



**City Commission Meeting Agenda
2 Park Drive South, Great Falls, MT
Commission Chambers, Civic Center
August 03, 2021
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. Please refrain from attending in person if you are not feeling well.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, August 3, 2021, 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-in. The public may call in during specific public comment periods at [406-761-4786](tel:406-761-4786). All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. We ask for your patience in the event there are technical difficulties.

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

2. Miscellaneous reports and announcements.
(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.)

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, July 20, 2021, City Commission Meeting.
7. Total Expenditures of \$2,844,884 for the period of June 27, 2021 through July 21, 2021, to include claims over \$25,000, in the amount of \$2,201,168.
8. Contracts List.
9. Grants List.
10. Approve a Professional Services Agreement in the amount \$135,598.50 to Great West Engineering Inc., for the Central Ave / 3rd St Drainage Improvements project, and authorize the City Manager to execute the agreement documents.
11. Approve the purchase of one new Elgin Whirlwind vacuum sweeper from Titan Machinery of Great Falls, through Sourcewell, formerly known as NJPA, for a total of \$302,251.16, including shipping.
12. Approve the Final Payment for Central Montana Agriculture and Technology Park (CMATP) TIF Phase III Storm Drain in the amount of \$31,681.98 to MRTE, Inc, and \$320.02 to the State Miscellaneous Tax Fund and authorize the City Manager execute the necessary documents and to make the payments.
13. Set a public hearing on Resolution 10426, Establishing Fees for the Mansfield Center for the Performing Arts at the Civic Center for August 17, 2021.

Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote by any Commission member.

PUBLIC HEARINGS

14. Resolution 10415, to Levy and Assess the General Boulevard Maintenance District No. 3570. *Action: Conduct a public hearing and adopt or deny Resolution 10415. (Presented by Melissa Kinzler)*
15. Resolution 10416, to Levy and Assess Great Falls Park District No. 1. *Action: Conduct a public hearing and adopt or deny Resolution 10416. (Presented by Melissa Kinzler)*
16. Resolution 10417, to Levy and Assess Properties within Special Improvement Lighting Districts. *Action: Conduct a public hearing and adopt or deny Resolution 10417. (Presented by Melissa Kinzler)*
17. Resolution 10418, to Levy and Assess the Portage Meadows Maintenance District No. 1195. *Action: Conduct a public hearing and adopt or deny Resolution 10418. (Presented by Melissa Kinzler)*

18. Resolution 10419, to Levy and Assess the Street Maintenance District. *Action: Conduct a public hearing and adopt or deny Resolution 10419. (Presented by Melissa Kinzler)*

19. Resolution 10421, to amend Resolution 10096 to modify the existing Conditional Use Permit (CUP) for Helena Agri-Enterprises, LLC at 6201 18th Ave N to allow the periodic storage of Anhydrous Ammonia (NH₃) onsite in order to manufacture Ammonium Polyphosphate (APP). *Action: Conduct a public hearing and adopt or deny Resolution 10421. (Presented by Craig Raymond)*

OLD BUSINESS

NEW BUSINESS

ORDINANCES / RESOLUTIONS

CITY COMMISSION

20. Miscellaneous reports and announcements from the City Commission.

21. 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
July 20, 2021

Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

Commission Chambers Room 206

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members present: Bob Kelly, Mary Sheehy Moe, Owen Robinson and Rick Tryon. Commissioner Tracy Houck was excused. Also present were: City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Finance Director Melissa Kinzler; Planning and Community Development Director Craig Raymond; Public Works Director Paul Skubinna; Deputy City Attorney Jeff Hindoien; and, Police Chief Jeff Newton.

Public participation is welcome as follows:

- Attend in person. Please refrain from attending in person if you are not feeling well.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, July 20, 2021, to: commission@greatfallsmt.net. Include the agenda item or agenda item number in the subject line, and include the name and address of the commenter. 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.
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- 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 cable channel 190, or online at <https://greatfallsmt.net/livestream>.

AGENDA APPROVAL: City Manager Greg Doyon noted a transposed Resolution number in the suggested motion of Agenda Item 13. The correct Resolution number is 10420. There were no proposed changes to the agenda by the City Manager or City Commission. The agenda was approved as presented.

CONFLICT DISCLOSURE/EX PARTE COMMUNICATIONS: None.

PETITIONS AND COMMUNICATIONS

1. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Judy Riesenberg, 3800 20th Avenue South, recently became aware of the Big Sky Country National Heritage Area. As of now she opposes it.

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Rae Grulkowski, Stockett, commented that the Big Sky Country National Heritage Area (BSCNHA) was initiated by a local initiative. Once the feasibility study is submitted to the National Park Service, the National Park Service has four criteria that they'll look at before they move it forward to Congress. One of the criteria is demonstrated widespread public support and commitment to the proposal from the appropriate players, which is the citizens. She commented that a written invitation will go out to the Big Sky Country National Heritage Area Incorporated tomorrow requesting to jointly set a moderated meeting with the residents and businesses within the boundary area to vet concerns and answer questions regarding establishing a National Heritage Area (NHA).

Fred Burow, 1926 21st Avenue South, commented when he heard about the proposed NHA a year or two ago that it included state and federal properties along the Missouri River. Now it is apparent that Cascade County and part of Chouteau County is part of that proposal. He expressed concerns about private property rights and no control over or recourse to this private corporation. As of now he is opposed to the BSCHNA.

Linda Knox, 4 Wagon Lane, commented that she understands the dedication of Montana farmers and ranchers and their concerns about their property. She agreed with Rae Grulkowski's suggestion of meetings with the general public to hear what BSCNHA is proposing and what the possibilities are for the future. She referred to an August 2020 Congressional Research Service report about sustainability problems that other NHA's have encountered that should be addressed. She further commented that tourism is a service driven industry with not as high paying jobs and great turnover. She would like to see more backing of farmers and ranchers and an increase in seeking industries that would come into the county, rather than trying to rely on tourism. She opposes the BSCNHA issue.

Jeni Dodd, City resident, complained that residents on Eight Avenue North from 15th Street to 38th Street were not given enough notice about a street striping project, and that when she called the City and the State she was told it was the other entity's project.

Ms. Dodd referred to the July 10, 2013 minutes wherein it stated the Growth Policy is a guiding policy and not a regulatory document. She feels the City should not be using the Growth Policy as a regulatory document to drive their involvement with the BSCNHA.

She inquired why campers in the back of trucks were included in the proposed large motor vehicle parking ordinance, as they don't take up any more space than a regular vehicle. She also inquired how the City would enforce the proposed temporary parking within 200 feet of a person's property boundary when there is undesignated parking in front of houses.

Don Hook, Sand Coulee, commented that the push for federal recognition of the BSCNHA will bring more federal oversight to public and private lands in Cascade and Chouteau Counties, which the City Commission doesn't have any jurisdiction over. He requested the Commission facilitate a public meeting between all interested parties that reside or work in the proposed NHA with the BSCNHA non-profit board to ask questions and get answers to concerns before any petition for the NHA is submitted to any state or federal entity for approval, or that the Commission adopt a resolution to remain neutral in all BSCNHA decisions. He requested that any City approval or

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support be in the form of a ballot initiative to the public, and to remove all references to the NHA from the City's Growth Policy or reword the policy to only pursue these designations in City limits.

John Hubbard, City resident, opposed government official pay raises.

Written comments were submitted by **Linda Knox**, 4 Wagon Lane, urging the Commission to oppose the Big Sky Country National Heritage Area.

NEIGHBORHOOD COUNCILS

2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

As a liaison to the Park and Recreation Board, Commissioner Moe provided an update on the park maintenance projects:

- Restroom facility projects have begun at Oddfellows and Lions Parks
- Irrigation projects have begun at Jaycee, Roosevelt and Valleyview Parks
- Shelters are being worked on at North Kiwanis, Meadowlark and Gibson Parks
- Quotes will be obtained for the Community Recreation Center roof project and for sidewalks to the basketball courts at Gibson Park
- No bids were submitted for the Gibson Park Pond wall. That project will be re-bid
- Resurfacing the basketball courts at Pinski and Grande Vista Parks, and the tennis courts at Lions Park
- ADA sidewalks to play structures and Grande Vista trail are on-going projects

Commissioner Tryon commented that a Missoula company submitted the low bid and is doing the work on the irrigation project at Roosevelt Park.

CITY MANAGER

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon updated the Commission on the following:

- Aim High Big Sky Recreation Center (OF 1770): No official word has been received from the Office of Local Defense Community Cooperation (OLDCC) regarding Phil Faccenda's complaint. OLDCC knows the City is continuing to work on the project, that the design

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of the facility is almost fully complete, and that the City plans on letting out bids to relocate the water line in the near future.

The last team meeting discussions included development of an alternative list for the bid that are elements of the facility the team would like to see, and that give bidders an opportunity to pick and choose which areas they could potentially satisfy within the budget parameters.

The National Environmental Policy Act (NEPA) requirement of the DCIP grant was submitted.

Groundbreaking will be set, unless told otherwise by OLDCC, at the end of September with a celebration event for Malmstrom and MANG, groups that have utilized the Recreation Center and Natatorium, Neighborhood Councils and the public.

- Crime Task Force (CTF): At the June 7, 2021 meeting the CTF reviewed meeting etiquette, Code of Ethics, public access to the meetings, and the resolution that established the task force. Police Chief Newton provided an overview of the Great Falls Police Department.

June 14, 2021 – briefings from Russell Country Drug Task Force, U.S. Department of Justice, Cascade County Sheriff Jesse Slaughter who operates the Violent Crime Task Force, and Probation and Parole.

June 28, 2021 – presentations by the Montana Department of Justice, U.S District Attorney's Office, Cascade County Attorney and City of Great Falls Chief Prosecutor.

July 12, 2021 – briefings from Municipal Court Judge Bolstad and District Court Judge John Parker. Finance Director Melissa Kinzler provided an overview of how the City budgets for public safety.

The next meeting is scheduled for July 26, 2021. He is hoping to have a representative talk about sober living homes, which is essentially a rehabilitation opportunity for addiction diseases; and pre-trial services, which is a service that has come up in managing cases, getting them to the right resources that is offered.

They're getting a good breadth and depth of criminal issues that the community is facing and what some of the triggers are. He does think that there is a desire to basically move away from the briefings and start getting into some specific discussions to start categorizing and prioritizing within the scope of the resolution how to tackle some of the things that they've heard.

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The Great Falls Police Department Citizens Academy starts on September 2 – November 11, 2021. Meetings will be held on Thursday evenings. Applications are available on the City website and will remain open until the class is filled.

Great Falls Fire Rescue had three structure fires over the weekend. One is arson-related and is under investigation.

The County Election Administrator has determined that there is no need for a primary election.

The Finance Department hired a new account tech, accounts payable clerk, grant administrator, and budget analyst.

Commissioner Moe inquired about CTF member attendance and was informed that there has been some job conflicts that made it so members couldn't attend, but were able to watch the recorded meeting.

Commissioner Moe commented that it's important to understand how Great Falls compares to other Montana cities in the areas of data and distinctions.

Manager Doyon responded that there has been statistics presented and data provided. His sense from what he is hearing from presenters that work on a more statewide basis is that many communities are experiencing the same thing that we are experiencing, but it may be at a different degree or a different level. Drugs are the number one driver in the state and all communities are experiencing a high degree of issues associated with it.

Commissioner Tryon referred her to the videos and agenda packets of the CTF meetings for some comparisons between other cities in Montana. There are some unique problems for Great Falls.

CONSENT AGENDA.

5. Minutes, July 6, 2021, City Commission Meeting.
6. Total Expenditures of \$5,771,200 for the period of June 24, 2021 through July 7, 2021, to include claims over \$25,000, in the amount of \$4,994,794.
7. Contracts List.
8. Grants List.

Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission approve the Consent Agenda as presented.

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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 4-0.

PUBLIC HEARINGS

9. BUSINESS IMPROVEMENT DISTRICT (BID) FY 2022 BUDGET AND WORK PLAN.

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

Joan Redeen, Business Improvement District Community Director, reported the BID started its budgeting process in March. They brought on four new board members with a great in-depth picture of the BID, it's history, the services provided, finances and the budgeting process. The BID dropped back down to solely having one part-time employee. She will be holding down the office for the next fiscal year with the hopes that, once again, the BID will establish the ambassador program in the summer of 2022.

The Safety Alliance created a safety plan in 2012 that was formally adopted by the Downtown Development Partnership (DDP) and endorsed by the Great Falls Police Department. A committee drafted an updated 2021 Downtown Safety Plan that will be presented to the DDP for approval at its next meeting, and then a final document will be provided to the City, as well as a document that lists the many accomplishments of the DDP since its inception in 2009.

Community Director Redeen invited anyone to attend the Downtown Safety Alliance meetings held on the first Tuesday of every month at 9:00 a.m.

The BID will be hosting Artsfest Montana the week of August 8, 2021. Eight artists will be involved in this year's mural festival and downtown will have at least seven new murals installed.

The City Commission approved a Tax Increment Financing (TIF) application in April for the BID to maintain trees located within the Downtown Urban Renewal District. Bid documents are being drafted for City Forester review that will be issued for tree care maintenance.

The Great Falls BID has been invited to present its pedlet program at the International Downtown Association Conference in Tampa, Florida in October.

The BID anticipates full implementation of the wayfinding plan this fiscal year. The BID was awarded a grant from Montana Tourism in the amount of \$84,184 and Montana Main Street in the amount of \$12,500. The BID will be submitting TIF applications to fund the balance of the project to get the signs installed and help guests find their way to the amazing assets that Great Falls has to offer.

The work plan shows that the BID is truly diverse and ever changing.

Mayor Kelly asked if the Commission members had any questions.

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In response to Commissioner Moe, Community Director Redeen explained that the \$100,000 cash roll-over is the June 30th balance that is carried over to the new fiscal year beginning July 1, 2021.

With regard to the wayfinding signage project, Commissioner Robinson noted the consultants should have identified places where sporting events are held.

In response to Commissioner Tryon, Community Director Redeen explained that an example of a special project is the pedlet project; it is for projects not specifically covered by a grant program. The \$36,000 for special projects is high this fiscal year because the BID had roll-over funds from last fiscal year. Examples of business grants are façade and interior grants for the Gibson Hotel and Great Northern Lofts projects. Examples of contract services is the BID support of the Great Falls Development Authority and a portion of the salary of the Downtown Business Development Officer.

Finance Director Kinzler added that a separate resolution will come before the Commission in September to set the assessment.

Mayor Kelly asked if there were any comments from the public in support of the FY 2022 Business Improvement District Budget and Work Plan.

Sherrie Arey, NeighborWorks Great Falls Executive Director and BID Board member, encouraged the Commission to approve this year's budget to allow BID to continue its good work.

Mayor Kelly asked if there were any comments from the public in opposition to the FY 2022 Business Improvement District Budget and Work Plan.

Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Robinson moved, seconded by Commissioner Tryon, that the City Commission approve the FY 2022 Business Improvement District Budget and Work Plan.

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

Motion carried 4-0.

10. TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) 2021/2022 BUDGET AND WORK PLAN.

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

Rebecca Engum, Great Falls Tourism Director, reported the TBID accomplishments last year included:

- Increased budget by securing grants and special monies available through the CARES Act.
- Created Montana's number one podcast "We're No Dam Experts."

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- Created a safety incentive program that invested \$6,500 into local businesses by providing gift cards to people who were caught being safe, distributed over 5000 masks, and launched two digital passes to increase the activity people could have in the outdoors without coming into their office.
- Invested in new direct air service opportunities.
- Invested in new signature events that will be happening this fall.
- Secured four new conventions for FY 22.
- Hosted 4,889 registered attendees for the BMW Motorcycle Owners Association.
- Grew the number of social media followers.

Tourism Director Engum commented that the TBID has data for 2020, but it doesn't bode in comparison to where they are in recovery from 2019 to 2020. They saw a 44% decrease in overnight visitation. In 2019 the industry supported 1,640 direct jobs that paid out over \$36 million dollars in compensation. That doesn't include the \$4.5 million that sole proprietors within this industry earned as well.

Nonresident visitors to Great Falls in 2019 spent over \$160 million dollars in our local restaurants, drinking establishments, retail stores, fuel stations, outfitters and guides, grocery stores and lodging properties.

This year the TBID is estimating the budget to be approximately \$511,000. TBID assessment collections will be finalized in August and then the Commission will levy the assessment on that.

The theme for the TBID work plan this year is partnership and leveraging the assets it has. Based on research from both visitation inquiries and spending, they've added two new emerging markets - Nashville and Milwaukee. They will monitor these markets as they place media to see what the engagement rates are to determine if they'll stay as part of the TBID marketing strategy. They are going to continue to look for opportunities to leverage the assets they have in the community, not just with the established assets like Centene Stadium, Symphony, or the race track, but they're also going to be looking at the products that are developed in the community and work to leverage those opportunities as well.

The TBID is providing for the first time joint venture opportunities with its members to leverage the paid media that it places and the brand recognition that Great Falls has in those markets to promote their businesses.

They will also be applying for EDA funding for strategic planning to engage the community in the planning process.

Mayor Kelly asked if the Commission members had any questions.

Commissioner Tryon requested an example of "outside help."

Tourism Director Engum responded that Destinations International provides industry standard benchmarks for how destination management organizations perform at the peak for their

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communities in areas of advocacy, destination development, marketing, and board development. They have some assessment tools that the TBID would be looking at to utilize and then receive some additional input based on what those industry standards are and how we can work to achieve them by looking at best practices.

Commissioner Tryon inquired who their current partners are and who the TBID is looking to in the future.

Tourism Director Engum responded the TBID collaborates with the Downtown Great Falls Association, Business Improvement District, Great Falls Development Authority, School District, and Montana Expo Park. The new partnerships they're looking to develop are connected with the University of Providence, Montana State University - Great Falls, as well as the health care industry with Benefis and Great Falls Clinic, and the McLaughlin Research Institute to recruit leisure travelers as well as recruiting conventions and meetings.

Mayor Kelly asked if there were any comments from the public in support of the 2021/2022 Tourism Business Improvement District Budget and Work Plan.

Brett Doney, Great Falls Development Authority, commented that he serves as a non-voting, honorary board member of the Convention and Visitors Bureau that partners with the TBID's "Live in Great Falls" talent attraction effort. They market all of the "fun stuff" so GFDA can fill in the other aspects of living here, such as healthcare, parks, schools, and housing.

He noted the importance of tourism to our economy. It creates the environment where businesses that are very important for quality of life and retaining and attracting talent can be viable. He is impressed that Great Falls Tourism has been focused on getting tourists who are going to spend more time and money in the City, rather than just pass through traffic.

Joan Redeen, Business Improvement District, spoke in support of tourism, and the support the TBID offers to all of the events that are available in town.

Mayor Kelly asked if there were any comments from the public in opposition to the 2021/2022 Tourism Business Improvement District Budget and Work Plan.

Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission approve the 2021/2022 Tourism Business Improvement District Budget and Work Plan.

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

Commissioner Moe expressed appreciation for the work of the TBID the last 18 months during difficult times. She also noted her personal preference would be for the TBID to get rid of the "dam" pun and find a more clever way to market.

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Commissioner Robinson commented that the extra attention of the spelling and something that wasn't controversial helped our cause.

Motion carried 4-0.



11. ANNUAL BUDGET HEARING ON RESOLUTION 10411 – ANNUAL BUDGET RESOLUTION.

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

Finance Director Melissa Kinzler reported that this item is the City Manager's proposed budget for Fiscal Year 2022. Fiscal Year 2021 was considered a budget modeled for economic recovery. Because of Covid 19 there were no increases to property taxes, inflationary factor, or permissive medical levy. Fund balance was used to offset tax relief. The policy level fund balance of 22% was maintained, and the budget message was a level funded budget to promote local economic recovery efforts.

That same philosophy was kept for Fiscal Year 2022. Operation budgets were level funded, CARES and ARP discussions were kept separate, no general fund property tax increases were put in the budget, which included no inflationary factor increase, no permissive medical levy increase, and fund balance of about \$736,000 was used to balance the general fund budget. That put the general fund unrestricted balance below policy level at 20.3%.

Finance Director Kinzler reviewed and discussed the following PowerPoint presentation:

 <p align="center">City Manager's Proposed Budget</p> <p align="center">Fiscal Year 2022</p> <p align="center">1</p>	 <p align="center">FY2021 Refresher</p> <hr/> <p>General Fund</p> <ul style="list-style-type: none"> • Budget modeled for economic recovery (post COVID-19) • No property tax increases <ul style="list-style-type: none"> • No Inflationary Factory - (\$176,947) • No Permissive Medical Levy - (\$313,319) <ul style="list-style-type: none"> • Total tax increases not utilized - \$490,266 • Used Fund Balance to offset tax relief - (\$872,105) <ul style="list-style-type: none"> • Maintained policy level fund balance of 22% • Budget Message: Level funded budget for a second year to promote local economic recovery efforts. <p align="center">2</p>
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City Manager's Approach for FY2022 Budget

Budget Drivers

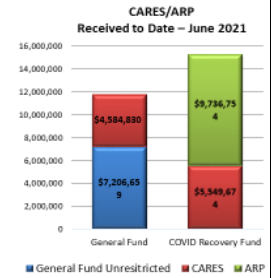
- Economic recovery
 - Level fund operations budget
 - Keep CARES/ARP discussions separate
- No General Fund property tax increases
 - Inflationary Factor - (\$157,843)
 - Permissive Medical Levy - (\$71,281)
 - Total tax increases not utilized - \$229,124
 - Use of fund balance in FY2022 - (\$736,648)
 - General Fund unrestricted balance below policy level at 20.3%
- No special assessment or utility rate increases
- New collective bargaining agreements for all unions
 - Move to 85%/15% cost sharing for insurance (\$576,284 City-wide)
 - Decreased workers compensation rates (\$405,112 City-wide)



3

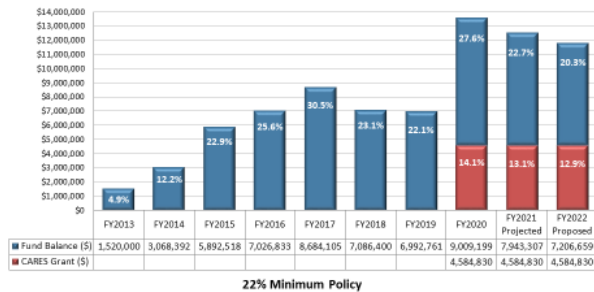
CARES/ARP Allocations

- CARES and ARP spending will be adopted separately through mid-year budget amendments
- CARES Grant - \$4,584,830 restricted in General Fund (amount received in FY2020)
- Remaining \$5,549,674 of CARES moved to Special Revenue Fund with American Rescue Plan allocation of \$9,736,754
 - Another \$9.7 million will be received May 2022
- Total received to date is \$19,871,258



4

General Fund Fund Balance



5

General Fund Tax & Entitlement Revenue

Revenue Segment	FY2021 Actual Increases	FY2022 Available Increases	FY2022 Proposed Increases
Newly Taxable Property	\$119,488	\$400,000	\$400,000 <small>Amount not known until August</small>
Inflationary Factor	\$0	\$334,790	\$0
Permissive Medical Levy	\$0	\$71,281	\$0
Entitlement Share	\$284,198	\$130,271	\$130,271
Total Revenue Increase	\$403,686	\$936,342	\$530,271

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General Fund Revenue

Reference: Budget Book Pages 20-22

	FY 2020 Actual	FY 2021 Amended	FY 2022 Proposed	% Change
Taxes	\$ 22,146,728	\$ 21,139,142	\$ 21,539,142	1.89%
Licenses and Permits	\$ 1,036,689	\$ 1,070,600	\$ 1,070,600	0.00%
Intergovernmental	\$ 13,202,877	\$ 8,997,023	\$ 8,966,766	-0.34%
Charges for Services	\$ 1,158,263	\$ 1,193,354	\$ 1,189,958	-0.28%
Fines and Forfeitures	\$ 627,765	\$ 770,000	\$ 770,000	0.00%
Internal Service	\$ 859,079	\$ 967,525	\$ 1,004,150	3.79%
Investment Income	\$ 85,430	\$ 15,000	\$ 15,000	0.00%
Other	\$ 114,072	\$ 144,322	\$ 144,322	0.00%
Sale of Assets	\$ 2,200	\$ -	\$ -	0
Total Revenue	\$ 39,233,103	\$ 34,296,966	\$ 34,699,938	1.17%



7

General Fund Expenses

Reference: Budget Book Pages 23-33

	FY 2020 Actual	FY 2021 Amended	FY 2022 Proposed	% Change
Personal Services	\$23,864,476	\$25,475,659	\$25,776,600	1.18%
Supplies	\$902,227	\$1,041,615	\$960,266	-7.81%
Purchased Services	\$1,241,592	\$1,753,664	\$1,417,138	-19.19%
Debt Services	\$86,635	\$309,773	\$309,182	-0.19%
Contributions & Other	\$250,000	\$250,000	\$250,000	0.00%
Other	\$49,386	\$25,458	\$20,000	-21.44%
Internal Service	\$4,529,357	\$4,777,596	\$5,044,222	5.58%
Capital Outlay	\$45,287	\$0	\$0	0.00%
Transfer Out	\$1,662,877	\$1,659,178	\$1,659,178	0.00%
Total Expense	\$ 32,631,837	\$ 35,292,943	\$ 35,436,586	0.41%

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Fund Review

Reference: Fund Detail Worksheet

- **Stable**
 - 48 out of 59 funds
- **Requires Monitoring**
 - Permits
 - HIDTA Special Revenue
 - Health and Benefits
 - Sanitation
- **At-Risk**
 - Planning & CD
 - Golf Courses
 - Swimming Pools
 - Recreation
 - Multi-Sports
 - Parking
 - Civic Center Events

Future Discussion:
Rehabilitate funds
impacted by COVID



9

City-Wide Revenue

Reference: Budget Book Page 18

	FY 2020 Actual	FY 2021 Amended	FY 2022 Proposed	% Change
Taxes	\$ 26,143,194	\$ 24,677,547	\$ 26,001,617	5.37%
Licenses and Permits	\$ 2,076,780	\$ 2,185,276	\$ 2,185,276	0.00%
Intergovernmental	\$ 19,627,133	\$ 15,114,717	\$ 24,313,600	60.86%
Charges for Services	\$ 50,441,124	\$ 49,280,746	\$ 49,379,237	0.20%
Fines and Forfeitures	\$ 745,451	\$ 817,000	\$ 817,500	0.06%
Internal Service	\$ 13,487,123	\$ 14,207,407	\$ 15,324,240	7.86%
Special Assessments	\$ 8,868,739	\$ 8,445,618	\$ 8,472,176	0.31%
Investment Income	\$ 1,009,677	\$ 20,650	\$ 20,650	0.00%
Other	\$ 1,918,429	\$ 738,371	\$ 613,808	-16.87%
Transfer In	\$ 2,076,171	\$ 2,055,852	\$ 2,055,852	0.00%
Issuance of Debt	\$ 4,208,605	\$ 6,057,080	\$ -	-100.00%
Sale of Assets	\$ 55,063	\$ -	\$ -	0.00%
Total Revenue	\$ 130,657,489	\$ 123,600,264	\$ 129,183,956	4.52%

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City-Wide Expenses

Reference: Budget Book Page 18

	FY 2020 Actual	FY 2021 Amended	FY 2022 Proposed	% Change
Personal Services	\$44,200,093	\$48,561,521	\$49,595,721	2.13%
Supplies	\$5,485,329	\$6,105,541	\$6,118,089	0.21%
Purchased Services	\$26,013,577	\$30,214,596	\$28,635,371	-5.23%
Debt Services	\$9,173,533	\$6,666,423	\$7,321,282	9.82%
Contributions & Other	\$1,424,946	\$1,681,607	\$2,207,301	31.26%
Other	\$77,659	\$80,908	\$30,450	-62.36%
Internal Service	\$12,224,424	\$12,896,288	\$13,902,078	7.80%
Capital Outlay	\$20,366,096	\$31,447,055	\$21,102,133	-32.90%
Transfer Out	\$2,076,171	\$2,055,852	\$2,055,852	0.00%
Total Expenses	\$ 121,041,828	\$ 139,709,791	\$ 130,968,277	-6.26%

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Proposed Rate, Assessment and Fee Adjustments

Department	Division	FY2022 Adjustment	Prior Year Adjustment
Public Works	Water	0%	0%
Public Works	Sewer	0%	0%
Public Works	Storm Drain	0%	0%
Public Works	Sanitation - Commercial	0%	0%
Public Works	Sanitation - Residential	0%	0%
Park & Recreation	Natural Resources - Boulevard	0%	0%
Park & Recreation	Portage Meadows	0%	0%
Park & Recreation	Park Maintenance District	0%	0%
Public Works	Street Maintenance	0%	0%
Special Districts	Street Lighting Districts	- 1.0%	- 4.0%

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Capital Outlay

Reference: Budget Book Pages 131-135

Department	Capital Outlay
Library	\$260,000
Park Maintenance	\$27,791
East Industrial TID	\$436,900
Planning - CDBG	\$190,176
Finance	\$50,000
Public Works	\$20,137,266
Total Budgeted	\$21,102,133

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Capital Outlay Major Projects

Reference: Budget Book Pages 131-135

Department	Project	Budget
Street	Overlays & Reconstruction	\$2,405,000
Water	WTP Sludge Processor	\$2,500,000
	Main Replacements	\$2,900,000
Sewer	Misc. Sewer Rehab	\$1,000,000
	WTP Sludge Processor	\$4,000,000
Storm Drain	Valeria Way, Phase 2	\$ 900,000
Central Garage	Vehicle & Equipment	\$1,062,516
Park District	Various Projects	\$ 535,000

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FTE Counts

Reference: Budget Book Pages 125-130

Finance	Grants and Contract Administrator	1.00
Human Resources	HR Generalist	1.00
Engineering	2 Engineers, 2 Inspectors	4.00
Total Proposed Changes in FY2022		6.00

10 Year History of FTEs

Fiscal Year	FTE Count
FY13 Actual	487.84
FY14 Actual	485.33
FY15 Actual	484.82
FY16 Actual	492.74
FY17 Actual	503.38
FY18 Actual	508.11
FY19 Actual	510.40
FY20 Actual	507.89
FY21 Actual	506.68
FY22 Proposed	512.88

Next Steps

- Today
 - Budget Hearing
 - Budget Adoption or Continue
- August 17th Work Session on CARES/ ARPA uses
- August 17th
 - Adopt Mill Levy
- TBD – Potential budget adjustments for CARES/ARPA

City Manager Greg Doyon added that the permissive medical levy and the inflationary factor may in fact be needed to just maintain current operational levels. He wanted the Commission to know that it may be difficult just to maintain the current level of services without utilizing those resources.

Mayor Kelly asked if the Commission members had any questions of staff.

Commissioner Tryon received confirmation that the 60% increase in intergovernmental revenue was due to Covid funds received and to be received this fiscal year.

Commissioner Tryon commented that a question he receives regularly is why does the number of employees go up when the City seems to remain stagnant in terms of growth.

Manager Doyon explained that, in general, he is cautious about adding staff because of the additional expense that is related to it. When he asks the Commission for staff, it's because it's needed. He received approval for the grants and contract administrator that will benefit the City and that position will pay for itself in due time. The Human Resources department needed help because of the scope and magnitude of their work with processing employees coming in and going out, changes in benefits, changes in other types of services, and trying to implement a new software that is not functioning properly. The positions will be paid with internal service charges or offset by fees that are generated for those positions.

Mayor Kelly asked if there were any comments from the public in support of or opposition to Resolution 10411.

Jeni Dodd, City resident, commented she wasn't for or against the resolution. She inquired why the investment category listed on the revenue slide decreased significantly.

Director Kinzler responded that the interest rates are at an all-time low. The current rate is .005% for all of the investments.

Anonymous written comments were submitted via the City's on-line Budget Simulator by Balancing Act tool.

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Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution 10411 – Annual Budget Resolution.

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

Commissioner Moe commented that it is a pretty bare bones budget and there are staffing needs in a variety of areas that are still not being met. She noted the budget is propped up with a significant component of money that is a one-time offer and expressed concern that it will present a problem in two years.

Mayor Kelly commented that from a population standpoint the City may not be experiencing growth that we would like, but the average wage and employment opportunity is significantly better than it was over the years. He appreciates the hires Manager Doyon described.

Motion carried 4-0.

12. 2019/2020 ANNUAL ACTION PLAN AMENDMENT PUBLIC HEARING – CDBG-CV FUNDING ALLOCATION.

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

Planning and Community Development Director Craig Raymond reported that the CARES Act was signed into law which released an additional \$5 billion of CDBG funds for entitlement communities nationwide “to prevent, prepare for, and respond to the COVID-19” pandemic. The City was originally allocated \$475,515 in CDBG-CV funds. This additional allocation of \$236,375 will be added to the remaining CDBG-CV funds from the initial allocation and be put to best use through the City’s prioritized needs. The primary modification to the Action Plan, aside from the dollar amounts, is the removal of economic development as a targeted activity due to a lack of eligible applications and perhaps regulatory hurdles.

Before the new CDBG funds can be made available for applicants to submit grant proposals, the City Commission must amend the current 2019/2020 Annual Action Plan to document priorities for potential funding allocation.

Staff is recommending funding priorities for the specific COVID allocation as follows:

- 80%- Assistance to Public Service Agencies - \$569,512 – Under this funding priority, local public service agencies may submit grant requests that target Low to Moderate Income individuals and act to prevent, prepare for, or respond to COVID-19 impacts.
- 20%- Grant Administration - \$142,378 – Entitlement communities like Great Falls budget up to 20% of their CDBG funding allocations for program administration. The Department’s entire CDBG and HOME Program budget, including staff salaries and benefits in addition to other programmatic or administrative functions are funded through the Admin allocation. Utilizing the

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admin provision reserves our ability to administer all functions of the CDBG and HOME programs entirely with CDBG & HOME funds without dependence on general fund money. Additionally, we may need to bolster staff resources for a period of time in order to let the grants and follow up with the extensive monitoring requirements for years to come.

The proposed plan is an appropriate allocation of funds that will benefit the citizens of Great Falls and meet substantial HUD requirements.

The requested action is that the City Commission conduct the public hearing and approve the proposed Annual Action Plan Amendment and adopt the Amended Citizen Participation Plan.

Mayor Kelly asked if the Commission members had any questions of staff. Hearing none, Mayor Kelly asked if there were any comments from the public in support of the 2019/2020 Annual Action Plan Amendment.

Sherrie Arey, Executive Director, NeighborWorks Great Falls, commented that these are extremely difficult funds to qualify for and administer. Staff has done their best and will continue to look for the most creative eligible ways for these funds to be used in the community.

Due to soft phone technical difficulties during the meeting, **Shyla Patera**, North Central Independent Living Services, followed up with written comments in support of this item, and support for accessibility and universal design in all projects.

Mayor Kelly asked if there were any comments from the public in opposition to the 2019/2020 Annual Action Plan Amendment. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission adopt the Program Year 2019/2020 Annual Action Plan Amendment.

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

Motion carried 4-0.

13. RESOLUTION 10420, AMENDING SECTION (1)B OF RESOLUTION 10392 ESTABLISHING THE RATES, FEES AND PENALTIES ASSOCIATED WITH TITLE 10 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO THE CITY'S PARKING SYSTEM.

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

Planning and Community Development Director Craig Raymond reported that on May 4, 2021, the City Commission adopted Resolution 10392 which provided for various changes to parking program fees. The Commission also approved the purchase of parking enforcement equipment and software in November of 2020. Since the installation of the new multi-space pay stations, staff, Parking Advisory Commission members and downtown merchants have been receiving significant amounts of negative feedback regarding the inconvenient location of the new

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equipment for citizens with mobility or other physical impairments. Given the new machines are typically located as close to mid-block as possible, it was felt that the distance from many of the ADA parking spots to the pay stations and then onward to the desired business was too far to be considered reasonably located. At its May, 2021, meeting, the Parking Advisory Commission discussed the matter and considered multiple options to resolve the issue including replacing the old meters at the head of each ADA signed parking stall. This was not preferred as it would void any benefits and savings that purchasing and utilizing the new LPR enforcement technology afforded. It was also noted that any citizen could use the Passport app instead of using the pay stations. Regardless, it was ultimately decided to recommend to the City Commission that all officially signed ADA parking stalls should be free of charge thereby eliminating those parking in these designated spots from needing to use the mid-block pay stations or utilizing the pay-by-app. This approach appears to be the most cost effective and reasonable solution considered.

Mayor Kelly asked if the Commission members had any questions of staff.

Mayor Kelly inquired and was informed there is still a two-hour parking limit for handicapped parking.

Commissioner Moe inquired the Parking Advisory Commission's rationale for not re-installing the old meters for ADA parking.

Director Raymond responded that the advantage of the new system is that it takes foot patrol off the street and they can more efficiently patrol the downtown parking area in a vehicle. It's much faster and more efficient.

Mayor Kelly asked if there were any comments from the public in support of or opposition to the 2019/2020 Annual Action Plan Amendment.

Due to soft phone technical difficulties during the meeting, **Shyla Patera**, North Central Independent Living Services, followed up with written comments in support of this item, and ADA parking spaces in the community.

Mayor Kelly closed the public hearing and asked the will of the Commission.

Commissioner Tryon moved, seconded by Commissioner Moe, that the City Commission adopt Resolution 10420.

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

Motion carried 4-0.

14. PERMANENT SUPPORTIVE HOUSING PROPOSAL BY NEIGHBORWORKS GREAT FALLS AND HOMEWORD, INC.

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

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Sherrie Arey, Executive Director, NeighborWorks Great Falls, reviewed and discussed a PowerPoint proposal for development of the former Baatz Building as a permanent supportive rental housing complex on the site at 400 2nd Ave. South, Great Falls:



Project Details

- 3 Story Historic Building in downtown Great Falls
- Estimated 24 Permanent Supportive Homes
- Main Floor for Supportive Services
- Plan to utilize low income housing tax credits as well as historic tax credits

Baatz Building



Project History

- FUSE initiative – NWGF, now YWCA
- Participation in Continuum of Care
- Working with many local service providers on input



Permanent Supportive Housing

Permanent Supportive Housing (PSH) is a proven solution to homelessness for the most vulnerable chronically homeless people. It pairs housing with case management and supportive services.



What Is Permanent Supportive Housing?

- Permanent supportive housing is an intervention that combines affordable housing assistance with voluntary support services to address the needs of chronically homeless people. The services are designed to build independent living and tenancy skills and connect people with community-based health care, treatment and employment services.

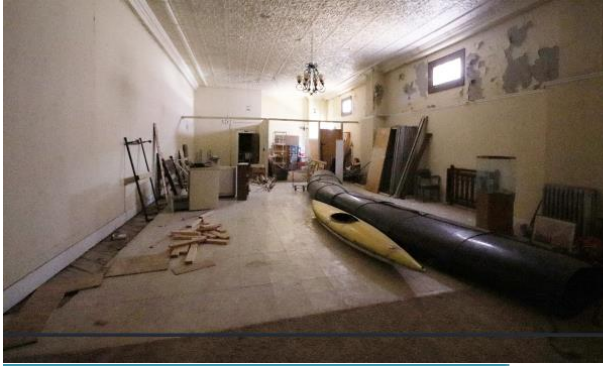


National Alliance to End Homelessness



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PSH Benefits

How Permanent Supportive Housing Can End Chronic Homelessness

- Investments in permanent supportive housing have helped decrease the number of chronically homeless individuals. In addition to ending homelessness for people who are chronically homeless, research has demonstrated that permanent supportive housing can also increase housing stability and improve health.
- A cost-effective solution, permanent supportive housing has been shown to lower public costs associated with the use of crisis services such as shelters, hospitals, jails and prisons.

Updated March 2021, National Alliance to End Homelessness



Key PSH Concepts

Services provided directly for the residents

- Services provided within the building, readily available to residents

Case Management and Property Management both critical and separate roles

- Property Manager is critical for all projects
- Service Connector is essential to help residents navigate services and succeed

Universal and Trauma-Informed Design Principles

- Many individuals homeless or chronically homeless have physical and mental needs
- Design matters in helping residents who have been on the street feel safe, adjusting to living inside or recovering



Next Steps/ Timeline

- Application due in August, Funding awards in October 2021
- If awarded, construction begins in fall of 2022
- Beginning of 2024



Thank you!

Questions/Input?



She reported that NeighborWorks was invited to make a full application to the Montana Board of Housing for a 9% tax credit for the Baatz building located at 400 2nd Avenue South. It is for supportive housing, which helps create a healthier and safer community, to connect stable housing with the positive social networks and services needed to improve the aspects of residents' lives.

In 2017, there was the mayor's challenge to help veterans and homelessness initiative. NeighborWorks at that time, along with Benefis, applied for a grant from the Montana Healthcare Foundation that helped them begin to look at the needs of many of the frequent users of our services in the community and the cost implications of those services and help provide options and alternatives to help with the homelessness issue in Great Falls.

The YWCA received a follow-up grant that began scattered sites for permanent supportive housing for those individuals who had housing instability or insecurity. They found that a single site or a single location would actually help move the needle more on the issues of homelessness

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in our community. They started investigating the options in our community with many of our partners.

Permanent, supportive housing is a proven solution to homelessness for the most vulnerable, chronically homeless people. It pairs housing with case management and case management and supportive services. It combines interventions with affordable housing and it's a voluntary support system with the strategy of housing first. Housing the individuals and then beginning to design the housing and connecting people with the health care treatment and employment services that they need. Permanent supportive housing is an investment that helps decrease the number of chronically homeless individuals. In addition, ending homelessness for people who are chronically homeless has demonstrated that permanent supportive housing can increase housing stability and improve health.

The concept is to provide direct service to the residents of the building, case management and property management which are separate. The individuals would lease a permanent home, whether they need to stay there a year or longer.

NeighborWorks Executive Director Arey commented that they are in the process of completing the application. For community input, they have presented at Neighborhood Council 7, the Downtown Development Partnership, as well as the Continuum of Care.

The application is due in August to the Montana Board of Housing, and NeighborWorks would be notified in October if awarded. Construction would begin in the fall of 2022 with the hope of having it open at the beginning of 2024.

Mayor Kelly inquired how many applicants there were for these tax credits and how many have been selected to present.

Director Arey responded that there were 14 applicants and eight were invited to make full applications.

Mayor Kelly asked if there were any comments from the public in support of or opposition to the Permanent Supportive Housing Proposal.

Brett Doney, Great Falls Development Authority, commented that quality, affordable housing at all price points, is extremely important for the community. From an economic standpoint, workforce is needed and we need to retain and attract workforce. Housing is a key component of that. From an economic development standpoint, the purpose of strengthening the economy is to improve the quality of life of residents.

Many people who are homeless had a one-time incident. Their luck ran bad, or they ran into some challenges. People don't understand that oftentimes people are only homeless for a short period of time, then they get back on their feet. There are some people that the only alternative to being on the street or in and out of shelters is to go back to the old days of institutionalization, which not only was a very poor quality of life, but was extremely expensive.

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This project is a nice fit with the transitional housing and emergency housing that the Rescue Mission provides.

Due to soft phone technical difficulties during the meeting, **Shyla Patera**, North Central Independent Living Services, followed up with written comments in support of permanent supportive housing that is being proposed for the Baatz building, and looks forward to working with NeighborWorks and Homeward.

There being no one further to address the Commission, Mayor Kelly concluded that this is a good group of agencies that have been working together. They have a proven track record of housing people in permanent ways and have developed a spirit of collaboration and cooperation over the last several years. He wished them luck with the project.

Mayor Kelly closed the public hearing.

OLD BUSINESS**NEW BUSINESS****ORDINANCES/RESOLUTIONS**

15. **ORDINANCE 3231, ASSIGNING R-2 SINGLE-FAMILY MEDIUM DENSITY TO TRACT NO. 2 F CERTIFICATE OF SURVEY NO. 2660 FOR PROPERTY ADDRESSED AS 2249 UPPER RIVER ROAD AS REQUESTED BY PROPERTY OWNER BRYAN HICKS.**

Planning and Community Development Director Craig Raymond reported that the owner of the property addressed as 2249 Upper River Road submitted an annexation by petition application on April 21, 2021 for the purpose of connecting his existing single-family residence to City water and sewer utilities. In keeping with the surrounding predominant uses and zoning classifications of surrounding property, the applicant has requested R-2 Single-family Medium Density zoning for the property. This property is located in Phase 5 of the Upper/Lower River Road Water and Sewer District (ULRRWSD). This is one of five Service Districts created to improve water quality, resolve public health issues, remove sources of groundwater contamination in the area, and improve the tax base of the community. Previously, Service Districts 1, 2, most of 3, and 4 were wholly annexed into the City. District 5 is next in line to be annexed at an undetermined date. Although the District received funding and installed water and sewer mains within the Phase 5 area, the City has not received enough petitions to move forward with a district annexation. Instead, as we've seen previously, individual property owners have petitioned for annexation over the last several years.

Aside from the relationship with the ULRRWSD, there is nothing uniquely challenging or problematic with the proposed annexation and connection to City utilities. The subject property is located adjacent to Neighborhood Council #6. Staff provided information to the Neighborhood Council before their regularly scheduled May 5, 2021 meeting. Staff attended the May 5th meeting to present and answer questions about the ULRRWSD and informed the Council if they wanted to make a formal recommendation the item would need to be added to the agenda of their next

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scheduled meeting. Council Members decided to break for summer and forgo a formal vote on the project as they saw it unnecessary after questions had been answered and no issues were raised specific to this request.

At the conclusion of a public hearing held on June 22, 2021, the Zoning Commission recommended the City Commission approve the establishment of R-2 zoning of the subject property upon annexation.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3231 on first reading and set a public hearing for August 17, 2021.

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

Commissioner Tryon inquired if Neighborhood Council 6 discussed and voted in favor of this item.

Director Raymond responded that they did not vote, they decided it wasn't necessary.

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

Motion carried 4-0.

16. RESOLUTION 10423, REQUEST OF A CONDITIONAL USE PERMIT TO ALLOW A "VEHICULAR SERVICES" LAND USE IN THE C-1 NEIGHBORHOOD COMMERCIAL ZONING DISTRICT UPON THE PROPERTY ADDRESSED AS 620 57TH STREET SOUTH.

Planning and Community Development Director Craig Raymond reported that the applicant, Set Five LLC, submitted an application requesting a Conditional Use Permit to allow a "Vehicular Services" land use in the C-1 Neighborhood Commercial zoning district for the property located at 620 57th Street South. The subject property is currently being used as a gas station that was developed around the 1960's. The applicant intends to remove all existing features of the gas station and develop a car wash containing three self-wash bays, one auto wash bay, and a potential dog washing station. The applicant also has interest in developing dedicated space for a future on-site electric car charging station. The applicant has stated the redevelopment is in response to changing economics due to competition of other gas stations in the area, but that the automotive nature of the site will remain consistent with its historical use.

The original application was removed from the Zoning Commission Agenda on March 23, 2021, at the applicant's request. The reason for the removal from the agenda was due to staff's recommendation at the time for denial of the request. The initial reason for staff's recommendation is that the applicant requested a reduced landscape buffer from the code-required fifteen (15) feet to five (5) feet along the north property line to allow for a larger turn radius within the site to accommodate for longer vehicles. In response to the applicant requesting a smaller than required buffer, City staff requested the applicant submit additional information to address the potential impacts of the project to the surrounding properties. Ultimately it was staff's concern that a

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reduced buffer width and landscaping would potentially allow a substantive negative impact to neighboring properties due to noise from vehicle vacuums and commercial car wash equipment in close proximity to residential properties. Subsequent to the applicant pulling the application for consideration, staff and the applicant resumed discussions about how to mitigate our concerns for neighboring properties. As a result of these discussions, we were able to mutually agree that there would have to be a specific condition outlining strict compliance with the municipal code in regards to noise and light pollution leaving the property. The applicant has agreed that mitigation measures will be deployed as may be necessary to mitigate any code compliance deficiencies. At this point we are not certain that there will be violations but given the material provided, it is felt that the potential exists. As such, the applicant has committed to resolving any issues. Therefore, staff is now recommending approval of the project due to the applicant's commitment and that the property will be significantly improved over its current blighted condition.

Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission set Resolution 10423 for a public hearing on August 17, 2021.

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 4-0.

CITY COMMISSION

17. GREAT FALLS CRIME TASK FORCE NOMINEE.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission confirm Dugan Coburn as a replacement for Mary Lynne Billy on the Great Falls Crime Task Force.

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

Motion carried 4-0.

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

19. COMMISSION INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Commissioner Robinson, to adjourn the regular meeting of July 20, 2021, at 9:00 p.m.**

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Motion carried 4-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: August 3, 2021

DRAFT



Commission Meeting Date: August 3, 2021
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
<http://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 CHECK RUNS FROM NEW WORLD	JUNE 27, 2021 - JULY 10, 2021	663,435.51
ACCOUNTS PAYABLE CHECK RUNS FROM MUNIS	JULY 8, 2021 - JULY 21, 2021	2,176,162.80
MUNICIPAL COURT ACCOUNT CHECK RUN FOR	JULY 1, 2021-JULY 16, 2021	5,285.86
TOTAL: \$		<u>2,844,884.17</u>

SPECIAL REVENUE FUND

SUPPORT & INNOVATION

GREAT FALLS BUSINESS IMPROVEMENT DISTRICT	JUNE 2021 BID ASSESSMENT TAX DISTRIBUTION	29,092.04
GREAT FALLS TOURISM BUSINESS IMPROVEMENT DISTRICT	JUNE 2021 TBID ASSESSMENT DISTRIBUTION	123,302.00

STREET DISTRICT

GREAT FALLS SAND AND GRAVEL INC	TYPE B ASPHALT & TYPE C ASPHALT	48,419.71
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PARK DISTRICT

KUGLIN CONSTRUCTION	ODDFELLOWS PARK RESTROOM IMPROVEMENT	78,996.46
L'HEUREUX PAGE WERNER PC	INDOOR AQUATIC & RECREATION CENTER DESIGN	229,743.60
ADVANCED LAWN CARE AND MAINTENANCE LLC	PARK DISTRICT IRRIGATION UPGRADE PR641906/OF#1740	92,554.61

CAPITAL PROJECTS

GENERAL CAPITAL

360 OFFICE SOLUTIONS INC	FINANCE FURNITURE FOR REMODEL	33,858.34
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DOWNTOWN TID

TALISMAN CONSTRUCTION SERVICES	CIVIC CENTER FAÇADE	312,261.05
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ENTERPRISE FUNDS

WATER

UNITED MATERIALS OF GREAT FALLS INC	OF 1494.9 FOX FARM 20" & SW SIDE WMR	242,044.54
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PARKING

STANDARD PARKING CORPORATION	PARKING PROGRAM CONTRACT JUNE 2021	32,667.77
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TRUST AND AGENCY

PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	50,685.00
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	51,172.07
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	67,379.14
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	129,820.20
US BANK	FEDERAL TAXES, FICA & MEDICARE	219,881.47
LABORERS INTERNATIONAL UNION	EMPLOYEE CONTRIBUTIONS	28,099.53
MONTANA OE - CI TRUST FUND	EMPLOYEE CONTRIBUTIONS	26,131.69
MONTANA MUNICIPAL INTERLOCAL AUTHORITY	QTR WC APRIL TO JUNE 2021	229,047.93

UTILITY BILLS

HIGHPLAINS LANDFILL	SANITATION CHARGES FOR THE MONTH OF JUNE 2021	107,424.21
NORTHWESTERN ENERGY	SLDR MAY21 CHARGES	68,586.38

CLAIMS OVER \$25000 TOTAL: \$ 2,201,167.74

CITY OF GREAT FALLS, MONTANA

COMMUNICATION TO THE CITY COMMISSION

DATE: August 3, 2021

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR’ S SIGNATURE: _____

CONTRACTS LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
A	Public Works/ Engineering	Great West Engineering Inc.	08/03/2021- Written 30 day notice	Hourly basis not to exceed \$44,140	Professional Services Agreement for the 9 th Avenue South Drainage Basin Inlet Study Phase 1 OF 1780.0

B	Public Works/ Water Plant	Advanced Engineering & Environmental Services, LLC. (AE2S)	08/03/2021- Written 30 day notice	\$147 per hour basis not to exceed estimated \$75,000	Professional Services Agreement for the Water Treatment Plant Instrument and Control (I&C) Services (Scheduled Maintenance and Service Calls)
C	Great Falls Police Department	State of Montana Board of Crime Control	10/01/2021 – 03/31/2022	N/A	Ratification of Grant Adjustment Notice extends the term of the previous grant award from 10/01/2020 – 09/30/2021 to 10/01/2020 – 03/31/2022 (CR: 110420.8A Covid Relief Grant Award #20-CV01-92713)

CITY OF GREAT FALLS, MONTANA

COMMUNICATION TO THE CITY COMMISSION

DATE: August 3, 2021

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Grants through the Consent Agenda

MAYOR’S SIGNATURE: _____

GRANTS

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	GRANT AMOUNT REQUESTED	CITY MATCH	PURPOSE
A	Great Falls Police Department	U.S. Department of Justice	10/01/2021 – 10/01/2023	\$14,940	N/A	De-escalation and implicit bias training to develop a department-wide training curriculum
B	Great Falls Police Department	U.S. Department of Justice	10/01/2021 – 10/01/2023	\$248,514	N/A	Great Falls Police Department and Alluvion Health implementation of a mobile response Crises Intervention Team (CIT)/Mental Health Treatment Court



Commission Meeting Date: August 3, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Professional Services Agreement: Central Ave / 3rd St Drainage Improvements, OF 1779.0

From: Engineering Division

Initiated By: Public Works Department

Presented By: Paul Skubinna, Public Works Director

Action Requested: Consider and approve Professional Services Agreement

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (approve/not approve) a Professional Services Agreement in the amount \$135,598.50 to Great West Engineering Inc., for the Central Ave / 3rd St Drainage Improvements project, and authorize the City Manager to execute the agreement documents."

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

Staff Recommendation: Approve Professional Services Agreement

Summary:

The City proposes to retain Great West Engineering Inc., to conduct topographic survey, complete the project design, plan development, assemble bid packages, assist with bidding, and complete as-built drawings of the storm drainage improvements associated with this project.

Background:

There has been an increasing number of short duration high intensity rainfall events that have resulted in flooding within the City in recent years. One area that has been problematic from a flooding perspective is the Downtown Business District. This area includes Central Ave., 2nd St S, 4th St S and 5th St S.

Previously, the City retained Great West Engineering to perform a basin study for the project area. The study included assessments of the existing storm drainage piping but only included limited inlet capacity at several key intersections where past flooding has been prevalent. The study helped to identify system deficiencies and make recommendations for improvements to the storm drainage network that will help reduce the duration and amount of future flooding. As part of this project, in depth inlet capacity will be investigated further.

Citizen Participation:

The increase in flooding frequency triggered multiple complaints from downtown businesses. Business and building owners expressed concerns with damage caused by water flooding the basements and lower levels of their facilities.

Workload Impacts:

Great West Engineering will provide engineering design, bidding and construction contract documents, and construction phase engineering services. City Engineering staff will provide construction phase engineering services and project inspection

Purpose:

The purpose of this phase of the project is to implement the improvements recommended in the zone identified as “Area 1” in the December 2020 9th Ave S and Central Ave/4th St Drainage Basin Study prepared by Great West Engineering. As part of this project, Great West will complete the design of the recommended improvements for the area. The proposed construction of the remaining recommended improvements will likely be completed in several phases as funding allows.

Project Work Scope:

The Consultant’s Professional Service Agreement will include the following tasks:

- Site Survey
- Preliminary Design for Area 1
- Final Design for Area 1
- Construction Documents and Bid Assistance for Phase 1 construction.

Conclusion:

The project was selected, prioritized, and executed in accordance with the Public Works Capital Improvement Program, and budgeted utilizing Storm Sewer Funds, Unassigned Capital Improvements, Enterprise Fund. The project will result in less flooding and help address concerns that citizens have raised regarding the flooding and the resulting damage in this area. City staff recommends approving the Agreement with Great West Engineering Inc., in the amount of \$135,598.50.

Fiscal Impact:

Storm Sewer Funds have been programmed and budgeted for this project.

Alternatives:

The City Commission could vote to deny the Professional Services Agreement, request staff look for another Consultant to perform the service, or cancel the project. This would result in increased engineering fees for the project, as well as continued complaints from businesses and building owners in the downtown area.

Attachments/Exhibits:

Professional Services Agreement
Vicinity Map

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into by and between the **CITY OF GREAT FALLS, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 5021, Great Falls, Montana 59403-5021, hereinafter referred to as “City,” and **GREAT WEST ENGINEERING INC.**, 2501 Belt View Drive, Helena, MT, 59601, hereinafter referred to as “Consultant.”

In consideration of the mutual covenants and agreements herein contained, the receipt and sufficiency whereof being hereby acknowledged, the parties hereto agree as follows:

1. **Purpose:** City agrees to hire Consultant as an independent contractor to perform for City services described in the Scope of Services attached hereto as Exhibit “A” and by this reference made a part hereof.

2. **Term of Agreement:** This Agreement is effective upon the date of its execution. Both parties reserve the right to cancel this Agreement by providing a written thirty (30) day notice to the other party.

3. **Scope of Work:** Consultant will perform the work and provide the services in accordance with the requirements of the Scope of Services.

4. **Payment:** City agrees to pay Consultant ONE HUNDRED THIRTY-FIVE THOUSAND FIVE HUNDRED NINETY-EIGHT AND 50/100 DOLLARS (\$135,598.50) per Hourly Not-to-Exceed basis plus expenses for services performed pursuant to the Scope of Services. Any alteration or deviation from the described work that involves extra costs will be performed by Consultant after written request by the City, and will become an extra charge over and above the contract amount. The parties must agree upon any extra charges in writing.

5. **Independent Contractor Status:** The parties agree that Consultant is an independent contractor for purposes of this Agreement and is not to be considered an employee of the City for any purpose. Consultant is not subject to the terms and provisions of the City’s personnel policies handbook and may not be considered a City employee for workers’ compensation or any other purpose. Consultant is not authorized to represent the City or otherwise bind the City in any dealings between Consultant and any third parties.

Consultant shall comply with the applicable requirements of the Workers’ Compensation Act, Title 39, Chapter 71, MCA, and the Occupational Disease Act of Montana, Title 39, Chapter 71, MCA. Consultant shall maintain workers’ compensation coverage for all members and employees of Consultant’s business, except for those members who are exempted by law.

Consultant shall furnish the City with copies showing one of the following: (1) a binder for workers’ compensation coverage by an insurer licensed and authorized to provide workers’ compensation insurance in the State of Montana; or (2) proof of exemption from workers’ compensation granted by law for independent contractors.

6. **Indemnification:** To the fullest extent permitted by law, Consultant shall fully indemnify, defend, and save City, its agents, representatives, employees, and officers harmless from and against any and all claims, actions, costs, fees, losses, liabilities or damages of whatever kind or nature arising from Consultant’s negligent or wrongful performance of this Agreement and Consultant’s work on the Construction Project or work of any subcontractor or supplier to Consultant. The indemnification obligations of this Section must not be construed to negate, abridge, or reduce any common-law or statutory rights of the City which would otherwise exist. Consultant’s indemnity under this Section shall be without regard to and without any right to contribution from any insurance maintained by City. Consultant also waives any and all claims and recourse against the City or its officers, agents or employees, including the right of contribution for loss or damage to person or property arising from, growing out of, or in any way connected with or incident to the performance of this Agreement except responsibility for its own fraud, for willful injury to the person or property of another, or for violation of law, whether willful or negligent, according to 28-2-702, MCA. These obligations shall survive termination of this Agreement and the services performed hereunder.

7. **Insurance:** Consultant shall purchase and maintain insurance coverage as set forth below. The insurance policy, except Workers’ Compensation, must name the City, (including its elected or appointed officers, officials, employees, or volunteers), as an additional insured and be written on a “primary—noncontributory basis.” Consultant will provide the City with applicable additional insured endorsement documentation. Each coverage shall be obtained from an insurance company that is duly licensed and authorized to transact insurance business and write insurance within the state of Montana, with a minimum of “A.M. Best Rating” of A-, VI, as will protect the Consultant, the various acts of subcontractors, the City and its officers, employees, agents, and representatives from claims for bodily injury and/or property damage which may arise from operations and completed operations under this Agreement. All insurance coverage shall remain in effect throughout the life of this Agreement and for a minimum of one (1) year following the date of expiration of Consultant’s warranties. All insurance policies, except Workers’ Compensation, must contain a provision or endorsement that the coverage afforded will not be canceled, materially changed, or renewal refused until at least thirty (30) days prior written notice has been given to Consultant, City, and all other additional insureds to whom a certificate of insurance has been issued. All insurance documentation shall be in a form acceptable to the City.

*** Insurance Coverage at least in the following amounts is required:**

1.	Commercial General Liability (bodily injury and property damage)	\$1,000,000 per occurrence \$2,000,000 aggregate
2.	Products and Completed Operations	\$2,000,000
3.	Automobile Liability	\$1,500,000 combined single limit
4.	Workers’ Compensation	Not less than statutory limits
5.	Employers’ Liability	\$1,000,000

- 6. Professional Liability (E&O) \$1,000,000 per occurrence
(only if applicable) \$2,000,000 aggregate

Consultant may provide applicable excess or umbrella coverage to supplement Consultant’s existing insurance coverage, if Consultant’s existing policy limits do not satisfy the coverage requirements as set forth above.

*** If a request is made to waive certain insurance requirements, insert the insurance item # and corresponding description from the list above:** .

Legal reviewer initials: **Approved** **Denied**

8. Professional Service: Consultant agrees that all services and work performed hereunder will be accomplished in a professional manner.

9. Compliance with Laws: Consultant agrees to comply with all federal, state and local laws, ordinances, rules and regulations, including the safety rules, codes, and provisions of the Montana Safety Act in Title 50, Chapter 71, MCA. As applicable, Consultant agrees to purchase a City safety inspection certificate or special business license.

10. Nondiscrimination: Consultant agrees that all hiring by Consultant of persons performing this Agreement will be on the basis of merit and qualification and will not discriminate on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, national origin, or other class protected by state and/or federal law.

11. Default and Termination: If either party fails to comply with any condition of this Agreement at the time or in the manner provided for, the other party, at its option, may terminate this Agreement and be released from all obligations if the default is not cured within ten (10) days after written notice is provided to the defaulting party. Said notice shall set forth the items to be cured. Additionally, the non-defaulting party may bring suit for damages, specific performance, and any other remedy provided by law. These remedies are cumulative and not exclusive. Use of one remedy does not preclude use of the others. Notices shall be provided in writing and hand-delivered or mailed to the parties at the addresses set forth in the first paragraph of this Agreement.

12. Modification and Assignability: This document contains the entire agreement between the parties and no statements, promises or inducements made by either party or agents of either party, which are not contained in this written Agreement, may be considered valid or binding. This Agreement may not be enlarged, modified or altered except by written agreement signed by both parties hereto. The Consultant may not subcontract or assign Consultant’s rights, including the right to compensation or duties arising hereunder, without the prior written consent of City. Any subcontractor or assignee will be bound by all of the terms and conditions of this Agreement.

13. Ownership and Publication of Materials: All reports, information, data, and other materials prepared by the Consultant pursuant to this Agreement are the property of the City.

The City has the exclusive and unrestricted authority to release, publish or otherwise use, in whole or part, information relating thereto. Any re-use without written verification or adaptation by the Consultant for the specific purpose intended will be at the City's sole risk and without liability or legal exposure to the Consultant. No material produced in whole or in part under this Agreement may be copyrighted or patented in the United States or in any other country without the prior written approval of the City.

14. **Liaison:** City's designated liaison with Consultant is **Russell Brewer** and Consultant's designated liaison with City is **Josh Sommer**.

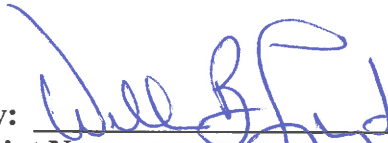
15. **Applicability:** This Agreement and any extensions hereof shall be governed and construed in accordance with the laws of the State of Montana.

IN WITNESS WHEREOF, Consultant and City have caused this Agreement to be executed and intend to be legally bound thereby as of the date set forth below.

CITY OF GREAT FALLS, MONTANA

CONSULTANT

By: _____
Print Name:
Print Title:
Date:

By: 
Print Name: WILLIAM R. LORD
Print Title: PRESIDENT
Date: 6.25.2021

ATTEST:

(Seal of the City)

Lisa Kunz, City Clerk

APPROVED AS TO FORM:

By _____
Sara R. Sexe, 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.

**EXHIBIT A – ENGINEERING SCOPE OF SERVICES
AND SCHEDULE**

CENTRAL AVE / 3RD STREET DRAINAGE IMPROVEMENTS (O.F. 1779.0)

ENGINEERING SCOPE OF SERVICES AND SCHEDULE

INTRODUCTION

There has been an increasing number of higher intensity rainfall events that have resulted in flooding within the project area in recent years. The CONSULTANT previously completed a study of the entire 3rd Ave S drainage basin in December 2020. The CITY has indicated that the highest priority for drainage improvements (the area that has been most problematic from a flooding perspective) is the downtown business district.

This project will include design for storm drainage improvements for the majority of the zone identified as “Area 1” in the December 2020 9th Ave S and Central Ave/4th St Drainage Basin Study (O.F. 1666.4). The project limits are shown on **Figure 1** and includes the following streets.

- 2nd Alley N (from 3rd St N to 5th St N)
- 1st Ave N (from Park Dr to 5th St N)
- 1st Alley N (from Park Dr to 5th St N)
- Central Ave (From 2nd St to 5th St)
- 2nd Alley S (from 3rd St S to 5th St S)
- 2nd Ave S (from 3rd St S to 5th St S)
- 3rd Ave S (from 3rd St S to 4th St S)
- 3rd St (from 2nd Alley N to 4th Ave S)
- 4th St S (from 1st Ave S to 2nd Alley S)
- 5th St S (from Central Ave to 2nd Alley S)

The overall project area will be broken into phases to accommodate the CITY’s funding. The Survey and Preliminary Design phases will be completed for the full project area. The Final Design will include complete storm drain design for the full project area but will only include development of construction plans and contract documents for the first project phase. Bidding phases will also be completed for only the first project phase. The services to be provided by the CONSULTANT will include the tasks outlined below.

1.0 DEVELOP SCOPE OF WORK AND AGREEMENT EXECUTION

- Meet with CITY staff to discuss and identify the scope of the project design.
- Prepare and coordinate a written scope of work for the project with the CITY.
- Prepare a fee estimate for the engineering services and execute an agreement with the CITY.

2.0 SURVEY

- Initiate a utility locate request for the project area. Coordinate with the CITY on buried utilities, underground and abandoned vaults known to exist.
- Establish survey control points in the immediate vicinity of the project for use during design and construction. At least one control point will be set for each street and alley (total of nine control points). Control will be set on the CITY's vertical datum.
- Perform topographic survey of the identified corridors for storm drainage improvements. A combination of GPS and total station survey is anticipated. Survey will include all ground, street and alley surfacing, curb and gutter, marked utilities, sidewalks, faces/corners of buildings, power/light poles and other features necessary for design. Survey will also include field measurements of depths to inverts of pipes at existing storm drain manholes and inlets and any necessary sanitary sewer manholes for assessments of sewer crossings.
- Download survey data and prepare base map in AutoCad with topographic features and ground contours depicted.

3.0 PRELIMINARY DESIGN

Note: The Storm and Sanitary Analysis (SSA) model developed from the original basin study project (O.F. 1666.4) will be utilized as the basis for additional modeling.

- Perform layout of new storm drainage improvements and develop "proposed" AutoCad base map. It is assumed that any new storm drain trunk lines will generally need to be placed along the same alignments as the existing trunklines in order to tie into the existing portions of the system that will remain in place and to minimize conflicts with other existing utilities and facilities.
- Verify drainage patterns and adjust delineations of drainage subbasins contributing runoff to the storm drain system based on survey information.
- Investigate roof drainage connections from commercial buildings. This effort will involve discussions with building owners, review of storm drain televising records and interior plumbing inspections to determine roof drain piping routes through visual inspections. Use of camera or tracing equipment is not included in this work item.
- Update Storm and Sanitary Analysis (SSA) modeling to refine the hydrology, analysis of pipe capacities and required pipe upsizing to accommodate the 5-year, 2-hour storm event without surface flooding.
- Size new manholes to accommodate new piping sizes and angles of entry/exit.
- Perform inlet capacity and spread width analysis to establish types, sizes and locations of new storm drain inlets. It is anticipated that this analysis will be performed with the SSA software.

- Prepare preliminary plan and profile sheets for the new storm drain piping. Up to ten sheets are anticipated.
- Prepare a preliminary cost estimate for the storm drainage improvements.
- Submit preliminary plans to the CITY. Meet with the CITY to complete a preliminary design review, to establish the project priorities and to define the first project phase. Meeting minutes will be prepared.

4.0 FINAL DESIGN

Note: Final storm drain design and the drainage report will be completed for the entire project area. Final construction plans and contract documents will only be completed for the first phase of the overall project. It is anticipated that the overall project will be separated into three or four phases. Separate construction documents will be finalized for all additional phases under a future engineering amendment or contract.

- Finalize storm drain modeling and design for the full project area. Assess potential utility conflicts and adjust design to minimize impacts.
- Finalize storm drain plan and profile sheets. Up to four sheets are anticipated (Phase 1 only).
- Assess surface drainage for positive flow to new storm drain inlets. Establish surfacing repair requirements within trenching areas and incorporate design provisions for positive drainage (Phase 1 only).
- Prepare miscellaneous plan sheets including the cover sheet, overall site plan, and notes/general information sheet. Prepare details associated with the storm drain improvements, including trenching, surface restoration sections, inlets, manholes and other miscellaneous details necessary to clearly depict the work (Phase 1 only).
- Prepare a drainage report to document the hydrologic and hydraulic analysis and recommendations for the new storm drain design, including peak runoff rates, pipe capacity analysis, spread width analysis and inlet design. The drainage report will include the entire project area (all phases).
- Prepare a final cost estimate for the storm drainage improvements (Phase 1 only).
- Prepare technical specifications based on CITY modifications to the Montana Public Works Standard Specifications (Phase 1 only).
- Prepare contract documents, including invitation to bid, instructions to bidders, bid form, certifications, construction agreement, notice of award, notice to proceed, special provisions and measurement and payment (Phase 1 only).
- Submit final construction documents to the CITY (Phase 1 only). Meet with the CITY to complete a final design review. Meeting minutes will be prepared.

- Incorporate final revisions into plans, contract document and specifications based on CITY review comments. Complete QC review (Phase 1 only).

5.0 BIDDING SERVICES

Note: Bidding services will only be completed for the first phase of the overall project. It is anticipated that the overall project will be separated into three or four phases. All additional phases will be bid as separate projects in the future.

- Provide CITY with 20 sets of the final plans, contract documents and specifications for distribution to bidders and builders exchanges.
- Conduct the pre-bid conference, including preparation of the agenda and minutes.
- Address bidder questions and prepare necessary addenda and clarifications.
- Conduct the bid opening and prepare the bid tabulation.

SCHEDULE

The following schedule is anticipated for the study:

<u>Work Item</u>	<u>Completion Date</u>
Notice to Proceed	July 9, 2021
Complete Survey	August 20, 2021
Preliminary Design Submittal to CITY	October 22, 2021
Final Design Submittal to CITY	December 17, 2021
Final Revisions	January 21, 2022
Advertisement for Bids	February 10, 2022
Bid Opening	February 16, 2022

EXHIBIT B – CITY RESPONSIBILITIES

CENTRAL AVE / 3RD STREET DRAINAGE IMPROVEMENTS (O.F. 1779.0)**CITY RESPONSIBILITIES**

CITY shall perform or provide the following:

1. Provide all criteria and full information as to CITY'S requirements for the Project, including design objectives, performance requirements, time schedules, and budgetary limitations.
2. Examine all reports, sketches, cost estimates, drawings, plans, and specifications in a timely manner and report to the CONSULTANT any changes desired.
3. Designate the CITY'S representative to work with the CONSULTANT with authority to transmit instructions, receive information, and define CITY'S policies and decisions.
4. Give prompt written notice to the CONSULTANT whenever the CITY observes or otherwise becomes aware of any deficiency in the Project or change to the site or scope of services which may substantially affect the CONSULTANT'S performance of services.
5. Provide Public Works staff assistance with manhole and inlet access if required.
6. Televising of existing storm drains for select areas if determined to be beneficial during the course of the design.
7. Payment for bid advertisement fees.

EXHIBIT C – FEE PROPOSAL

**EXHIBIT C
FEE PROPOSAL
CENTRAL AVE / 3RD STREET DRAINAGE IMPROVEMENTS (O.F. 1779.0) - ENGINEERING SERVICES**

WORK DESCRIPTION		Great West Engineering							Totals
		PIC QA/QC \$184.00	PROJECT MANAGER \$179.00	PROJECT ENGINEER \$130.00	CIVIL ENGINEER \$125.00	DESIGNER / CADD TECH \$110.00	PROJECT ASSISTANT \$79.00	CLERICAL \$67.00	
1.0	DEVELOP SCOPE OF WORK AND AGREEMENT EXECUTION								
1.1	Scoping Meeting w/ City (1 Meeting)		0.5						\$89.50
1.2	Prepare and Coordinate Written Scope of Work		1						\$179.00
1.3	Prepare Fee Estimate and Execute Agreement	1	1				1		\$442.00
	Subtotal - Develop Scope of Work and Agreement Execution	1	3	0	0	0	1	0	\$710.50
2.0	SURVEY								
2.1	Initiate Utility Locate Request, Coordinate w/ City on Known Utilities, Vaults, Etc.		8	12					\$2,992.00
2.2	Establish Survey Control Points		1	16	18				\$4,509.00
2.3	Topographical Survey		4	60	40				\$13,516.00
2.4	Download, Process Survey Data and Prepare Base Map		8	40	4		1		\$7,211.00
	Subtotal - Survey	0	21	128	62	0	1	0	\$28,228.00
3.0	PRELIMINARY DESIGN								
3.1	Layout of New Storm Drainage Improvements and Proposed Base Map Development		12	20					\$4,748.00
3.2	Verify Drainage Patterns and Adjust Subbasin Delineations		4	12					\$2,276.00
3.3	Investigate Roof Drainage Connections		4	20					\$3,316.00
3.4	Update Storm Drain Modeling		8	25					\$4,682.00
3.5	Size New Manholes			5					\$650.00
3.6	Perform Inlet Capacity and Spread Width Analysis		12	40					\$7,348.00
3.7	Prepare Preliminary Plan and Profile Sheets (Approx. 10 Sheets)		16	50		60			\$15,964.00
3.8	Prepare Preliminary Cost Estimate		4	12					\$2,276.00
3.9	Submit Preliminary Plans, Review Meeting and Minutes	1	5	3			1		\$1,548.00
	Subtotal - Preliminary Design	1	65	187	0	60	1	0	\$42,808.00
4.0	FINAL DESIGN								
4.1	Finalize Storm Drain Modeling and Design		8	12					\$2,992.00
4.2	Finalize Storm Drain Plan and Profile Sheets (Approx. Four Sheets)		16	25		25			\$8,864.00
4.3	Assess Surface Drainage and Surfacing Repair		16	24					\$5,984.00
4.4	Prepare Miscellaneous Plan Sheets and Details		16	30		30			\$10,064.00
4.5	Prepare Drainage Report		12	24		4		3	\$5,909.00
4.6	Prepare Final Cost Estimate		3	8					\$1,577.00
4.7	Prepare Technical Specification Modifications		6	16					\$3,154.00
4.8	Prepare Contract Documents		10	24					\$4,910.00
4.9	Submit Final Construction Documents, Review Meeting and Minutes		5	3		3			\$1,615.00
4.10	Incorporate Final Revisions and QC Review	1	5	8		3	1		\$2,528.00
	Subtotal - Final Design	1	97	174	0	65	1	3	\$47,597.00
5.0	BIDDING SERVICES								
5.1	Provide City w/ 20 Sets of Bid Documents		1					6	\$581.00
5.2	Conduct Pre-Bid Conference, Including Agenda and Minutes		4						\$716.00
5.3	Address Bidder Questions and Prepare Addenda		5	2		2			\$1,375.00
5.4	Conduct Bid Opening and Prepare Bid Tabulation		3				1	1	\$683.00
	Subtotal - Bidding Services	0	13	2	0	2	1	7	\$3,355.00
	Expenses								
	Copies and Reproduction (20 Bid Sets, 3 Drainage Reports)								\$600.00
	Total Station Rental (3 Days X \$100/Day)								\$300.00
	GPS Rental (8 Days X \$250/Day)								\$2,000.00
	Subtotal - Expenses								\$2,900.00
	Miscellaneous								
	Miscellaneous Work/Contingency								\$10,000.00
	TOTAL FEE	3	199	491	62	127	5	10	\$135,598.50

EXHIBIT D – INSURANCE CERTIFICATES



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM) 06/17 Agenda #10.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER EDGEWOOD PARTNERS INSURANCE CENTER 20268165 3780 MANSELL RD STE 370 ALPHARETTA GA 30022	CONTACT NAME:	
	PHONE (770) 552-4225 (A/C, No, Ext):	FAX (866) 550-4082 (A/C, No):
	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
INSURED GREAT WEST ENGINEERING INC PO BOX 4817 HELENA MT 59604-4817	INSURER A : Sentinel Insurance Company Ltd.	11000
	INSURER B : Hartford Fire and Its P&C Affiliates	00914
	INSURER C : Hartford Accident and Indemnity Company	22357
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/Y YY)	LIMITS
A	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> General Liability	X		20 SBW BA6092	03/27/2021	03/27/2022	EACH OCCURRENCE \$2,000,000
	<input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000
							MED EXP (Any one person) \$10,000
							PERSONAL & ADV INJURY \$2,000,000
C	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			20 UEG EG9482	03/27/2021	03/27/2022	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000
							BODILY INJURY (Per person)
							BODILY INJURY (Per accident)
							PROPERTY DAMAGE (Per accident)
A	<input checked="" type="checkbox"/> UMBRELLA LIAB EXCESS LIAB <input checked="" type="checkbox"/> OCCUR CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			20 SBW BA6092	03/27/2021	03/27/2022	EACH OCCURRENCE \$5,000,000
							AGGREGATE \$5,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	20 WEG AK3AJM	03/27/2021	03/27/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
							E.L. EACH ACCIDENT \$500,000
							E.L. DISEASE -EA EMPLOYEE \$500,000
							E.L. DISEASE - POLICY LIMIT \$500,000
A	EMPLOYMENT PRACTICES LIABILITY			20 SBW BA6092	03/27/2021	03/27/2022	Each Claim Limit \$10,000 Aggregate Limit \$10,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Those usual to the Insured's Operations. Re: Central Ave/3rd Street Drainage Improvements (O.F. 1779.0). Certificate holder is an additional insured per the Business Liability Coverage Form SS0008, attached to this policy.

CERTIFICATE HOLDER

City of Great Falls
 1025 25TH AVE NE
 GREAT FALLS MT 59404-1602

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Susan L. Castaneda

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POLICY NUMBER: 20UEGEG9482
INSURED: Great West Engineering, Inc.

COMMERCIAL AUTOMOBILE
HA 99 16 03 12

ADDITIONAL COVERAGES WHEN REQUIRED BY WRITTEN CONTRACT

This is a summary of the coverage provided under the following form (complete form available):

COMMERCIAL AUTOMOBILE COVERAGE FORM HA 99 16 03 12

Additional Insured if Required by Contract

Paragraph A.1. - WHO IS AN INSURED - of Section II - Liability Coverage is amended to add:

When you have agreed, in a written contract or written agreement, that a person or organization be added as an additional insured on your business auto policy, such person or organization is an "insured", but only to the extent such person or organization is liable for "bodily injury" or "property damage" caused by the conduct of an "insured" under paragraphs a. or b. of Who is and Insured with regard to the ownership, maintenance or use of a covered "auto."

Primary and Non-Contributory

Only with respect to insurance provided to an additional insured in 1.D. – Additional Insured If Required by contract, the following provisions apply:

- 1) **Primary Insurance When Required By Contract:** This insurance is primary if you have agreed in a written contract or written agreement that this insurance be primary. If other insurance is also primary, we will share with all that other insurance by the method described in Other Insurance Clause.
- 2) **Primary and Non-Contributory To Other Insurance When Required By Contract:** If you have agreed in a written contract or written agreement that this insurance is primary and non-contributory with the additional insured's own insurance, this insurance is primary and we will not seek contribution from that other insurance.

Paragraphs (1) and (2) do not apply to other insurance to which the additional insured has been added as an additional insured.

When this insurance is excess, we will have no duty to defend the insured against any "suit" if any other insurer has a duty to defend the insured against that "suit". If no other insurer defends, we will undertake to do so, but we will be entitled to the insured's rights against all those other insurers.

When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:

- (1) The total amount that all such other that this insurance would pay for the loss in the absence of this insurance; and
- (2) The total of all deductible and self-insured amounts under all that other insurance.

We will share the remaining loss, if any, by method described in Other Insurance 5.d.

Waiver of Subrogation

We waive any right of recovery we may have against any person or organization with whom you have a written contract that requires such waiver because of payment we make for damages under the Coverage Form.

POLICY NUMBER: 20SBWBA6092
INSURED: Great West Engineering, Inc.

BUSINESS LIABILITY COVERAGE
SS 00 08 04 05

ADDITIONAL COVERAGES BY WRITTEN CONTRACT, AGREEMENT OR PERMIT

This is a summary of the coverage provided under the following form (complete form available):

BUSINESS LIABILITY COVERAGE FORM SS 00 08 04 05

Additional Insured When Required by Written Contract, Written Agreement or Permit

WHO IS AN INSURED under Section C. is amended to include as an additional insured, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- (a) In the performance of your ongoing operations;
- (b) In connection with your premises owned by or rented to you; or
- (c) In connection with "your work" and included within the "products completed operations hazard", but only if
 - (i) The written contract or written agreement requires you to provide such coverage to such additional insured; and
 - (ii) This Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products completed operations hazard".

The person(s) or organization(s) are additional insureds when you have agreed, in a written contract, written agreement or because of a permit issued by a state or political subdivision, that such person or organization be added as an additional insured on your policy, provided the injury or damage occurs subsequent to the execution of the contract or agreement, or the issuance of the permit.

A person or organization is an additional insured under the provision only for that period of time required by the contract, agreement or permit.

With respect to the insurance afforded to the additional insured, this insurance does not apply to: "Bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or failure to render, any professional architectural, engineering or surveying services, including:

- (a) The preparing, approving, or failure to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specification; or
- (b) Supervisory, inspection, architectural or engineering activities.

The limits of insurance that apply to additional insureds are described in Section D. Limits Of Insurance.

How this insurance applies when other insurance is available to an additional insured is described in the Other Insurance Condition in Section E. Liability And Medical Expenses General Conditions.

No person or organization is an insured with respect to the conduct of any current or past partnership, joint venture or limited liability company that is not shown as a Named Insured in the Declarations.

Other Insurance

If other valid and collectible insurance is available for a loss we cover under this Coverage Part, our obligations are limited as follows:

When You Add Others As An Additional Insured To This Insurance: That is other insurance available to an additional insured. However, the following provisions apply to other insurance available to any person or organization who is an additional insured under this Coverage Part:

- (a) **Primary Insurance When Required By Contract:** This insurance is primary if you have agreed in a written contract, written agreement or permit that this insurance be primary. If other insurance is also primary, we will share with all that other insurance by the method described in c. below.
- (b) **Primary And Non-Contributory To Other Insurance When Required By Contract:** If you have agreed in a written contract, written agreement or permit that this insurance is primary and non-contributory with the additional insured's own insurance, this insurance is primary and we will not seek contribution from that other insurance.

Paragraphs (a) and (b) do not apply to other insurance to which the additional insured has been added as an additional insured.

c. Method Of Sharing

If all the other insurance permits contribution by equal shares, we will follow this method also. Under this approach, each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer's share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.

Waiver of Subrogation

If you have waived any rights of recovery against any person or organization for all or part of any payment, including Supplementary Payments, we have made under this Coverage Part, we also waive that right, provided you waived your rights of recovery against such person or organization in a contract, agreement or permit that was executed prior to the injury or damage



Commission Meeting Date: August 3, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Purchase of New Vacuum Sweeper

From: Doug Alm, Vehicle Maintenance Manager

Initiated By: Public Works Department

Presented By: Paul Skubinna, Public Works Director

Action Requested: Approve Purchase of one new Elgin Whirlwind Vacuum Sweeper from Titan Machinery

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/reject) the purchase of one new Elgin Whirlwind vacuum sweeper from Titan Machinery of Great Falls, through Sourcewell, formerly known as NJPA, for a total of \$302,251.16, including shipping.”

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

Staff Recommendation: Staff recommends that the City Commission approve the purchase of one new vacuum sweeper from Titan Machinery of Great Falls, through Sourcewell, formerly known as NJPA, for a total of \$302,251.16, including shipping.

Background:

Purpose

This vacuum sweeper will be used in the Street Division Sweeping Program.

Evaluation and Selection Process

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

Conclusion

The bid specifications from Sourcewell meet specifications for the street sweeper.

Fiscal Impact: Unit #838 was purchased in 2012 through the MDT MACI (Montana Air & Congestion Initiative) Program. The purchase price was \$201,375. MACI Funds totaled \$174,350 or 86.58%. The City of Great Falls Non-Federal Match totaled \$27,025 or 13.42%.

Unit #838 was damaged in a fire on 2/26/21. Welding work was being performed on the sweeper that eventually caught on fire. New training protocol is now in place to assure this type of incident does not happen again. The MMIA claim payment of \$205,077.12 will be used towards this purchase; bringing the final cost to the ERS (Equipment Revolving Schedule) down to \$97,174.04.

The new vacuum sweeper will replace Unit #838. VIN #516M1D9B8CH214146, with 2,030 hours. The old chassis will be repurposed as a street/paint striper.

Alternatives: The City Commission could vote to reject the purchase of this new Elgin Whirlwind Vacuum Sweeper. Rejecting this purchase would greatly affect the sweeping program. The Elgin Whirlwind Vacuum Sweeper is Particulate Matter PM-10 Compliant. The Street Division uses these types of sweepers on a daily basis to help keep the PM-10 numbers down.

Attachments/Exhibits:

Titan Machinery - Elgin Sweeper Invoice

Sourcewell Contract Documents – Elgin Sweeper Company

MMIA Proof of Loss

TITAN
MACHINERY

Invoice

RSA #: 313719

Date: 7/15/2021

Customer: CITY OF GREAT FALLS
1025 25TH AVE NE
Address: GREAT FALLS, MT 59403-5021

County: CASCADE PO:
Phone: 406-455-8424

2nd Signer:
Address:

Sales Tax Possession / Receiving Location:
MT, CASCADE, GREAT FALLS

Seller: TITAN MACHINERY-GREAT FALLS
Address: 1215 38TH ST N
GREAT FALLS, MT 59405-1004

Phone: 406-453-1405 MICHAEL MYSKEWITZ

- NOTICE TO PURCHASER**
1. Read this contract before you sign it.
 2. You are entitled to an exact and completely filled in copy of this contract when you sign it. Keep it to protect your legal rights.
 3. Purchaser acknowledges receipt of a fully completed copy of this contract and Purchaser waives notice of the acceptance or rejection of this order by the seller.
 4. The Acknowledgments and Additional Terms and Conditions are a part of this contract and are incorporated herein by reference.

Purchased Equipment Information

Type	Qty	Product	PDI	Warranty	Tag #	Serial Number	Sales Price
New	1	ELGIN, WHIRLWIND, SWEEPER	NO	Factory	2957641		302,251.16
-							
-							
-							
-							
-							
-							
-							
-							
-							

Trade-In Equipment Information

I (we) offer to sell, transfer and convey the following item(s) at or prior to the time of delivery of the above product, as a "trade-in" to be applied against the cash price. Such items shall be free and clear of all security agreements, liens, and encumbrances at the time of transfer to you. The following is a description and the price allowed for each item.

1. Total Sales Price	302,251.16
-----------------------------	------------

Qty	Description of Trade In	Tag #	Serial Number	Amount

Tax Breakdown	Amount	2. Total Trade In Allowance	0.00
		3. Balance	302,251.16
		4. Total Tax (No Sales if Paying Excise Tax)	0.00
		5. Other Options, Charges, Fees	0.00
		6. Trade Payoff / Pre Barter	0.00
		7. Total Due	302,251.16
		SETTLEMENT	
		8. Cash Payment	0.00
		9. Cash Due: (Date) 8/25/2021	302,251.16
		10. Retail Installment Contract	0.00
		11. Total Settlement	302,251.16
Total Taxes	0.00		
Other Options, Charges & Fees	Amount		
SOURCEWELL CONTRACT NUMBER 122017-fsc			
Total Other Options, Charges and Fees	0.00		

It is understood that this is the entire agreement between the parties

Customer _____ Date _____ Salesperson: mick myskewitz
MICHAEL MYSKEWITZ

Customer _____ Date _____ Accepted By: _____

FORM D



Formal Offering of Proposal

(To be completed only by the Proposer)

SEWER VACUUM, HYDRO-EXCAVATION, AND STREET SWEEPER EQUIPMENT, WITH RELATED ACCESSORIES AND SUPPLIES :

In compliance with the Request for Proposal (RFP) for SEWER VACUUM, HYDRO-EXCAVATION, AND STREET SWEEPER EQUIPMENT, WITH RELATED ACCESSORIES AND SUPPLIES, the undersigned warrants that the Proposer has examined this RFP and, being familiar with all of the instructions, terms and conditions, general and technical specifications, sales and service expectations, and any special terms, agrees to furnish the defined products and related services in full compliance with all terms and conditions of this RFP, any applicable amendments of this RFP, and all Proposer's response documentation. The Proposer further understands that it accepts the full responsibility as the sole source of solutions proposed in this RFP response and that the Proposer accepts responsibility for any subcontractors used to fulfill this proposal.

Company Name: Federal Signal Corp. Date: December 15, 2017

Company Address: 1415 West 22nd Street

City: Oakbrook State: IL Zip: 60523

CAGE Code/Duns & Bradstreet Number: 045256666 Elgin # 005212303
Vactor # 095793170

Contact Person: David Panizzi Title: Business Development Manager

Authorized Signature: David Panizzi  (Name printed or typed)

FORM E
CONTRACT ACCEPTANCE AND AWARD



(Top portion of this form will be completed by NJPA if the vendor is awarded a contract. The vendor should complete the vendor authorized signatures as part of the RFP response.)

NJPA Contract #: 122017-FSC

Proposer's full legal name: Federal Signal Corp.

Based on NJPA's evaluation of your proposal, you have been awarded a contract. As an awarded vendor, you agree to provide the products and services contained in your proposal and to meet all of the terms and conditions set forth in this RFP, in any amendments to this RFP, and in any exceptions that are accepted by NJPA.

The effective date of the Contract will be February 20, 2018 and will expire on February 20, 2022 (no later than the later of four years from the expiration date of the currently awarded contract or four years from the date that the NJPA Chief Procurement Officer awards the Contract). This Contract may be extended for a fifth year at NJPA's discretion.

NJPA Authorized Signatures:



NJPA DIRECTOR OF COOPERATIVE CONTRACTS
AND PROCUREMENT/CPO SIGNATURE

Jeremy Schwartz
(NAME PRINTED OR TYPED)



NJPA EXECUTIVE DIRECTOR/CEO SIGNATURE

Chad Coauette
(NAME PRINTED OR TYPED)

Awarded on February 19, 2018

NJPA Contract # 122017-FSC

Vendor Authorized Signatures:

The Vendor hereby accepts this Contract award, including all accepted exceptions and amendments.

Vendor Name Federal Signal Corp.

Authorized Signatory's Title Business Development Manager



VENDOR AUTHORIZED SIGNATURE

David Parizzi

(NAME PRINTED OR TYPED)

Executed on 2/23, 2018

NJPA Contract # 122017-FSC

Form F

PROPOSER ASSURANCE OF COMPLIANCE



Proposal Affidavit Signature Page

PROPOSER'S AFFIDAVIT

The undersigned, authorized representative of the entity submitting the foregoing proposal (the "Proposer"), swear that the following statements are true to the best of his or her knowledge.

1. The Proposer is submitting its proposal under its true and correct name, the Proposer has been properly originated and legally exists in good standing in its state of residence, the Proposer possesses, or will possess before delivering any products and related services, all applicable licenses necessary for such delivery to NJPA members agencies. The undersigned affirms that he or she is authorized to act on behalf of, and to legally bind the Proposer to the terms in this Contract.
2. The Proposer, or any person representing the Proposer, has not directly or indirectly entered into any agreement or arrangement with any other vendor or supplier, any official or employee of NJPA, or any person, firm, or corporation under contract with NJPA, in an effort to influence the pricing, terms, or conditions relating to this RFP in any way that adversely affects the free and open competition for a Contract award under this RFP.
3. The Proposer has examined and understands the terms, conditions, scope, contract opportunity, specifications request, and other documents in this solicitation and affirms that any and all exceptions have been noted in writing and have been included with the Proposer's RFP response.
4. The Proposer will, if awarded a Contract, provide to NJPA Members the /products and services in accordance with the terms, conditions, and scope of this RFP, with the Proposer-offered specifications, and with the other documents in this solicitation.
5. The Proposer agrees to deliver products and services through valid contracts, purchase orders, or means that are acceptable to NJPA Members. Unless otherwise agreed to, the Proposer must provide only new and first-quality products and related services to NJPA Members under an awarded Contract.
6. The Proposer will comply with all applicable provisions of federal, state, and local laws, regulations, rules, and orders.
7. The Proposer understands that NJPA will reject RFP proposals that are marked "confidential" (or "nonpublic," etc.), either substantially or in their entirety. Under Minnesota Statute §13.591, Subd. 4, all proposals are considered nonpublic data until the evaluation is complete and a Contract is awarded. At that point, proposals generally become public data. Minnesota Statute §13.37 permits only certain narrowly defined data to be considered a "trade secret," and thus nonpublic data under Minnesota's Data Practices Act.
8. The Proposer understands that it is the Proposer's duty to protect information that it considers nonpublic, and it agrees to defend and indemnify NJPA for reasonable measures that NJPA takes to uphold such a data designation.

[The rest of this page has been left intentionally blank. Signature page below]

By signing below, Proposer is acknowledging that he or she has read, understands, and agrees to comply with the terms and conditions specified above.

Company Name: FEDERAL SIGNAL CORP - ELGIN SWEEPER COMPANY/VACTOR MANUFACTURING

Address: 1415 West 22nd St.

City/State/Zip: Oakbrook, IL 60523

Telephone Number: 630-954-2000

E-mail Address: dpanizzi@federalsignal.com

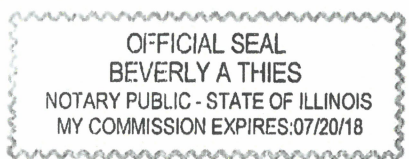
Authorized Signature: David Panizzi

Authorized Name (printed): David Panizzi

Title: Business Development Manager

Date: Dec. 15, 2017

Notarized



Subscribed and sworn to before me this 15TH day of DECEMBER, 2017

Notary Public in and for the County of KANE State of IL

My commission expires: 7/20/18

Signature: Beverly A. Thies



Form P

PROPOSER QUESTIONNAIRE

Payment Terms, Warranty, Products and Services, Pricing and Delivery, and Industry-Specific Questions

Proposer Name: _____ Federal Signal Corp (Elgin and Vactor) _____

Questionnaire completed by: _____ David Panizzi _____

Payment Terms and Financing Options

1) What are your payment terms (e.g., net 10, net 30)?
 Payment terms are determined between the ESG dealer and the NJPA member. General terms between dealer and the ESG are Net 30.

2) Do you provide leasing or financing options, especially those options that schools and governmental entities may need to use in order to make certain acquisitions?

Available leasing or financing programs are determined between the ESG Dealer and NJPA member. We do sponsor third party full service lease and turnkey maintenance program for our dealer. We have also worked with National Cooperative Leasing (NCL), an NJPA contract holding vendor, to provide information on leasing and financing solutions through our dealer network.

3) Briefly describe your proposed order process. Please include enough detail to support your ability to report quarterly sales to NJPA. For example, indicate whether your dealer network is included in your response and whether each dealer (or some other entity) will process the NJPA Members' purchase orders.

NJPA member submits a Purchase Order to the ESG Dealer with payment made by the NJPA member to the ESG Dealer. ESG dealer will facilitate and process all product orders and invoicing. Elgin and Vactor equipment is exclusively provided by contracted dealers. If required, a detailed listing of dealers can be provided.

Our dealers report NJPA sales through their local Regional Sales Manager (RSM) who, in-turn, provide quarterly updates to internal Sales management. We are working to implement an enhanced process designed to gather all pertinent reporting information (Entity name, location, contact and transaction price) at the time of order. Manual reporting will be required for existing dealer stock inventory that is sold to NJPA members.

4) Do you accept the P-card procurement and payment process? If so, is there any additional cost to NJPA Members for using this process?

Not Applicable.

Warranty

5) Describe in detail your manufacturer warranty program, including conditions and requirements to qualify, claims procedure, and overall structure. You may include in your response a copy of your warranties, but at a minimum please also answer the following questions.

Standard Warranty is for 12 months on the complete unit but certain components have longer standard warranties (i.e. aux engines). These are identified in our standard limited warranty statement. The Statement also defines start date, applications, etc. Units are registered for warranty using our on-line

warranty system. Warranty repairs are performed by our contracted and certified dealers. Claims are filed by the ESG Service provider/dealer within the system as well. Additionally, the ESG service parts and warranty guide is published on the ESG Dealer website and contains claim submissions standards and guidelines for conducting warranty repairs. Generally, qualifying warranty claims for parts and labor are covered. Extended warranties are available for additional charge.

- Do your warranties cover all products, parts, and labor?
All Standard Warranty include material and labor to either repair or replace our option.
- Do your warranties impose usage restrictions or other limitations that adversely affect coverage?
Standard Limited Warranty is based on in service days only. There is no restriction on hours.
- Do your warranties cover the expense of technicians' travel time and mileage to perform warranty repairs?
ESG dealers are compensated for travel time up to 3 hours round trip, per reasonably required trip.
- Are there any geographic regions of the United States for which you cannot provide a certified technician to perform warranty repairs? How will NJPA Members in these regions be provided service for warranty repair?
ESG Dealer network covers the entire U.S. and Canada. NJPA members can arrange with ESG dealer in their respective area to receive warranty work.
- Will you cover warranty service for items made by other manufacturers that are part of your proposal, or are these warranties issues typically passed on to the original equipment manufacturer?
Warranties for items made by other manufactures are covered by the original equipment manufacture. We can and have intervened on behalf of our dealers and end-user customers to get the required OEM support (i.e. chassis or engine manufacturers).
- What are your proposed exchange and return programs and policies?
A product return or exchange is extremely rare. If circumstances merit that a product be returned or exchanged due to performance or other situation, we will review and handle on a case by case basis. If this ultimately means a return or exchange then we, along with our dealer, will work to facilitate the return or exchange with the goal of complete customer satisfaction and to be life-long repeat customers.

Regarding product trade-in or buybacks - Our dealers do provide product trade-in or buy-back amounts for many of our products. This is at our dealer discretion and can be discussed during the proposal/quoting process.

- 6) Describe any service contract options for the items included in your proposal.
Service contracts are not offered at the manufacture level. Most ESG dealerships do offer service contract options. This could be as simple as a maintenance agreement with the end user to a full-service parts, maintenance and exchange program. these programs vary by dealers.

Pricing, Delivery, Audits, and Administrative Fee

- 7) Provide a general narrative description of the equipment/products and related services you are offering in your proposal.

Elgin Street Sweepers including mechanical, pure vacuum and regenerative air sweepers. Vactor Combination Sewer Cleaners, Stand-alone Catch-basin Cleaners and Jetters, and Hydro Excavation Machines.

- 8) Describe your pricing model (e.g., line-item discounts or product-category discounts). Provide detailed pricing data (including standard or list pricing and the NJPA discounted price) on all of the items that you want NJPA to consider as part of your RFP response. Provide a SKU for each item in your proposal. (Keep in mind that reasonable price and product adjustments can be made during the term of an awarded Contract. See the body of the RFP and the Price and Product Change Request Form for more detail.)

Elgin will use Excel Spreadsheets for each street sweeper model. Vactor will use pdf files for each product category including combination sewer cleaners, jetters and the various hydro-excavation

products. The price sheets/files will list top-level models with line item pricing for all available option content. The price sheets do contain a great deal of information but are separated by model or product category to help the NJPA members understand.

9) Please quantify the discount range presented in this response. For example, indicate that the pricing in your response represents is a 50% percent discount from the MSRP or your published list.

NJPA Members enjoy a 3% discount from list price. The Elgin price sheets provided will show line-item pricing and calculate and apply the 3% NJPA discount. The Vactor pdf pricing files will have the 3% discount already calculated and applied to each line item. This will represent the ceiling based price. Additional discounting may be considered for volume purchases or unique situations. This is handled on a case-by-case basis

10) The pricing offered in this proposal is

- a. the same as the Proposer typically offers to an individual municipality, university, or school district.
- b. the same as the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.
- c. better than the Proposer typically offers to GPOs, cooperative procurement organizations, or state purchasing departments.
- d. other than what the Proposer typically offers (please describe).

11) Describe any quantity or volume discounts or rebate programs that you offer.

Quantity or Volume discounts may be considered but this would be on a case-by-case basis.

12) Propose a method of facilitating "sourced" products or related services which may be referred to as "open market" items or "nonstandard options". For example, you may supply such items "at cost" or "at cost plus a percentage," or you may supply a quote for each such request.

Elgin and Vactor offer "special" option capability which allows engineering to research and design unique product features. These "specials" will be priced using our specials process (to determine a list price) and discounted at the 3% level (minimum).

The "sourced" product would be stock chassis or special chassis options to which the 3% discount would not apply. Our stock (Elgin or Vactor spec) chassis are considered a "pass-through" cost item. This means we do not look to profit from required "sourced product" and therefore look to only recoup our costs. That's why no discount would apply to the "sourced" product.

13) Identify any total cost of acquisition costs that are NOT included in the pricing submitted with your response. This cost includes all additional charges that are not directly identified as freight or shipping charges. For example, list costs for items like installation, set up, mandatory training, or initial inspection. Identify any parties that impose such costs and their relationship to the Proposer.

Any Dealer costs for dealer installed items including local freight and PDI are not included in our pricing submittal. Any costs associated with the delivery of a piece of equipment to an NJPA member AFTER it has been delivered to the respective ESG dealer is negotiated between the ESG Dealer and the NJPA member. Such costs could be delivery from ESG Dealer to the NJPA member, putting the unit into service, special or additional training, recommended spare parts, etc.

These additional costs would only be imposed by our authorized dealers.

14) If delivery or shipping is an additional cost to the NJPA Member, describe in detail the complete shipping and delivery program.

Any costs associated with the delivery of a piece of equipment to an NJPA member AFTER it has been delivered to the respective ESG dealer is negotiated between the ESG Dealer and the NJPA member.

Such costs could be delivery from ESG Dealer to the NJPA member, putting the unit into service, specialized or additional training, recommended spare parts, etc.

- 15) Specifically describe those shipping and delivery programs for Alaska, Hawaii, Canada, or any offshore delivery.

ESG has Dealers in Alaska, Hawaii and Canada (and through out the world). Elgin and Vactor works with the ESG dealer to deliver the unit to their specified location and the ESG dealer would deliver the unit to the NJPA customer. We currently have products operating in Alaska, Hawaii and Canada. Delivery to these locations are standard practices that may include packaging for water/sea freight.

- 16) Describe any unique distribution and/or delivery methods or options offered in your proposal.

ESG delivers the piece of equipment to the ESG Dealer who works with the NJPA member on delivery method. Because of the size of our products unique or varied delivery options may not be available or work logistically.

- 17) Please specifically describe any self-audit process or program that you plan to employ to verify compliance with your proposed Contract with NJPA. This process includes ensuring that NJPA Members obtain the proper pricing, that the Vendor reports all sales under the Contract each quarter, and that the Vendor remits the proper administrative fee to NJPA.

Dealers are required to indicate an NJPA member purchase on their purchase order to us. Dealers are required to report customer information including Name, Contact information, and transaction price. ESG Director of Dealer Sales tracks and reports on all NJPA contract sales on a Quarterly basis. The only exception to this are for units that are existing dealer inventory (dealer stock) that are sold after the transaction between us and our dealer has transpired. The sales are more difficult to track and have delayed reporting in the past. We will be tasking our Regional Sales Managers with gathering and reporting this information in a timely manner.

- 18) Identify a proposed administrative fee that you will pay to NJPA for facilitating, managing, and promoting the NJPA Contract in the event that you are awarded a Contract. This fee is typically calculated as a percentage of Vendor's sales under the Contract or as a per-unit fee; it is not a line-item addition to the Member's cost of goods. (See RFP Section 6.29 and following for details.)

We proposed to pay a 0.5% administrative fee to the NJPA for contract administration, facilitation and promotion. This fee would be calculated on the dealer-to-NJPA member transaction price less the price of the required chassis. This fee is consistent with our previous NJPA contract and will not be included as part of the pricing to NJPA members.

Industry-Specific Questions

- 19) Describe the top three market differentiators of your products/services relative to the industry.

We offer the most comprehensive product line in both the street sweeper and sewer cleaning industry.

We have various models of sweepers that use mechanical, regenerative air and pure vacuum sweeping technologies. We focus on what is best for a specific user's application and do not push one technology over another. We offer alternative fueled vehicles as well as waterless dust suppression that not all competitors can match. Again, this allows us to cater to the specific customer's needs rather than using a generic model and trying to "option" it to fit.

With sewer cleaners we offer various sizes from tow-behind trailer units to full size units with extra axels for appropriate weight distribution and bridge law. We offer air movement (vacuum) options from Fan to Positive Displacement (PD blower) units. We have recently introduced options that provide for extra production efficiencies and convenience including water recycling and new control packages.

Montana Municipal Interlocal Authority
SWORN STATEMENT IN PARTIAL PROOF OF LOSS

Claim Number: PR2021007108
Policy Number: 052-PROP-2021-1
Memorandum Inception: 1/1/1986

To the Montana Municipal Interlocal Authority of P O Box 6669, Helena Montana at time of loss, by the above-indicated Memorandum of coverage you covered: City of Great Falls.

Against loss by All Risk of physical loss or damage to the property described under Schedule annexed according to the terms and conditions of the said Memorandum and all forms, endorsements, transfers and assignments attached thereto.

Time and Origin: A fire loss occurred about the time of 12:00 PM on February 26, 2021. The cause and origin of the said loss were: welding on street sweeper resulted in fire. 2012 Elgin Crosswinds Street Sweeper -VIN: 516M1D9B8CH214146.

Title and Interest: At the time of the loss the interest of your member in the property described therein was sole and unconditional ownership and no other person or persons had any interest therein or encumbrance thereon, except: City of Great Falls.

Changes: Since the said Memorandum of Coverage was issued there has been no assignment thereof, or change or interest, use, occupancy, possession, location or exposure of the property described, except: none.

Partial Loss and Damage was.....\$230,077.12

Less Amount of Deductible\$25,000.00

Amount Claimed under the above numbered policy.....\$205,077.12

The said loss did not originate by any act, design or procurement on the part of the member, or this affiant; nothing has been done by or with the privity or consent of the member or this affiant, to violate the conditions of the policy or render it void; no articles are mentioned herein or in annexed schedules but such as were destroyed or damaged at the time of said loss; no property saved has in any manner been concealed, and no attempt to deceive the said company, as to the extent of said loss, has in any manner been made. Any other information that may be required will be furnished and considered a part of this proof.

The furnishing of this blank or the preparation of proofs by a representative of Montana Municipal Interlocal Authority is not a waiver of any of its rights.

Member Representative Signature

Notary Public Information:

State of _____: County of _____

Subscribed and sworn to before me this _____ day of _____, 20_____.

(Seal)

(Signature of Notary)

(Printed name of Notary Public)

Notary Public for the State of _____

Residing at: _____

My Commission expires: _____



Commission Meeting Date: August 3, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Approve Final Payment: Central Montana Agriculture and Technology Park (CMATP) TIF Phase III Storm Drain, O.F. 1658.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Paul Skubinna, Public Works Director

Action Requested: Consider and Approve Final Payment Request

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (approve/not approve) the Final Payment for Central Montana Agriculture and Technology Park (CMATP) TIF Phase III Storm Drain in the amount of \$31,681.98 to MRTE, Inc, and \$320.02 to the State Miscellaneous Tax Fund and authorize the City Manager execute the necessary documents and to make the payments.”

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

Staff Recommendation: Approve final payment request.

Summary:

MRTE, Inc. completed the construction of the Central Montana Agriculture and Technology Park (CMATP) TIF Phase III Storm Drain, and is requesting Final Payment.

Background:

Purpose:

As part of the Capital Improvement Plan for the Central Montana Agri-Tech Park (CMATP), the purpose of the project was to complete the storm drainage network across the CMATP. The storm drainage system will serve the entire CMATP development and properties east of Black Eagle Road. The system will help protect properties from damage and serve future developments. Future extensions can serve several hundred acres to the west and north of the current CMATP.

Workload Impacts:

Design phase engineering plans and specifications were completed by Thomas Dean & Hoskins, Inc. (TD&H) with assistance from City Engineering staff and the City Utilities Division. City Engineering staff provided construction phase engineering services and project inspection.

Project Work Scope:

Work that was performed under this contract included the following: Remove and replace asphalt pavement and base course gravel; install geotextile separation fabric; install PVC storm drain piping; install Steel Reinforced Polyethylene storm drain piping; install culvert; install storm drain manholes; install storm drain inlets; connect to existing detention pond outlet pipes; relocate gas service; install concrete impact basin; construct bio-filtration swale; construct new approach and gravel road; restore disturbed pavement markings; seed and fertilize; and restore wetlands, drainage channels and other disturbed ground.

Final Payment:

The original contract was awarded on December 17, 2019 in the amount of \$1,366,871.00. The final project cost is \$1,280,080.18 which is \$86,790.82 less than the amount that was originally awarded and approved. The difference is due to the cooperative efforts of the City and Contractor to reduce materials required for construction throughout the project. The cooperative efforts of the City and Contractor also minimized use of the miscellaneous funds programmed for this project.

Conclusion:

City staff recommends approving the Final Payment. City staff has verified that MRTE, Inc., has completed all work and punch list items in accordance with the plans and contract. The two year warranty period started at the time of substantial completion which was December 15, 2020.

Fiscal Impact:

The total project cost was funded through CMATP Tax Increment Funding.

Alternatives:

The City Commission could vote to deny approval of the final payment and request staff to further investigate if this project is ready for final payment.

Attachments/Exhibits:

Vicinity Map

Final Pay documents.

PROJECT FUNDING/EXPENDITURE SUMMARY

1658.1 CMATP TIF Phase 3 Storm Drain

PREPARED BY THE CITY ENGINEERS OFFICE: RJB

DATE: 01/04/2020

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5			
CONTRACTOR:	Professional Services								
TD&H Engineering	2312-00-104-49325	\$29,237.25	\$3,447.45	\$4,299.75	\$2,409.35	\$8,191.50			
		\$29,237.25	\$3,447.45	\$4,299.75	\$2,409.35	\$8,191.50			
	DATE	12/4/2018	12/17/2018	1/22/2019	3/13/2019	4/22/2019			
CONTRACTOR:	Professional Services						\$162,306.00	\$157,306.00	\$5,000.00
TD&H Engineering	2312-00-104-49325	\$136.00	\$761.80	\$272.00	\$272.00	\$5,064.25	\$162,306.00	\$157,306.00	\$5,000.00
		\$136.00	\$761.80	\$272.00	\$272.00	\$5,064.25	\$162,306.00	\$157,306.00	\$5,000.00
	DATE	6/19/2020	9/26/2020	10/16/2020	11/24/2020	6/11/2021			
CONTRACTOR:	Improvements Other Than Buildings								
MRTE	2312-00-104-49310	\$158,970.50	\$229,724.65	\$150,008.41	\$174,172.53	\$86,761.13			
		\$158,970.50	\$229,724.65	\$150,008.41	\$174,172.53	\$86,761.13			
	DATE	2/5/2020	3/5/2020	4/8/2020	5/1/2020	6/1/2020			
CONTRACTOR:	Improvements Other Than Buildings								
MRTE	2312-00-104-49310	\$40,426.45	\$131,157.43	\$52,687.37	\$180,006.43	\$31,681.98			
		\$40,426.45	\$131,157.43	\$52,687.37	\$180,006.43	\$31,681.98			
	DATE	7/15/2020	8/7/2020	10/12/2020	1/4/2020	3/12/2021			
CONTRACTOR:	Improvements Other Than Buildings						\$1,353,202.29	\$1,267,278.86	\$85,923.43
MRTE	2312-00-104-49310	\$31,681.98					\$1,353,202.29	\$1,267,278.86	\$85,923.43
		\$31,681.98					\$1,353,202.29	\$1,267,278.86	\$85,923.43
	DATE	7/21/2021							
CONTRACTOR:	Improvements Other Than Buildings								
MT. DEPT. OF REV. 1%	2312-00-104-49310	\$1,605.76	\$2,320.45	\$1,515.24	\$1,759.32	\$876.38			
		\$1,605.76	\$2,320.45	\$1,515.24	\$1,759.32	\$876.38			
	DATE	2/5/2020	3/5/2020	4/8/2020	5/1/2020	6/1/2020			
CONTRACTOR:	Improvements Other Than Buildings								
MT. DEPT. OF REV. 1%	2312-00-104-49310	\$408.35	\$1,324.82	\$532.20	\$1,818.25	\$320.02			
		\$408.35	\$1,324.82	\$532.20	\$1,818.25	\$320.02			
	DATE	7/15/2020	8/7/2020	10/12/2020	1/4/2020	3/12/2021			
CONTRACTOR:	Improvements Other Than Buildings						\$13,668.71	\$12,800.81	\$867.90
MT. DEPT. OF REV. 1%	2312-00-104-49310	\$320.02					\$13,668.71	\$12,800.81	\$867.90
		\$320.02	\$0.00	\$0.00	\$0.00	\$0.00	\$13,668.71	\$12,800.81	\$867.90
	DATE	7/21/2021							
CONTRACTOR:	Professional Services						\$1,000.00	\$607.63	\$392.37
MISCELLANEOUS	2312-00-104-49325	\$177.40	\$150.00	\$280.23			\$1,000.00	\$607.63	\$392.37
	DATE	8/21/2019	10/7/2019	10/31/2019			\$1,000.00	\$607.63	\$392.37
	VENDOR	Tribune	Cascade Cnty	Tribune					

RJB
ms



APPLICATION FOR PAYMENT

FROM: MRTE, Inc

PROJECT: CMTAP TIF PHASE III STORM DRAIN O.F.1658.1 APPLICATION NO: Final

PERIOD IN WHICH WORK PERFORMED: 1-Jan-21 TO: 20-Jun-21

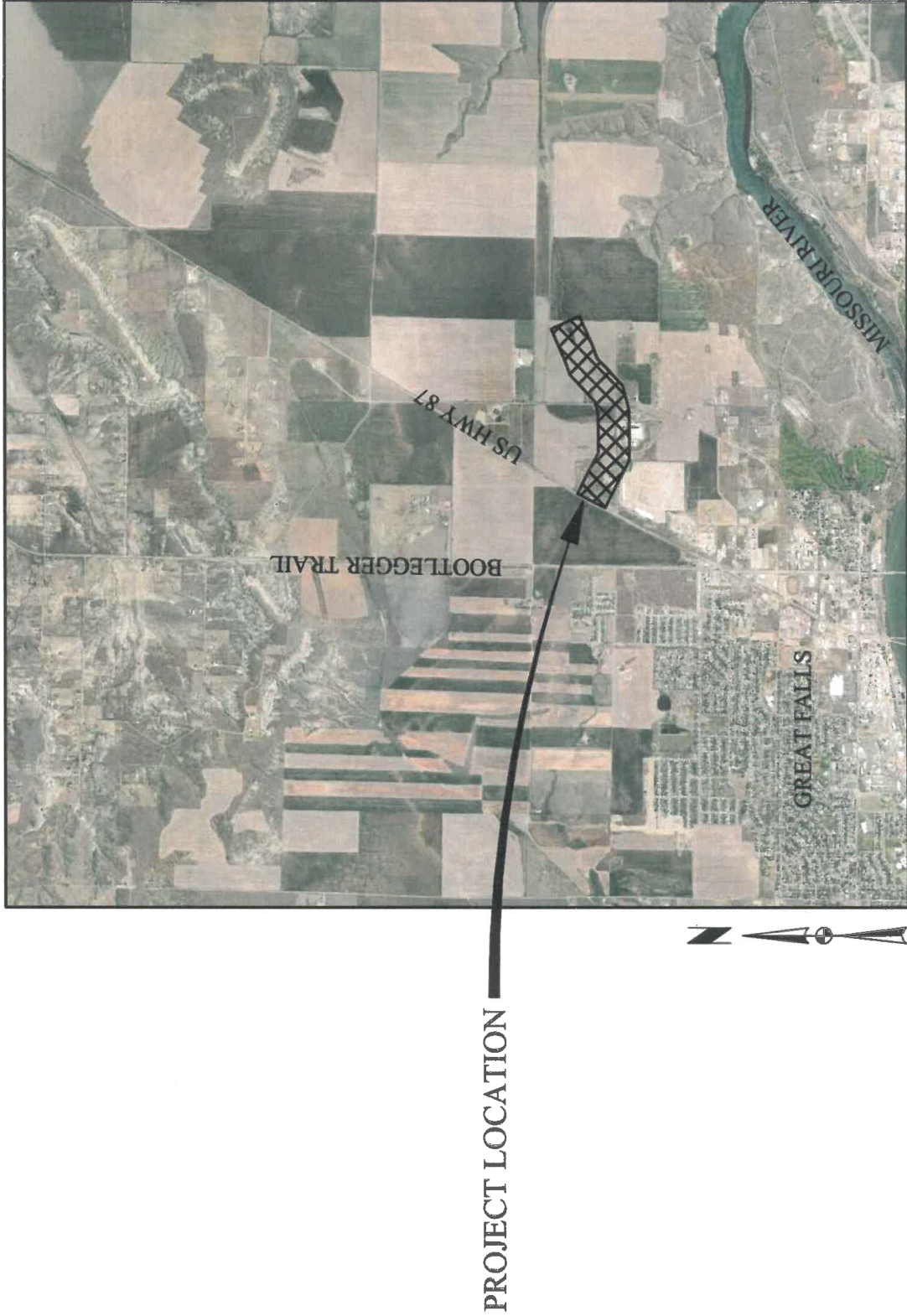
****MANY VALUES BELOW COME DIRECTLY FROM THE SCHEDULE OF VALUES (SOV). PLEASE COMPLETE THE SOV PRIOR TO COMPLETING THIS SHEET****

SUBCONTRACT ACCOUNT STATEMENT

1. Original contract amount		\$	<u>1,366,871.00</u>
2. Approved change authorizations		\$	<u>0.00</u>
3. Adjusted contract amount	(Add lines 1 and 2)	\$	<u>1,366,871.00</u>

4. Value of work completed and materials stored from previous applications (per attached breakdown)	<u>94%</u>	\$	<u>1,280,080.00</u>
5. Value of work completed this pay period (per attached breakdown)	<u> </u>	\$	<u>0.00</u>
6. Materials presently stored on site and not included in lines 4 and 5 (per attached breakdown)	<u> </u>	\$	<u>0.00</u>
7. Total earned to date	(Add lines 4, 5 and 6) <u>94%</u>	\$	<u>1,280,080.00</u>
8. Retainage	- (Multiply line 7 by retainage %)	\$	<u>0.00</u>
9. Total earned to date less retainage	(Subtract line 8 from line 7)	\$	<u>1,280,080.00</u>
10. Total of all previous applications	(Line 9 of previous request)	\$	<u>1,248,078.00</u>
11. Gross Amount due this application	(Subtract line 10 from line 9)	\$	<u>32,002.00</u>
12. Less 1% State Gross Receipts Tax:		\$	<u>320.02</u>
13 DUE THIS APPLICATION	(Subtract line 12 from line 11)	\$	<u><u>31,681.98</u></u>

Central Montana Agriculture and Technology Park (CMATP) TIF Phase III Storm Drain, O.F. 1658.1





Commission Meeting Date: August 3, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Resolution 10426, Establishing Fees for the Mansfield Center for the Performing Arts at the Civic Center.

From: Owen Grubenhoff, Mansfield Events Manager

Initiated By: Mansfield Events Office

Presented By: Chuck Anderson, Deputy City Manager

Action Requested: Set a public hearing on Resolution 10426, Establishing Fees for the Mansfield Center for the Performing Arts at the Civic Center, for August 17, 2021.

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (set/not set) a public hearing on Resolution 10426 for August 17, 2021.

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 set a public hearing on Resolution 10426 for August 17, 2021, to consider adoption of Resolution 10426, Mansfield Center Fees.

Summary:

The City Commission adopted Resolution 10312 in September of 2019. Adoption of Resolution 10426 will create a new fee that will be routed directly to any promoter who meets the requirements to be eligible for the fee. The fee will be decided by the promoter on a per show basis with a maximum \$8.00 per ticket amount. To be eligible any promoter must be presenting 4 or more shows in a fiscal year. Any show utilizing this fee must meet the show maximum rental cap which is currently set at \$4335.00. If ticket sales are not great enough to meet the cap then the Mansfield Center will retain a portion of the fee to meet the cap.

Background:

The Great Falls Symphony has struggled to make a profit on their Broadway series shows that are performed in the Mansfield Theater. They partner with national promoters IAE (Innovation Arts and Entertainment) and The Roberts Group thus any profits are split 3 ways. Many venues offer fees that go directly to the promoter, these are known as “rebates” in the industry. This resolution is being proposed to create a fee to support that rebate. It is hoped that the creation of this fee will allow us to retain Broadway shows in our market as well as attract new promoters who may want to utilize this fee structure.

Fiscal Impact:

The proposed fee creation is intended to incentivize promoters to bring more high quality shows to the venue. There will be no direct increase or decrease in revenues with the creation of this fee as each show is required to hit the cap on rent to be eligible.

Alternatives:

The City Commission could vote to not set a public hearing to consider Resolution 10426, keeping the fees adopted in Resolution 10312 in 2019, and not adding this new fee to incentivize promoters to bring more high quality shows to the venue.

Concurrences:

The Mansfield Advisory Board members reviewed these changes in July 2021. Also, the proposed changes were reviewed and approved by the City Manager Office, and Mansfield events staff.

Attachments: Resolution 10426 and Exhibit A

RESOLUTION NO. 10426

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, ESTABLISHING FEES FOR THE MANSFIELD CENTER FOR THE PERFORMING ARTS AT THE CIVIC CENTER

WHEREAS, the Mansfield Center for the Performing Arts serves as a cultural, social and entertainment center for the Great Falls community and north central Montana; and

WHEREAS, the Mansfield Center for the Performing Arts consists of the Mansfield Theater, Mansfield Convention Center and meeting rooms. The venue provides services from staffing to setup and teardown as well as equipment and box office services for an event. Other services provided include professional backstage crew, box office staff, ushers, and staff to sell merchandise as well as high speed internet access and concessions; and

WHEREAS, the Theater seats 1,782 and is adaptable for concerts, ballet, grand opera, road shows, off-Broadway stage productions, travelogues, conventions and lectures. The Convention Center is 15,300 square feet in size and is a venue for conventions, trade shows, meetings, concerts, fundraisers, banquets and wedding receptions; and

WHEREAS, the City Commission adopted Resolution 10312, “A Resolution Establishing Fees for the Mansfield Center for the Performing Arts at the Civic Center,” on September 3, 2019; and

WHEREAS, having considered that many venues offer fees that go directly to the promoter, known as “rebates” in the industry, the Mansfield Advisory Board members deemed it appropriate to incentivize promoters that meet certain requirements to bring more high quality shows to the Mansfield Center for the Performing Arts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that the fees set forth in Exhibit A are hereby adopted.

BE IT FURTHER RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that Resolution 10312 is hereby repealed.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, August 17, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

Exhibit “A” To Resolution 10426

Mansfield Convention Center*	<u>Current Fees</u>
Attendance over 500	\$1,995
Attendance 500 and under	\$1,795
Non-alcohol event	\$1,495
Backstage	\$895
Set-up or tear-down day	\$100/hr minimum \$200
(Must be consecutive hrs)	No Maximum
Walk-in cooler for set-up day	\$250
	(Included w/\$400 or more)
Merchandising fee	20% of gross

* Maximum of 16 hrs that must be consecutive and between 7am and 1:30am. Additional hours are \$100/hour

Box Office Services and Convention Center

Use of Mansfield Box Office	5% of gross. Optional except concerts and sporting events
Minimum/Cap	\$300/\$2,300
Plus additional per ticket fee	\$2/ticket

Missouri Room*

	<u>Current Fees</u>
Event day	\$600
Set-up/tear-down day	\$300

* Maximum of 14 hrs that must be consecutive and between 7am and 12:30am. Additional hours are \$50/hour

* Rent is \$500 when used in conjunction with the theater as a dressing room.

Rainbow or Ryan Room

	<u>Current Fees</u>
Week day	\$75
Weekend day	\$160

Gibson Room *

	<u>Current Fees</u>
Event day	\$250

* Maximum of 12 hrs that must be consecutive and between 7am and 1:30am. Additional hours are \$50/hour

Commission Chambers

	<u>Current Fees</u>
Event day	\$250

*Rent is \$125 when used in conjunction with the theater as a dressing room.

Holiday rates \$385 additional charge

Discount: A 15% discount may apply to multiple-room or multiple-day rentals. Discount may only be applied to full room rental rates.

Mansfield Theater

	<u>Current Fees</u>
Performance	8% of gross
Box Office Fee	\$1.50
Facility Surcharge	\$0.50/ticket
Convenience Fee	\$4.00
Minimum/Cap	\$950/\$4335

Event w/out ticketing	\$1,195
Wedding	\$500 plus hourly rate and labor(2hr min)
Setup/Tear Down Day	\$495
Credit Card Fee	4% Or as allowed by law
Promoter Rebate	A maximum of \$8.00 per ticket to be paid directly to the promoter as long as the cap of \$4335.00 is met. If the cap is not met then the Mansfield will retain funds sufficient to reach the cap and all remaining funds from this fee will be paid to the promoter. To be eligible a promoter must be presenting 4 or more shows in a fiscal year.

Mansfield Box Office Ticketing Services

The use of the Mansfield Box Office is required for all events held in the Mansfield Theater. The use of the Mansfield Box Office is required for all concerts and sporting events held in the Convention Center. Promoters located outside the State of Montana, are required to use the Mansfield Box Office for all publicly ticketed events held at the Mansfield Center for the Performing Arts. The Mansfield Box Office retains exclusive rights to all internet sales for events held in the Mansfield Theater. The use of the Mansfield Box Office is not required for events being held in the Commission Chambers, Gibson Room, Missouri Room or any of the smaller meeting rooms. Ticketing fees are in addition to room rental fees.

** The City reserves the right to require the sponsoring organization to use the Mansfield Box Office if a competing ticket outlet or location is used for ticket sales.*

Staff from the Mansfield Performing Arts Center, in conjunction with the City Manager’s Office, shall evaluate these fees on an annual basis beginning in calendar 2021, but no later than April 1 of that year and each successive year, and may implement an annual inflationary increase in these fees using the Consumer Price Index, U.S. City average, all urban consumers, as published by the Bureau of Labor Statistics of the United States Department of Labor. Nothing in this Resolution shall prevent staff from making recommendations at any time to the City Commission for fee changes based upon other considerations.



Commission Meeting Date: August 3, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Resolution 10415 to Levy and Assess the General Boulevard Maintenance District No. 3570

From: Melissa Kinzler, Finance Director

Initiated By: Annual Budget and Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission conduct public hearing and adopt Resolution 10415 to Levy and Assess the General Boulevard Maintenance District No. 3570

Public Hearing:

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
 2. Mayor closes public hearing and asks the will of the Commission.
-

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10415.”
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission adopt Resolution 10415.

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

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

After calculating all factors pertinent to the operation of the Natural Resources - Boulevard Division, an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commission

for approval. No assessment increase has been proposed for Fiscal Year 2022 to aid in the economic recovery from COVID-19. The last General Boulevard Maintenance increase of 5% was approved in Fiscal Year 2020.

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

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

Fiscal Impact: Adoption of Resolution 10415 will allow the City to finance the costs of work, improvements and maintenance conducted each year in the General Boulevard Maintenance District.

The estimated assessment amount for the General Boulevard Maintenance District for the next fiscal year is the amount reflected in the Fiscal Year 2022 Budget. This equates to an estimated assessment of \$0.011446 per square foot, for a total of \$405,892 and will result in an assessment of approximately \$85.85 for an average size lot of 7,500 square feet (7,500 sq. ft. x 0.011446 factor = \$85.85.)

Alternatives: The City Commission could choose to deny the adoption of Resolution 10415 to Levy and Assess the General Boulevard Maintenance District; however, the reduction in services to trim, prune, spray, and maintain the trees within the district would not support the overall shelter and beauty provided by the street trees to the community.

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

Attachments/Exhibits:

Resolution 10415

Map of the General Boulevard District

RESOLUTION NO. 10415

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING BOULEVARDS IN THE GENERAL BOULEVARD DISTRICT NO. 3570 OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022

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

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

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

WHEREAS, on July 20, 2021, the City Commission adopted Resolution 10411, Annual Budget Resolution, in which the estimated assessment for such maintenance within the General Boulevard Maintenance District No. 3570 was reflected as FOUR HUNDRED FIVE THOUSAND EIGHT HUNDRED NINETY-TWO DOLLARS (\$405,892); and

WHEREAS, in accordance with Mont. Code Ann. § 7-1-4127, notice was published setting forth that Resolution No. 10415 Levying and Assessing the Cost of Maintaining Boulevards in the General Boulevard Maintenance District No. 3570 would be brought before the Great Falls City Commission for public hearing on August 3, 2021.

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

Section 1 – Maintenance Costs Assessed

The cost of maintaining boulevards in General Boulevard Maintenance District No. 3570, totaling \$405,892, be levied and assessed upon the properties in said district for the fiscal year ending June 30, 2022.

Section 2 – Maintenance Assessment Method

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

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2021 and May 31, 2022.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 3rd day of August, 2021.

Bob Kelly, Mayor

ATTEST:

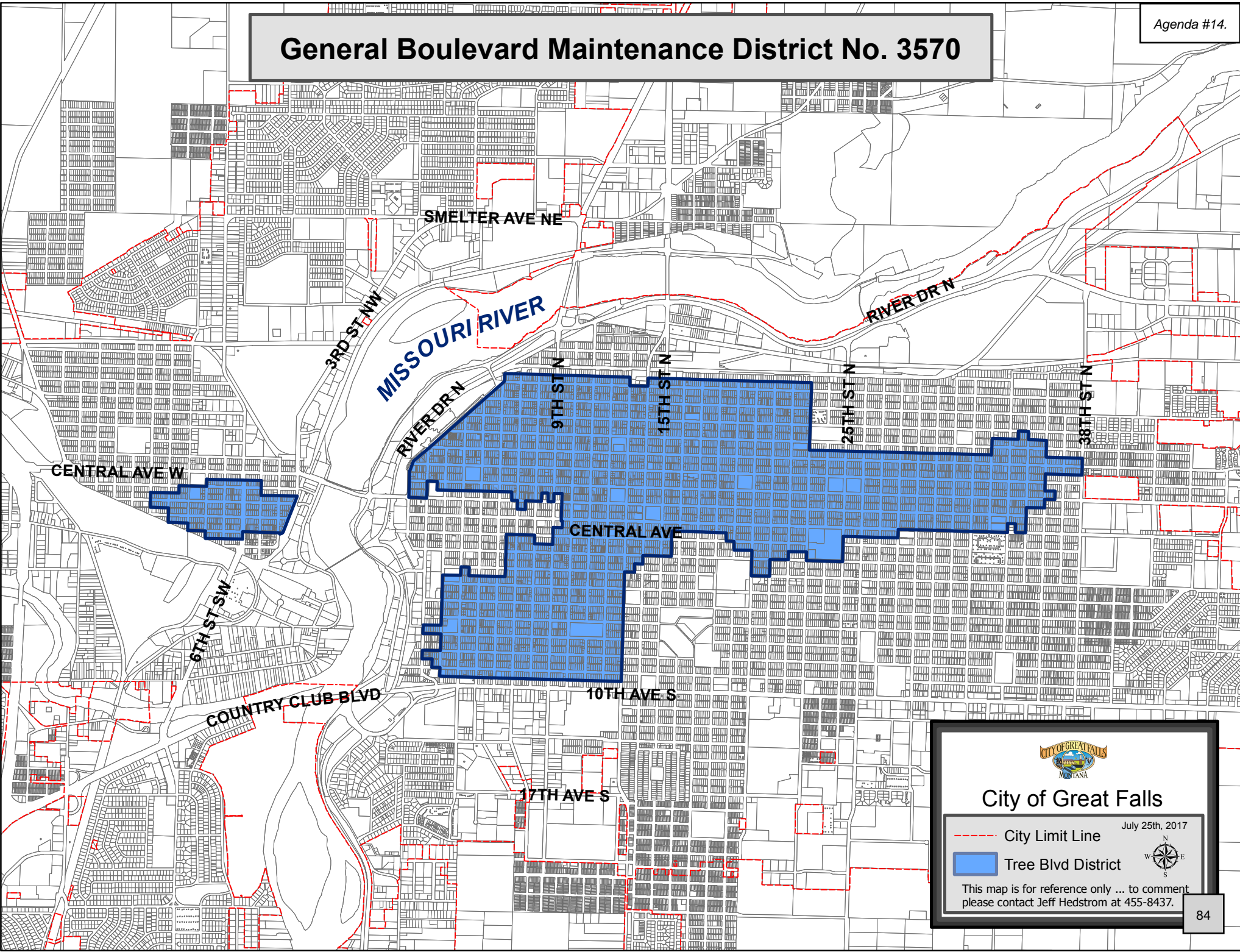
Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

General Boulevard Maintenance District No. 3570




City of Great Falls
July 25th, 2017

--- City Limit Line
■ Tree Blvd District

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





Commission Meeting Date: August 3, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Resolution 10416 to Levy and Assess Great Falls Park District No. 1

From: Melissa Kinzler, Finance Director

Initiated By: Annual Budget and Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission conduct public hearing and adopt Resolution 10416 to Levy and Assess Great Falls Park District No. 1

Public Hearing:

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:
 "I move that the City Commission (adopt/deny) Resolution 10416."
2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.

Staff Recommendation: Staff recommends the City Commission adopt Resolution 10416.

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

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

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

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

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

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

Fiscal Impact: The cost of the proposed improvements for the Great Falls Park District No. 1 is \$1,500,000 annually. Fiscal Year 2022 is year 4 of the assessment. The Fiscal Year 2022 Adopted Budget includes a debt service payment of \$725,443 from the Park District Fund for the issuance of \$10.0 million in bonds that will be the grant match for building a new recreation and aquatics center. This leaves \$774,557 available for other Park District projects.

The annual assessment shall be based on the taxable value of each parcel within the District for a total of \$1,500,000 district-wide. The City will not receive current taxable value information from the Montana Department of Revenue until the beginning of August approximately. Therefore, based on last year's valuations, the estimated annual assessment for a \$100,000 market value property would be \$25.64.

Alternatives: The City Commission could choose to deny Resolution 10416 to Levy and Assess Great Falls Park District No. 1. However, the reduction in services and improvements to the park system including facilities and the urban forest, or maintenance will not improve and facilities will deteriorate or close.

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

Attachments/Exhibits:
Resolution 10416

RESOLUTION NO. 10416

A RESOLUTION LEVYING AND ASSESSING THE COST OF IMPROVEMENTS AND MAINTENANCE IN THE GREAT FALLS PARK DISTRICT NUMBER 1 OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022

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

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

- Maintenance, repair, replacement, upkeep, installation, improvements, operation enhancement, construction, reconstruction, acquisition of land;
- Implementation of measures required to maintain public health and safety or meet legal or regulatory requirements;
- Purchase, replace and/or maintain equipment, tools or vehicles used to carry out the functions described herein; and/or
- Any other functions, labor, supplies and/or materials necessary for management and maintenance of City-owned facilities, lands, and equipment under the responsibility and care of the City of Great Falls Park and Recreation Department including but not limited to:
 - Public parks and park areas (as described in the City of Great Falls Park and Recreation Master Plan), recreation facilities, trails, open space, urban forest, medians, boulevards, pathways, sidewalks, public easements, and other facilities which are located in the city limits and/or are owned by the City; and

WHEREAS, pursuant to Montana Code Annotated, Title 7, Chapter 11, Part 10 (the “Act”) and in accordance with the provisions of Title 7, Chapter 7, Part 44, the City is permitted to issue revenue bonds in one or more series (collectively, the “Bonds”) to fund costs of improvements in the District, and pursuant to Ordinance No. 3228 adopted on May 4, 2021, the

City Commission established the authority of the City to levy assessments each year against the properties in the District in an amount necessary to pay debt service on any outstanding Bonds.

WHEREAS, on July 20, 2021, the City Commission adopted Resolution 10411, Annual Budget Resolution, in which the estimated assessment for such maintenance and improvements (including debt service on Bonds) within the District was reflected as ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000); and

WHEREAS, in accordance with Mont. Code Ann. § 7-11-1024 and § 7-1-4127, notice was published setting forth that Resolution No. 10416 Levying and Assessing the Cost of the Great Falls Park District No. 1 would be brought before the Great Falls City Commission for public hearing on August 3, 2021.

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

Section 1 – Costs Assessed

The cost of maintenance and improvements (including debt service on Bonds) in the District, totaling \$1,500,000, be levied and assessed upon the properties in the District for the fiscal year ending June 30, 2022.

Section 2 –Assessment Method

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

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2021 and May 31, 2022.

Section 4 – Office of Record

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 3rd day of August, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney



Commission Meeting Date: August 3, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10417 to Levy and Assess Properties within Special Improvement Lighting Districts

From: Melissa Kinzler, Finance Director

Initiated By: Annual Budget and Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission conduct public hearing and adopt Resolution 10417 to Levy and Assess Properties within Special Improvement Lighting Districts

Public Hearing:

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
 2. Mayor closes public hearing and asks the will of the Commission.
-

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10417.”
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission adopt Resolution 10417.

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

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

Fiscal Impact: Adoption of Resolution 10417 will allow the City to fund the operational and maintenance costs required in the Special Improvement Lighting Districts for the fiscal year.

The estimated assessment amount for the Special Improvement Lighting District funds for the next fiscal year is \$1,111,842. After review of the budget and the estimated assessment for Fiscal Year 2022, the total assessment amount reflects an aggregate 1.0% decrease from the prior fiscal year.

<u>BUDGETED</u>	
<u>TOTAL ASSESSMENT</u>	<u>FISCAL YEAR</u>
\$ 1,428,082	2015/2016 (26 Districts)
\$ 1,175,344	2016/2017 (27 Districts)
\$ 1,159,589	2017/2018 (27 Districts)
\$ 1,164,252	2018/2019 (27 Districts)
\$ 1,170,052	2019/2020 (27 Districts)
\$ 1,123,242	2020/2021 (27 Districts)
\$ 1,111,842	2021/2022 (27 Districts)

The Fiscal Year 2022 assessment per district is indicated on the Lighting Districts Maintenance Budget & Assessment Worksheet attached as Exhibit "A" and made a part of Resolution 10417.

Alternatives: The City Commission could choose to deny the adoption of Resolution 10417; however, the reduction in services may not support the safety and welfare of the general public.

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

Attachments/Exhibits:

- Resolution 10417
- Exhibit A

RESOLUTION NO. 10417

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING SPECIAL IMPROVEMENT LIGHTING DISTRICTS (SLD'S) NUMBERED 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1303, 1304, 1305, 1306, 1308, 1309 AND 1310 IN THE CITY OF GREAT FALLS, MONTANA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022

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

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

WHEREAS, on July 20, 2021, the City Commission adopted Resolution 10411, Annual Budget Resolution. The budgeted amounts for maintenance of the City's lighting systems were reviewed and adjusted. The newly adjusted assessment amount totals ONE MILLION ONE HUNDRED ELEVEN THOUSAND EIGHT HUNDRED FORTY TWO DOLLARS (\$1,111,842); and

WHEREAS, in accordance with § 7-1-4127, MCA, notice was published setting forth that Resolution No. 10309 Levying and Assessing the Cost of Maintaining Special Improvement Lighting Districts (SLD's) Nos. 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1303, 1304, 1305, 1306, 1308, 1309 and 1310 in the City of Great Falls, Montana, would be brought before the Great Falls City Commission for public hearing on August 3, 2021.

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

Section 1 – Maintenance Costs Assessed

The cost of maintenance for said lighting systems in the above-captioned SLD's totaling \$1,111,842 be levied and assessed upon the properties in said SLD's.

Section 2 – Assessment Method

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

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

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2021 and May 31, 2022.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 3rd day of August, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

LIGHTING DISTRICTS MAINTENANCE BUDGET & ASSESSMENT WORKSHEET
RESOLUTION 10417 - EXHIBIT "A"

	DISTRICT	DISTRICT TYPE	FUND	FY 2022 PROJECTED BEGINNING CASH	FY 2022 REQUESTED TOTAL EXPENSES	FY 2022 ESTIMATED ASSESSMENT	FY 2022 ENDING CASH	TARGET CASH BALANCE	FY 2021 ASSESSMENT	FY 2022 ASSESSMENT	DIFF (+/-)
1	18	STREET	8402	2,584	3,017	2,700	2,267	1,509	2,700	2,700	-
2	650	PERIOD	8403	51,272	642	1,000	51,630	321	6,400	1,000	(5,400)
3	651	STREET	8404	2,015	2,215	2,000	1,800	1,107	2,000	2,000	-
4	912	STREET	8405	14,704	11,075	10,000	13,629	5,537	10,000	10,000	-
5	973	STREET	8406	24,219	100	40	24,159	50	40	40	-
6	1067A	ALLEY	8407	4,753	5,532	4,000	3,221	2,766	4,000	4,000	-
7	1105	STREET	8408	2,506	4,382	3,500	1,624	2,191	3,500	3,500	-
8	1230	STREET	8409	528	216	170	483	108	170	170	-
9	1255	STREET	8410	1,105	432	350	1,023	216	350	350	-
10	1261	PERIOD	8411	18,608	10,134	7,000	15,474	5,067	8,000	7,000	(1,000)
11	1269	PERIOD	8412	94,485	28,604	18,000	83,881	14,302	22,000	18,000	(4,000)
12	1270	PERIOD	8413	29,754	13,538	8,500	24,716	6,769	9,500	8,500	(1,000)
13	1289	STREET	8414	6,445	15,327	11,097	2,215	7,664	11,097	11,097	-
14	1290	STREET	8415	1,557	1,271	900	1,186	635	900	900	-
15	1294	SLDA	8416	90,764	150,640	133,000	73,124	75,320	133,000	133,000	-
16	1298	SLDI	8417	7,694	24,024	10,185	(6,145)	12,012	10,185	10,185	-
17	1295	SLDC	8418	68,870	65,915	54,000	56,955	32,957	54,000	54,000	-
18	1296	SLDR	8419	893,829	1,037,861	815,000	670,968	518,931	815,000	815,000	-
19	1297	SLDT	8420	6,063	30,827	25,000	236	15,414	25,000	25,000	-
20	1302	ML3	8430	20,166	642	400	19,925	321	400	400	-
21	1304	EC1	8432	7,649	3,423	1,500	5,725	1,712	1,500	1,500	-
22	1306	ML4	8434	6,396	428	300	6,268	214	300	300	-
23	1308	ECII & III	8436	9,745	2,140	1,000	8,605	1,070	1,000	1,000	-
24	1310	ML5	8438	9,416	856	750	9,311	428	750	750	-
25	1303	Stone Meadow 1	8440	12,690	1,109	350	11,931	554	350	350	-
26	1305	Water Tower	8442	11,308	834	250	10,725	417	250	250	-
27	1309	Stone Meadow 2	8444	3,092	1,157	850	2,785	578	850	850	-
	ALL DIST	Fund 217	8401	129,755	-		129,755	0			
				1,531,973	1,416,339	1,111,842	1,227,475	708,170	1,123,242	1,111,842	(11,400)

City-Owned Lighting Districts

Aggregate % of Increase (Decrease) -1.0%



Commission Meeting Date: August 3, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10418 to Levy and Assess the Portage Meadows Maintenance District No. 1195

From: Melissa Kinzler, Finance Director

Initiated By: Annual Budget and Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission conduct public hearing and adopt Resolution 10418 to Levy and Assess the Portage Meadows Maintenance District No. 1195

Public Hearing:

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
 2. Mayor closes public hearing and asks the will of the Commission.
-

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10418.”

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

Staff Recommendation: Staff recommends the City Commission conduct a public hearing and adopt Resolution 10418.

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

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

After calculating all factors pertinent to the operation of the Portage Meadows Maintenance District, an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commissioners for approval. No assessment increase has been proposed for Fiscal Year 2022 to aid in economic recovery from COVID-19. The last Portage Meadows Maintenance District increase of 5% was approved in Fiscal Year 2020.

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

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

Fiscal Impact: Adoption of Resolution 10418 will allow the City to finance the cost of repairs and maintenance required each year in the Portage Meadows Maintenance District.

The estimated assessment amount for Portage Meadows Boulevard Maintenance for the next fiscal year is the amount reflected in the Fiscal Year 2022 Budget. This equates to an estimated assessment of \$0.077517 per square foot, a total of \$65,252 and will result in an annual assessment of \$348.90 for an average lot of 4,501 square feet (4,501 sq. ft. x 0.077517 factor = \$348.90).

Alternatives: The City Commission could choose to deny the adoption of Resolution 10418 to Levy and Assess the Portage Meadows Maintenance District; however, the City agreed to provide the services when the land area was donated to the City. The proposed assessment will allow for the recovery of costs incurred providing those services.

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

Attachments/Exhibits:

Resolution 10418

Map of Portage Meadows Boulevard District

RESOLUTION NO. 10418

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING THE GREEN BELT PARK OF PORTAGE MEADOWS ADDITION IN THE CITY OF GREAT FALLS ON ALL REAL ESTATE IN SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 1195 FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022

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

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

WHEREAS, on July 20, 2021, the City Commission adopted Resolution 10411, Annual Budget Resolution, in which the estimated costs for the assessment of such maintenance within Special Improvement Maintenance District No. 1195 was reflected as SIXTY-FIVE THOUSAND TWO HUNDRED FIFTY-TWO DOLLARS (\$65,252); and

WHEREAS, in accordance with § 7-1-4127, MCA, notice was published setting forth that Resolution No. 10418 Levying and Assessing the Cost of Maintaining the Green Belt Park of Portage Meadows Addition in the City of Great Falls on all Real Estate in Special Improvement Maintenance District No. 1195 would be brought before the Great Falls City Commission for public hearing on August 3, 2021.

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

Section 1 – Maintenance Costs Assessed

The cost of care and maintenance in Special Improvement Maintenance District No. 1195, totaling \$65,252, be levied and assessed upon the properties in said district for the fiscal year ending June 30, 2022.

Section 2 – Maintenance Assessment Method

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

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

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

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2021 and May 31, 2022.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 3rd day of August, 2021.

Bob Kelly, Mayor

ATTEST:

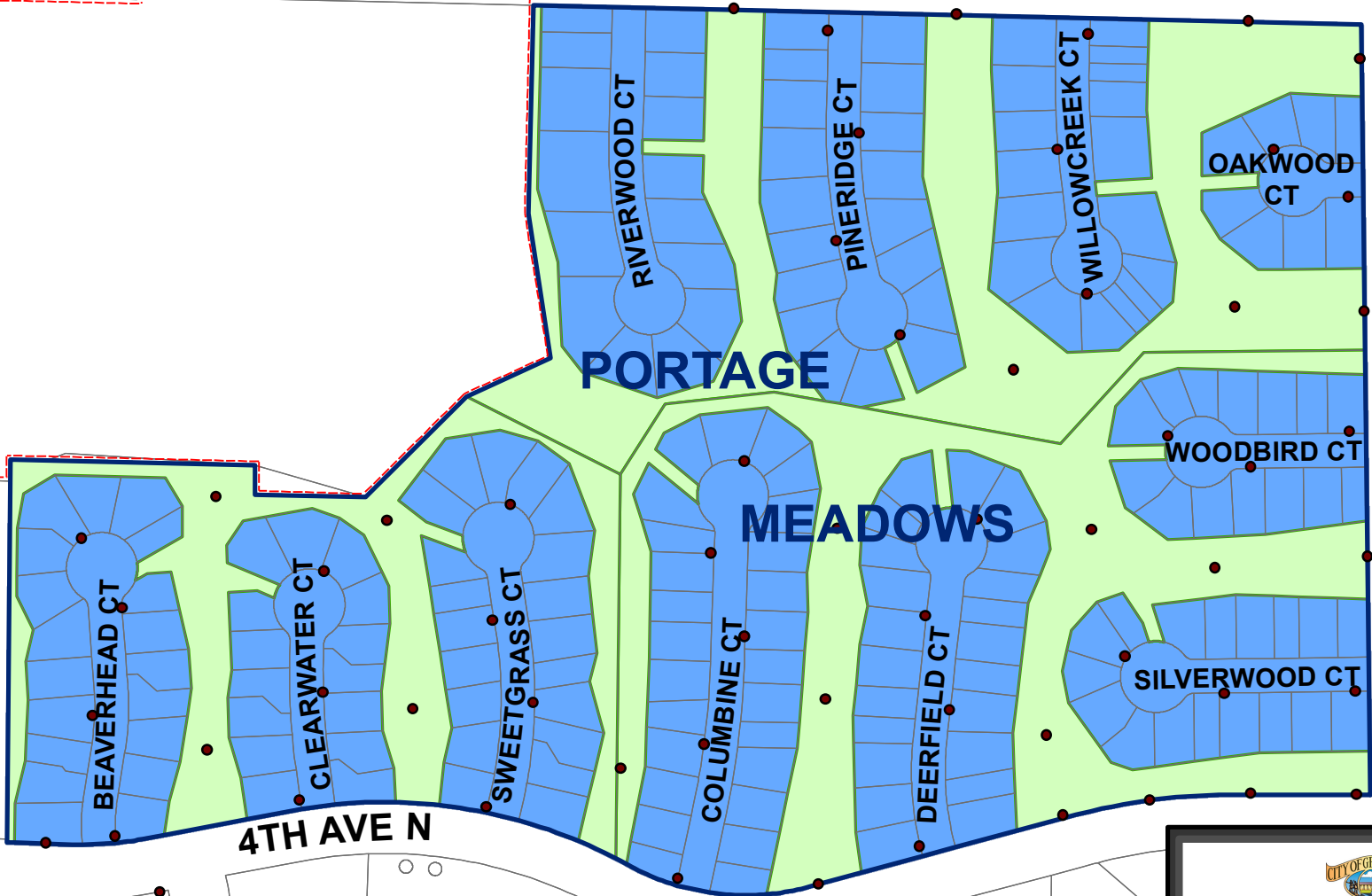
Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney


Portage Meadows Maintenance District No. 1195




52TH ST N

4TH AVE N

46TH ST N


City of Great Falls
 June 12th, 2014

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


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



Commission Meeting Date: August 3, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Resolution 10419 to Levy and Assess the Street Maintenance District

From: Melissa Kinzler, Finance Director

Initiated By: Annual Budget and Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission conduct public hearing and adopt Resolution 10419 to Levy and Assess the Street Maintenance District

Public Hearing:

1. Mayor conducts public hearing, pursuant to OCCGF 1.2.050 and Title 17, Chapter 16, Article 6.
 2. Mayor closes public hearing and asks the will of the Commission.
-

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10419.”
 2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission adopt Resolution 10419.

Background: The Street Division maintains over 383 miles of streets and alleys within the city limits. Maintenance consists of pavement rehabilitation and restoration, street cleaning, snow and ice removal, alley maintenance, and the nuisance weed program. In addition, Traffic Operations are funded through the Street Division and are responsible for the maintenance of all roadway signs, signals, and pavement markings.

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

After calculating all factors pertinent to the operation of the Street Maintenance District, an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commission for approval. No assessment increase is proposed for Fiscal Year 2022 to aid in economic recovery from COVID-19. The last street maintenance increase of 10% was approved in Fiscal Year 2016.

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

ASSESSMENT OPTION

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

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

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

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

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

Inter-Local Agreement: An "inter-local contracted maintenance" category designates properties owned by other governments or their agencies adjacent to City streets that are maintained by the other governments or their agencies. This category's assessment includes a 7.5% administrative fee as well as the annual contracted cost of maintenance. The maintenance cost portion is agreed upon by the City and the contracting entity. At this time, the City does not assess for any inter-local agreements.

Fiscal Impact: Adoption of Resolution 10419 will allow the City to fund the cost of work, improvements and maintenance in the Street Maintenance District.

For Fiscal Year 2022, the street maintenance assessment will remain the same as Fiscal Year 2021. For an average-sized residential lot, the estimated assessment factor is \$0.014745 per square foot, or approximately \$110.59 (7,500 sq. ft. x 0.014745 factor = \$110.59.). The estimated total assessment for the District is \$4,583,265.

Alternatives: The City Commission could choose to deny the adoption of Resolution 10419 to Levy and Assess the Street Maintenance District; however, the reduction in services for street maintenance may not support the safety and welfare of the general public.

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

Attachments/Exhibits:
Resolution 10419

RESOLUTION NO. 10419

A RESOLUTION LEVYING AND ASSESSING THE COST OF STREET MAINTENANCE FOR STREETS AND ALLEYS IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2021 AND ENDING JUNE 30, 2022

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

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

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

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

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

WHEREAS, on July 20, 2021, the City Commission adopted Resolution 10411, Annual Budget Resolution, in which the estimated assessment for such maintenance not offset by other revenues within the Street Maintenance District was reflected as FOUR MILLION FIVE HUNDRED EIGHTY-THREE THOUSAND TWO HUNDRED SIXTY FIVE DOLLARS (\$4,583,265); and

WHEREAS, in accordance with Mont. Code Ann. § 7-12-4426, notice was published setting forth that Resolution No. 10419 Levying and Assessing the Cost of Street Maintenance for Streets and Alleys in the City of Great Falls, Montana, would be brought before the Great Falls City Commission for public hearing on August 3, 2021.

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

Section 1 – Maintenance Costs Assessed

The costs of maintenance, not offset by other revenues, in the Street Maintenance District, totaling FOUR MILLION FIVE HUNDRED EIGHTY-THREE THOUSAND TWO HUNDRED SIXTY FIVE DOLLARS (\$4,583,265) be levied and assessed upon the property in said district for the fiscal year ending June 30, 2022. The description of each lot or parcel of land within the Street Maintenance District and the respective assessments are set forth in the records of the Finance Department of the City of Great Falls, Montana, and by this reference incorporated herein as if fully set forth.

Section 2 – Maintenance Assessment Method

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

The Street Maintenance District shall be assessed according to factors based on the property classification and square footage with caps. Assessable areas within the Street Maintenance District shall be set with a square footage cap of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c)(13) as defined by the Internal Revenue Code, and a square footage cap of one million square feet for all other property. Downtown District shall be defined as being within an area bounded on the north by Third Alley North, on the south by Third Alley South, on the east by Tenth Street and on the west by Park Drive and any properties located within this area with a designated residential land use code shall be excluded from the District and assessed as residential. The Planning and Community Development Department shall annually identify all mixed-use property equal to or greater than 112,000 square feet which are 50% or less commercially developed. Those mixed-use properties shall be assessed 50% commercial and 50% capped residential. Inter-local Agreement shall be defined as properties owned by other governments or their agencies adjacent to City streets that are maintained by the other governments or their agencies. This category’s assessment includes a 7.5% administrative fee as well as the annual contracted cost of maintenance.

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

Section 3 – Assessments Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2021 and May 31, 2022.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 3rd day of August, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney



Commission Meeting Date: August 3, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 10421 – Public hearing to amend Resolution 10096 to modify the existing Conditional Use Permit (CUP) for Helena Agri-Enterprises, LLC at 6201 18th Ave N to allow the periodic storage of Anhydrous Ammonia (NH₃) onsite in order to manufacture Ammonium Polyphosphate (APP).

From: Brad Eatherly, Planner II, Planning and Community Development

Initiated By: Helena Agri-Enterprises, LLC

Presented By: Craig Raymond, Director, Planning and Community Development Department

Action Requested: City Commission adopt Resolution 10421 and the accompanying Findings of Fact/Basis of Decision

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/not adopt) Resolution 10421 to amend Resolution 10096 to modify the existing Conditional Use Permit (CUP) for Helena Agri-Enterprises, LLC at 6201 18th Ave N and the accompanying Findings of Fact/Basis of Decision.”
2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.

Staff Recommendation: At the conclusion of a public hearing held on June 22, 2021, the Zoning Commission recommended that the City Commission approve the applicant’s request for a modification to the existing conditional use permit. Additionally, staff recommends approval of the proposed modification with the following conditions:

Conditions of Approval:

1. **Modifications:** It is understood that minor changes are often necessary during the development and operation of a conditional use. The Administrator (the Administrator is the City employee

assigned by the City Manager to administer conditional uses) is hereby authorized to permit minor changes, as provided below.

2. **Substantial Change.** Substantial changes are not permitted. A new public review and permitting process will be required for such changes. ‘Substantial Change’ is defined here in order to clarify the contrasting term, ‘Minor Change.’ A substantial change changes the permitted use; the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); the location, extent, or design of any required public improvement, except where a minor change is approved by the Director of Public Works and the Administrator; the approved number of lots, buildings, structures or units; or the size of any lot, building, or structure by more than 10% (a smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change).
3. **Changes in Use.** Conditional uses are regulated as such because the use presents the possibility of significant impacts on the community. Therefore, changes in conditional uses must be strictly limited. A significant change in the type or level of activity, including changes in the number of employees or operating hours, or changes in the types of materials present on the site, may void the conditional use permit. Proposed changes shall be submitted to the Administrator, who may require that the permit be amended following the same public process used for its adoption.
4. **Expiration:** The amendment to conditional use permit shall expire one (1) year after the date of issuance, if the operation has not been established for the applicant’s request. The Administrator may extend the expiration date by up to one year if substantial work is ongoing.
5. **Abandonment:** If a conditional use ceases to operate for more than six (6) months, the conditional use permit is void.
6. **Chemicals:** The applicant shall not handle or store ammonium nitrate at this site.
7. **Emergency Management Plan:** An Emergency Management Plan shall be updated and approved by the Great Falls Fire Department before the requested operations can take place. This plan shall be reviewed annually at the time the applicant renews its Safety Inspection Certificate (SIC) and revised as necessary to ensure compliance with the City’s adopted fire code and other applicable regulations.
8. **Spill Prevention and Control Plan:** The applicant shall review and update if necessary the Spill Prevention and Control Plan, in accordance with the requirements under OCCGF 13.12.080.G.3 to the Director of Public Works for review and approval before the requested operations can take place.
9. **Industrial Wastewater Survey:** The applicant shall provide an updated Industrial Wastewater Survey to the Director of Public Works for review and approval as product inventory changes.
10. **Acceptance of Conditions:** The amendment will not go into effect until the applicant acknowledges in writing that it has received, understands, and agrees to comply with these conditions of approval.

Background:

On July 6, 2021, the City Commission set a public hearing for August 3, 2021. The Commission voiced several concerns regarding amending the CUP for Helena-Agri, LLC. Below are some responses to the concerns raised:

1. History of Helena-Agri's Safety Record concerning APP

According to Helena-Agri's Director of Regulatory Compliance and Engineering, there have been no incidents or safety issues on file for the company related to the APP portable or stationary blending operations. Great Falls Fire Department has also touted their exemplary record of safety and compliance. The Environmental Protection Agency has reported that Helena-Agri Enterprises has had two Significant Violations throughout the nation over the last five years. Both violations were due to non-compliance in submitting Discharge Monitoring Reports. One occurred in Washington in 2016 and the other occurred in Louisiana in January of 2021. Both instances were resolved administratively. Otherwise, their compliance with EPA regulations over the last several years is in order.

2. What exactly does the process look like that is being requested? Are there other sites in the United States that this process is performed?

According to Kenny Kalb, the contractor who will be performing the work required, the portable unit can be in the form of a rail car or a truck trailer. In order to allow rail cars to transport the chemicals involved in the process, BNSF would have to make modifications to their system. BNSF is not currently planning on making those modifications so the process would have to be completed with truck trailers. The portable unit contains an operator room, cooling/blending unit, generator, and portable pumps. The steam coming out of the top of the blending/cooling portion of the unit is due to the exothermic reaction from blending NH₃ and acid. The cooling unit utilizes water and NH₃ in a non-contact heat exchanger to cool the finished ammonium polyphosphate (APP) down to 80 degrees before conveying to storage. As noted in the previous Commission meeting, the APP is non-hazardous once the blending is completed. APP is one of the main ingredients used in crop production but is also utilized as a flame retardant to combat wild fires. An attachment is included to this report that shows what the equipment looks like. Mr. Kalb has performed the portable APP blending process in Paul, ID, Central Ferry, WA, and Pasco, WA. Helena-Agri conducts the portable APP nationwide approximately 30 times per year.

3. Any concerns that the Great Falls Fire Department might have.

In an e-mail from Assistant Fire Chief Bob Shupe, the Fire Department noted that Helena-Agri has a "very strong safety mindset and definitely do not want any issues at their facility". There have been two write-ups for Helena-Agri since 2018, both very minor in nature. In 2018, their fire alarm and sprinkler system needed annual service. Assistant Chief noted that this was "accomplished quickly and that they were unaware this needed to be done since it was their first year being open." In 2019, they had some sheetrock that was damaged and needed to be repaired. Assistant Chief Shupe's email has also been added as an attachment to this report.

4. Any concerns from the Great Falls Police Department especially in regards to illegal methamphetamine manufacturers and theft of anhydrous ammonia.

Great Falls Police Chief Newton states that there has not been an issue with theft of anhydrous ammonia in over 15 years in Great Falls.

5. Would a bond be appropriate to mitigate any future accidents that might occur?

It is the opinion of City staff and of Helena-Agri that a bond would not be the appropriate response to financially insure for a potential accident that might occur. If additional insurance is required to be obtained by Helena-Agri, this can be requested.

6. Concerns from Malmstrom Air Force Base?

City staff provided Captain Daniel Wilkinson of Malmstrom Air Force Base and Gareth Davis of Helena-Agri contact information for each other in order for Mr. Davis to answer some questions that Capt. Wilkinson had. Mr. Davis explained to City Staff that Capt. Wilkinson would have to confer with his command before forming a response. On, July 19, 2021, city staff sent an e-mail to Captain Wilkinson requesting a response, if possible, by July 27 in order for it to be included in the agenda packet. As of July 22, staff has received no reply. City staff also presented Captain Wilkinson with the option of appearing in person to the August 3, 2021 City Commission public hearing to voice any concerns or questions. City Manager Greg Doyon reached out to Colonel Feugate-Opperman regarding the same information. He received a response stating that Malmstrom would “have a voice in this.”

On October 2, 2012, the City Commission adopted Resolution 9993 for annexation and approved Ordinance 3097 to assign the PUD zoning classification to AgriTech Park Addition. The entire AgriTech Park measures roughly 196.549 acres, in which roughly 193.684 acres are proposed to be industrial lots. The applicant, Helena Agri-Enterprises, LLC (formerly Helena Chemical), is a national fertilizer company which has been in operation since 1957 and has been established in Great Falls at AgriTech Park on Lot 3A since 2016.

Helena Agri-Enterprises, LLC receives large quantities of dry and liquid fertilizer from rail and truck, then will mix, blend, repackage, store, and redistribute large quantities of fertilizer to farmers across Montana. The type of product redistributed depends on the specific need from each individual farmer.

Conditional Use Permit

Chapter 20 of Title 17 of the Official Code of the City of Great Falls (OCCGF) requires a Conditional Use process before permitting a land use proposal that involves the handling of hazardous materials, among other potentially dangerous or offensive activities. Specifically, Section 17.20.3.060 states, “a permitted land use that emits air contaminates or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances shall be considered a conditional use in every circumstance.” Due to this code requirement, a Conditional Use Permit was required when Helena Chemical requested to establish their operation on Lot 3A of Agri-Tech Park. The City Commission approved the CUP on March 17, 2015 by adopting Resolution 10096. The applicant then proceeded with the building permit process and completed all items required including the Conditions of Approval for the CUP.

During the 2015 CUP review process, Staff identified two chemicals as not being permitted to be brought into the facility, ammonium nitrate and anhydrous ammonia. The caution at the time was related to the flammable nature of these chemicals. However, Staff has recently been contacted by the applicant requesting that the CUP be modified to allow anhydrous ammonia because of the need to supply ammonium polyphosphate (APP) to local farmers. The amendment requested will allow Helena Agri to periodically store anhydrous ammonia (NH₃) onsite in order to manufacture ammonium polyphosphate (APP). The storage proposed will require rail cars or trucks to be staged on the existing rail line or facility for approximately two weeks. A truck mounted blending unit will be utilized to process the estimated 180,000 gallons of finished APP and will use all the anhydrous ammonia stored in the rail cars or trucks in approximately twenty-four hours. The rail cars or trucks will be connected to the vessels and attached

to the blending unit by hose. The ammonia will be discharged from the unit by hose to existing plumbing and tanks. Helena-Agri anticipates the blending operation will be needed two times per calendar year. The NH₃ will be transported by four rail cars (16 trucks) and involve usage of approximately 60,000 gallons of water.

Staff from various departments, including Fire Rescue staff, have reviewed the proposal and find that this amendment is a reasonable modification of the 2015 CUP. The Staff recommendation is based on the ongoing efforts that Helena Agri-Enterprises, LLC has taken over the years to ensure safety in their chemical handling processes. Additionally, the specific process proposed minimizes risk because the anhydrous ammonia is connected directly from its transport container to the on-site mixing tank. Staff's recommendation contains several conditions in order to ensure that current safety measures in place are kept up to date.

The basis for decision for a conditional use permit is listed in OCCGF §17.16.36.040. The Zoning Commission's recommendation and the City Commission's decision to approve, conditionally approve, or deny an application shall be based on whether the application, staff report, public hearing, Zoning Commission recommendation, or additional information demonstrates that the decision of the City Commission shall at a minimum consider the criteria which are attached as Findings of Fact - Conditional Use.

Neighborhood Council Input:

The subject property is located in Neighborhood Council #4. City Staff as well as a representative from Helena Agri-Enterprises LLC attended the June 24, 2021 meeting and presented information to the Council. The Council voted in favor of the project.

Fiscal Impact:

Approval of the Conditional Use Permit will allow the applicant to continue their current operations and add a much needed element to their inventory for farmers in Montana at no fiscal impact to the City.

Alternatives:

The City Commission could deny any portion of the applicant's request. If such action is taken, the Commission must develop alternative findings to support such a denial decision.

Concurrences:

Representatives from the City's Public Works, Police, and Fire Departments have been consulted and have found no issues with the applicant's request. All comments have been taken into consideration for the recommendation and conditions of the project.

Attachments/Exhibits:

- Resolution 10421
- Findings of Fact/Basis of Decision – Conditional Use Permit
- Resolution 10096
- Location Map
- Zoning Map
- Applicant's Narrative
- Site Exhibit
- Process Exhibit
- Great Falls Fire Department e-mail

RESOLUTION 10421

A RESOLUTION AMENDING RESOLUTION 10096 (CONDITIONAL USE PERMIT) TO ALLOW THE TEMPORARY STORAGE OF ANHYDROUS AMMONIA ONSITE AT A PARCEL OF LAND ADDRESSED AS 6201 18TH AVENUE NORTH, GREAT FALLS, MONTANA.

* * * * *

WHEREAS, Helena Agri-Enterprises, LLC, f/k/a Helena Chemical Company, has petitioned the City of Great Falls to approve an amendment to an existing Conditional Use Permit to allow the temporary storage of Anhydrous Ammonia onsite at 6201 18th Avenue North (subject property) in order to manufacture Ammonium Polyphosphate; and

WHEREAS Section 17.20.3.060 of the Official Code of the City of Great Falls (OCCGF) states, “a permitted land use that emits air contaminates or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances shall be considered a conditional use in every circumstance.”; and

WHEREAS, the proposed modification to the existing Conditional Use Permit upon the subject property meets the Basis of Decision requirements in the OCCGF Section 17.16.36.040; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on June 22, 2021, to consider said amendment to the existing Conditional Use Permit application and, at the conclusion of said hearing, passed a motion recommending the City Commission approve the amendment to the existing Conditional Use Permit (CUP) to allow Helena Agri-Enterprises, LLC, to temporarily store Anhydrous Ammonia onsite at 6201 18th Avenue North in order to manufacture Ammonium Polyphosphate, subject to the following conditions:

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT

1. **Modifications:** It is understood that minor changes are often necessary during the development and operation of a conditional use. The Administrator (the Administrator is the City employee assigned by the City Manager to administer conditional uses) is hereby authorized to permit minor changes, as provided below.
2. **Substantial Change.** Substantial changes are not permitted. A new public review and permitting process will be required for such changes. ‘Substantial

Change' is defined here in order to clarify the contrasting term, 'Minor Change.' A substantial change changes the permitted use; the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); the location, extent, or design of any required public improvement, except where a minor change is approved by the Director of Public Works and the Administrator; the approved number of lots, buildings, structures or units; or the size of any lot, building, or structure by more than 10% (a smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change).

3. **Changes in Use.** Conditional uses are regulated as such because the use presents the possibility of significant impacts on the community. Therefore, changes in conditional uses must be strictly limited. A significant change in the type or level of activity, including changes in the number of employees or operating hours, or changes in the types of materials present on the site, may void the conditional use permit. Proposed changes shall be submitted to the Administrator, who may require that the permit be amended following the same public process used for its adoption.
4. **Expiration:** The amendment to conditional use permit shall expire one (1) year after the date of issuance, if the operation has not been established for the applicant's request. The Administrator may extend the expiration date by up to one year if substantial work is ongoing.
5. **Abandonment:** If a conditional use ceases to operate for more than six (6) months, the conditional use permit is void.
6. **Chemicals:** The applicant shall not handle or store ammonium nitrate at this site.
7. **Emergency Management Plan:** An Emergency Management Plan shall be updated and approved by the Great Falls Fire Department before the amendment to allow the chemical can take place. This plan shall be reviewed annually at the time the applicant renews its Safety Inspection Certificate (SIC) and revised as necessary to ensure compliance with the City's adopted fire code and other applicable regulations.
8. **Spill Prevention and Control Plan:** The applicant shall review and update if necessary the Spill Prevention and Control Plan, in accordance with the requirements under OCCGF 13.12.080.G.3 to the Director of Public Works for review and approval before the amendment to the Conditional Use Permit can take place.

- 9. Industrial Wastewater Survey:** The applicant shall provide an updated Industrial Wastewater Survey to the Director of Public Works for review and approval as product inventory changes.
- 10. Acceptance of Conditions:** The amendment will not go into effect until the applicant acknowledges in writing that it has received, understands, and agrees to comply with these conditions of approval.

WHEREAS, the City Commission having allowed for proper public notice, conducted a public hearing to consider said application, and considered the comments and recommendations made by the Zoning Commission.

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

That an amendment to the existing Conditional Use Permit be granted to Helena Agri-Enterprises, LLC, f/k/a Helena Chemical Company, at the subject property located at 6201 18th Avenue North, Great Falls, Montana, conditioned upon the owner complying with the conditions listed herein.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that, pursuant to the OCCGF Section 17.16.36.090, the permit shall be considered a covenant that runs with the land and shall be binding on all subsequent property owners. Additionally, pursuant to OCCGF Section 17.16.36.100, the Conditional Use Permit shall expire one (1) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. If the Conditional Use is established, but ceases to operate for more than six (6) months, the Conditional Use Permit shall expire.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on August 3, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

Return to the City Clerk
P.O. Box 5021
Great Falls, MT 59403

RESOLUTION 10096

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE HANDLING OF HAZARDOUS SUBSTANCES ON THE PROPERTIES ADDRESSED AS 6201 AND 6301 18TH AVENUE NORTH, AND LEGALLY DESCRIBED AS LOTS 3 AND 4, AGRITECH PARK ADDITION, SW ¼ AND SE ¼ OF SECTION 34, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA.

WHEREAS, Helena Chemical Company, has petitioned the City of Great Falls for a Conditional Use Permit to allow for the handling of hazardous substances on the properties legally described as Lots 3 and 4, AgriTech Park Addition, SW ¼ and SE ¼ of Section 34, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, the subject property is presently zoned PUD Planned unit development with an underlying I-2 Heavy industrial district wherein the handling of hazardous substances is permitted upon processing and approval of a Conditional Use Permit; and,

WHEREAS, the proposed Conditional Use Permit for the handling of hazardous substances on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls Section 17.16.36.040; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on February 24, 2015 to consider said Conditional Use Permit application, and at the conclusion of said hearing passed a motion recommending a Conditional Use Permit be granted for the properties addressed as 6201 and 6301 18th Avenue North and legally described as Lots 3 and 4, AgriTech Park Addition, SW ¼ and SE ¼ of Section 34, Township 21 North, Range 4 East, P.M.M., Cascade County, Montana, to allow for the

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Cascade County, Rina Ft Moore - Clerk & Recorder

handling of hazardous substances on a portion of the site, subject to the following conditions:

General

1. **Approved Plans and Conditions:** Failure to build and/or operate the conditional use in accord with the approved plans and these conditions of approval is a violation of the OCCGF, subject to the penalties provided for such violations and/or to civil process to compel the correction of violations.
2. **Modifications:** It is understood that minor changes are often necessary during the development and operation of a conditional use. The Administrator (the Administrator is the City employee assigned by the City Manager to administer conditional uses) is hereby authorized to permit minor changes, as provided below.
 - a. **Revised Plans.** Before making changes, the applicant must submit revised plans to the Administrator for review. Failure to do this before the proposed change is made is a violation of the OCCGF. The Administrator shall respond to all proposed changes within five (5) business days.
 - b. **Dimensional Changes.** Based on a review of the revised plans, the Administrator may permit minor dimensional changes provided that they do not result in a violation of the Conditions of Approval or the OCCGF.
 - c. **Materials Changes.** Based on a review of the revised plans, the Administrator may permit substitutions for proposed building materials provided that the proposed substitute has the same performance and, for exterior materials, appearance as the originally approved material.
 - d. **Public Works Changes.** Minor changes in the location and specifications of the required public improvements may be permitted. Revised plans showing such changes must be referred to and accepted by the Director of Public Works before being permitted by the Administrator.
 - e. **Substantial Change.** Substantial changes are not permitted. A new public review and permitting process will be required for such changes. 'Substantial Change' is defined here in order to clarify the contrasting term, 'Minor Change.' A substantial change changes the permitted use; the location or extent of the area proposed to be cleared, graded, or otherwise disturbed by more than 4,000 square feet (a smaller change in the area that will be cleared, graded, or otherwise disturbed may be treated as a minor dimensional change); the location, extent, or design of any required public improvement, except where a minor change is approved by the Director of Public Works and the Administrator; the approved number of lots, buildings, structures or units; or the size of any lot, building, or structure by more than 10% (a smaller change in the size of a lot, building, or structure may be treated as a minor dimensional change).
 - f. **Changes in Use.** Conditional uses are regulated as such because the use presents the possibility of significant impacts on the community. Therefore, changes in conditional uses must be strictly limited. A significant change in the type or level of activity, including changes in the

number of employees or operating hours, or changes in the types of materials present on the site, may void the conditional use permit. Proposed changes shall be submitted to the Administrator, who may require that the permit be amended following the same public process used for its adoption.

Planning

3. **Expiration:** The conditional use permit shall expire one (1) year after the date of issuance, if a Certificate of Occupancy has not been issued. The Administrator may extend the expiration date by up to one year if substantial work is ongoing. The Administrator may issue a Conditional Certificate of Occupancy that is valid for no more than one year if the only condition(s) remaining to be fulfilled involve landscaping that cannot be successfully established until the weather permits.
4. **Abandonment:** If a conditional use ceases to operate for more than six (6) months, the conditional use permit is void.
5. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
6. **Outdoor Lighting:** An outdoor lighting plan shall be submitted to the Administrator for review and approval based on its compliance with the Land Development Code (Title 17, Chapter 40 of the OCCGF) and the outdoor lighting requirement of Ordinance 3097.
7. **Landscaping:** A landscape plan shall be submitted to Administrator for review and approval based on its compliance with Title 17, Chapter 40 of the City of Great Falls Land Development Code and the landscaping requirements of Ordinance 3097.
8. **Dust Control:** Prior to start of construction, including any earthwork, except for boring and drilling for soil samples, the applicant shall provide two separate Litter and Dust Control Plans: one that applies during construction and one for post-construction operations. The Litter and Dust Control Plan shall be reviewed and approved by the Director of Planning and Community Development.
9. **Platting:** Prior to issuance of building permits, an Amended Plat aggregating lots 3 and 4 of AgriTech Park Addition in the SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 34, Township 21 North, Range 4 East, P.M.M., Cascade County, MT., shall be submitted for review to the Planning and Community Development Department and be recorded by Cascade County Clerk and Recorder.
10. **Chemicals:** The applicant shall not handle or store ammonium nitrate or anhydrous ammonia at this site.

Building

11. **Building Plans:** The applicant shall provide a full set of building plans that includes, but not limited to, architectural plans to the Planning and Community

Development Department for review and approval, prior to the issuance of building permits.

Fire

12. **Building Plans:** The applicant shall provide a full set of building plans for review and approval by the Great Falls Fire Department before zoning or building permits are issued by the Administrator.
13. **Emergency Management Plan:** An Emergency Management Plan shall be approved by the Great Falls Fire Department before the Administrator issues a Certificate of Occupancy. This plan shall be reviewed annually at the time the applicant renews its Safety Inspection Certificate (SIC) and revised as necessary to ensure compliance with the City's adopted fire code and other applicable regulations.

Public Works

14. **Civil Plans:** The applicant shall provide a full set of civil plans for review and approval by the Director of Public Works before zoning or building permits are issued by the Administrator. The applicant will provide a full set of as-built plans to the Director of Public Works within 90 days after completion of the approved work.
15. **Water and Sewer:** The civil plans shall be accompanied by estimates of the project's demand for water, including fire flows, domestic and industrial water demand, and wastewater discharge amounts.
16. **Initial Compliance On and Off Site Civil:** Developer or Applicant shall submit for review to the Public Works Department any plans, specification and design report for any proposed on/off site public utilities not previously reviewed by Public Works and/or the Montana Department of Environmental Quality. Also, the site civil plans shall be submitted to the Public Works Department for review.
17. **Stormwater:** A Stormwater Management Plan and Report that is in full compliance with the OCCGF, the City's Storm Drainage Design Manual, and the additional requirements of Ordinance 3097 and the Revised Annexation and Improvement Agreement for the AgriTech Park shall be submitted to the Director of Public Works for review and approval before zoning or building permits are issued by the Administrator. The Developer shall secure any required Montana Pollutant Discharge Elimination System (MPDES) Stormwater Discharge Permit(s) associated with construction and industrial activities.
18. **Spill Prevention and Control Plan:** The applicant shall provide a Spill Prevention and Control Plan, in accordance with the requirements under OCCGF 13.12.080.G.3 to the Director of Public Works for review and approval before issuance of Certificate of Occupancy by the Administrator.
19. **Industrial Wastewater Survey:** The applicant shall provide an annually updated Industrial Wastewater Survey to the Director of Public Works for review and approval as product inventory changes.

20. **Stormwater Pollution Prevention Plan:** The applicant shall provide a Stormwater Pollution Prevention Plan (SWPPP) to the Director of Public Works for review and approval before zoning or building permits are issued by the Administrator, that meets the requirements of the Montana Department of Environmental Quality Multi-Sector General permit for Storm Water Discharges Associated with Industrial Activity (MTR000000) set forth in parts 3 (Special Conditions) of that permit.

Acknowledgement

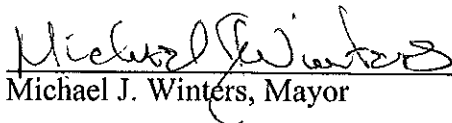
21. **Acceptance of Conditions:** No zoning or building permit shall be issued until the applicant acknowledges in writing that it has received, understands, and agrees to comply with these conditions of approval.

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

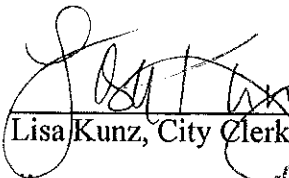
That a Conditional Use Permit be granted at the properties addressed as 6201 and 6301 18th Avenue North to allow the handling of hazardous substances, conditioned upon the owner complying with the said conditions; and,

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on March 17, 2015.



Michael J. Winters, Mayor

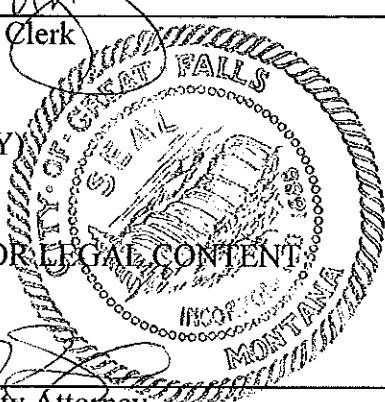
ATTEST:


Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT

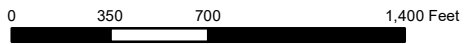

Sara R. Sexe, City Attorney



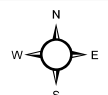
Location Map



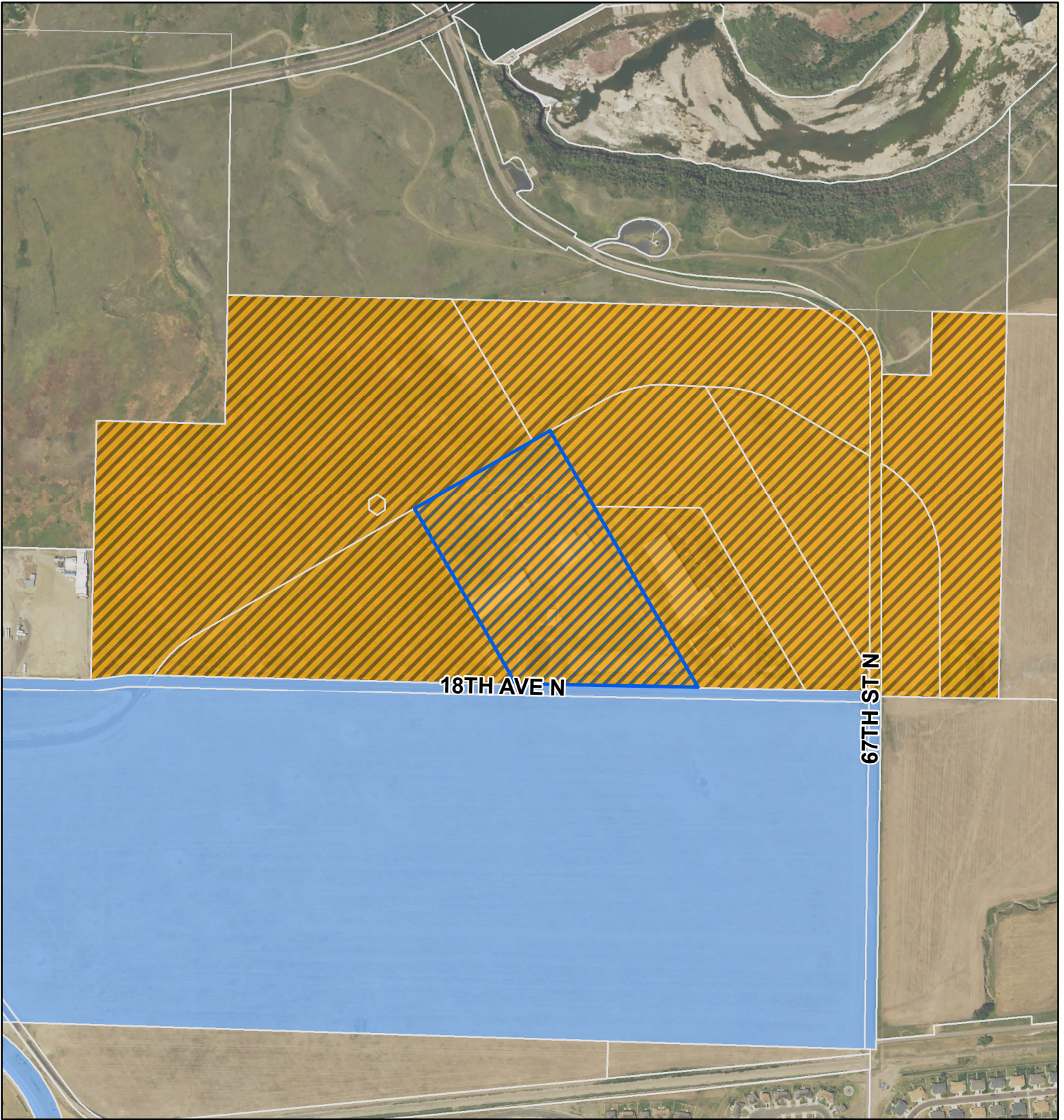
Subject Property



Date: 6/17/2021
Drawn By: Planning



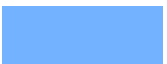
Zoning Map



Subject Property



PUD Planned Unit Development



I-2 Heavy Industrial

0 350 700 1,400 Feet

Date: 6/17/2021
Drawn By: Planning



CONDITIONAL USE PERMIT - BASIS OF DECISION

The applicant is requesting to modify the existing Conditional Use Permit (CUP) for Helena Agri-Enterprises, LLC at 6201 18th Ave N to allow the temporary storage of anhydrous ammonia (NH₃) onsite in order to manufacture ammonium polyphosphate (APP).

PRIMARY REVIEW CRITERIA:

The basis for decision for a conditional use permit is listed in OCCGF §17.16.36.040. The Zoning Commission's recommendation and the City Commission's decision to approve, conditionally approve, or deny an application shall be based on whether the application, staff report, public hearing, Zoning Commission recommendation, or additional information demonstrates that the decision of City Commission shall at a minimum consider the following criteria:

1. The zoning and conditional use is consistent with the City's Growth Policy and applicable neighborhood plans, if any.

The proposed conditional use is consistent with the overall intent and purpose of the 2013 City of Great Falls Growth Policy Update. This project and amendment is strongly supported by the Economic and Physical portions of the Growth Policy.

- Eco 3.4: Continue efforts to expand, retain and attract new business to Great Falls.
- Phy 4.2: Implement the City's land use codes to protect the health, safety and welfare of its residents.

Helena Agri-Enterprises LLC, came to Great Falls as a new company and have established themselves in the Agri-Tech Industrial Park. The requested CUP modification to allow anhydrous ammonia will allow for a small expansion of product for the company, and their continued success in this area in turn can attract additional industrial businesses to the park. Additionally, requiring the applicant to go through the conditional use permit process for the modification gives the City the ability to review the modification with the intent to protect the health, safety and welfare the community.

2. The establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.

The CUP allows the City to review the modification and place appropriate conditions on the specific project to help mitigate or reduce the total off-site impacts a project may have on the surrounding properties and environment. The conditions listed under the Conditions of Approval apply specific measures to protect the health, safety, and general welfare of the public.

3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.

The proposed project is within an approved industrial park that was designed to accommodate heavy industrial uses. The surrounding properties have similar heavy industrial uses. The

modification will meet all the development standards in the PUD Ordinance and underlying I-2 zoning district. The conditions imposed on the project should mitigate any potential harmful effects on Giant Springs State Park and nearby environmentally sensitive areas.

4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

The modification will allow the temporary storage of anhydrous ammonia (NH₃) onsite in order to manufacture ammonium polyphosphate (APP). This proposal will happen only two times a year and chemicals will be mixed on site in a way that will not interfere with any of the operations of the surrounding established businesses. The conditions of approval are proposed to minimize all effects on the surrounding area to be developed.

5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

The modification does not require new facilities to be constructed., Construction of the existing facility that has gone through the City's permitting process and has been approved with a certificate of occupancy to ensure all adequate utilities, roads and drainage have been addressed.

6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Ingress and egress to the current facility will not require any alterations with this proposal because the chemical transportation and mixing proposal is so infrequent, it can be served through the existing rail line and access to 18th Avenue North.

7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

The proposed modification will conform to the applicable regulations of the PUD Ordinance and underlying I-2 zoning district and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.



AGRI-ENTERPRISES, LLC

Helena would like to propose an amendment to an existing Conditional Use Permit. The amendment requested, will allow Helena to temporarily store anhydrous ammonia(NH₃) onsite in order to manufacture ammonium polyphosphate(APP). The storage proposed will require rail cars or trucks to be staged on the existing rail or facility for approximately two weeks. A truck mounted blending unit will be utilized to process the estimated 180,000 gallons of finished APP and will complete the evacuation of rail cars or trucks in approximately twenty-four hours. The rail cars or trucks will be connected to the vessels and attached to the blending unit by hose and discharge from the unit by hose to existing plumbing and tanks. Helena anticipates the blending operation will be needed two times per calendar year. The total amount of NH₃ will include four rail cars(16 trucks) and approximately 60,000 gallons of water.

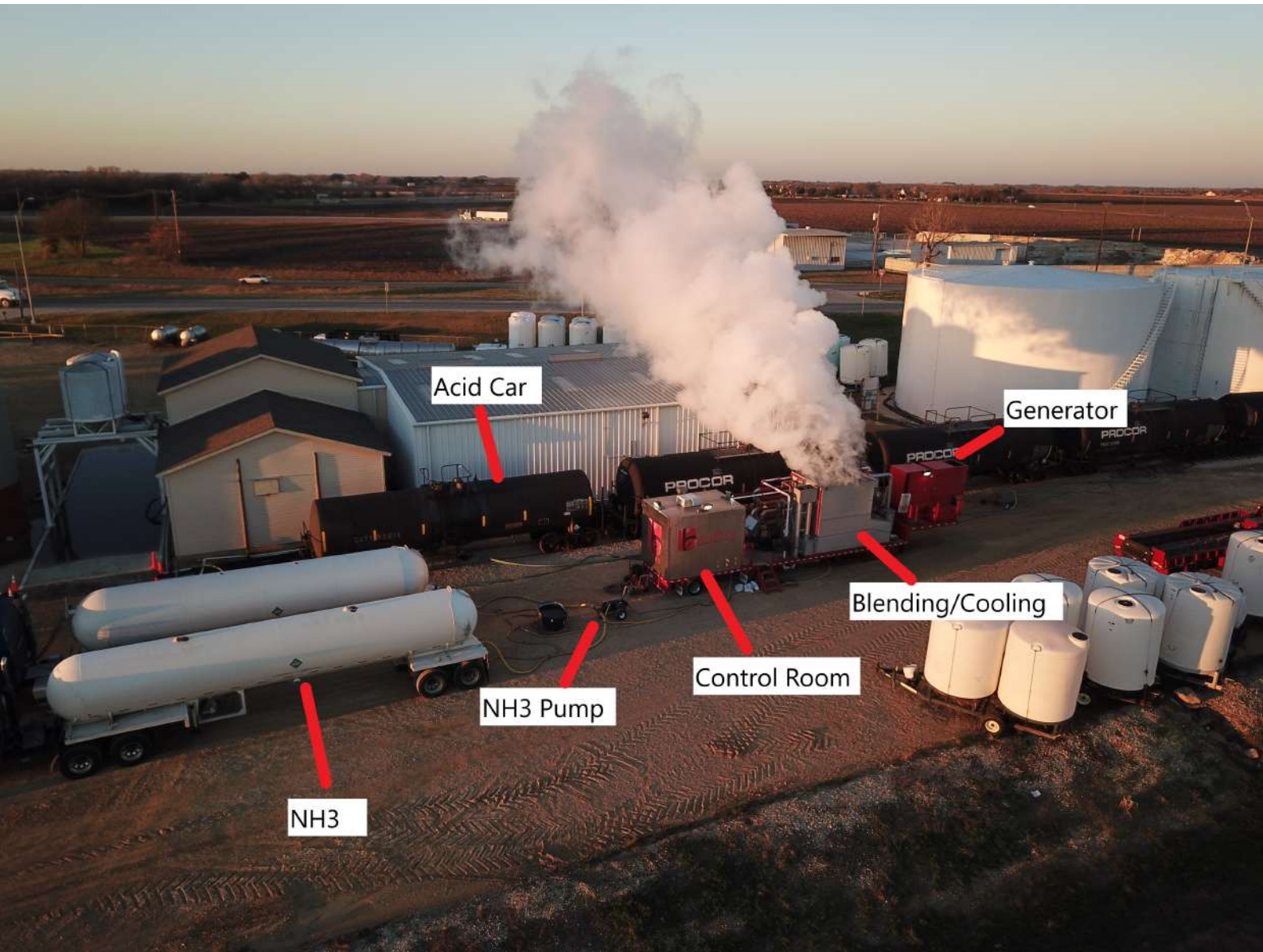
A handwritten signature in black ink, appearing to read "Gareth Davis".

Regards,
Gareth Davis
WBU Project Manager
Helena Agri-Enterprises, LLC
(559) 285-3473



PROPOSED
PORTABLE
BLENDER

The image is an aerial photograph of an industrial facility. A red arrow points to a small, white, rectangular structure located near a cluster of blue and white storage tanks. The facility includes several large white buildings, a paved area with a truck, and various storage tanks. A road, labeled '18TH AVE NORTH' at the bottom, runs along the right side of the site. The surrounding area consists of brown, cleared land and some green vegetation.



From: Robert Shupe

Sent: Monday, July 12, 2021 10:45:10 AM

To: Greg Doyon ; Charles Anderson ; Craig Raymond ; Jeremy Jones ; Michael McIntosh

Subject: Helena Chemical

Gentlemen,

I was asked by Chief Jones to weigh in on the information requested by City Manager Doyon regarding the safety record at the local Helena Chemical Facility. Listed below are the write ups that we have found since 2018.

As you will see, they are very minor in nature. This facility has a state of the art detection and suppression system. It should also be noted, they have been very good to work with and have allowed numerous training opportunities at their facility. They have a very strong safety mindset and definitely do not want any issues at their facility.

A couple reps from their company met with us and explained the new process a few months ago. They will have a contractor mixing the chemicals to create the product they sell instead of buying it in smaller quantities. The contractor will have a response team on site during the mixing and they have extensive experience working with this process. They have all the equipment needed and safety measures in place. They appear to be a professional group that would take questions from you if warranted to help ease fears or answer questions.

I have toured the facility a couple times and have always been impressed with their operation and protective systems. Having experienced contractors with the right equipment on site during the mixing is a bonus and very valuable resource. I believe that this would not be a continuous thing, but rather a when needed operation. I hope this insight helps a little.

Write ups since 2018

- 2018-Fire alarm and sprinkler system needed annual service (this was accomplished quickly, this was their first year being open and they did not know it needed to be done)
- 2019- They had some sheetrock that was damaged and needed to be repaired.

Helena Chemical has been compliant and very good to work with. Very transparent.

Respectfully,

Bob



Robert Shupe

Assistant Fire Chief

Great Falls Fire Rescue

rshupe@greatfallsmt.net

406-791-8965