response/attendance	Legal Advertisements were placed with the Great Falls Tribune to run on the following dates for the corresponding Public Notices: October 16, 2022 and October 23, 2022 for the November 1, 2022 Public Needs Hearing; March 5, 2023 and March 12, 2023 for the 30-day comment period from March 6, 2023-April 5, 2023 for the proposed Annual Action Plan; April 16, 2023 and April 23, 2023 for the May 2, 2023 Public Hearing.
	Summary of comments received	Comments received are included as an appendix.
	Summary of comments not accepted and reasons	No comments were rejected.

HUD Table 4 – Citizen Participation Outreach

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

All staff activities used in creating and implementing the Annual Action Plan are provided from the 20% of CDBG funds allotted for Administrative spending.

The expected resources include the annual allocations of CDBG and HOME federal grant funds that Great Falls receives as an Entitlement City and Participating Jurisdiction. The grant amounts are actual allocations for Program Year 2023. If the grant funding or program income comes in above or below the expected amounts identified in the Priority Table below, the project allocations (AP-38 Projects

Summary) will be adjusted.

Anticipated Resources

Program	Source of Funds	Expected Amount Available for Program Year				Expected Amount Available Remainder of ConPlan
		Annual Allocation:	Program Income:	Prior Year Resources:	Total:	
CDBG	public - federal	\$782,543	\$1,298,000	\$715,001	\$2,795,544	\$728,590
Uses of Funds	Acquisition, Economic Development, Housing, Public Improvements, Public Services, Admin and Planning					
Description	CDBG funds are anticipated to be \$800,000 annually for the program years 2020-2024.					
HOME	public - federal	\$299,318	\$1,243,000	\$1,316,237	\$2,858,555	\$359,518
Uses of Funds	Acquisition, Homebuyer Assistance, Rehabilitation (Multifamily & Homeowner), New Construction (Multifamily & Homeowner), Admin and Planning					
Description	HOME funds are anticipated to be \$280,000 annually for the program years 2020-2024.					

HUD Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

Federal funding will be leveraged with the support of local, state, and outside (private) sources of funding. CDBG and HOME projects can maximize their local impact within the Great Falls community when combined with leveraged local resources among area providers.

If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

None appropriate for discussion.

AP-20 Annual Goals and Objectives

Goals Summary Information

	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Public Services	2023	2024	Homeless, Non-Homeless Special Needs, Non-Housing Community Development	City of Great Falls	Public Services	CDBG: \$117,380 (15% CAP)	Public service activities other than Low/Moderate Income Housing Benefit: 136 Persons Assisted

	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
2	Affordable Housing	2023	2024	Affordable Housing, Homeless, Non-Homeless Special Needs	City of Great Falls	Affordable Housing	HOME: \$2,828,624 CDBG: \$15,000	Homeowner Housing Added: 1 Household Housing Units Rental Units Rehabilitated: 24 Household Housing Units Direct Financial Assistance to Homebuyers: 2 Households Assisted Buildings Demolished: 1 Building
3	Housing Rehabilitation	2023	2024	Affordable Housing, Public Housing, Non-Homeless Special Needs	City of Great Falls	Housing Rehabilitation	CDBG: \$0.00	Rental Units Rehabilitated: 49 Household Housing Units Homeowner Housing Rehabilitated: 1 Household Housing Units
4	Economic Development	2023	2024	Non-Housing Community Development, Economic Development	City of Great Falls	Economic Development	CDBG: \$13,000	Jobs created/retained: 1 Jobs
5	Public Facilities and Improvements	2023	2024	Public Housing, Non-Homeless Special Needs, Non-Housing Community Development	City of Great Falls	Public Facilities and Improvements	CDBG: \$2,493,656.00	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 3500 Persons Assisted Buildings Demolished: 1 Building

	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
6	Planning and Administration	2023	2024	Planning and Administration	City of Great Falls	Planning and Administration	CDBG: \$156,508 (20% CAP) HOME: \$29,931 (10% CAP)	

HUD Table 6 – Goals Summary

Program Year 2023 Goal Descriptions

1	Goal Name	Public Services
	Goal Description	The City of Great Falls will provide CDBG funds to social service agencies for activities that provide services for low to moderate income people or areas. The City will focus efforts on meeting the needs of our underserved youth, homeless population, health/mental health needs, and substance abuse this program year. Applications will not be limited to these activities; however, the City will give priority to applications that directly address youth services, homelessness, health/mental health, and substance abuse.
2	Goal Name	Affordable Housing
	Goal Description	Increase and preserve affordable housing opportunities for very low to moderate income renters, homeowners, first-time homebuyers, and those experiencing homelessness. This includes rehabilitation, acquisition, demolition, site preparation, and slum and blight activities. The HOME-funded Down Payment Assistance and Owners in Partnership programs will continue with HOME Program Income.
3	Goal Name	Housing Rehabilitation
	Goal Description	Provide construction and rehabilitation assistance for very low to moderate income homeowners, property owners and the Public Housing Authority. The City will focus on upgrading the City's housing stock to meet standard building codes to provide and sustain safe, affordable housing through its revolving loan fund. The City of Great Falls will address Public Housing Authority rehabilitation or modernization through grant funding. Housing efforts to remediate properties negatively affected by slum and blighted conditions will be funded through CDBG.
4	Goal Name	Economic Development
	Goal Description	All Economic Development Activities in this Program Year will be carried out by GFDA through the administration of their already established CDBG Revolving Loan Fund for the purpose of job creation and retention for low to moderate income households. This program operates on program income from CDBG.
5	Goal Name	Public Facilities and Improvements
	Goal Description	Provide public facility and infrastructure assistance to provide a suitable living environment. The City of Great Falls will prioritize meeting handicap accessibility requirements in public facilities and infrastructure. There will be a focus on funding activities that are associated with public parks, public safety, public recreation as well as slum and blight removal this program year with the understanding that efforts are not limited solely to these priorities.

6	Goal Name	Planning and Administration
	Goal Description	City staff to administer, manage, and monitor CDBG and HOME funded activities.

AP-35 Projects – 91.220(d)

Introduction

The City of Great Falls will strategically focus on 10 projects for funding from the CDBG and HOME program, which includes funding for administration and planning at the HUD limit.

The City will utilize CDBG funds to carry out the Revolving Loan Fund Program. Staff will adjust the recommendations based on Timeliness notifications from HUD. The City is required to have no more than 1.5 times its annual CDBG funding allocation plus program income by May 2nd of every year. Therefore, staff will respond to this HUD requirement as needed, while remaining within the identified and approved priorities.

Program Year 2023 Projects

	Project Name
1	2023 Public Service YWCA – Childcare
2	2023 Public Service Peace Place - Childcare
3	2023 Public Improvements COGF – Carter Park Sidewalks/Ramps
4	2023 Public Facilities and Improvements (prior year resources)
5	2023 Residential Housing Rehabilitation
6	2023 HOME Affordable Housing
7	2023 HOME NeighborWorks Direct Assistance to Homebuyers
8	2023 HOME CHDO Project
9	2023 Great Falls Development Authority Job Creation
10	2023 CDBG/HOME Administration

HUD Table 7 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs.

The recommended funding allocation priorities are primarily driven by community input through a public needs hearing, and the public comment period. Staff intentionally provided multiple avenues of public engagement to ensure the priority-setting process was community-driven and inclusive. The City of Great Falls' Annual Action Plan utilizes the community's input in setting these priorities. These community-identified priorities allow for strategic funding in areas of need.

AP-38 Project Summary

Project Summary Information

1	Project Name	2023 Public Services YWCA - Childcare
	Target Area	City of Great Falls
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$65,530
	Description	The City of Great Falls will provide CDBG funds to the Great Falls YWCA for the new childcare program which will provide childcare to Victims of Domestic or Sexual Violence that are residents of the Mercy Home Emergency Shelter.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	100 LMI individuals will benefit from the proposed activity.
	Location Description	City of Great Falls
2	Planned Activities	The City of Great Falls will provide CDBG funds to the Great Falls YWCA for the new childcare program which will provide childcare to Victims of Domestic or Sexual Violence that are residents of the Mercy Home Emergency Shelter.
	Project Name	2023 Public Services Peace Place - Childcare
	Target Area	City of Great Falls
	Goals Supported	Public Services
	Needs Addressed	Public Services
	Funding	CDBG: \$51,850
	Description	The City of Great Falls will provide CDBG funds to Peace Place for the expansion of their childcare program which will provide childcare to children with special needs and are underserved in the community.
	Target Date	6/30/2024

	Estimate the number and type of families that will benefit from the proposed activities	36 LMI individuals will benefit from this proposed activity.
	Location Description	City of Great Falls
	Planned Activities	The City of Great Falls will provide CDBG funds to Peace Place for the expansion of their childcare program which will provide childcare to children with special needs and are underserved in the community.
3	Project Name	2023 Public Improvements COGF – Carter Park Sidewalks/Ramps
	Target Area	City of Great Falls
	Goals Supported	Public Facilities and Improvements
	Needs Addressed	Public Facilities and Improvements
	Funding	CDBG: \$564,885 (\$508,655 PY23 + \$56,230 Prior Year)
	Description	The City of Great Falls will provide CDBG Funding for the replacement of sidewalks, curb cuts, ramps, and other necessary improvements to upgrade the public right of way around Carter Park and adjacent corners. This will allow for improved pedestrian access and connectivity to the adjacent pedestrian route system in the area.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	This project will provide an area benefit to LMI families, an estimated 2000 residents this year.
	Location Description	City of Great Falls
4	Planned Activities	The City of Great Falls will provide CDBG Funding for the replacement of sidewalks, curb cuts, ramps, and other necessary improvements to upgrade the public right of way around Carter Park and adjacent corners. This will allow for improved pedestrian access and connectivity to the adjacent pedestrian route system in the area.
	Project Name	2023 Public Facilities and Improvements
	Target Area	City of Great Falls

	Goals Supported	Public Facilities and Improvements
	Needs Addressed	Public Facilities and Improvements
	Funding	CDBG: \$643,771 Prior Year Funding
	Description	Provide public facility and infrastructure assistance to provide a suitable living environment. The City of Great Falls will prioritize meeting handicap accessibility requirements in public facilities and infrastructure. There will be a focus on funding activities that are associated with public parks, public safety, public recreation as well as slum and blight removal this program year with the understanding that efforts are not limited solely to these priorities.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	These projects will primarily provide an area benefit to LMI families, an estimated 1500 residents this year.
	Location Description	City of Great Falls
	Planned Activities	Provide public facility and infrastructure assistance to provide a suitable living environment. The City of Great Falls will prioritize meeting handicap accessibility requirements in public facilities and infrastructure. There will be a focus on funding activities that are associated with public parks, public safety, public recreation as well as slum and blight removal this program year with the understanding that efforts are not limited solely to these priorities.
5	Project Name	2023 Residential Housing Rehabilitation
	Target Area	City of Great Falls
	Goals Supported	Housing Rehabilitation
	Needs Addressed	Housing Rehabilitation
	Funding	CDBG: \$0.00
	Description	Provide construction and rehabilitation assistance for very low to moderate income homeowners, property owners and the Public Housing Authority. The City will focus on upgrading the City's housing stock to meet standard building codes to provide and sustain safe, affordable housing through its revolving loan fund. The City of Great Falls will address Public Housing Authority rehabilitation or modernization through grant funding. Housing efforts to remediate properties negatively affected by slum and blighted conditions will be funded through CDBG.
	Target Date	6/30/2024

	Estimate the number and type of families that will benefit from the proposed activities	50 LMI households will benefit from this proposed activity.
	Location Description	City of Great Falls
	Planned Activities	Provide construction and rehabilitation assistance for very low to moderate income homeowners, property owners and the Public Housing Authority. The City will focus on upgrading the City's housing stock to meet standard building codes to provide and sustain safe, affordable housing through its revolving loan fund. The City of Great Falls will address Public Housing Authority rehabilitation or modernization through grant funding. Housing efforts to remediate properties negatively affected by slum and blighted conditions will be funded through CDBG.
6	Project Name	2023 HOME Affordable Housing
	Target Area	City of Great Falls
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	HOME: \$2,683,727 CDBG: \$15,000
	Description	Allocate HOME Investment Partnerships Program (HOME) funds towards new construction, rehabilitation, and homeownership. HOME funds will be granted to continue the City's mission to improve and grow the community's affordable housing stock. HOME funding can be utilized towards building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people. CDBG for Slum and Blight Removal to develop affordable housing.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	25 LMI households will benefit from this project.
	Location Description	City of Great Falls

	Planned Activities	Allocate HOME Investment Partnerships Program (HOME) funds towards new construction and homeownership. HOME funds will be granted to continue the City's mission to improve and grow the community's affordable housing stock. HOME funding can be utilized towards building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people.
7	Project Name	2023 HOME-NeighborWorks Direct Assistance to Homebuyers
	Target Area	City of Great Falls
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	HOME: \$100,000
	Description	NeighborWorks Great Falls will utilize HOME program income to provide direct assistance to first-time homebuyers in the form of down payment assistance, closing costs, or gap financing (OIP). Any activity providing direct assistance through this project will be required to utilize the Recapture Provision as outlined in the AAP and Program Income Plan.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	2 LMI families will benefit from the proposed activity.
	Location Description	City of Great Falls
	Planned Activities	NeighborWorks Great Falls will utilize HOME program income to provide direct assistance to first-time homebuyers in the form of down payment assistance, closing costs, or gap financing (OIP). Any activity providing direct assistance through this project will be required to utilize the Recapture Provision as outlined in the AAP and Program Income Plan.
8	Project Name	2023 HOME CHDO Project
	Target Area	City of Great Falls
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	HOME: \$44,897 (15% of allocation)
	Description	15% set-aside for HOME CHDO Project

	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	At least 1 LMI household will benefit from this project
	Location Description	City of Great Falls
	Planned Activities	Activities to increase affordable housing stock.
9	Project Name	2023 GFDA Job Creation
	Target Area	City of Great Falls
	Goals Supported	Economic Development
	Needs Addressed	Economic Development
	Funding	CDBG: \$13,000
	Description	All Economic Development Activities this Program Year will be carried out by GFDA through the administration of their already established CDBG Revolving Loan Fund for the purpose of job creation and retention for low to moderate income households. This program operates on program income from CDBG.
	Target Date	6/30/2024
	Estimate the number and type of families that will benefit from the proposed activities	1 LMI jobs created/retained.
	Location Description	City of Great Falls
	Planned Activities	All Economic Development Activities this Program Year will be carried out by GFDA through the administration of their already established CDBG Revolving Loan Fund for the purpose of job creation and retention for low to moderate income households. This program operates on program income from CDBG.
10	Project Name	2023 CDBG/HOME Administration
	Target Area	City of Great Falls
	Goals Supported	Planning and Administration
	Needs Addressed	Planning and Administration

Funding	CDBG: \$156,508 (20% cap) HOME: \$29,931 (10% cap)
Description	City staff to administer, manage, and monitor CDBG and HOME funded activities.
Target Date	6/30/2024
Estimate the number and type of families that will benefit from the proposed activities	n/a - City staff to administer, manage, and monitor CDBG and HOME funded activities.
Location Description	City of Great Falls
Planned Activities	City staff to administer, manage, and monitor CDBG and HOME funded activities.

HUD Table 8 – Projects Summary

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

The geographic area for the entitlement city, Great Falls, Montana, is outlined as the area within the city limits as established by the City of Great Falls. Data from the 2018 American Community Survey 5-year Estimate suggests that minority populations represent less than 14% of the city's total population. When considering areas of minority concentration, [HUD's CPD Mapping Tool](#) indicates that a larger number of minority households live in Census Tracts 3, 4, 7, and 108 when compared to the rest of the city; however, Great Falls does not have any areas of minority concentration according to Federal Financial Institutions Examination Council (FFIEC) data or as defined by HUD Minority Neighborhoods. The city does, however, have areas of low-income concentration, which are defined as areas where 51% of the population has income at or below 80% AMI.

Geographic Distribution

Target Area	Percentage of Funds
City of Great Falls	100

HUD Table 9 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City of Great Falls does not allocate funding priorities based on geographic needs. Funding priorities are based on community need and the number of individuals or households that can benefit from the limited amount of funding available. Some allocations are based on an area need and focus efforts in LMI areas with 51% LMI residents as calculated using the HUD area benefit calculation tool. This is the only geographic distinction made by the City of Great Falls.

AP-55 Affordable Housing – 91.220(g)

Introduction

The City of Great Falls will be using CDBG and HOME funds to support a number of affordable housing projects within the city limits.

One Year Goals for the Number of Households to be Supported	
Homeless	24
Non-Homeless	53
Special-Needs	0
Total	77

HUD Table 10 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	1
Rehab of Existing Units	74
Acquisition of Existing Units	2
Total	77

HUD Table 11 - One Year Goals for Affordable Housing by Support Type

AP-60 Public Housing – 91.220(h)

Introduction

The Great Falls Housing Authority (GFHA) is the only Public Housing Authority within the city of Great Falls. GFHA owns and operates one main public housing site (Chowen Springs) and four scattered public housing sites (Austin Hall, Yeoman-Tynes, Russell Apartments, and Sunrise Court). These properties include a total of 490 apartment units that range in size from 1-4 bedrooms. Additionally, GFHA has budget authority for 250 Housing Choice Vouchers (HCVs). The HCV program, formerly known as the Section 8 program, allows private landlords to contract with GFHA, who inspects the units for Housing Quality Standards and subsidizes the rent for the approved tenant.

GFHA also manages two affordable housing properties (Sand Hills and Holland Court), which have 16 apartment units each. Eight units at Sand Hills were funded with City HOME funds and are currently within their affordability period per HOME regulations. Eight units at Holland Court were funded with City HOME funds, and although the period of affordability has expired, GFHA continues to set rent for these units within HOME contract limits.

Actions planned during the next year to address the needs to public housing

The Housing Authority will continue its multi-year rehabilitation project at the main site (MT2-1 and MT2-2) which involves upgrading the overhead electrical distribution system, street lights, sewer mains, water mains and gas distribution systems for 356 units and major interior renovation of 156 units. The units will be demolished down to the studs and rebuilt, including new roofs; windows; doors; walls; flooring; and electrical, plumbing and heating systems. Exterior sewer, water and electrical services will also be replaced. At the time of this report, the major interior renovations of 34 units have been completed as a part of this project. Currently, one 6-unit building is nearing completion, while rehabilitation of a second 6-plex is slated to begin in late spring 2023. This modernization project began in 2015 and is expected to take 10 to 15 years to complete, contingent upon funding.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

GFHA encourages tenants to be involved in the management of public housing through having two tenants on the Housing Authority Board of Commissioners. Resident board members serve two-year terms. All members serve without compensation.

GFHA does not provide direct involvement in supporting homeownership. However, they connect tenants who are interested in homeownership to other organizations within the city that provide financial management training, homeownership training, and other forms of assistance.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance.

The Great Falls Housing Authority is not currently designated as troubled.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

The City will participate in the local Continuum of Care for Homelessness (CoC) group. The CoC group will meet monthly throughout the upcoming year to expand understanding of the services needed by those who are homeless, to facilitate consolidation and coordination of homeless services, and to improve service delivery to people experiencing homelessness. The CoC meetings will provide a networking opportunity and assist in keeping funding options open for future HUD homeless grant funds.

The trend of gradually increasing numbers and needs of homeless people continues in Great Falls. In particular, the Great Falls Rescue Mission continues to see a significant increase in the number of families seeking assistance.

The City will encourage application for federal homeless grant funds for projects assisting homeless people through the Montana Continuum of Care Coalition (MT CoCC) statewide application process. The MT CoCC is a statewide group which addresses homelessness issues and is the main vehicle for organizations in Montana to apply for federal homeless grant funds. The local CoC Chair will be the local liaison with the MT CoCC. If local agencies pursue projects through the MT CoCC, the CoC will support all appropriate proposals.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs.

The City of Great Falls does not provide direct assistance to homeless outreach programs. There are a number of agencies within the city that provide special outreach services for homeless persons and their individual needs. The City will continue to work with these organizations to reduce and eventually end homelessness. Opportunities, Inc., continues to be a great resource for the city, facilitating a number of local, state, and federal programs to assist with homelessness. Additionally, NeighborWorks Great Falls, Habitat for Humanity, Rural Dynamics Inc., St. Vincent de Paul of North Central Montana, Volunteers of America, Alliance for Youth, Indian Family Health Clinic, and YWCA, among others, provide services to help prevent homelessness.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City of Great Falls will provide grant funding to address the housing needs of homeless persons through public service activities.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The Great Falls Rescue Mission is the primary emergency shelter provider in Great Falls. It is difficult to delineate the specific numbers of beds available for emergency shelter versus transitional housing, as the organization does not use governmental funding and is not restricted by specific programming requirements. As a result, the Mission can be flexible regarding bed usage. Whether a specific bed is used for emergency or transitional shelter is driven by actual need on that particular day. Overall, there are 52 beds available in the men's shelter and 65 beds in the women's shelter. In an emergency such as life-threatening weather, the Mission will also provide additional mats on the floor for men and women and foldaway cribs for children.

The Rescue Mission's Cameron Family Center accommodates 114 beds and focuses on housing homeless families. The beds are set up in 28 rooms with private bathrooms to provide a more private place for families to be together. The facility also has space available for supportive services including a medical/dental clinic, year-round youth programs, and coordinated social services.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

Opportunities, Inc., provides assistance with eviction prevention and counseling. The Great Falls Housing Authorities Fair Housing Specialist provides information to landlords and tenants on how to avoid evictions. NeighborWorks Great Falls offers foreclosure prevention counseling and financial assistance as well as rental counseling, while Habitat for Humanity offers foreclosure prevention for their partner families. Additionally, Young Parents Education Center offers individual counseling and group classes to help young adults with life skills, referrals to avoid evictions, assistance with rental applications, and coordination with landlords to prevent eviction and homelessness. The Center for Mental Health provides individual counseling and assistance for people being discharged from mental health facilities.

Discussion

Many Rivers Whole Health has an adult case manager who provides outreach and wellness checks for chronically homeless people. They provides outreach to the mentally ill homeless population and conducts evaluations to determine whether symptoms of a mental disorder are evident. The agency coordinates with organizations such as Opportunities, Inc., Office of Public Assistance, Great Falls Rescue Mission, Salvation Army, and St. Vincent DePaul to provide assistance with housing, food, clothing and payee services.

Opportunities, Inc., provides support to chronically homeless people through screening for homelessness issues during intake, referrals, case management, financial assistance, and job training assistance.

The YWCA provides 30 different human service agencies with vouchers for chronically homeless people to use at its used clothing store. The YWCA Mercy Home offers emergency shelter and supportive services for women and children who are victims of domestic violence. The Mercy Home can accommodate 30 women and children. The support services provided include crisis intervention, support groups, information and referral, group counseling, personal advocacy, parenting classes, a 911 cell phone lending program, transportation, legal advocacy, resume building, and employment coaching.

The Indian Family Health Clinic provides community resource information through group sessions provided by staff members.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction

Great Falls first adopted a zoning ordinance to regulate the use of land and buildings in 1930. The last comprehensive update of these regulations occurred when the Unified Land Development Code was adopted in 2005. Since 2005, significant sections of the Unified Land Development Code have been updated to respond to development issues in the community. The current zoning and subdivision code implements the City's growth policy, Missouri River Corridor Plan, neighborhood plans and Long Range Transportation Plan. The purposes of the code are: 1) to ensure that all development is guided by and gives consideration to the Growth Policy; 2) to provide clear, consistent standards, regulations and procedures for the review of all proposed development within the city; and, 3) to safeguard the public health, safety and general welfare by establishing minimum standards for design and development.

The City reviews development applications to ensure that they are consistent with subdivision regulations, zoning and land use controls and annexation policies. Such codes and policies are designed

to create orderly development; provide adequate services including transportation, utilities, and fire and police protection; and promote public health, safety and general welfare.

Costs for building new housing have greatly increased in recent years, but this is due to other factors previously described rather than the cost of meeting code requirements. Existing home prices have greatly increased due to low housing stock. The City's Chief Building Official reports there is also the perception that costs of new building permits are high and require a time-consuming process. However, the total estimated cost for construction permits to build a house is approximately 1% of the structure's value. The building codes may require engineered foundations and this could be a significant cost; however, this is necessary because of the clay formation underlying much of the city. The City works with homeowners to educate them on ways to reduce the cost of permitting whenever possible. The timeline for residential permitting is currently averaging approximately a 7-day turnaround time based on the quality of drawing submittals. There is good accessibility to plans examiners and access to inspectors when needed.

The current zoning and setback requirements can be restrictive for developing affordable housing in situations where developers wish to use odd-size or small lots or construct high density housing. Additionally, no affordable housing incentives such as reduced lot sizes, setback standards or waived building fees are automatically available to developers of affordable housing. Due to land prices and infrastructure costs, smaller lots are being developed for condensed housing at this time. Additionally, the City has worked very successfully with NeighborWorks Great Falls to use the Planned Unit Development process to create customized development standards to support higher density affordable housing development. As result of this partnership, NeighborWorks has successfully completed the Rockcross Apartments project (124 affordable rental units) as well as currently building affordable homes on its Meriwether Crossing subdivision. This subdivision will lead to the eventual addition of 80 affordable, owner-occupied homes into the City's affordable housing inventory. NeighborWorks has begun outreach with community stakeholders to seek input for its next affordable housing proposal for property south of Great Falls. If NeighborWorks successfully annexes this property into the City, it would lead to phased affordable housing development of approximately 300-400 units. Additionally, NeighborWorks has just submitted a building permit to renovate the "Baatz" building located on the south side of downtown for 25 supportive housing units with on-site wraparound services. The City also expects submittal of building permits later this year for development of the *Carter Commons* affordable senior housing development in the Lower South Side area of Great Falls. This project proposes another 25 affordable rental housing units. Finally, the City approved issuance of CDBG-derived Revolving Loan Funds to assist a developer in renovating a vacant, former assisting living facility located north of the downtown area into 50 affordable rental units. A permit is expected for this project later this year.

Traditionally, mobile/manufactured housing has allowed low income families to purchase housing when a conventional home may be out of reach. However, there is limited availability of vacant affordable single lots, mobile home courts will not accept homes that are older than five years, and a zoning

change would be required if a new mobile home subdivision were to be developed. There appears to be the demand for an affordable housing option such as improvements to existing mobile/manufactured home parks or development of a new mobile/manufactured home subdivision. Some of those proposed upgrades are cost prohibitive due to some existing mobile home parks being located in the floodplain.

In Montana, property tax is the only way authorized by the legislature for cities to raise money to provide local government service and finance schools. Therefore, the tax burden falls on property owners. The cost of building new housing is also affected by the concept that the user pays. The developer of new housing must pay the full cost of extending water and sewer services, connecting to city utilities and putting in curbs, gutters, sidewalks and paved streets. While these requirements affect the cost of housing, these standards are also important to positively impact the quality, permanence, safety and environmental aspects of the Great Falls community.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The Great Falls City Commission sets policy addressing barriers to affordable housing for the city. The Planning and Community Development Department (PCD) deals with all policies related to land use, zoning ordinances, building codes, growth limitations, and fees and charges. The Department researches policy questions and looks for best practices in following the policies set forth by the Commission. Recommendations to the Administration and the Commission are made with input from the public as well as stakeholders that are interested in the policies.

PCD completed an update to the City's Growth Policy in 2013. The Growth Policy strengthened and highlights existing initiatives while creating the pathway for others. It is utilized for guidance in land use, service delivery, policy making and decision making regarding annexation, rezoning, and other discretionary land use decisions. PCD staff are currently working on a minor update to the Growth Policy document that will likely be followed by a major update to the document during the timeframe of the 2020-2024 Consolidated Plan. This update will address future housing and community development needs.

AP-85 Other Actions – 91.220(k)

Introduction

The Planning and Community Development Department (PCD) administers the CDBG and HOME grant funds that the City is allocated each year. For the 2023 program year, PCD will administer more than one million dollars in funding for projects in public services, affordable housing, housing rehabilitation, economic development, and public facilities. These funds come from both federal dollars and program income.

Actions planned to address obstacles to meeting underserved needs

The City will collaborate with non-profit agencies and other governmental departments to seek funding to fill the gaps needed to make projects financially feasible so they can serve low to moderate income families. Efforts will be made to work with social service and housing agencies to encourage collaboration when providing supportive services and housing services. In addition, ongoing technical support and coordination with housing providers and social services agencies will assist with meeting federal requirements in as timely, efficient manner as possible to avoid delays in obtaining federal funding.

Actions planned to foster and maintain affordable housing

The preservation and development of quality, affordable housing continues to be a priority for the City of Great Falls. The [Consolidated Plan](#) details the overall housing strategy, which was developed based on a market analysis, an assessment of housing needs, and extensive community involvement. Data provided by HUD in the Needs Assessment section of the Consolidated Plan (NA-25) indicates that 28.2% of Great Falls households are cost-burdened, meaning they pay more than 30% of their income on housing needs. The goals listed below, as outlined in the Consolidated Plan, seek to foster and maintain affordable housing, affirmatively further fair housing, and preserve housing choice for households in Great Falls:

Affordable Housing Increase and preserve affordable housing opportunities for very low to moderate income renters, homeowners, first-time homebuyers, and those experiencing homelessness. This includes acquisition and affordable housing efforts that require funding to remediate properties negatively affected by slum and blighted conditions, but is not limited to these activities.

Housing Rehabilitation Provide construction and rehabilitation assistance for very low to moderate income homeowners, rental property owners and the Public Housing Authority. The City will focus on upgrading the City's housing stock to meet standard building codes to provide and sustain safe, affordable housing through its revolving loan fund. The City of Great Falls will address Public Housing Authority rehabilitation or modernization projects with the use of grant funding.

The City of Great Falls certifies to affirmatively further fair housing through its housing programs. Progress on actions taken by the City to affirmatively further fair housing will be reported annually in the City's Consolidated Annual Performance and Evaluation Report (CAPER).

By regulation, at least 15% of HOME funds must be set-aside for a Community Housing Development Organization (CHDO). As NeighborWorks Great Falls is currently the only CHDO in the community, they will be allocated at least 15% of HOME funds for the upcoming year.

Actions planned to reduce lead-based paint hazards

Preventive and rehabilitative measures will be taken in all CDBG and HOME funded housing and public facilities projects that serve young children to ensure the extinction of lead-based paint hazards. All rehabilitation projects in which the building was constructed before 1978 will address lead-based paint regulations. Information about lead-based paint hazards will be provided to all people who apply for City housing rehabilitation loans. If lead-based paint is found during initial testing on a project where families with children under the age of six reside, the potentially affected children will be referred for testing for lead-based paint exposure.

All CDBG and HOME funded housing project sites which have visual paint deterioration where rehabilitation will take place will be tested by a certified risk assessor for the presence of lead-based paint using the XRF Technology Lead Analyzer. On any sites that test positive, only contractors certified in safe work practices will be used for abatement. Clearance tests will be performed by an Environmental Protection Agency (EPA) certified risk assessor and a certified laboratory after interim controls are completed.

The City will pay for lead-based paint testing on all projects through the City's housing rehabilitation programs, with homeowners only incurring greater costs if a contractor has to be hired. The City will provide outreach activities for lead-based paint hazards through notifying contractors of the availability of lead-based paint certification classes if certified private companies hold such classes during the upcoming year. Lead-based paint hazards will be taken into consideration on all pertinent CDBG-funded projects being undertaken by sub-grantees.

Actions planned to reduce the number of poverty-level families

All planned activities for Program Year 2023 will promote the reduction of poverty-level families by providing resources and opportunities to assist low-income individuals to be able to grow and prosper. One specific example is that 15% of the CDBG Budget, approximately \$117,000, will be allocated to provide public services to reduce the number of poverty-level families. This will provide funding toward public service projects that specifically focus on addressing barriers in the areas of homelessness, physical and mental health, substance abuse, youth services, and fair housing. All public service projects must be new and/or expanding services that benefit low-to-moderate income persons.

Actions planned to develop institutional structure

The City has no plans at this time to make any significant institutional structure changes. The Planning and Community Development Department will continue to further develop and implement best practices to streamline the administration of federal funds. For example, the City recently expanded the size of its Municipal Grant Committee and has modified its grant application process to implement a compressed CDBG grant application cycle as opposed to allowing CDBG grants to be filed throughout the program year.

Actions planned to enhance coordination between public and private housing and social service agencies

In addition to the formal structure inherent in administering CDBG and HOME funds, the City will pursue informal communication and coordination with public and private housing agencies, other government agencies, private businesses, non-profit community agencies and other entities who work to meet the housing assistance and support service needs of low income and moderate income people in the community. The City will coordinate with local agencies to help reduce duplication of programs, to emphasize efficient service delivery for local, state and federal programs and to identify and overcome gaps in the institutional structure for carrying out the previously described strategies developed to address the priority needs.

The nine Neighborhood Councils meet on a regular basis to discuss neighborhood issues. It is anticipated that local, non-profit agencies and governmental departments will use Neighborhood Council meetings as a forum to disseminate information about their organizations. There is an ongoing agenda item at all City Commission meetings to give Neighborhood Council members an opportunity to report on specific issues of concern. The Neighborhood Councils hold three Council of Council meetings in the upcoming year to discuss matters of citywide importance. The City Communications Specialist serves as the Neighborhood Council coordinator and communicates regularly with City management on issues brought up by the Neighborhood Councils. The Communications Specialist actively participates in a variety of groups and committees to help increase governmental coordination with community members.

The Continuum of Care for Homelessness will meet in an ongoing effort to identify needs and coordinate delivery of services for people experiencing homelessness. The City will continue its close working relationship with the Great Falls Housing Authority. This relationship will include such aspects as environmental clearances, and fair housing activities. The City will work with private and public organizations to foster communication and delivery of information to the public regarding housing and social services to be provided.

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following Table also identifies program income that is available for use.

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table of this section. The following Table also identifies program income that is available for use.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	70.00%

HOME Investment Partnership Program (HOME) Reference 24 CFR 91.220(l)(2)

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

Great Falls does not intend to use any other form of investment beyond eligible activities listed in 24 CFR 92.205(a).

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

All City HOME funds used for ONLY development and include NO direct assistance to a homebuyer will follow the resale provisions as required by federal regulation 24 CFR 92.254(a)(5)(i)(A). The HOME funds will be secured with a deed restriction.

The resale option will require that the home remain affordable for the period of affordability by ensuring that, if the property is sold during the period of affordability, that it is sold to an income eligible buyer, that it is affordable to a reasonable range of low to moderate income homebuyers, and that the original buyer receives a fair return, if the market allows.

When defining “*affordable to a reasonable range of low-income homebuyers*” it will mean that the home resale price will be affordable to the individuals or families at or below 80% of AMI. The general standard for affordability is 30% as a maximum percentage of income that a household should dedicate to housing costs. Consequently, what is *affordable to a reasonable range of low-income homebuyers* would be defined as a family at or below 80% of AMI paying no more than 30% of income for principal, interest, property taxes, and insurance.

When defining “*fair market return on investment*” the City will calculate based on an appraisal of the property. To determine the amount of market appreciation, if any, will be done by calculating the difference between the initial and resale appraisals. This figure will represent the basis for calculating the fair return on investment. In a declining market, it is possible that there will not be a return.

To calculate “*affordable to a reasonable range of low-income homebuyers*” as well as the “*fair market return on investment*”:

(Resale Appraisal – Initial Appraisal) x Clearly defined standard or index = Fair return on investment to homeowner

Affordable price at sale + Fair return on investment to homeowner = Resale price

Example:

Fair Market Value at Sale (Initial Appraisal): \$200,000

Affordable Price at Sale: \$150,000

Standard or Index: 25%

Fair Market Value at Resale (Resale Appraisal): \$275,000

Increase in Market Appreciation: \$275,000 - \$200,000 = \$75,000

Fair Return on Investment: \$75,000 x .25 = \$18,750

Resale Price: \$150,000 + \$18,750 = \$168,750

City HOME funds used as subsidies augmenting the affordable purchase by low to moderate income first-time homebuyer families of newly constructed or rehabilitated single family homes will be through NeighborWorks Great Falls (NHS) for its Owners in Partnership (OIP) program where NeighborWorks Great Falls operates as the owner and developer of the properties. NeighborWorks Great Falls is the City's only Community Housing Development Organization (CHDO). All City HOME funds used for first-time homebuyers down payment and closing cost assistance will be through NeighborWorks Great Falls in its role as a HOME grant subrecipient. The HOME funds will be secured with a deed restriction. Each down payment assistance grant to homebuyers is secured with a deed restriction stating that if the house is sold, the grant monies must be returned.

NeighborWorks Great Falls will comply with the Recapture Provisions established in §92.254(a)(5)(ii). Recapture permits the original homebuyer to sell the property to any willing buyer during the period of affordability while NeighborWorks Great Falls is able to recapture all or a portion of the HOME-assistance provided to the original homebuyer. Two key concepts in the recapture requirements – *direct subsidy to the homebuyer* and *net proceeds* - must be understood in order to determine the amount of HOME assistance subject to recapture, and the applicable period of affordability on the unit. The recapture approach requires that all or a portion of the *direct subsidy* provided to the homebuyer be recaptured from the *net proceeds* of the sale.

Direct HOME Subsidy - is the amount of HOME assistance, *including any program income* that enabled the homebuyer to buy the unit. The direct subsidy includes down payment, closing costs, interest subsidies, or other HOME assistance provided directly to the homebuyer. In addition, direct subsidy includes any assistance that reduced the purchase price from fair market value to an affordable price. If HOME funds are used for the cost of developing a property and the unit is sold below fair market value the difference between the fair market value and the purchase price is considered to be directly attributable to the HOME subsidy.

Net Proceeds - are defined as the sales price minus superior loan repayment (other than HOME funds) and any closing costs. Under no circumstances can NeighborWorks Great Falls recapture more than is available from the net proceeds of the sale. The recapture option is used because it is generally easier to administer than the resale option. The recapture option works well when the sale of the property will most likely preserve affordability without the imposition of resale restrictions.

Of the four basic recapture options that are described in the HOME rule and discussed in CPD 12-003, NeighborWorks Great Falls uses “**3. Shared Net Proceeds.**” In this option, the HOME rule states that if the net proceeds are not sufficient to recapture the entire HOME investment or a reduced amount as described above, plus enable the homebuyer to recover the amount of the down payment and any investment in the form of capital improvements made by the homebuyer since purchase, NeighborWorks may share the net proceeds. In practice, this approach has been the most widely used model and has been applied to all recapture situations, not just insufficient net proceeds. Shared net proceeds, in combination with the pro rata reduction over time, is the most commonly used approach.

To calculate the amount of net proceeds (or shared appreciation) to be returned:

- 1) Divide direct HOME subsidy by the sum of the direct HOME subsidy and the homebuyer’s investment,
- 2) Multiply by the net proceeds to calculate the amount of HOME investment to return,

$$\frac{\text{Direct HOME Subsidy}}{\text{Direct HOME Subsidy} + \text{Homebuyer Investment}} \times \text{Net Proceeds} = \text{HOME Recapture}$$

To calculate the amount of net proceeds (or shared appreciation) available to the homebuyer:

- 1) Divide the homebuyer’s investment by the sum of the direct HOME subsidy and the homebuyer’s investment,
- 2) Multiply by the net proceeds to calculate the amount of homebuyer investment to return to the homebuyer.

$$\frac{\text{Homebuyer Investment}}{\text{Direct HOME Subsidy} + \text{Homebuyer Investment}} \times \text{Net Proceeds} = \text{Amount to Homebuyer}$$

Written Agreements – NeighborWorks Great Falls executes a set of HOME written agreements that accurately reflects the recapture provisions with the homebuyer at the time of sale. These detailed written agreements, including an Occupancy Agreement, HOME rider to the Deed of Trust, and Deed Restriction Agreement, ensure that all parties are aware of the specific HOME requirements applicable to the unit (i.e., period or affordability, principal residency requirement, terms and

conditions of either the resale or recapture requirement), and helps NeighborWorks and the City of Great Falls enforce those requirements. When revisions to the recapture provisions in the City of Great Falls Annual Action Plan are submitted, homebuyer written HOME agreements are modified to reflect any changes. The written agreement creates a legal obligation for the City of Great Falls, NeighborWorks and the homebuyer. The HOME written agreements are separate legal documents from any loan instrument and comply with the requirements of §92.504(c)(5) of the HOME rule.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds (See 24 CFR 92.254(a)(4)) are as follows:

A Deed Restriction for HOME funds used ONLY for development and include NO direct assistance to a homebuyer will contain the following provisions: federal regulation 24 CFR 92.254(a)(5)(i)(A).

- Principal residency requirement (including a separate Home Occupancy Agreement signed by the borrower)
- Deed Restriction will be executed at time of closing and recorded at that time.
- Original Developer gets the right of first refusal to buy back the property
- New buyer must be income eligible
- Remaining resale restrictions apply to the new buyer upon transfer
- There must be a “*fair return on investment*” to the original buyer – if the market supports that
 - “*Fair Return on Investment*” will be calculated based on an appraisal of the property. To determine the amount of market appreciation, if any, will be done by calculating the difference between the initial and resale appraisals. This figure will represent the basis for calculating the fair return on investment. In a declining market, it is possible that there will not be a return.
- The home must be affordable

A Deed Restriction containing the following provisions will be used to enforce HOME Program requirements for activities with both HOME funded development subsidy and HOME funded direct assistance to a homebuyer:

- Principal residency requirement (including a separate Home Occupancy Agreement signed by the borrower)
 - Recapture provision based on net proceeds available from sale (voluntary or involuntary)
 - Deed Restriction will be executed at time of closing and recorded at that time.
- An agreement between NeighborWorks Great Falls and the City of Great Falls

ensures that the CHDO complies with all recapture provisions established, most recently updated in 2021. It notes when and how recapture is scheduled to occur. While a deed restriction acts as the primary agreement between borrower and lender, information provided in the Program Income Policy clearly states the terms of recapture to the prospective homeowner, the required length of affordability, and strongly associates responsibility to (ultimately) the Participating Jurisdiction, the City of Great Falls. This policy is attached as an appendix.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

Great Falls has no current plans to use HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds.



Commission Meeting Date: December 5th, 2023

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Amendment No. 1 to Construction Agreement for Natatorium Demolition
O.F. 1393.8

From: Finance Department, Park & Rec Department

Initiated By: Finance Department

Presented By: Sylvia Tarman, Project Manager

Action Requested: Approve Amendment No. 1 to Construction Agreement for Natatorium
Demolition

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/not approve) Amendment No. 1 to Construction Agreement with Shumaker Trucking and Excavation Contractors, Inc. for the Park and Recreation Natatorium Demolition project to include HUD’s Section 3 requirements, and authorize the City Manager to execute the contract documents.”

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 Amendment No. 1 to Construction Agreement with Shumaker Trucking and Excavation Contractors, Inc. to include HUD’s Section 3 requirements for the Park & Rec Natatorium Demolition Project.

Background:

The City Commission awarded the construction contract to Shumaker Trucking for the Park and Recreation Natatorium Demolition Project at the July 18th, 2023 Commission meeting. Initially the project was only going to be partially funded by CDBG funds. The project is now going to be funded completely with CDBG, and the construction contract needs to include HUD’s Section 3 language about providing employment opportunities to low to moderate income workers, should the project require it. The contractor has been made aware of these requirements and has mutually agreed to comply with them. This amendment does not increase the overall contract price, but merely adds the Section 3 requirements to the construction contract.

Fiscal Impact

Overall construction contract price is not being adjusted; however, the project will now be fully funded through CDBG.

Alternatives:

The City Commission could vote to not award the contract amendment. However, Section 3 requirements are mandatory for projects above a certain threshold that are funded through CDBG.

Concurrences:

This action is supported by the staff of the Finance and the Parks & Rec Department.

Attachments/Exhibits:

Amendment No. 1 to Construction Agreement with Shumaker Trucking and Excavation Contractors, Inc.

**AMENDMENT NO. 1 TO
CONSTRUCTION AGREEMENT
PR 642304**

THIS AMENDMENT NO. 1 TO CONSTRUCTION AGREEMENT PR 642304 (“Amendment”) is entered into this _ day of ____, 2023, by and between the City of Great Falls, a Municipal Corporation, hereinafter referred to as “City,” and SHUMAKER TRUCKING & EXCAVATING CONTRACTORS, INC (SHUMAKER), hereinafter referred to as “Contractor.”

RECITALS

The City and the Contractor entered into a Construction Agreement that was approved by the City Commission on July 18, 2023, herein referred to as “Agreement,” for Shumaker to provide asbestos abatement and construction services to the City of Great Falls for the demolition of the Natatorium, as set forth in the scope of work; and

Because the City is utilizing Community Development Block Grant (CDBG) funds to finance the project, HUD requires, as set forth in Section 3 of the Housing and Urban Development Act of 1968, as amended by the Housing and Community Development Act of 1992 (12 U.S.C § 1701u) (“Section 3”), the City and its contractors to direct employment, training, and contracting opportunities to low-income individuals and the businesses that employ these persons within their community.

AMENDMENT

NOW, THEREFORE, for good and valuable consideration, the sufficiency of which is hereby acknowledged, City and Contractor agree as follows:

1. To ensure compliance by the City and Contractor with all HUD requirements, the Agreement is amended to add the following Exhibit I:

**Exhibit I
Compliance with HUD Section 3**

1. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (“Section 3”). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
2. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.
3. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause, and will

post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

4. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.

5. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.

6. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

7. With respect to work performed in connection with Section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and sub contracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with section 7(b).

2. All other conditions and provisions of the Agreement entered into and approved by the Commission on July 18, 2023, remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment the day and year first above written.

CITY OF GREAT FALLS, MONTANA

**SHUMAKER TRUCKING &
EXCAVATING CONTRACTORS, INC
(Shumaker)**

By _____
Gregory T. Doyon, City Manager

By _____
Print Name _____
Title _____

ATTEST:

Lisa Kunz, City Clerk

*APPROVED AS TO FORM:

By _____
David Dennis, City Attorney

* By law, the City Attorney may only advise or approve contract or legal document language on behalf of the City of Great Falls, and not on behalf of other parties. Review and approval of this document was conducted solely from the legal perspective, and for the benefit, of the City of Great Falls. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.



Commission Meeting Date: December 5, 2023

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Construction Contract Award: 7th Avenue NW Street Reconstruction O. F. 1806.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jesse Patton, Public Works City Engineer

Action Requested: Consider Bids and Approve Contract

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (award/not award) a contract in the amount of \$763,784.00 to United Materials of Great Falls, Inc., for the 7th Avenue Northwest Street Reconstruction, and authorize the City Manager to execute the necessary documents, subject to the Commission approval of the Community Development Block Grant Funding Agreement presented in Agenda Item #15”.

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

Staff Recommendation:

Approve award of construction contract.

Summary:

This project will serve to improve pedestrian traffic and accommodate Americans with Disabilities Act (ADA) federally mandated criteria. Any patrons that use the public right of way along 7th Ave NW will benefit from the project. The ADA improvements will also serve to support the connectivity of the pedestrian route system in the area by providing an ADA compliant pedestrian corridor along 7th Ave NW which is the North West Bus Route.

Background:

Citizen Participation:

This low to moderate income area has been identified as a location in need of ADA compliant sidewalks and pedestrian ramps as well as a street reconstruction. The construction activity will require closing 7th Ave NW from the intersections of 12th Street NW to 14th Street NW. Access to residences adjacent to the construction zones will be maintained through the alleys.

Workload Impacts:

Design phase engineering and plans and specifications were completed by TD&H. City Engineering staff will provide construction phase engineering services and project inspection. The Streets Division will lay the asphalt at the end of the project.

Purpose:

This project will provide an Americans with Disabilities Act (ADA) compliant route of travel to connect citizens to each other and larger arterial routes for travel to various public and private amenities. These routes improve the functional and aesthetic properties of the area and connect all citizens while providing a means of independence to the young and old and those with disabilities in the area. The proposed project will provide ADA compliant routes by installing curb ramps and sidewalk from the intersection at 7th Ave NW and 12th St NW to the intersection of 7th Ave NW and 14th St NW, and provide a new road base. The project corridor is located in the Public Right of Way, and identified as an area able to receive CBDG funding.

Project Work Scope:

The project consists of installing: approximately 2,000 Lineal Feet of integral concrete curb and gutter; 8,000 Square Feet of four (4)-inch concrete sidewalk; 6,000 Square Feet of six (6)-inch reinforced concrete; 16 truncated domes, four type 1 curb inlets, and two blocks (850 feet) of new road base.

Evaluation and Selection Process:

The specifications were advertised two times in the Great Falls Tribune. Two (2) bids ranging from \$763,784.00 to \$1,184,999.90 were received and opened on November 22, 2023. United Materials of Great Falls, Inc., submitted the low bid of \$763,784.00 and executed all the necessary bid documents.

Conclusion:

The project has been selected in accordance with the Community Development Block Grant Program. The project will result in an Americans with Disabilities Act (ADA) compliant route of travel to connect citizens to each other and larger arterial routes for travel to various public and private amenities.

Fiscal Impact:

The attached bid tabulation summarizes bids that were received. Funding for this project is through the Community Development Block Grant program and Street Capital Funds.

Alternatives:

The City Commission could vote to deny award of the construction contract and re-bid or cancel the project. This action would result in delaying the project leading to citizen complaints of lack of sidewalk and safe pedestrian access and potential litigation for identifying an area that does not meet ADA requirements and not bringing the area into compliance. This action would also lead to not meeting CBDG spending deadlines resulting in losing current and future CBDG funding.

Attachments/Exhibits:

Bid tabulation
Vicinity Map
Project Summary Sheet

CITY OF GREAT FALLS ENGINEERING
P.O. BOX 5021
GREAT FALLS, MT 59403

BID TABULATION SUMMARY

OF # 1806.1 - 7TH AVE NW STREET RECONSTRUCTION

BIDS TAKEN AT CIVIC CENTER

DATE: 22-NOV-23
TABULATED BY: ROSA HUGG

	NAME & ADDRESS OF BIDDER	ACKNOWLEDGE ADD. #1	ACKNOWLEDGE ADD. #2	10% BID SECURITY	CERTIFICATE OF NON-SEGREGATED FACILITIES	CERTIFICATE OF COMPLIANCE WITH INSURANCE REQ.	TOTAL BID
1	GERANIOS ENTERPRISES PO BOX 2543 GREAT FALLS, MT 59403	Y	NA	Y	Y	Y	\$1,184,999.90
2	UNITED MATERIALS, INC. P.O. BOX 1690 GREAT FALLS, MT 59403	Y	NA	Y	Y	Y	\$763,784.00
3							
4							
5							
6							
7							
8							
9							
10							



PROJECT SUMMARY SHEET:
7th Ave NW Street Reconstruction, O.F. 1806.1
Not Part of CIP, CDBG Program – FY 2024
Current as of: November 7, 2023

Description: 7th Ave NW from 12th St NW and 14th St NW, 2 new intersections with ADA compliant pedestrian ramps and two full blocks of ADA compliant sidewalk.

Justification: Double block does not have sidewalk for full length; intersections not ADA compliant; road has settled in areas, not allowing storm water to flow to the inlets. New road base will completed with this project. The road was at the end of its useful life and would need to be repaired in the future.

Scope: Installs ~ 2,000 Lineal Feet of integral concrete curb and gutter; 8,000 Square Feet of four (4)-inch concrete sidewalk; 6,000 Square Feet of six (6)-inch reinforced concrete; 16 truncated domes, 4 type 1 curb inlets, and 2 blocks of new road base. Public Works Streets Division will lay the asphalt.

Added to CIP: N/A (this is a CBDG project).

CIP Timeline: On track (Construction scheduled for winter 2023/24)

Cost:

- Current Working Estimate: \$650,000
- Awarded Cost: \$
- Final Cost: TBD

Funding Source(s): CDBG

PW/Streets: \$65,000 for Design, \$70,000 for paving, and \$80/hr up to 10 hrs/week for Inspection overtime.

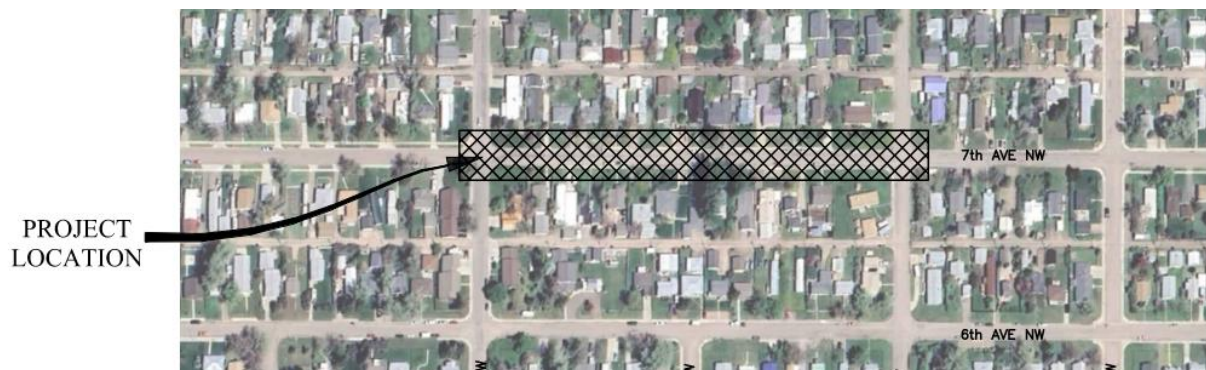
Planned Execution Method: Design-Bid-Build

Planned Construction CY: Winter 2023/Spring 2024

Current Project Stage (Estimated Completion Date): Planning (Fall 2023), Design (Oct 31, 2023), Bid (November 22, 2023), Commission Decision (December 6, 2023), Construction (To be Completed April 2024), Warranty (April 2026)

- Design Method: Consultant

Map & Site Pictures:



PROJECT SUMMARY SHEET:
7th Ave NW Street Reconstruction, O.F. 1806.1
Not Part of CIP, CDBG Program – FY 2024
Current as of: November 7, 2023





Commission Meeting Date: Dec 5, 2023

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Community Development Block Grant (CDBG) Funding Agreement for the 7th Avenue NW Street Reconstruction Project (OF 1806.1).

From: Finance Department

Initiated By: Finance Department

Presented By: Tom Hazen, Grant and Project Administrator

Action Requested: Approval of the CDBG Funding Agreement for the 7th Avenue NW Street Reconstruction Project.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/not approve) the CDBG Funding Agreement between the City of Great Falls and the City of Great Falls Public Works Department in the amount of \$763,784.00 for the 7th Avenue NW Street Reconstruction project presented in Agenda Item #14.”

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

Staff Recommendation: Staff recommends approval of the requested CDBG Funding Agreement for an amount of \$763,784.00 to the Public Works Department for the 7th Ave NW Street Reconstruction.

Summary: The City’s Public Works Department has submitted a grant request to finance substantial infrastructural demolition and reconstruction activities along 7th Avenue NW between 12th St NW and 14th St NW. The proposal includes the demolition and reconstruction of existing streets and sidewalks. Additionally, ADA compliant sidewalks and intersection will be installed in this area. This proposed project has an anticipated completion timeline of spring 2024.

Fiscal Impact: The capital cost of this project will be covered through CDBG funding, thereby saving the Public Works Department from having to fund the project through either street assessment or gas tax revenues.

Alternatives: If the Commission were to reject the proposed funding agreement, Public Works would need to postpone the project until other funding sources were secured.

Concurrences: Staff from Finance and Public Works have cooperated to present this project. This request is consistent with the City's adopted Amended Annual Action Plan, which contains the goal of Public Facilities and Improvements.

Attachments/Exhibits: 2023/2024 City of Great Falls – Public Works Funding Agreement

CITY OF GREAT FALLS
2023/2024 Community Development Block Grant Agreement
BY AND BETWEEN
THE CITY OF GREAT FALLS, MONTANA, AND
City of Great Falls Public Works Department

City of Great Falls Public Works Department, hereinafter referred to as the Grantee, hereby enters into this Agreement with the Planning and Community Development Department of the City of Great Falls, a Municipal Corporation of the State of Montana, hereinafter referred to as the City on this **5th** day of **December, 2023**.

SECTION 1 – PROJECT DESCRIPTION

The Grantee has approved of, and hereby agrees to, the following project description, program budget and tentative activity schedule:

- A. The Grantee has been awarded as a subrecipient of the City to receive United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funds in the amount of **\$763,784.00**.
- B. Personnel assigned to scope of work includes: **Christoff Gaub, Director**
Contact Information: **cgaub@greatfallsmt.net, 406-455-8136**.
- C. The project scope will **include reconstruction of 7th Avenue Northwest between the intersections of 12th and 14th Streets Northwest. This includes the removal of the existing asphalt, road base, sidewalks and driveways; sub-grade excavation and compaction; placement of geotextile fabric; placement and compaction of base material; curb and gutter, sidewalk and driveway construction; sodding of disturbed areas; mailbox relocations, and all other activities needed for the roadway reconstruction.** The project will be implemented during the time period of **December 2023 to June 30, 2024**.
- D. Grantee is responsible for any costs and for expenses incurred in excess of the grant amount. Non-profit agencies will not be funded for staff salaries, benefits, office consumables, and rent payments for agency office space or utility costs. All grant funds will need to be expended by the Grantee prior to **June 30, 2024**. Any remaining unspent funds will revert back to the City after that date.
- E. Requests for extension can be submitted by the Grantee and considered for approval by the City. Extension requests must be submitted by **May 31, 2024**. Refer to *24 CFR 570.503* regarding Scope of Work, Time of Performance, and budget documentation.

NATIONAL OBJECTIVE

The CDBG national objective most pertinent to the proposed project is **improve pedestrian access in a Low to Moderate Income Area on an LMA basis**.

Determination of eligibility is fully described in 24 CFR 570.200 through 24 CFR 570.209.

The project will address the national objective by **providing a suitable living environment through availability and accessibility.**

SECTION 2 – GENERAL CONDITIONS

A. GENERAL COMPLIANCE:

The Grantee agrees to comply with the requirements of Title 24 of the Code of Federal Regulations, Part 570. These are the HUD regulations concerning the CDBG program. The Grantee also agrees to comply with all other applicable Federal, state and local laws, regulations, and policies governing the funds provided under this contract. Additionally all regulations under 2 CFR 200 apply.

B. INDEMNIFICATION:

- a. The Grantee waives any and all claims and recourse against the City of Great Falls, including the right of contribution for loss or damage to persons or property arising from, growing out of, or in any way connected with or incidental to the Grantee's or any subrecipient's performance of this Contract.
- b. The Grantee shall indemnify and hold harmless the City of Great Falls and its agents and employees from and against all claims, damages, losses and expenses, penalties including attorney fees arising out of, or resulting from, the performance of the work, provided that any such claim, damage, loss, or expense which is:
 - i. attributable to bodily injury, sickness, disease or death or to damage or destruction of tangible property, other than the work itself, including the loss and use resulting therefrom;
 - ii. caused in whole or in part by any negligent act or omission of the contractor(s), and subcontractor(s), or anyone directly or indirectly employed by any one of them or anyone else, for whose acts any of them may be liable, regardless whether or not is caused in part or by party indemnified hereunder; and,
 - iii. caused in whole or in part by its failure to adhere to the terms of this contract.

C. SUSPENSION/TERMINATION/REIMBURSEMENT:

The Grantee agrees that suspension or termination of this project may occur if the Grantee materially fails to comply with any term of this Agreement, or any rules, regulations or provisions referred to herein, and that this grant may be terminated by the City for convenience. These conditions are fully described below in 2 CFR 200.338 and 2 CFR 200.339.

1. 2 CFR 200.338 Remedies for Noncompliance

- a. If a non-Federal entity fails to comply with Federal statutes, regulations or the terms and conditions of a Federal award, the Federal awarding agency or pass-through entity may impose additional conditions, as described in § 200.207 Specific Conditions. If the Federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:
 - i. Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.
 - ii. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
 - iii. Wholly or partly suspend or terminate the Federal award.
 - iv. Initiate suspension or debarment proceedings as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency).
 - v. Withhold further Federal awards for the project or program.
 - vi. Take other remedies that may be legally available.
2. 2 CFR 200.339 Termination
 - a. The Federal award may be terminated in whole or in part as follows:
 1. By the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of a Federal award;
 2. By the Federal awarding agency or pass-through entity for cause;
 3. By the Federal awarding agency or pass-through entity with the consent of the non-Federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated; or
 4. By the non-Federal entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or pass-through entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish

the purposes for which the Federal award was made, the Federal awarding agency or pass-through entity may terminate the Federal award in its entirety.

- b. When a Federal awarding agency terminates a Federal award prior to the end of the period of performance due to the non-Federal entity's material failure to comply with the Federal award terms and conditions, the Federal awarding agency must report the termination to the OMB-designated integrity and performance system accessible through SAM (currently FAPIIS).
 1. The information required under paragraph (b) of this section is not to be reported to designated integrity and performance system until the non-Federal entity either –
 - i. Has exhausted its opportunities to object or challenge the decision, see § 200.341 Opportunities to object, hearings and appeals; or
 - ii. Has not, within 30 calendar days after being notified of the termination, informed the Federal awarding agency that it intends to appeal the Federal awarding agency's decision to terminate.
 2. If a Federal awarding agency, after entering information into the designated integrity and performance system about a termination, subsequently:
 - i. Learns that any of that information is erroneous, the Federal awarding agency must correct the information in the system within three business days;
 - ii. Obtains an update to that information that could be helpful to other Federal awarding agencies, the Federal awarding agency is strongly encouraged to amend the information in the system to incorporate the update in a timely way.
 3. Federal awarding agencies, shall not post any information that will be made publicly available in the non-public segment of designated integrity and performance system that is covered by a disclosure exemption under the Freedom of Information Act. If the non-Federal entity asserts within seven calendar days to the Federal awarding agency who posted the information, that some of the information made publicly available is covered by a disclosure exemption under the Freedom of Information Act, the Federal awarding agency who posted the information must remove the posting within seven calendar days of receiving the assertion. Prior to reposting the releasable information, the Federal agency must resolve the issue in accordance with the agency's Freedom of Information Act procedures.

- c. When a Federal award is terminated or partially terminated, both the Federal awarding agency or pass-through entity and the non-Federal entity remain responsible for compliance with the requirements in § 200.343 Closeout and § 200.344 Post-closeout adjustments and continuing responsibilities.

D. REVERSION OF ASSETS:

1. Upon final payment by the City, the Grantee agrees that any unspent funds shall no longer be obligated by the City to the Grantee.
2. The Grantee agrees to the following:
 - a. It will strive to deliver the kinds of services to the types of beneficiaries that will enable it to always meet at least one of the national objectives of the CDBG program referred to in *24 CFR 570.208*. This stipulation is in effect for five years from the date of issuance of the final payment by the City for this activity;
 - b. If at any time during these five years the Grantee is no longer conducting a program or programs that are CDBG eligible, the Grantee agrees to return all furnishings, equipment, or personal property that was paid for by CDBG funds, or reimburse the City in the amount that is equal to the value;
 - c. This agreement shall comply with the requirements specified in *24 CFR 570.503(b)(7)*; and
 - d. If any furnishings, equipment or personal property (under the above the criteria) are no longer in control or possession of the Grantee, said Grantee agrees to reimburse the City in the amount that is equal to the furnishing, equipment, or personal property value at the time of the purchase, and that the City may use any legal means necessary to obtain restitution for these items from the Grantee.

E. TERM OF THE AGREEMENT:

1. The term of this Agreement with the exception of Section 2-D above shall expire when the final payment is made or on **June 30, 2024**, whichever is later.
2. The term of the Agreement pertaining to Section 2-D shall expire only when the applicable criteria are met by the Grantee and accepted by the City.

F. PUBLICATIONS:

In all documents referencing the CDBG Project the Grantee agrees to insert the following language, to the fullest extent possible, and submit a copy to the City:
 “-funded by the City of Great Falls CDBG Program.”

SECTION 3 – ADMINISTRATION REQUIREMENTS

A. FINANCIAL MANAGEMENT:

1. The Grantee agrees to provide the City with the following documents (if applicable) before any funds are disbursed by the City:
 - a. This signed Community Development Block Grant Agreement;
 - b. Grantee's Articles of Incorporation;
 - c. Grantee's tax-exempt status certification;
 - d. Grantee's by-laws or other such operational information;
 - e. Any other pertinent information which the City requests; and
 - f. Any Grantee lease agreements.

2. The Grantee shall comply with the current requirements and standards, in effect to the date of this agreement, of *2 CFR, Part 200* and containing reference to *2 CFR, Part 230, "Cost Principles for Non-Profit Organizations"* or *2 CFR, Part 220, "Cost Principles for Educational Institutions,"* as applicable, and with the following Attachments to *2 CFR, Part 215*:
 - (1) "Financial Reporting";
 - (2) "Bonding and Insurance";
 - (3) "Retention and Custodial Requirements for Records";
 - (4) "Standards for Financial Management Systems";
 - (5) "Monitoring and Reporting Program Performance";
 - (6) "Property Management Standards"; and
 - (7) "Procurement Standards".

B. DOCUMENTATION AND RECORD-KEEPING:

1. The Grantee agrees to maintain all records required by the Federal regulation specified in *24 CFR Part 570.506*, which are pertinent to the activities to be funded under this Agreement. Such records shall include but are not limited to:
 - a. Records providing a full description of each activity undertaken;
 - b. Records demonstrating that each activity undertaken meets one of the National Objectives of the CDBG program;
 - c. Records documenting compliance with the fair housing and equal opportunity components of the CDBG program;
 - d. Financial records as required by *24 CFR Part 570.502*, and *2 CFR Part 200*; and
 - e. Other records necessary to document compliance with Subpart K of *24 CFR 570*.

2. The Grantee shall retain all records pertinent to expenditures incurred under this contract for period of five (5) years after the termination of all activities funded under this Agreement.
3. The Grantee shall maintain grant beneficiary information, as requested by the City which will include client eligibility for services, and client ethnicity. The Grantee agrees to provide the City all non-duplicated information required. This report is due, upon request of funds or, if not applicable, on or before **July 15, 2024**, and will cover the period from **December 2023** through **June 30, 2024** unless otherwise specified by the City.
4. The Grantee understands that certain client information collected under this contract is private and use or disclosure of such information, when not directly connected with the administration of the City's or Grantee's responsibilities with respect to services provided under this contract, is prohibited. Client information that might be utilized for identity theft including Social Security numbers, bank account numbers, and other personal information shall be kept under lock and key by the Grantee.
5. The Grantee shall maintain real property inventory records which clearly identify properties purchased, improved, or sold. Properties retained shall continue to meet eligibility criteria and shall confirm with the "changes in use" restrictions specified in *24 CFR Parts 570.503 (b)(7)*, as applicable.
6. All Grantee records with respect to any matters covered by this Agreement shall be made available to the City or HUD, at any time during normal business hours, as often as the City or HUD deems necessary, to audit, examine, and make excerpts or transcripts of all relevant data. Any deficiencies noted in audit reports must be fully cleared by the Grantee within 30 days after the Audit Report. Failure of the Grantee to comply with the above audit requirements will constitute a violation of this contract and may result in the withholding of future payments.
7. At the City's discretion, the City may monitor the Grantee on-site to review all Grantee records with respect to any matters covered by this Agreement. A fifteen (15) day notice of an on-site monitoring will be provided and in accordance with 24 CFR 570 Part 570.502(b)(vii). On-site monitoring of the Grantee will be conducted less frequently than quarterly and more frequently than annually.
8. Under the conditions of 24 CFR 570.508, public access to program records shall be provided to citizens with reasonable access to records regarding the past use of CDBG funds, consistent with applicable State and local laws regarding privacy and obligations of confidentiality, notwithstanding 2 CFR 200.337.

C. REPORTING AND PAYMENT PROCEDURES:

1. Program Income

The Grantee agrees that this CDBG activity, as proposed, generates no program income as defined in *24 CFR 570.500(a)* and therefore, the requirements of *24 CFR 570.504* are not applicable to this project. This paragraph does not nullify any of the requirements described in Section 2-D of this Agreement.

2. Payment Procedures

The City will pay to the Grantee/Contractor funds available under this contract based upon information submitted by the Grantee and consistent with any approved budget, and City policy concerning payments. Payments will be made for eligible expenses actually incurred by the Grantee, and not to exceed actual cash requirements. In addition, the City reserves the right to liquidate funds available under this contract for costs incurred by the City on behalf of the Grantee. Final invoices must be received by City no later than 15 days after the end of the contract to be eligible for payment, unless an extension is given by the City.

3. Progress Reports

The Grantee shall submit regular progress reports to the City in the form, content, and frequency as required by the City.

D. PROCUREMENT:

1. Federal Standards

The Grantee shall procure all materials, property, or services in accordance with the requirements of *2 CFR Part 215.40*, Procurement Standards.

2. Compliance

The Grantee agrees to comply with current City policy concerning the purchase of equipment and shall maintain inventory records of all non-expendable personal property as defined by such policy as may be procured with funds provided therein. All program assets (unexpended program income, property, equipment, etc.) shall revert to the City upon termination of this contract.

E. OTHER PROGRAM REQUIREMENTS:

1. The Grantee shall carry out the activities under this contract in compliance with all Federal laws and regulations as described in *24 CFR 570 Subpart K*:

- (1) 570.600, General;
- (2) 570.601, Public Law 88-352 and Public Law 90-284; affirmatively furthering fair housing; Executive Order 11063; 99;
- (3) 570.602, Section 109 of the Act;
- (4) 570.603, Labor Standards;
- (5) 570.604, Environmental Standards;
- (6) 570.605, National Flood Insurance Program;
- (7) 570.606, Displacement, Relocation, Acquisition, and Replacement of Housing;

- (8) 570.607, Employment and Contracting Opportunities;
- (9) 570.608, Lead-Based Paint;
- (10) 570.609, Use of Debarred, Suspended or Ineligible Contractors or Subrecipients;
- (11) 570.610, Uniform Administrative Requirements and Cost Principles;
- (12) 570.611, Conflict of Interest;
- (13) 570.612, Executive Order 12372; and
- (14) 570.613, Eligibility Restrictions for Certain Resident Aliens;
- (15) 570.614, Architectural Barriers Act and the Americans with Disabilities Act; and except that:
 - (i) The Grantee does not assume the City's environmental responsibilities described in 570.604; and
 - (ii) The Grantee does not assume the City's responsibility for initiating the review process under the provisions of 24 CFR Part 52.

SECTION 4 – PERSONNEL & PARTICIPANT CONDITIONS

A. CIVIL RIGHTS :

1. Compliance

Grantee will comply with Federal requirements set forth in 24 CFR Part 5, subpart A which includes nondiscrimination and equal opportunity; disclosure requirements; debarred, suspended, or ineligible contractors; and drug-free workplace.

2. Nondiscrimination

The Grantee will not discriminate against any employee or applicant for employment, because of race, color, creed, religion, ancestry, national origin, sex, disability or other handicap, age, marital/familial status, or status with regard to public assistance. The Grantee will take affirmative action to insure that all employment practices are free from such discrimination.

B. AFFIRMATIVE ACTION:

1. W/MBE

The Grantee will use its best efforts to afford minority and women-owned business enterprises the maximum practicable opportunity to participate in the performance of this contract.

2. Access to Records

The Grantee shall furnish and cause each of its own subrecipients or subcontractors, to furnish all information and reports required hereunder and will permit access to its books, records and accounts by the City, HUD or its agent, or other authorized Federal officials for purposes of investigation to ascertain compliance with the rules, regulations and provisions stated herein.

3. EEO Statement

The Grantee will, in all solicitations or advertisements for employees and/or contractors placed by or on behalf of the Grantee, state that it is an Equal Opportunity Employer under the provisions of 24 CFR 570.607(a).

4. Subcontract Provisions

The Grantee will include the provisions of the above paragraphs regarding Civil Rights and Affirmative Action in every subcontract, so that such provisions will be binding upon each of its own subrecipients or subcontractors. City will monitor all subcontracts/agreements to verify that Grantee is in compliance.

C. EMPLOYMENT RESTRICTIONS:

1. Labor Standards

The Grantee agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours and Safety Standards Act, the Copeland "Anti-Kickback" Act, and all other applicable federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this contract.

- a. This requirement applies for all contractors engaged under contracts in excess of \$2,000 and shall apply to residential properties only if such property contains no less than 8 units; for construction, renovation, or repair work financed in whole or in part with assistance provided under this contract. The Grantee shall maintain and obtain documentation which demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the City for review upon request. The Grantee shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of the paragraph.

2. Section 3 Clause

The Grantee affirms that to the maximum extent possible it will employ local (Section 3) contractors on any projects using CDBG funds (under the provisions of 24 CFR 135).

- a. The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- b. The parties to this contract agree to comply with HUD's regulations in 24 CFR part 135, which implement section 3. As evidenced by their execution

of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the part 135 regulations.

- c. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.
- d. The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR part 135.
- e. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR part 135.
- f. Noncompliance with HUD's regulations in 24 CFR part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.
- g. With respect to work performed in connection with section 3 covered Indian housing assistance, section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and sub contracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of section 3 and section 7(b) agree to comply with section 3 to

the maximum extent feasible, but not in derogation of compliance with section 7(b).

D. CONDUCT:

1. Assignability

The Grantee shall not assign this contract or any of the payments that become due without the written consent of the City.

2. Subcontracts

The Grantee shall not enter into any subcontracts with any agency or individual in the performance of this contract without the written consent of the City prior to the execution of such an agreement.

a. The City will monitor all subcontracted services to assure contract compliance.

b. The Grantee shall cause all of the provisions of this contract in its entirety to be included in and made a part of any subcontract executed in the performance of this Agreement.

c. The Grantee shall undertake procedures to ensure that all contracts and subcontracts let in the performance of this Agreement shall be awarded on a fair and open competition basis. Executed copies of contracts and subcontracts shall be forwarded to the City along with documentation concerning the selection process.

3. Conflict of Interest

Except for approved administrative and/or personnel costs, no person having responsibilities dealing with CDBG assisted activities may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract or agreement, either for themselves or their family, during their tenure or for one year thereafter. In its entirety:

24 CFR §570.611 Conflict of interest.

(a) *Applicability.*

(1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 2 CFR 200.317 and 200.318, shall apply.

(2) In all cases not governed by 2 CFR 200.317 and 200.318, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to §570.202; or grants, loans, and other assistance to

businesses, individuals, and other private entities pursuant to §570.203, 570.204, 570.455, or 570.703(i)).

(b) *Conflicts prohibited.* The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.

(c) *Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) *Exceptions.* Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) *Threshold requirements.* HUD will consider an exception only after the recipient has provided the following documentation:

(i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

(i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

(ii) Whether an opportunity was provided for open competitive bidding or negotiation;

(iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;

(v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;

(vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(vii) Any other relevant considerations.

4. Religious Organization

The Grantee agrees that funds provided under this contract will not be utilized for religious activities, to promote religious interests, or for the benefit of a religious organization in accordance with the federal regulations specified in *24 CFR 570.200(j)*. The Grantee hereby certifies that none of the beneficiaries of its activities or services are based upon any religious preference.

5. Political Activities and Lobbying

The Grantee agrees that under *24 CFR 507.207*, the following activities will not be assisted with CDBG funds:

- a. Buildings or portions thereof, used for the general conduct of government as defined at § 570.3(d);
- b. General government expenses; and
- c. Political activities.
- d. The Grantee certifies, to the best of his or her knowledge and belief, that:

- (i) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement;
- (ii) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing, or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions;
- (iii) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly; and
- (iv) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to penalty as authorized by section 1352, Title 31, U.S. Code.

APPROVED BY: THE CITY OF GREAT FALLS:

Gregory T. Doyon, City Manager

DATE: _____

ATTEST:
(Seal of the City)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

David Dennis, City Attorney *

* By law, the City Attorney may only advise or approve contract or legal document language on behalf of the City of Great Falls, and not on behalf of other parties. Review and approval of this document was conducted solely from the legal perspective, and for the benefit, of the City of Great Falls. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.

APPROVED BY: **City of Great Falls Public Works Department**

Christoff Gaub

Digitally signed by Christoff Gaub
 DN: C=US, E=cgaub@greatfallsmt.net, O=Public Works, OU=City
 of Great Falls, CN=Christoff Gaub
 Reason: I am approving this document
 Date: 2023.11.22 11:16:47-07'00'

Christoff Gaub, Director