



**City Commission Meeting Agenda
2 Park Drive South, Great Falls, MT
Virtual Meeting by Zoom
November 02, 2021
7:00 PM**

Due to the COVID-19 health concerns, the format of the City Commission meeting will be held in a virtual video-conferencing environment. All City Commission members and City staff will attend the meeting via a remote location, using a virtual meeting method.

In order to honor the Right of Participation and the Right to Know (Article II, Sections 8 and 9 of the Montana Constitution), modifications have also been made for public participation.

To attend and participate in the virtual meeting utilizing Zoom, attendees must register in advance for the Commission Meeting at: https://us02web.zoom.us/webinar/register/WN_-zH54ZIHTY6bJdYzBFcWxQ

For all other Participation options, Please see **Public Participation Guide for City Commission Meetings**.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL / STAFF INTRODUCTIONS

AGENDA APPROVAL

CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS

PROCLAMATIONS

Family Court Awareness Month and Resolution of Commendation and Appreciation to Michael J. Winters

MILITARY UPDATES

1. Miscellaneous Reports and announcements from Malmstrom Air Force Base.

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, October 19, 2021, City Commission Meeting.
7. Contracts List.
8. Total Expenditures of \$3,215,197 for the period of September 19, 2021 through October 20, 2021, to include claims over \$25,000, in the amount of \$2,593,433.
9. Approve the final payment for Encino Drive/Grande Vista 2 Street Repairs Phase 2 project in the amount of \$73,654.37 to MRTE, Inc, and \$743.98 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.
10. Approve the final payment for the Longfellow ADA Upgrades in the amount of \$59,592.06 to MRTE, Inc, and \$601.94 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.
11. Approve Final Payment for the S.S. Trenchless Rehabilitation Phase 23, in the amount of \$757,019.34 to Planned and Engineered Construction (PEC), Inc. and \$7,646.66 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.
12. Set a public hearing for December 7, 2021, to receive public comment on the needs within the community related to the use of HOME-ARP funds.

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

PUBLIC HEARINGS

13. Ordinance 3238, A request from Ty Habel with TC Glass and Northern Hydraulics to rezone 14.7 acres addressed as 1300 River Drive North from Light Industrial and Mixed-Use Transitional to Planned Unit Development. *Action: Conduct a public hearing and adopt or deny Ord. 3238. (Presented by Craig Raymond)*
14. Ordinance 3239, To amend the Official Code of the City of Great Falls – 17.32.150 (Driveways). *Action: Conduct a public hearing and adopt or deny Ord. 3239. (Presented by Craig Raymond)*

OLD BUSINESS

15. Request for Proposals for Construction of Indoor Aquatics and Recreation Center. *Action: Award or not award a contract to Swank Enterprises in the amount of \$17,995,000 for the Base Bid and \$354,000 for Alternate #19 for the Indoor Aquatics and Recreation Center, for a total contract amount of \$18,349,000 and authorize the City Manager to execute the construction contract documents. (Presented by Steve Herring)*

NEW BUSINESS

ORDINANCES / RESOLUTIONS

CITY COMMISSION

16. Miscellaneous reports and announcements from the City Commission.

17. Commission Initiatives.

ADJOURNMENT

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.

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Regular City Commission Meeting

Mayor Kelly presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS: City Commission members participated electronically via Zoom webinar: Bob Kelly, Tracy Houck, Mary Sheehy Moe, Owen Robinson and Rick Tryon. City staff participated electronically via Zoom webinar: City Manager Greg Doyon and Deputy City Manager Chuck Anderson; Finance Director Melissa Kinzler; Park and Recreation Director Steve Herrig; Planning and Community Development Director Craig Raymond; Public Works Director Paul Skubinna; Police Chief Jeff Newton; and, City Attorney Jeff Hindoien. City Clerk Lisa Kunz was present in the Commission Chambers.

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AGENDA APPROVAL: City Manager Greg Doyon reported that Dr. Ray Geyer, Infections Disease Specialist, is unable to participate this evening. 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.

PROCLAMATIONS: Extra Mile Day (November 1, 2021) and Red Ribbon Week (October 23-31, 2021)

COMMUNITY HEALTH INITIATIVES

1. **COMMUNITY HEALTH UPDATE FROM DR. RAY GEYER, INFECTIOUS DISEASE SPECIALIST.**

This item will be rescheduled to a future date.

PETITIONS AND COMMUNICATIONS

2. Participating via phone was:

John Hubbard, City resident, commented deregulation needs to be repealed.

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Participating via Zoom was:

Jeni Dodd, City resident, inquired how long the Commission was going to conduct Zoom only meetings. She could not find legal authority that provided for the Commission to decide to have Zoom only meetings.

Mayor Kelly responded that the Commission decided a couple of meeting ago to conduct Zoom meetings. At the last meeting, the Commission discussed what the parameters are going forward and a majority of the Commission decided that was until notice was received from the Centers for Disease Control (CDC) or City-County Health Department (CCHD) that it was safe to gather indoors, since there cannot be a mask mandate.

City Attorney Jeff Hindoien added that this means of conducting a public meeting is legal under Montana law. People have the opportunity to listen, observe and participate. Agendas are going out in the same fashion as they always have. The Commission is providing opportunity for public participation by phone, written comments, and via the Zoom process.

NEIGHBORHOOD COUNCILS

3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

BOARDS AND COMMISSIONS

4. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

CITY MANAGER

5. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon updated the Commission on the Aim High Big Sky Recreation Center Project (OF 1770): Dick Anderson, Sampson, Sletten and Swank submitted bids for the new facility that were opened on October 13, 2021. The base bids ranged from \$17.9 million to \$19.6 million. It is not a great time to be bidding projects of this scope. There is still supply chain, material, Covid and worker concerns that caused issues with the bids. The low bid is below the project budget of \$20 million, but the price does not include some of the alternates that are key to the success of the facility or a desired contingency amount for a project of this size. Staff is continuing to confer with the grant coordinator at the Office of Local Defense Community Cooperation (OLDCC) to determine next steps on the bid award process. With regard to Item 9 on the agenda, Staff will be asking that the Commission defer the bid award until November 2, 2021 to allow time to continue to review the bids and make the best recommendation to the Commission.

CONSENT AGENDA.

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6. Minutes, October 5, 2021, City Commission Meeting.
7. Total Expenditures of \$2,323,581 for the period of August 20, 2021 through October 6, 2021, to include claims over \$25,000, in the amount of \$1,363,104.
8. Contracts List.
9. Postpone consideration of a bid award and contract approval for the Indoor Aquatics and Recreation Center until the November 2, 2021 Commission Meeting. **OF 1770**
10. Approve the purchase of one new Caterpillar asphalt paver from Tractor & Equipment Co. of Great Falls, through Sourcewell, formerly known as NJPA, for a total of \$436,906, including trade-in and shipping.

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

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

PUBLIC HEARINGS

11. **RESOLUTION 10428, A REQUEST FROM THE BUSINESS IMPROVEMENT DISTRICT (BID) TO USE DOWNTOWN TAX INCREMENT FINANCING (TIF) FUNDS FOR COST OF MANUFACTURING AND INSTALLATION OF WAYFINDING SIGNS WITHIN OR DIRECTING TRAFFIC TOWARDS THE DOWNTOWN URBAN RENEWAL DISTRICT.**

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

Planning and Community Development Director Craig Raymond reported that a Wayfinding Plan is essential to connect people travelling to Great Falls to the historic downtown and to the surrounding cultural, natural and recreational amenities. By having access to prominent, appealing signage, many who would otherwise simply travel through Great Falls or those who are not familiar with the area, will learn about the services, destinations and points of interest that are available.

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On April 6, 2021, the Great Falls City Commission formally adopted the City of Great Falls Wayfinding Plan. The estimated cost for the implementation of the wayfinding plan is \$220,000. A broad spectrum of committed downtown groups have pledged funding for the construction and installation of the signage, in the amount of \$117,984. There are a total of 39 motorist signs and 20 pedestrian signs that are eligible to be funded with funds from the Downtown Tax Increment Financing District. The estimated price per motorist sign is \$3050. The estimated price per pedestrian sign is \$700. The amount requested - \$128,950, coupled with the \$117,984 committed from other entities, will cover the implementation of signs eligible for funding from the Downtown TIF District, as well as account for any contingencies there may be in the installation process. The BID has requested that the requested funds be potentially reimbursed in phases as work is completed.

Staff has completed a review of the adopted Commission review criteria as well as statutory eligibility requirements and finds that this request is eligible for approval and staff supports the request.

Mayor Kelly asked if the Commission members had any questions. Hearing none, Mayor Kelly asked if there were any comments from the public in support of Resolution 10428.

Appearing via Zoom was:

Jolene Schalper, Great Falls Development Authority and downtown business owner, commented this project is an excellent use of TIF funds and addresses concerns of visitors and locals that it is hard to find your way around the city.

Written comments in support were submitted by: **Andy Ferrin**, 308 1st Avenue South, noting that wayfinding has been a goal for the downtown for over a decade; and, **Shane Etwiler**, Great Falls Area Chamber of Commerce, noting that the Chamber contributed to this Wayfinding project and that a city with wayfinding signing is a tremendous asset to visitors and speaks to the caring nature of the city.

No one spoke in opposition to Resolution 10428.

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

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10428.

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

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Commissioner Houck commented this is an excellent use of funds and wayfinding benefits all entities.

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

Motion carried 5-0.

12. RESOLUTION 10429, A REQUEST FROM THE BUSINESS IMPROVEMENT DISTRICT (BID) TO USE WEST BANK TAX INCREMENT FINANCING (TIF) FUNDS FOR COST OF MANUFACTURING AND INSTALLATION OF WAYFINDING SIGNS WITHIN OR DIRECTING TRAFFIC TOWARDS THE WEST BANK URBAN RENEWAL DISTRICT.

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

Planning and Community Development Director Craig Raymond highlighted a couple of differences between this agenda item and the previous. The over-all project is the same; however, the TIF districts are separate, distinct districts and the number of proposed signs and amount of TIF funds sought are also different from the downtown TIF request in agenda item 11. This specific request is seeking to fund two motorist signs for a total of \$6,820 out of the West Bank TIF district.

Mayor Kelly asked if the Commission members had any questions. Hearing none, Mayor Kelly asked if there were any comments from the public in support of Resolution 10429.

Written comments in support were submitted by: **Andy Ferrin**, 308 1st Avenue South, noting that West Bank is a great addition to our community and wayfinding is another win-win for everybody; and, **Shane Etwiler**, Great Falls Area Chamber of Commerce, urging the Commission's vote in favor of using TIF funds for the wayfinding signage project directing people to the West Bank Urban Renewal District, which is rapidly becoming a destination due to its development and growth.

No one spoke in opposition to Resolution 10429.

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

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10429.

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

Mayor Kelly expressed appreciation to Joan Redeen, Business Improvement District, for being the driving force for this project.

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

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Motion carried 5-0.

OLD BUSINESS

13. CIVIC CENTER FACADE PROJECT, CHANGE ORDER #1. OF 1525.2

Planning and Community Development Director Craig Raymond reported that, beginning in early September after initial demolition had started, the Façade project contractor began to unveil some significant abnormalities, deficiencies and poor construction conditions that were not previously known during the design and bidding process. As such, corrective solutions could not have been developed and bid on prior to awarding the construction contract. These deficiencies were exposed when thick stone panels and parapet elements were removed from the building. Even though a single stone panel was removed from the front of the building during a comprehensive engineering review prior to the design phase of the project, there was no feasible way to know what lie underneath until more obstructions were removed. The underlying construction is not consistent from one end of the wall or parapet system to the other. Additionally, the corrosion of the steel structural members due to water intrusion was not visible during the engineering analysis.

Staff and the contractor have worked closely with the Cushing Terrell team to ensure that solutions are as complete as possible and cost effective, but with long term durability in mind.

Commissioner Tryon moved, seconded by Commissioner Robinson, that the City Commission approve Change Order #1 in the amount of \$300,000 and increase the total contract amount from \$5,411,682 to \$5,711,682 for the Civic Center Façade project.

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

Mayor Kelly inquired the original budget amount and was informed \$6 million dollars.

Commissioner Moe inquired about the contractor working through the winter at less cost than extending the project.

Director Raymond clarified that it is anticipated if the project term was extended it could be more expensive.

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

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

14. ORDINANCE 3238, A REQUEST FROM TYE HABEL WITH TC GLASS AND NORTHERN HYDRAULICS TO REZONE 14.7 ACRES ADDRESSED AS 1300 RIVER

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DRIVE NORTH FROM LIGHT INDUSTRIAL AND MIXED-USE TRANSITIONAL TO PLANNED UNIT DEVELOPMENT.

Planning and Community Development Director Craig Raymond reported that for the last several months City staff have been in discussions with the Great Falls Development Authority and the TC Glass Company about the former Wausau Building Supply site located at 1300 River Drive North. TC Glass currently has a retail business operation located within the current city limits. Additionally, TC Glass has a glass production facility located outside the city limits at 2300 Vaughn Road. The production facility building on Vaughn Road is too small to accommodate all of the glass product storage needs for TC Glass so they are looking for a property they can grow into.

The property located at 1300 River Drive North used to be the business location for Wausau Building Supply. There is an existing 105,000 square foot building on the property that has been vacant for the last several years. The building and surrounding property have been on the market for some time, but the large size of the building makes it difficult to be used by a single business. TC Glass has approached City staff with an interest in using a portion of the existing building to consolidate its entire sales, office, and production operation. However, in order to move forward with its purchase of the property, the applicant has brought forward this rezoning request to be able to share the building with a wider range of industrial tenants.

The second applicant for the request, Northern Hydraulics, wishes to purchase 3.8 acres of the subject property with the thought that they may eventually construct a new building at this location. Northern Hydraulics has a business location in Black Eagle that sells and repairs hydraulic components.

The entire western site and most of the eastern site are currently zoned Light Industrial (I1). A portion of the eastern site along 14th Street is zoned Mixed-Use Transitional (M-2). The applicants' request to create a Planned Unit Development is being driven by several factors: 1) eliminate the split zoning situation on the eastern tract, and 2) give the applicants the ability to market the sites to both light industrial and limited heavy industrial users. The applicants are requested the flexibility to market the sites, particularly the remaining portion of the Wausau Supply Building, for businesses that manufacture products made from raw materials. Normally, this would require the applicants to rezone the property to Heavy Industrial (I-2). However, the applicants are sensitive to the concern that other permitted land use activities in the Heavy Industrial zoning district might raise concerns from surrounding property owners. To alleviate potential concerns, the applicants' PUD zoning request for the property allows them to submit their own list of permitted land uses and development standards. This information, which is included in the agenda report, will use the underlying I-1 zoning district. The only substantive land use added is the proposed allowance for limited Heavy Industrial businesses. This allows the City to specifically prohibit the following land uses that would otherwise be allowed in an I-2 district:

- Fuel Tank Farm
- Telecommunication facilities
- Junkyards

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- Motor Vehicle Graveyards
- Motor Vehicle Wrecking Facilities

The applicants' choice to bring forward a PUD request is preferable to staff to simply rezoning the property to I-2. The question for the City Commission is whether to allow the Heavy Industrial land use request to create more flexibility for the applicants to potentially add another business that would manufacture raw materials.

The proposed zone change was brought to Neighborhood Council #7 on September 13th where, after much discussion, it was unanimously voted to recommend approval of the zone change. Additionally, the Zoning Commission recommended in favor of the proposed change on September 28th.

Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission accept Ordinance 3238 on first reading and set a public hearing for November 2, 2021.

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

Commissioner Moe requested a summary of the comments made during the Neighborhood Council 7 meeting when this item was presented.

Director Raymond read from the Agenda Report that, "The policy issue that was discussed was whether this property should be redeveloped in keeping with other mixed use development activity along River Drive North. Ultimately, the fact that there is a 105,000 square foot building on the property with many years of useful life made the Council understand that demolition and mixed use development is not a realistic scenario at this time."

Commissioner Moe requested more detail in the agenda report for the November 2 public hearing pertaining to what is a permissible use and what is not.

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

Motion carried 5-0.

15. ORDINANCE 3239, AMENDMENT TO THE OFFICIAL CODE OF THE CITY OF GREAT FALLS – 17.32.150 (DRIVEWAYS).

Planning and Community Development Director Craig Raymond reported that the impetus behind the proposed amendment to the Driveway chapter of the Land Development Code was two-fold: first, a series of permit requests to construct street accessed driveways on properties located within the older neighborhoods that also have alley access. These requests brought to light a problematic provision within the Driveway chapter of the City's Land Development Code. The current provision of the code states the following: 17.32.150(B)(4)(c) Alley Accessed Lots - For those properties which are served by an alley, no new driveways or expansions of existing driveways accessing the street are allowed unless authorized by both the City Engineer and the Director of

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Planning and Community Development. There are legitimate reasons why city codes restrict the ability of property owners to have street-accessed driveways when they already have alley access to parking areas and detached garages. These reasons include: 1) preventing conflicts between vehicles backing out of driveways and vehicles using city streets, 2) keeping the sidewalk network as intact as possible reducing vehicle/pedestrian conflicts, and 3) maintaining greenspace in the front yards and boulevards of older neighborhoods. However, the current code provision for alley accessed lots is problematic because it both prohibits street accessed driveways in one passage, but then allows City staff to essentially override the code in the next passage. What is further problematic is that the provision does not provide any decision making criteria to assist City staff in potentially overriding the prohibition on street-accessed driveways.

Second, the increasing over-use of the city street system for storage of private, large vehicles and increase in the number of cars and trucks also being stored on the street. Many things have changed since the days of Paris Gibson and subsequent other visionaries when they first began laying out the design of the plats and streets of yesteryear. The Commission is aware of the current effort to deal with large vehicles on the street were initiated by numerous citizen complaints. Since the Commission has asked staff to bring solutions, we have already brought forth solutions that first and foremost would help people deal with their toys and vehicles on their own private property. The Commission already passed an ordinance that provided significant increases in garage size allowances. Now staff brings this proposed change that will also make it easier to store personal belongings on private property, which will help avoid enforcement and prosecution of nuisances.

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission accept Ordinance 3239 on first reading and set a public hearing for November 2, 2021.

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

Motion carried 5-0.

16. ORDINANCE 3230, AMENDING TITLE 10 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) TO PROHIBIT THE LONG-TERM PARKING AND/OR STORAGE OF RECREATIONAL VEHICLES, UTILITY TRAILERS OR VESSELS IN RESIDENTIAL DISTRICTS.

City Attorney Jeff Hindoien reported that this item is continued consideration of proposed Ordinance 3230. This item was before the Commission at the July 20, 2021 work session, August 17, 2021 Commission meeting, and public hearing conducted and concluded at the September 7, 2021 Commission meeting. At that time, the Commission took action to postpone further consideration of the ordinance until October 19, 2021 to allow for potential consideration of amendments to the ordinance as it is currently proposed.

The ordinance is the product of years of complaints to City staff and City Commission about the long-term presence of large recreational vehicles, boats, and utility trailers in residential areas. Concerns expressed were about safety and whether the original design of some residential streets

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were designed to accommodate the volume and size of some of the vehicles. The ordinance has been crafted in an attempt to work through that problem and confront it from a regulatory standpoint. Structurally, the ordinance is fairly straightforward in identifying certain types of vehicles that are not going to be allowed in residential districts, except for very limited purposes of loading or unloading for a certain period of time. If the vehicle is there for longer than the set period of time, the ordinance provides for a 24-hour notice and that framework incorporated into the existing parking code and enforcement structure in Title 10 of the Official Code of the City of Great Falls. The resolution for parking fines as it sits today is \$20 per citation. It is intended to be a complaint-driven process, and complaints being addressed within the framework of existing staffing and workload environments of the Great Falls Police Department.

At the conclusion of the September 7th public hearing, City Attorney Hindoien advised that there were no legal concerns with this ordinance relative to authorities set forth in Title 7 or Title 61 of the Montana Code Annotated.

Mayor Kelly noted that there was discussion on proposed amendments during this evening's work session. He asked if there were any comments from the public.

Appearing via Zoom were:

Laura Hodges, City resident, commented that this new ordinance is redundant as there is already an ordinance and mechanism in place to deal with vehicles stored on public streets, and that it is impractical to enforce.

Brian Kelley, City resident, agreed the ordinance is redundant. He suggested the City of Great Falls start implementing and enforcing the Montana Code parking regulation. He concluded that the ordinance creates an extreme financial burden to the citizens of Great Falls.

Jeni Dodd, City resident, agreed with previous speakers that the ordinance is redundant, and suggested enforcing the ordinances already in place.

Appearing via telephone was: **John Hubbard**, City resident, commented that the City does not need any new laws. People pay for a license to have a vehicle on a city street.

Written comments in support of proposed Ordinance 3230 were received from: **Linda Daggett**, 415 6th Avenue South; **Jack Fauth**, no address provided, **Brenda Campbell**, no address provided, **Judy Gretch**, City resident, and **Mary Ann Seitz**, no address provided. **Gary Prinzing**, 1826 7th Avenue North, submitted written comments advocating that the proposed ordinance maintain the state/city time frame of 48 and 72 hours and 5 days as outlined in current city and state codes and ordinances.

For the purpose of bringing the Ordinance to the floor for discussion and possible amendment, **Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission adopt Ordinance 3230.**

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Commissioner Moe further moved, seconded by Commissioner Robinson, that Section 2. of proposed Ordinance 3230 be amended to provide for a delayed effective date of March 15, 2022.

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

Commissioner Moe commented that people would need time to make other arrangements and adjust to this change.

Mayor Kelly asked if there were any comments from the public with regard to the amendment to provide for a delayed effective date of March 15, 2022.

Participating via Zoom was:

Laura Hodges, City resident, inquired if the current law would be enforced pending the effective date of the new ordinance.

With regard to comments pertaining to redundancy, City Attorney Hindoen clarified that this ordinance is not redundant of Title 61, abandoned vehicle parking prohibition, wherein once the vehicle moves, it starts the five-day clock over. This is a more simple prohibition that identifies certain types of vehicles that cannot remain parked for a certain amount of time in a residential district. Moving the vehicle, whether it is five feet or around the block, does not address the violation. Under this structure, the vehicle is not allowed to be parked there except for temporary purposes.

Mayor Kelly added that if the new ordinance goes into effect March 15, 2022, the abandoned vehicle laws are in place and will continue to be followed and enforced as is currently done primarily with the volunteer force.

Appearing via telephone was: **John Hubbard**, City resident, suggested tabling this matter until more information is provided to the public.

There being no one further to address the Commission, Mayor Kelly called for the vote on the first amendment to Ordinance 3230.

Motion to amend carried 5-0.

Commissioner Moe further moved, seconded by Commissioner Robinson, that Section 10.9.310 B. of proposed Ordinance 3230 be amended to provide for a temporary parking period of no more than 72 hours in a seven (7) day period.

Mayor Kelly asked if there were any comments from the public with regard to the amendment to provide for a temporary parking period of no more than 72 hours in a seven (7) day period.

Participating via Zoom was:

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Jeni Dodd, City resident, commented it is hypocritical of the City to now go after citizens after the City allowed a private business to use a parking area in a City park for over two years for free.

There being no one further to address the Commission, Mayor Kelly called for the vote on the second amendment to Ordinance 3230.

Motion to amend carried 5-0.

Commissioner Moe further moved, seconded by Commissioner Tryon, that Section 10.9.310 B. of proposed Ordinance 3230 be amended to include an additional exception as follows: “The time limits contained in this section do not apply to trailers that are being used in the course of providing commercial construction or other services in the location where the trailer is parked.”

Mayor Kelly asked if there were any comments from the public with regard to the amendment to provide an exception for commercial construction at a site to get work done in a residential area or further discussion amongst the Commissioners.

Hearing none, Mayor Kelly called for the vote on the third amendment to Ordinance 3230.

Motion to amend carried 5-0.

Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission adopt Ordinance 3230 as three times amended.

Mayor Kelly asked if there were any comments from the public with regard to Ordinance 3230 as amended.

Participating via Zoom was:

Andrew Lovec, City resident, commented that his issue with this proposed Ordinance is that there is no proof being given that a vehicle is parked for any length of time.

Police Chief Jeff Newton explained that this is a complaint driven process. Verified complaints are taken, assigned a case report number, addressed appropriately with a tag or the process of working with the City Attorney’s office. The majority of the complaints are resolved without any enforcement action. Some require a citation and some are impounded. Year to date, GFPD investigated 1058 abandoned vehicle complaints, and 841 were resolved without enforcement action.

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

Commissioner Tryon commented that he would reluctantly vote in favor of the ordinance. Voting on this issue that has enough broad-based impact on the community would have been done more properly in a regular meeting rather than an all-virtual format. He expressed concern that the administration and enforcement of this ordinance is going to be a challenge. If the ordinance is

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adopted as amended, Commissioner Tryon suggested monitoring the ordinance after it goes into effect to make it better or make changes if needed. He will vote in favor due to safety concerns that, in his opinion, are not being addressed by the abandoned vehicle ordinance.

Commissioner Houck commented she would not vote in favor of the ordinance. Original concerns were about safety that she does not think have been addressed, and she expressed concerns about enforcement.

Commissioner Moe commented that the established ordinance communicates that streets are not storage places for these large vehicles. The safety concern is a significant one and she thinks most people will comply with it.

Mayor Kelly commented that this new law gives the Police Department and volunteers a new tool in their kit to prevent streets from being unsafe and acting as storage areas. He expressed appreciation to the volunteers who have been incredibly responsive to the complaints. With over 1000 of these incidences being reported and over 800 resolved without a citation shows a great achievement of the volunteers.

There being no further discussion, Mayor Kelly called for the vote on Ordinance 3230 as amended.

Main Motion, as amended, carried 4-1 (Commissioner Houck dissenting).

CITY COMMISSION

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Kelly noted the passing of Chief Old Person. He will be sorely missed, but his deeds will never be forgotten. He was a great leader.

Regarding the decision to go to all-virtual Commission meetings, Commissioner Tryon reported that he is the dissenting voice on the Commission. He requested clarification regarding clearance from the CCHD and CDC. Mayor Kelly responded that the guidance the CCHD follows generally comes from the CDC.

Commissioner Tryon suggested putting the all-virtual meeting format on the agenda for the public to weigh in. The all-virtual meeting format limits the ability of some members of the community to participate.

Mayor Kelly responded that this topic does not have to be an agenda item for the public to weigh in. The Commission discussion took place at the end of a Commission meeting, and a majority of the Commission members concurred that, for safety factors, to have virtual meetings. It has been proven throughout the state. He is in touch with the Health Department on a weekly basis regarding how much transmission is occurring. At this point, the recommendation of gathering indoors is not coming from the CCHD or CDC.

JOURNAL OF COMMISSION PROCEEDINGS
Virtual Meeting by Zoom
October 19, 2021

Commissioner Tryon commented that the original decision to go all-virtual was done by an informal vote via email to Manager Doyon, without opportunity for public input. Even though not legally required to do so, Commissioner Tryon questioned whether that was the right way to go by not inviting the public in the decision making process.

Commissioner Moe commented that it was agreed amongst the Commission that the City Manager poll the Commission members to decide what to do. There has been plenty of public comment about it. It has not changed her mind. She does not want to be responsible for one more person in the community getting ill. She will take that chance for herself, but she will not entice people to come to a public meeting and perhaps get sick. There is nothing she can do to ensure that there are measures taken that will mitigate that. From the very start, she has been expressing her objection to the Commission creating that environment for citizens.

Commissioner Robinson commented that he invited Dr. Ray Geyer, Infectious Disease Specialist, to this meeting so that all of the Commission members could ask him questions about why the Commission is conducting meetings via Zoom. He was unable to attend tonight and has a conflict on November 2, 2021, but is anxious to attend to answer questions.

Commissioner Houck noted the passing of Lisa Goff from CASA-CAN. She was instrumental in changing lives of so many children in the community for the good. She committed so much of her life to improving our community.

18. COMMISSION INITIATIVES.

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Houck moved, seconded by Mayor Kelly, to adjourn the regular meeting of October 19, 2021, at 8:44 p.m.**

Motion carried 5-0.

Mayor Bob Kelly

City Clerk Lisa Kunz

Minutes Approved: November 2, 2021

CITY OF GREAT FALLS, MONTANA

COMMUNICATION TO THE CITY COMMISSION

DATE: November 2, 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 - Street/Traffic Division	State of Montana, Department of Transportation	07/01/2021- 06/30/2022	N/A	Traffic Control Maintenance Agreement for State Fiscal Year 2022 (CR: OF 1739, 051518.9, 110718.7C, 010219.8A, 110519.7A, 021621.7B)
B	Park and Recreation	A-1 Contractors	11/02/2021- 12/31/2021	\$44,121 + \$2.60/sq. foot for replacement decking as needed	Public Works Construction Agreement to remove old shingles and replace new roof at the Boys and Girls Club of Cascade County building at 600 1 st Avenue SW OF 1620.1

<p>C</p>	<p>Great Falls Police Department</p>	<p>Cascade County</p>	<p>11/16/2021-09/30/2024</p>	<p>\$42,435 Grant Award from US Department of Justice = \$25,461 - City \$16,974 - County</p>	<p>Interlocal Agreement for division of the FY 2021 Byrne Justice Assistance Grant (JAG) Program award for purchase of interview room recording equipment (GFPD) and Watchguard body camera systems (CCSO) (Application #15PBJA-21-GG-01630-JAGX) (CR: 081721.9A)</p>
<p>D</p>	<p>Great Falls Police Department</p>	<p>U.S. Department of Justice</p>	<p>10/01/2021-10/01/2023</p>	<p>\$239,000 Grant Funds Awarded – No City Match</p>	<p>Grant Award #15JCOPS-21-GG-02329-SPPS to assist the Great Falls Police Department and Alluvion Health implementation of a mobile response Crises Intervention Team (CIT) to respond to individuals experiencing a behavioral health crises and will connect them with the resources and services that are individualized to their care (CR: 080321.9B)</p>



Commission Meeting Date: November 2, 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	SEPT 19, 2021 - OCT 2, 2021	707,367.89
ACCOUNTS PAYABLE CHECK RUNS FROM MUNIS	OCT 13, 2021 - OCT 20, 2021	2,500,616.68
MUNICIPAL COURT ACCOUNT CHECK RUN FOR ASIFLEX	OCT 1, 2021 - OCT 15, 2021	5,736.98
	OCT 5, 2021 - OCT 12, 2021	1,475.03
TOTAL: \$		<u>3,215,196.58</u>

SPECIAL REVENUE FUND

PARK DISTRICT

ADVANCED LAWN CARE & MAINT LLC	PARK DISTRICT IRRIGATION UPGRADE PR641906 OF 1740	33,668.42
CXT, INC AN L.B. FOSTER COMPANY	ODDFELLOWS RESTROOM PR642010	151,208.00

HOUSING AUTHORITY

HEIMAN INC	BREATHING AIR COMPRESSOR	53,820.00
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DEBT SERVICE

TIF BONDS

METROPOLITAN LLC	REIMBURSEMENT RELATED TO TIF AT 313 & 315 CENTRAL AVENUE	25,440.00
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ENTERPRISE FUNDS

WATER

CENTRAL EXCAVATION	OF 1432.1 SW SIDE WMR PHASE 2	153,146.51
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STORM DRAIN

WESTERN MUNICIPAL CONSTRUCTION	OF 1463.1 VALERIA WAY 4 STORM DRAIN REPL PH 2	481,257.89
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SANITATION

CASCADE ENGINEERING INC	580 96 GALLON REFUSE CONTAINERS	37,719.60
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CIVIC CENTER EVENTS

KINGSTON TRIO ARTISTS LLC	FINAL SHOW SETTLEMENT FOR KINGSTON	18,572.31
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INTERNAL SERVICES FUND

HEALTH & BENEFITS

HEALTH CARE SERVICE CORP	BCBS HEALTH CARE	676,817.97
SUN LIFE FINANCIAL	SUN LIFE DENTAL AND VISION	42,538.99

TRUST AND AGENCY

PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	55,354.00
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	64,087.12
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	70,595.23
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	139,864.05
US BANK	FEDERAL TAXES, FICA & MEDICARE	243,114.35
MONTANA MUNICIPAL INTERLOCAL AUTHORITY	3RD QTR WORKERS COMPENSATION	260,906.64

UTILITY BILLS

HIGH PLAINS LLC	SANITATION COLLECTION SEPT 2021	85,321.92
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CLAIMS OVER \$25000 TOTAL:	\$	<u><u>2,593,433.00</u></u>
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Commission Meeting Date: November 2, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Approve Final Payment: Encino Drive/Grande Vista 2 Street Repairs Phase 2, O. F. 1680.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Paul Skubinna, P.E., Public Works Director

Action Requested: Consider and Approve Final Payment

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (approve/not approve) the Final Payment for Encino Drive/Grande Vista 2 Street Repairs Phase 2 in the amount of \$73,654.37 to MRTE, Inc, and \$743.98 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

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

Staff Recommendation: Approve final payment.

Summary:

MRTE, Inc. completed the construction of the Encino Drive/Grande Vista 2 Street Repairs Phase 2, and is requesting Final Payment.

Background:

Purpose:

Due to numerous resident complaints and recurring maintenance issues, this project was initiated reconstruct Encino Drive from the intersection of Park Garden Road to the cul-de-sac. The project was split into two phases, due to the length and extensive nature of the work required to fix the street.

- Phase 1 was completed in August of 2019 and included the area from 150-feet south of the intersection of Madera Drive and Encino Drive to the cul-de-sac.
- Phase 2 extended from the intersection of Park Garden Road and Encino Drive to 150-feet south of the intersection of Madera Drive and Encino Drive. This phase of the project included removal of the existing pavement and base course, proper compaction of the clay subgrade soils, installation of drainage elements, installation of a separation and subgrade support fabric, and installation and compaction of new base course and asphaltic concrete pavement.

Workload Impacts:

The City Engineering staff completed design phase engineering, plans and specifications with assistance from City Street Division and City Utilities Division. City Engineering staff provided construction phase engineering services and project inspection.

Project Work Scope:

Work performed under this contract included reconstructing 850-feet of roadway including: integral concrete curb and gutter, prefabricated geo-composite strip drain, 4-inch concrete sidewalk; 6-inch reinforced concrete, Americans with Disabilities Act compliant ramps, and landscape restoration.

Final Payment:

The original contract was awarded on February 19, 2020 in the amount of \$733,375.00. The final project cost is \$690,441.50, for a savings of \$42,933.50. The difference is due to the cooperative efforts of the City and Contractor to reduce materials required for construction throughout the project.

Conclusion:

This project was selected, prioritized, and executed in accordance with the Public Works Capital Improvement Program. The project provides a more durable surface, improves drainage issues, and will reduce complaints associated with (and maintenance resulting from) heaving and settlement caused by the clay subgrade soils.

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 June 30, 2021.

Fiscal Impact:

This project was programmed and budgeted to utilize 95% Bridge and Road Safety and Accountability Act (BaRSAA) Fuel Tax revenue, and 5% Street Division Enterprise Fund.

Alternatives:

The City Commission could vote to deny approval of the final payment. This action could degrade contractor relations and may lead to litigation and/or a finding of breach.

Attachments/Exhibits:

Final Pay documents

Vicinity Map

PROJECT FUNDING/EXPENDITURE SUMMARY

OF 1680.1, Encino Drive / Grande Vista 2 Street Repairs Phase 2

PREPARED BY THE CITY ENGINEERS OFFICE: RJB

DATE: 10/15/2021

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5			
CONTRACTOR: MRTE	Unassigned Capital Improvements 2520-31-531-49010				\$30,494.16	\$3,682.72	\$36,302.06	\$34,176.88	\$2,125.18
	Gas Tax BaRSAA 2821-31-531-49310	\$114,910.29	\$126,798.21	\$ 223,509.83	\$114,170.76	\$69,971.65	\$689,739.19	\$649,360.74	\$40,378.45
	DATE	7/14/2020	8/7/2020	9/11/2020	11/13/2020	10/15/2021	\$726,041.25	\$683,537.61	\$42,503.64

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5			
MT. DEPT. OF REV. 1%	Unassigned Capital Improvements 2520-31-531-49310				\$308.02	\$37.20	\$366.69	\$345.22	\$21.47
	Gas Tax BaRSAA 2821-31-531-49310	\$1,160.71	\$1,280.79	\$2,257.68	\$1,153.24	\$706.78	\$6,967.06	\$6,559.20	\$407.86
	DATE	7/14/2020	8/7/2020	9/11/2020	11/13/2020	10/15/2021	\$7,333.75	\$6,904.42	\$429.33

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5			
MISCELLANEOUS	Unassigned Capital Improvements 2520-31-531-49310	\$205.44					\$1,000.00	\$205.44	\$794.56
	Gas Tax BaRSAA 2821-31-531-43590	\$205.44	\$0.00	\$0.00	\$0.00	\$0.00	\$1,000.00	\$0.00	\$0.00
	DATE	1/6/2020						\$205.44	\$794.56
VENDOR	Tribune								

Handwritten initials: RB, Gut, KA

PROJECT #	ACCOUNT NUMBER	FUND DESIGNATION	FUNDING	EXPENDITURES	BALANCE
PW392005					
	2520-31-531-49010	Unassigned Capital Improvements	\$36,668.75	\$34,522.10	\$2,146.65
	2821-31-531-49310	Gas Tax BaRSAA	\$696,706.25	\$655,919.94	\$40,786.31
	2520-31-531-49310	Unassigned Capital Improvements	\$1,000.00	\$205.44	\$794.56
		TOTALS	\$734,375.00	\$690,647.48	\$43,727.52

Project Totals **\$734,375.00** **\$690,647.48** **\$43,727.52**

Subcontractor

APPLICATION FOR PAYMENT



FROM: MRTE Inc

PROJECT: Encino Drive/Grande Vista 2 Street Repairs Phase 2 O.F. 1680.1 APPLICATION NO: Final

PERIOD IN WHICH WORK PERFORMED: 1-Oct-20 TO: 21-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>733,375.00</u>
2. Approved change authorizations			\$	<u>0.00</u>
3. Adjusted contract amount	(Add lines 1 and 2)		\$	<u>733,375.00</u>
<hr/>				
4. Value of work completed and materials stored from previous applications (per attached breakdown)		<u>88%</u>	\$	<u>648,467.00</u>
5. Value of work completed this pay period (per attached breakdown)		<u>6%</u>	\$	<u>41,975.00</u>
6. Materials presently stored on site and not included in lines 4 and 5 (per attached breakdown)			\$	<u>0.00</u>
7. Total earned to date	(Add lines 4, 5 and 6)	<u>94%</u>	\$	<u>690,442.00</u>
8. Retainage	0% (Multiply line 7 by retainage %)		\$	<u>0.00</u>
9. Total earned to date less retainage	(Subtract line 8 from line 7)		\$	<u>690,442.00</u>
10. Total of all previous applications	(Line 9 of previous request)		\$	<u>616,043.65</u>
11. Amount due this application	(Subtract line 10 from line 9)		\$	<u>74,398.35</u>
12. Less 1% State Gross Receipts Tax:			\$	<u>743.98</u>
13 DUE THIS APPLICATION	(Subtract line 12 from line 11)		\$	<u>73,654.37</u>

SCHEDULE OF VALUES



A	B	C	D	E	F	G	H	I	J	K	L
ITEM NO.	DESCRIPTION OF WORK	ORIGINAL CONTRACT AMOUNT (\$6000)	APPROVED CHANGE AUTHORIZATIONS	ADJUSTED CONTRACT AMOUNT (C + D)	WORK COMPLETED FROM PREVIOUS APPLICATION (H from Previous)	WORK COMPLETED & MATERIAL ON SITE THIS PERIOD (C + G)	NEW MATERIALS STORED ON SITE (not in F or G)	TOTAL COMPLETED & STORED TO DATE (F + G + J)	% COMPLETE (I/E)	BALANCE TO FINISH (E - J)	% COMPLETE (I/E)
101	Mobilization	\$36,000.00		\$36,000	36,000			\$36,000	100%	\$0	100%
102	Traffic Control	\$15,000.00		\$15,000	15,000			\$15,000	100%	\$0	100%
103	Base Cours, 1 1/2" minus 16"	\$73,500.00		\$73,500	73,500			\$73,500	100%	\$0	100%
104	Sub-Base Course 24" depth	\$84,000.00		\$84,000	96,900			\$96,900	115%	-\$12,900	-15%
105	Unclassified Excavation	\$68,900.00		\$68,900	68,900			\$68,900	100%	\$0	100%
106	Woven Separation-Stabilization Geotextile	\$33,800.00		\$33,800	33,800			\$33,800	100%	\$0	100%
107	4" A/C Pavement	\$86,400.00		\$86,400	86,400			\$86,400	100%	\$0	100%
108	CRS-2 Asphalt Seal & chip Coat	\$41,975.00		\$41,975		\$41,975		\$41,975	100%	\$0	100%
109	Concrete Curb & Gutter Integral	\$42,000.00		\$42,000	52,052			\$52,052	124%	-\$10,052	-24%
110	4" Concrete Sidewalk	\$40,000.00		\$40,000	41,120			\$41,120	103%	-\$1,120	-3%
111	6" Reinforced Concrete	\$77,000.00		\$77,000	72,880			\$72,880	95%	\$4,120	5%
112	Truncated Domes	\$2,500.00		\$2,500	2,000			\$2,000	80%	\$500	20%
113	24" Strip Drain	\$4,500.00		\$4,500	4,500			\$4,500	100%	\$0	100%
114	36" Strip Drain	\$23,400.00		\$23,400	23,400			\$23,400	100%	\$0	100%
115	Adjust Manhole	\$900.00		\$900	900			\$900	100%	\$0	100%
116	Adjust Water Valve Box	\$1,400.00		\$1,400	1,900			\$1,900	136%	-\$500	-36%
117	Adjust Fire Hydrant	\$2,000		\$2,000				\$0		\$2,000	100%
118	Mailbox Move and Reset	\$2,000		\$2,000	\$2,000			\$2,000	100%	\$0	100%
119	Street Monument	\$3,600		\$3,600	\$3,600			\$3,600	100%	\$0	100%
120	Sod Acutal quantity less thank bid 8114 sf	\$17,500		\$17,500	\$14,200			\$14,200	81%	\$3,300	19%
121	Tree Planting	\$9,000		\$9,000				\$0		\$9,000	100%
122	Irrigation Move and Reset	\$18,000		\$18,000	\$18,000			\$18,000	100%	\$0	100%
123	Misc. Work	\$50,000		\$50,000	\$1,415			\$1,415	3%	\$48,585	97%
124				\$0				\$0		\$0	
125				\$0				\$0		\$0	
		TOTALS	\$0	\$733,375	\$648,467	\$41,975	\$0	\$690,442	\$20	\$42,933	6%

CHANGE AUTHORIZATIONS

NO	DESCRIPTION/CHANGE	QTY	AMOUNT
1	Caulking at two houses	2	\$500
2	Landscape curbing extra		\$415
		TOTAL	\$1,415

COMPANY NAME:	MRTE Inc
PROJECT:	Drive/Grande Vista 2 Street Repairs Phase 2 O.F.
PERIOD ENDING:	20-Jun-21
PAYMENT APPLICATION NO:	Final

SHOULD MATCH TOTAL OF COLUMN D

PROJECT FUNDING/EXPENDITURE SUMMARY

OF 1680.1, Encino Drive / Grande Vista 2 Street Repairs Phase 2

PREPARED BY THE CITY ENGINEERS OFFICE: RJB

DATE: 10/15/2021

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		\$114,910.29	\$126,798.21	\$223,509.83	\$144,664.92	\$73,654.37	\$726,041.25	\$683,376.61	\$42,503.64
	DATE	7/14/2020	8/7/2020	9/11/2020	11/13/2020	10/15/2021			

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		\$1,160.71	\$1,280.79	\$2,257.68	\$1,461.26	\$743.98	\$7,333.75	\$6,904.42	\$429.33
	DATE	7/14/2020	8/7/2020	9/11/2020	11/13/2020	10/15/2021			

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
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	DATE	1/6/2020						\$205.44	\$794.56
	VENDOR	Tribune						\$1,000.00	\$205.44

Handwritten initials: JB, GWT, KA

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Project Totals \$734,375.00 \$690,647.48 \$43,727.52

Subcontractor

APPLICATION FOR PAYMENT



FROM: MRTE Inc

PROJECT: Encino Drive/Grande Vista 2 Street Repairs Phase 2 O.F. 1680.1 APPLICATION NO: Final

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

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12. Less 1% State Gross Receipts Tax:		\$	<u>743.98</u>
13. DUE THIS APPLICATION	(Subtract line 12 from line 11)	\$	<u>73,654.37</u>



Contractors Gross Receipts Gross Receipts Withholding Return

1. Contract Awarded by: Agency Prime Contractor

Federal Identification Number (FEIN): 81-6001269		
Name: City of Great Falls		
Address: PO Box 5021		
City: Great Falls	State: MT	Zip Code: 59403

2. Contract Awarded to: Prime Contractor Sub Contractor

Federal Identification Number (FEIN): 81-0479088		
Name: MRTE		
Address: PO Box 538		
City: Black Eagle	State: MT	Zip Code: 59414

3. Government Issued Contract Number	3.	OF 1680.1
4. Contract Award Date	4.	18-Feb-20
5. Month and year increment payment earned	5.	Oct-21
6. Gross amount due prime contractor or sub-contractor at the time of this report	6.	\$74,398.35
7. Amount Withheld (1% of line 6) (If payment made to prime contractor from awarding agency, remittance must accompany this report)	7.	\$743.98
8. Net amount paid prime contractor or sub-contractor at the time of this report	8.	\$73,654.37
9. Check proper box for type of return being filed:		
<input checked="" type="checkbox"/> Remittance attached for credit to prime contractor's account (amount paid)	9a.	\$743.98
<input type="checkbox"/> Sub-Contractor allocation. Authorization to transfer credit to sub-contractor Failure of prime contractor to file a distribution report within thirty (30) days of payment will result in a 10% penalty.		
Date payment made to sub-contractor	9b.	10-Nov-21

10. Description of work to be performed: Encino Dr/Grande Vista 2 Street Repairs Phase 2

11. Location of work to be performed (be specific): Great Falls MT

The agency or contractor must, in accordance with Section 15-5-206, Montana Code Annotated, withhold one percent (1%) of incremental payments due the contractor or sub-contractor. Amounts withheld from a prime contractor must be forwarded with this report to the Department of Revenue. Amounts withheld from sub-contractors must be reported on this form so that proper allocation of credit can be made from prime contractor's account to the sub-contractor.

Return Submitted by: Agency Prime Contractor Sub-Contractor

Award Authorization

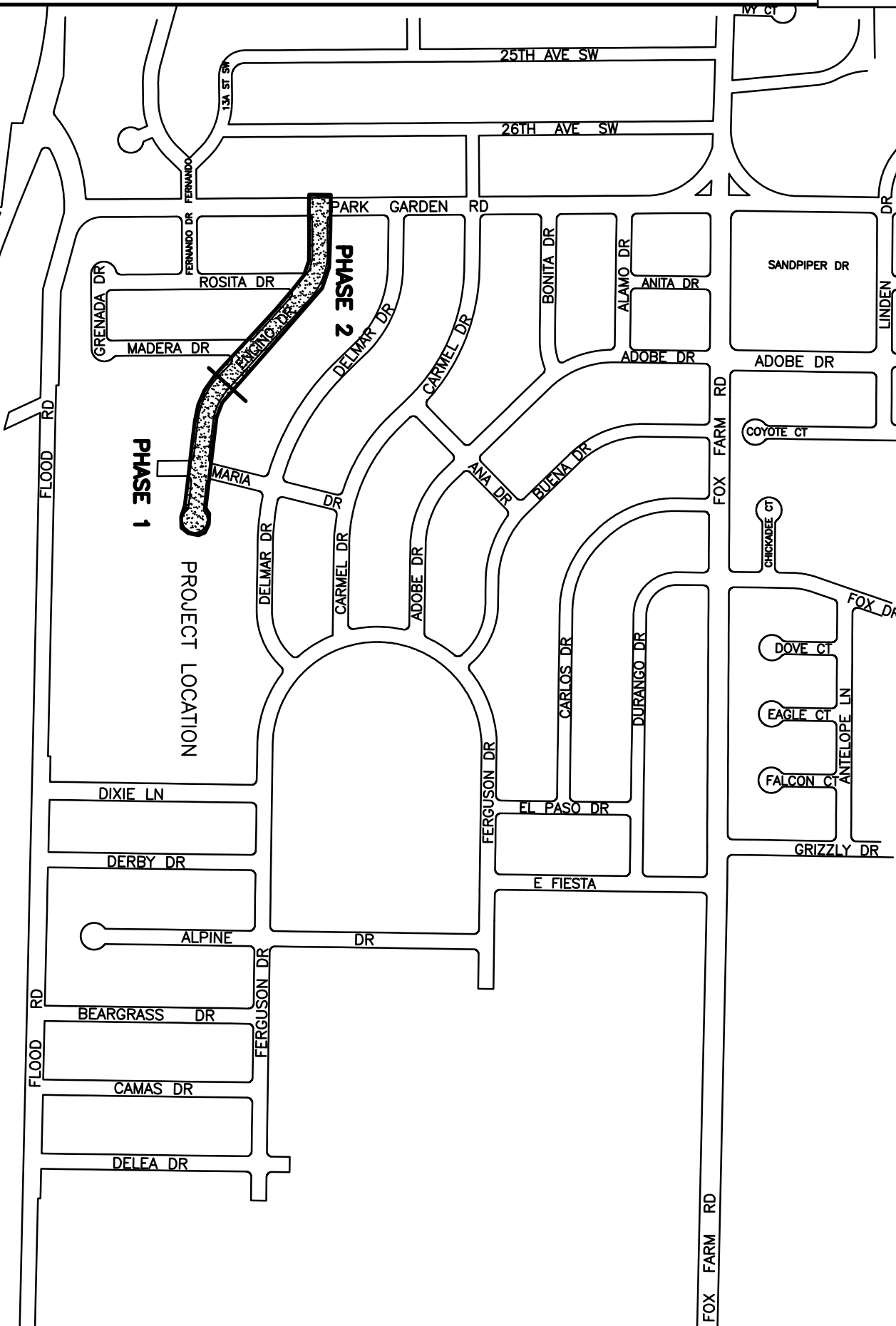
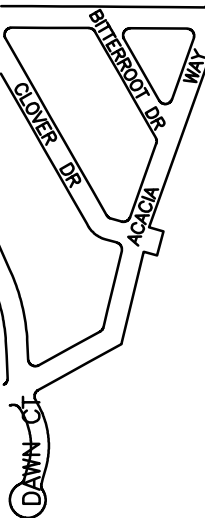
Preparer's Signature: _____

Preparer's Title: Engineering Admin Secretary Date: _____

Phone: 406.771.1258 Fax: 406.771.0700



26TH AVE SW





Commission Meeting Date: November 2, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Approve Final Payment: Longfellow ADA Upgrades O. F. 1715.7
From: Engineering Division
Initiated By: Public Works Department
Presented By: Paul Skubinna, P.E., Public Works Director
Action Requested: Consider and Approve Final Payment

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (approve/not approve) the Final Payment for the Longfellow ADA Upgrades in the amount of \$59,592.06 to MRTE, Inc, and \$601.94 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

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

Staff Recommendation: Approve final payment.

Summary:

MRTE, Inc. completed the construction of the Longfellow Americans with Disabilities Act (ADA) Upgrades, and is requesting Final Payment. This project improves the functional and aesthetic properties of the area, while providing a means of independence to the young, old, and those with disabilities in the area. This project provided ADA compliant routes through the installation of curb ramps at the following intersections:

- 6th Avenue South and 10th Street South
- 6th Avenue South and 12th Street South

Background:

Purpose:

This project provides an ADA compliant route of travel to connect citizens to each other and larger arterial routes for travel to various public and private amenities. This project will serve to improve pedestrian traffic and accommodate Americans with Disabilities Act ADA federally mandated criteria. The ADA improvements will also serve to support the connectivity of the pedestrian route system in the area by providing an accessible route to a State maintained ADA compliant pedestrian corridor along 10th Avenue South.

Workload Impacts:

The City Engineering staff completed design phase engineering, plans and specifications with assistance from City Street Division and City Utilities Division. City Engineering staff provided construction phase engineering services and project inspection.

Project Work Scope:

Work performed under this contract included installing: (1) 223 Linear Feet of integral concrete curb and gutter, (2) 1,020 Square Feet of four (4)-inch concrete sidewalk, (3) 1,545 Square Feet of six (6)-inch reinforced concrete, (4) 12 truncated domes, (5) replacement of 2 type I curb inlets with concrete inlet aprons, and (6) 2,000 Square Feet of Sod placement.

Final Payment:

The original contract was awarded on June 15, 2021 in the amount of \$77,465.00. The final project cost is \$60,194.00, \$17,271.00 under budget. The difference is due to the cooperative efforts of the City and Contractor to reduce materials required for construction throughout the project.

Conclusion:

The project results in an ADA compliant route of travel connecting citizens to each other and larger arterial routes of travel to various public and private amenities. The project was selected, prioritized and executed in accordance with the Public Works Capital Improvement Program, the City of Great Falls ADA Transition Plan and budgeted utilizing Community Development Block Grant funds.

City staff has verified that MRTE, Inc. has completed all site work and punch list items, in accordance with the contract. The two-year warranty period started at the time of substantial completion, which was October 12, 2021.

Fiscal Impact:

This project is funded with a Community Development Block Grant.

Alternatives:

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

Attachments/Exhibits:

Final Pay documents

Vicinity Map

PROJECT FUNDING/EXPENDITURE SUMMARY
OF 1715.7, Longfellow / Lincoln ADA Upgrades

PREPARED BY THE CITY ENGINEERS OFFICE: RJB DATE: 10/15/2021

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5			
CONTRACTOR: MRTE	Improvements other than Buildings 2940742.493100	\$59,592.06					\$76,868.55	\$59,592.06	\$17,276.49
		\$59,592.06	\$0.00	\$0.00	\$0.00	\$0.00			
	DATE	10/15/2021							

gwp

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 6	NO. 7	NO. 8	NO. 9	NO. 10			
CONTRACTOR: MRTE	Improvements other than Buildings 2940742.493100	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$76,868.55	\$59,592.06	\$17,276.49
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
	DATE								

AS
10/18/21
B

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE				
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5
MT. DEPT. OF REV. 1%	Improvements other than Buildings 2940742.493100	\$601.94				
		\$601.94	\$0.00	\$0.00	\$0.00	\$0.00
	DATE	10/15/2021				

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 6	NO. 7	NO. 8	NO. 9	NO. 10			
MT. DEPT. OF REV. 1%	Improvements other than Buildings 2940742.493100	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$776.45	\$601.94	\$174.51
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00			
	DATE								

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5			
MISCELLANEOUS	Improvements other than Buildings 2520531.490100	\$125.98					\$1,000.00	\$125.98	\$874.02
		\$125.98	\$0.00	\$0.00	\$0.00	\$0.00			
	DATE	05/19/21							
	VENDOR	Tribune					\$1,000.00	\$125.98	\$874.02

PROJECT #	ACCOUNT NUMBER	FUND DESIGNATION	FUNDING	EXPENDITURES	BALANCE
CD722106 / PW342103					
	2940742.493100	Improvements other than Buildings	\$76,868.55	\$0.00	\$76,868.55
	2940742.493100	Improvements other than Buildings	\$776.45	\$0.00	\$776.45
	2520531.490100	Improvements other than Buildings	\$1,000.00	\$125.98	\$874.02
		TOTALS	\$78,645.00	\$125.98	\$78,519.02

Subcontractor

APPLICATION FOR PAYMENT



FROM: City of Great Falls

PROJECT: Longfellow School APPLICATION NO: Final

PERIOD IN WHICH WORK PERFORMED: 1-Aug-21 TO: Final

****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>60,193.50</u>
2. Approved change authorizations		\$	<u>0.00</u>
3. Adjusted contract amount	(Add lines 1 and 2)	\$	<u>60,193.50</u>
<hr/>			
4. Value of work completed and materials stored from previous applications (per attached breakdown)		\$	<u>0.00</u>
5. Value of work completed this pay period (per attached breakdown)	<u>100%</u>	\$	<u>60,194.00</u>
6. Materials presently stored on site and not included in lines 4 and 5 (per attached breakdown)		\$	<u>0.00</u>
7. Total earned to date	(Add lines 4, 5 and 6) <u>100%</u>	\$	<u>60,194.00</u>
8. Gross RT	1% (Multiply line 7 by retainage %)	\$	<u>601.94</u>
9. Total earned to date less retainage	(Subtract line 8 from line 7)	\$	<u>59,592.06</u>
10. Total of all previous applications	(Line 9 of previous request)	\$	<u>0.00</u>
11. Amount due this application	(Subtract line 10 from line 9)	\$	<u>59,592.06</u>

(Please Complete the Schedule of Value on the Following Page to Auto-populate Many of the Fields Above)



A	B	C	D	E	F	G	H	I	J	K	L		
ITEM NO.	DESCRIPTION OF WORK	Quantity	Unit Price	ORIGINAL CONTRACT AMOUNT	APPROVED CHANGE AUTHORIZATIONS	ADJUSTED CONTRACT AMOUNT (C + D)	FROM PREVIOUS APPLICATION (H from Previous)	WORK COMPLETED THIS PERIOD	NEW MATERIALS STORED ON SITE (not in F or G)	TOTAL COMPLETED & STORED TO DATE (F + G + J)	% COMPLETION (I / E)	BALANCE TO FINISH (E - I)	% COMPLETE (H / E)
1	Mobilization	1	\$ 3,800.00	\$3,800.00		\$3,800		\$3,800	\$3,800	\$3,800	100%	\$0	100%
2	Traffic Control	1	\$ 4,000.00	\$4,000.00		\$4,000		\$4,000	\$4,000	\$4,000	100%	\$0	100%
3	Concrete Curb & Gutter	223	\$ 42.00	\$9,366.00		\$9,366		\$9,366	\$9,366	\$9,366	100%	\$0	100%
4	4" Concrete Sidewalk	1020	\$ 7.50	\$7,650.00		\$7,650		\$7,650	\$7,650	\$7,650	100%	\$0	100%
5	6" Reinforced Concrete R&R	1645	\$ 9.50	\$14,677.50		\$14,678		\$14,678	\$14,678	\$14,678	100%	-\$1	0%
6	Truncated Domes	12	\$ 250.00	\$3,000.00		\$3,000		\$3,000	\$3,000	\$3,000	100%	\$0	100%
7	Sod	2000	\$ 2.00	\$4,000.00		\$4,000		\$4,000	\$4,000	\$4,000	100%	\$0	100%
8	Irrigation	1	\$ 1,500.00	\$1,500.00		\$1,500		\$1,500	\$1,500	\$1,500	100%	\$0	100%
9	Tree Removal	1	\$ 1,000.00	\$1,000.00		\$1,000		\$1,000	\$1,000	\$1,000	100%	\$0	100%
10	Tree Planting	3	1000	\$3,000.00		\$3,000		\$3,000	\$3,000	\$3,000	100%	\$0	100%
11	Misc Work 1 extra tree removal	1	1000	\$1,000.00		\$1,000		\$1,000	\$1,000	\$1,000	100%	\$0	100%
12	Type 1 Curb Inlet w/ Concrete apron	2	3600	\$7,200.00		\$7,200		\$7,200	\$7,200	\$7,200	100%	\$0	100%
13						\$0			\$0	\$0		\$0	
14						\$0			\$0	\$0		\$0	
15						\$0			\$0	\$0		\$0	
16						\$0			\$0	\$0		\$0	
17						\$0			\$0	\$0		\$0	
18						\$0			\$0	\$0		\$0	
19						\$0			\$0	\$0		\$0	
20						\$0			\$0	\$0		\$0	
TOTALS					\$60,194	\$60,194	\$0	\$60,194	\$0	\$60,194	100%	-\$1	0%

CHANGE AUTHORIZATIONS

NO.	DESCRIPTION OF CHANGE	CA AMOUNT
1		
2		
3		
4		
5		
TOTAL		\$0

COMPANY NAME:	City of Great Falls
PROJECT:	Longfellow
PERIOD ENDING:	Final
PAYMENT APPLICATION NO.:	Final

SHOULD MATCH TOTAL OF COLUMN D

PROJECT FUNDING/EXPENDITURE SUMMARY

OF 1715.7, Longfellow / Lincoln ADA Upgrades

PREPARED BY THE CITY ENGINEERS OFFICE: RJB DATE: 10/15/2021

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE				
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5
CONTRACTOR:	Improvements other than Buildings 2940742.493100	\$59,592.06				
MRTE		\$59,592.06	\$0.00	\$0.00	\$0.00	\$0.00
	DATE	10/15/2021				

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 6	NO. 7	NO. 8	NO. 9	NO. 10			
CONTRACTOR:	Improvements other than Buildings 2940742.493100						\$76,868.55	\$59,592.06	\$17,276.49
MRTE		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$76,868.55	\$59,592.06	\$17,276.49
	DATE								

Handwritten initials and date: *AS* *gof* *10/18/21* *B*

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE				
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5
CONTRACTOR:	Improvements other than Buildings 2940742.493100	\$601.94				
MT. DEPT. OF REV. 1%		\$601.94	\$0.00	\$0.00	\$0.00	\$0.00
	DATE	10/15/2021				

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 6	NO. 7	NO. 8	NO. 9	NO. 10			
CONTRACTOR:	Improvements other than Buildings 2940742.493100						\$776.45	\$601.94	\$174.51
MRTE		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$776.45	\$601.94	\$174.51
	DATE								

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5			
CONTRACTOR:	Improvements other than Buildings 2520531.490100	\$125.98					\$1,000.00	\$125.98	\$874.02
MISCELLANEOUS		\$125.98	\$0.00	\$0.00	\$0.00	\$0.00	\$1,000.00	\$125.98	\$874.02
	DATE	05/19/21							
	VENDOR	Tribune							

PROJECT #	ACCOUNT NUMBER	FUND DESIGNATION	FUNDING	EXPENDITURES	BALANCE
CD722106 / PW342103	2940742.493100	Improvements other than Buildings	\$76,868.55	\$0.00	\$76,868.55
	2940742.493100	Improvements other than Buildings	\$776.45	\$0.00	\$776.45
	2520531.490100	Improvements other than Buildings	\$1,000.00	\$125.98	\$874.02
		TOTALS	\$78,645.00	\$125.98	\$78,519.02

Subcontractor

APPLICATION FOR PAYMENT



FROM: City of Great Falls

PROJECT: Longfellow School APPLICATION NO: Final

PERIOD IN WHICH WORK PERFORMED: 1-Aug-21 TO: Final

****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>60,193.50</u>
2. Approved change authorizations			\$	<u>0.00</u>
3. Adjusted contract amount	(Add lines 1 and 2)		\$	<u>60,193.50</u>
<hr/>				
4. Value of work completed and materials stored from previous applications (per attached breakdown)			\$	<u>0.00</u>
5. Value of work completed this pay period (per attached breakdown)		<u>100%</u>	\$	<u>60,194.00</u>
6. Materials presently stored on site and not included in lines 4 and 5 (per attached breakdown)			\$	<u>0.00</u>
7. Total earned to date	(Add lines 4, 5 and 6)	<u>100%</u>	\$	<u>60,194.00</u>
8. Gross RT	1% (Multiply line 7 by retainage %)		\$	<u>601.94</u>
9. Total earned to date less retainage	(Subtract line 8 from line 7)		\$	<u>59,592.06</u>
10. Total of all previous applications	(Line 9 of previous request)		\$	<u>0.00</u>
11. Amount due this application	(Subtract line 10 from line 9)		\$	<u><u>59,592.06</u></u>

(Please Complete the Schedule of Value on the Following Page to Auto-populate Many of the Fields Above)

SCHEDULE OF VALUES



A	B	C	D	E	F	G	H	I	J	K	L	
ITEM NO.	DESCRIPTION OF WORK	Quantity	Unit Price	ORIGINAL CONTRACT AMOUNT	APPROVED CHANGE AUTHORIZATIONS	ADJUSTED CONTRACT AMOUNT (C + D)	FROM PREVIOUS APPLICATION (H from Previous)	WORK COMPLETED & MATERIAL ON SITE THIS PERIOD	NEW MATERIALS STORED ON SITE (not in F or G)	TOTAL COMPLETED & STORED TO DATE (F + G + H)	% REBAR (I / J)	BALANCE TO FINISH (E - I)
1	Mobilization	1	\$ 3,800.00	\$3,800.00		\$3,800		\$3,800		\$3,800	100%	\$0
2	Traffic Control	1	\$ 4,000.00	\$4,000.00		\$4,000		\$4,000		\$4,000	100%	\$0
3	Concrete Curb & Gutter	223	\$ 42.00	\$9,366.00		\$9,366		\$9,366		\$9,366	100%	\$0
4	4" Concrete Sidewalk	1020	\$ 7.50	\$7,650.00		\$7,650		\$7,650		\$7,650	100%	\$0
5	6" Reinforced Concrete R&R	1545	\$ 9.50	\$14,677.50		\$14,678		\$14,678		\$14,678	100%	-\$1
6	Truncated Domes	12	\$ 250.00	\$3,000.00		\$3,000		\$3,000		\$3,000	100%	\$0
7	Sod	2000	\$ 2.00	\$4,000.00		\$4,000		\$4,000		\$4,000	100%	\$0
8	Irrigation	1	\$ 1,500.00	\$1,500.00		\$1,500		\$1,500		\$1,500	100%	\$0
9	Tree Removal	1	\$ 1,000.00	\$1,000.00		\$1,000		\$1,000		\$1,000	100%	\$0
10	Tree Planting	3	1000	\$3,000.00		\$3,000		\$3,000		\$3,000	100%	\$0
11	Misc Work 1 extra tree removal	1	1000	\$1,000.00		\$1,000		\$1,000		\$1,000	100%	\$0
12	Type I Curb Inlet w/ Concrete apron	2	3600	\$7,200.00		\$7,200		\$7,200		\$7,200	100%	\$0
13				\$0		\$0		\$0		\$0		\$0
14				\$0		\$0		\$0		\$0		\$0
15				\$0		\$0		\$0		\$0		\$0
16				\$0		\$0		\$0		\$0		\$0
17				\$0		\$0		\$0		\$0		\$0
18				\$0		\$0		\$0		\$0		\$0
19				\$0		\$0		\$0		\$0		\$0
20				\$0		\$0		\$0		\$0		\$0
TOTALS				\$60,194	\$0	\$60,194	\$0	\$60,194	\$0	\$60,194	100%	-\$1

CHANGE AUTHORIZATIONS

NO.	DESCRIPTION CHANGE	CA AMOUNT
1		
2		
3		
4		
5		
TOTAL		\$0

SHOULD MATCH TOTAL OF COLUMN D

COMPANY NAME:	City of Great Falls
PROJECT:	Longfellow
PERIOD ENDING:	Final
PAYMENT APPLICATION NO.:	Final

Agenda #10.

MONTANA
CGR-2
REV.6/06



Montana Department of
REVENUE

Contractors Gross Receipts Gross Receipts Withholding Return

1. Contract Awarded by: Agency Prime Contractor

Federal Identification Number (FEIN): 81-6001269		
Name: City of Great Falls		
Address: PO Box 5021		
City: Great Falls	State: MT	Zip Code: 59403

2. Contract Awarded to: Prime Contractor Sub Contractor

Federal Identification Number (FEIN): 81-0479088		
Name: MRTE		
Address: PO Box 538		
City: Black Eagle	State: MT	Zip Co 59414

3. Government Issued Contract Number	3.	OF 1715.7
4. Contract Award Date	4.	15-Jun-21
5. Month and year increment payment earned	5.	Sep-21
6. Gross amount due prime contractor or sub-contractor at the time of this report	6.	\$60,194.00
7. Amount Withheld (1% of line 6) (If payment made to prime contractor from awarding agency, remittance must accompany this report)	7.	\$601.94
8. Net amount paid prime contractor or sub-contractor at the time of this report	8.	\$59,592.06
9. Check proper box for type of return being filed:		
<input checked="" type="checkbox"/> Remittance attached for credit to prime contractor's account (amount paid)	9a.	\$601.94
<input type="checkbox"/> Sub-Contractor allocation. Authorization to transfer credit to sub-contractor Failure of prime contractor to file a distribution report within thirty (30) days of payment will result in a 10% penalty. Date payment made to sub-contractor	9b.	03-Nov-21

10. Description of work to be performed: Longfellow ADA Upgrades

11. Location of work to be performed (be specific): Great Falls MT

The agency or contractor must, in accordance with Section 15-5-206, Montana Code Annotated, withhold one percent (1%) of incremental payments due the contractor or sub-contractor. Amounts withheld from a prime contractor must be forwarded with this report to the Department of Revenue. Amounts withheld from sub-contractors must be reported on this form so that proper allocation of credit can be made from prime contractor's account to the sub-contractor.

Return Submitted by: Agency Prime Contractor Sub-Contractor

Award Authorization

Preparer's Signature: _____

Preparer's Title: Engineering Admin Secretary Date: _____

Phone: 406.771.1258 Fax: 406.771.0700

Mail this return to:
Department of Revenue, P.O. Box 5835, Helena, MT 59604-5835

40

1715.7 VICINITY MAP





Commission Meeting Date: Nov. 2, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Construction Final Pay: S.S. Trenchless Rehabilitation Phase 23, O.F. 1675.4

From: Engineering Division

Initiated By: Public Works Department

Presented By: Paul Skubinna, Public Works Director

Action Requested: Consider and Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/not approve) Final Payment for the S.S. Trenchless Rehabilitation Phase 23, in the amount of \$757,019.34 to Planned and Engineered Construction (PEC), Inc. and \$7,646.66 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

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

Staff Recommendation:

Approve the Final Payment of \$757,019.34 to PEC Inc. and \$7,646.66 to the State Miscellaneous Tax Fund.

Summary:

This sanitary sewer-lining project is a continuation of an ongoing maintenance and repair program to rehabilitate deteriorated sanitary sewer and storm mains using trenchless technologies. This phase restored 14,182 linear feet of varying diameter sewer and storm mains. This length is the equivalent of approximately 35 city blocks. The rehabilitated mains serve primarily residential areas and several commercial properties in the downtown area.

Background:

Workload Impacts:

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

Purpose

This project rehabilitated deteriorated sewer mains using a trenchless technology method called Cured-in-Place-Pipe (CIPP). This trenchless method of pipe installation is less disruptive than traditional open trench pipe replacement. Traditional open trench pipe installation requires removal and replacement of

existing infrastructure such as roads, alleys, and utilities. This CIPP trenchless technology creates a strong liner within the existing mains. Although the existing mains were still functioning, the aged/deteriorated mains had developed pits, cracks, and holes. These defects can lead to raw sewage leaking into ground water and can also make routine maintenance difficult.

By using CIPP trenchless technology, the project extended the service life of the mains and alleviated the issues caused by open trench pipe installation. Trenchless technology provides the City with a low cost solution that greatly reduces disruption and eliminates utility conflicts.

Project Work Scope

This project lined 14,182 linear feet of 8, 9, 10, 12, 15, 18, 24, and 30-inch diameter sewer mains at various locations dispersed around the City. Approximately 94% of these main were sanitary sewer mains while 6% were storm sewer mains.

Evaluation and Selection Process

Two bids were received for this project. Bids were provided by Insituform and PEC Inc. and were opened on March 3, 2021. The two bids were \$1,088,214.00, and \$828,532.00, with PEC Inc. providing the low bid and executing all of the necessary bid documents.

Final Payment:

The final project cost is \$764,666.00 which is less than the original award of 828,532.00. A majority of the cost savings is due to approximately 1200 lineal feet that was removed from the original contract due to these mains being too deteriorated to be lined. There has yet to be any payments made to PEC Inc., thus the Final Pay will include the entire final project cost.

Conclusion

City Staff recommends making the Final Payment of \$757,019.34 to PEC Inc. and \$7,646.66 to the State Miscellaneous Tax Fund. City staff verified that PEC Inc. has completed all work and punch list items in accordance with the plans and the contract. The two year warranty period started on October 4th, 2021.

Fiscal Impact: The funding will come from the Sanitary Sewer Capital Funds and the Storm Drain Capital Funds.

Alternatives: The City Commission could vote to deny Final Payment.

Attachments/Exhibits:

OF 1675.4 Final Pay Documents

OF 1675.4 Vicinity Map

PROJECT FUNDING/EXPENDITURE SUMMARY

O.F.1675.4 2020 Sanitary Sewer Trenchless Rehabilitation, Phase 23

PREPARED BY THE CITY ENGINEERS OFFICE: MJS DATE: 10/20/21

Final Pay

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5			
CONTRACTOR: P.F.C.	5310565.493100	\$71,598.18					\$771,031.88	\$711,598.18	\$59,433.70
	5315575.493100	\$45,421.16					\$49,214.80	\$45,421.16	\$3,793.64
		\$757,019.34	\$0.00	\$0.00	\$0.00	\$0.00	\$820,246.68	\$757,019.34	\$63,227.34
		DATE	10/20/2021						
PAYEE State of MT 1%	FUND 5310565.493100	NO. 1							
			\$7,187.86				\$7,788.20	\$7,187.86	\$600.34
			\$458.80				\$497.12	\$458.80	\$38.32
		DATE	10/20/2021				\$7,646.66	\$638.66	

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5			
MISC.	5310565.493100						\$161,179.92	\$198.98	\$160,980.94
			\$198.98						
			\$12.70				\$10,288.08	\$12.70	\$10,275.38
		DATE	3/16/2021						
		VENDOR	Tribune				\$211.68	\$171,468.00	\$171,256.32

PROJECT #	ACCOUNT NUMBER	FUND DESIGNATION	FUNDING	EXPENDITURES	BALANCE
PW342102					
	5310565.493100	Improvements other than buildings- Sewer	\$940,000.00	\$718,985.02	\$221,014.98
	5315575.493100	Improvements other than buildings- Storm	\$60,000.00	\$45,892.66	\$14,107.34
TOTALS			\$1,000,000.00	\$764,877.68	\$235,122.32

MP
prof

APPLICATION FOR PAYMENT NO. 1 - FINAL

To: City of Great Falls (OWNER)
 From: Planned and Engineered Construction, Inc. (CONTRACTOR)
 Contract: S.S. Trenchless Rehabilitation, Phase 23 O.F. 1675.4
 Project: Rehabilitate sewer mains with CIPP liner
 OWNER's Contract No. OF 1675.4 ENGINEER's Project No. PW342102
 For Work accomplished through the date of: October 11, 2021

1.	Original Contract Price:	\$ 828,532.00
2.	Net change by Change Orders and Written Amendments (+ or -):	\$ 0.00
3.	Current Contract Price (1 plus 2):	\$ 828,532.00
4.	Total completed and stored to date:	\$ 764,666.00
5.	Retainage (per Agreement):	
	<u>0</u> % of Completed Work: \$ _____	
	<u>0</u> % of stored material: \$ _____	
	Total Retainage:	\$ 0.00
6.	Total completed and stored to date less retainage (4 minus 5):	\$ 764,666.00
7.	Less previous Applications for Payments:	\$ 0.00
8.	Gross Amount Due this application: (6 minus 7):	\$ 764,666.00
9.	Less 1% State Gross Receipts Tax:	\$ 7,646.66
10.	DUE THIS APPLICATION (8 MINUS 9):	\$ 757,019.34

Accompanying Documentation:

CONTRACTOR'S Certification:

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

Dated 10/12/21
 Planned and Engineered Construction, Inc.
 CONTRACTOR
 By: [Signature]

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 10/11/2021
 City of Great Falls Public Works
 ENGINEER
 By: [Signature]

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

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

Planned and Engineered Construction, Inc
3400 Centennial Drive
Helena, MT 59601

Telephone 406/447-5050
Fax 406/443-8583
www.pechelena.com

APPLICATION FOR PAYMENT SUMMARY SHEET

Owner: City of Great Falls, MT
 PO Box 5021
 Great Falls, MT 59403

Bill To: City of Great Falls, MT
 PO Box 5021
 Great Falls, MT 59403

Invoice Number: 001
Invoice Date: 5-Oct-21
Project Name: Sanitary Sewer Trenchless Rehabilitation - Phase 23
Contract No:
Engineer:

Period - From:
Period - To:
PEC Project # C2104
Contract Completion Date:

ITEM	DESCRIPTION	UOM	BID EST.	BID	TOTAL	CURRENT PAY REQUEST		PREVIOUS PAY REQUEST		TOTAL PAY REQUESTS	
			QTY	PRICE	BID EST.	QTY	PRICE	QTY	PRICE	QTY	PRICE
101	Clean and TV Pipe	LF	15,460	\$5.00	\$77,300.00	14,182.0	\$70,910.00		\$0.00	14,182.0	\$70,910.00
102	Install 8" CIPP	LF	3,387	\$22.00	\$74,514.00	3,360.0	\$73,920.00		\$0.00	3,360.0	\$73,920.00
103	Install 9" CIPP	LF	4,290	\$23.00	\$98,670.00	3,927.0	\$90,321.00		\$0.00	3,927.0	\$90,321.00
104	Install 10" CIPP	LF	364	\$27.00	\$9,828.00	445.0	\$12,015.00		\$0.00	445.0	\$12,015.00
105	Install 12" CIPP	LF	1,670	\$29.00	\$48,430.00	860.0	\$24,940.00		\$0.00	860.0	\$24,940.00
106	Install 15" CIPP	LF	3,220	\$45.00	\$144,900.00	2,661.0	\$119,745.00		\$0.00	2,661.0	\$119,745.00
107	Install 18" CIPP	LF	116	\$100.00	\$11,600.00	119.0	\$11,900.00		\$0.00	119.0	\$11,900.00
108	Install 24" CIPP	LF	1,200	\$100.00	\$120,000.00	989.0	\$98,900.00		\$0.00	989.0	\$98,900.00
109	Install 28" CIPP	LF	410	\$130.00	\$53,300.00	410.0	\$53,300.00		\$0.00	410.0	\$53,300.00
110	Install 30" CIPP	LF	803	\$130.00	\$104,390.00	833.0	\$108,290.00		\$0.00	833.0	\$108,290.00
111	Internally Reinstale Laterals	EA	168	\$50.00	\$8,400.00	249.0	\$12,450.00		\$0.00	249.0	\$12,450.00
112	Brush Services - Line ID 4	EA	17	\$250.00	\$4,250.00	17.0	\$4,250.00		\$0.00	17.0	\$4,250.00
113	Mobilization	LS	1	\$32,950.00	\$32,950.00	1.0	\$32,950.00		\$0.00	1.0	\$32,950.00
114	Misc. Work	Unit	40,000	\$1.00	\$40,000.00		\$0.00		\$0.00		\$0.00
WCD 1	Install 14" CIPP	LF	0	\$75.00	\$0.00	578.0	\$43,350.00		\$0.00	578.0	\$43,350.00
WCD 2	Exploratory CCTV Work for Add On Work	HR	0	\$550.00	\$0.00	13.5	\$7,425.00		\$0.00	13.5	\$7,425.00

		TOTAL INVOICE CLAIM:	\$	764,666.00		\$	-		\$	764,666.00
		0% LIEN FUNDS RETAINED:	\$	-		\$	-		\$	-
		LIEN FUNDS RELEASED:	\$	-		\$	-		\$	-
		0% LOCAL STATE TAX:	\$	-		\$	-		\$	-
		LESS PREVIOUS PAYMENTS:	\$	-		\$	-		\$	-
		NET PAYMENT AMOUNT:	\$	764,666.00		\$	-		\$	764,666.00
		1% MT RECEIPTS TAX (GRT):	\$	7,646.66		\$	-		\$	7,646.66
		AMOUNT DUE THIS INVOICE:	\$	757,019.34		\$	-		\$	757,019.34
				Total Outstanding Balance		\$			\$	757,019.34

SUMMARY OF LIEN FUND				APPROVED BY: 	
TOTAL LIEN FUNDS RETAINED:	\$	-		TITLE	President
TOTAL LIEN FUNDS RELEASED:	\$	-		DATE	5-Oct-21
LIEN FUNDS REMAINING RETAINED	\$	-			

COMMENTS:

PROJECT FUNDING/EXPENDITURE SUMMARY

Final Pay

O.F.1675.4 2020 Sanitary Sewer Trenchless Rehabilitation, Phase 23
 PREPARED BY THE CITY ENGINEERS OFFICE: MLS DATE: 10/20/21

CONTRACTOR:	PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE
			NO. 1	NO. 2	NO. 3	NO. 4	NO. 5			
P.E.C.	5310565.493100	5310565.493100	\$711,598.18					\$771,031.88	\$711,598.18	\$59,433.70
			\$45,421.16					\$49,214.80	\$45,421.16	\$3,793.64
			\$757,019.34	\$0.00	\$0.00	\$0.00	\$0.00	\$820,246.68	\$757,019.34	\$63,227.34
			DATE	10/20/2021						

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE	
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5				
State of MT 1%	5310565.493100	5310565.493100	\$7,187.86					\$7,788.20	\$7,187.86	\$600.34
			\$458.80					\$497.12	\$458.80	\$38.32
			\$7,646.66	\$0.00	\$0.00	\$0.00	\$0.00	\$8,285.32	\$7,646.66	\$638.66
			DATE	10/20/2021						

PAYEE	FUND	CLAIM - NUMBER / AMOUNT / DATE					CONTRACT AMOUNT	EXPENDITURES TO DATE	BALANCE	
		NO. 1	NO. 2	NO. 3	NO. 4	NO. 5				
MISC.	5310565.493100	5310565.493100	\$198.98					\$161,179.92	\$198.98	\$160,980.94
			\$12.70					\$10,288.08	\$12.70	\$10,275.38
			\$211.68							
			DATE	3/16/2021						
			VENDOR	Tribune						
						\$171,468.00	\$211.68	\$171,256.32		

PROJECT #	ACCOUNT NUMBER	FUND DESIGNATION	FUNDING	EXPENDITURES	BALANCE
PW342102	5310565.493100	Improvements other than buildings- Sewer	\$940,000.00	\$718,985.02	\$221,014.98
	5315575.493100	Improvements other than buildings- Storm	\$60,000.00	\$45,892.66	\$14,107.34
	TOTALS		\$1,000,000.00	\$764,877.68	\$235,122.32

MP [Signature]

APPLICATION FOR PAYMENT NO. 1 - FINAL

To: City of Great Falls (OWNER)
 From: Planned and Engineered Construction, Inc. (CONTRACTOR)
 Contract: S.S. Trenchless Rehabilitation, Phase 23 O.F. 1675.4
 Project: Rehabilitate sewer mains with CIPP liner
 OWNER's Contract No. OF 1675.4 ENGINEER's Project No. PW342102
 For Work accomplished through the date of: October 11, 2021

1.	Original Contract Price:	\$ 828,532.00
2.	Net change by Change Orders and Written Amendments (+ or -):	\$ 0.00
3.	Current Contract Price (1 plus 2):	\$ 828,532.00
4.	Total completed and stored to date:	\$ 764,666.00
5.	Retainage (per Agreement):	
	<u>0</u> % of Completed Work: \$ _____	
	<u>0</u> % of stored material: \$ _____	
	Total Retainage:	\$ 0.00
6.	Total completed and stored to date less retainage (4 minus 5):	\$ 764,666.00
7.	Less previous Applications for Payments:	\$ 0.00
8.	Gross Amount Due this application: (6 minus 7):	\$ 764,666.00
9.	Less 1% State Gross Receipts Tax:	\$ 7,646.66
10.	DUE THIS APPLICATION (8 MINUS 9):	\$ 757,019.34

Accompanying Documentation:

CONTRACTOR'S Certification:

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

Dated 10/12/21

Planned and Engineered Construction, Inc
CONTRACTOR

By: [Signature]

Payment of the above AMOUNT DUE THIS APPLICATION is recommended.

Dated 10/11/2021

City of Great Falls Public Works
ENGINEER

By: [Signature]

EJCDC No. 1910-8-E (1996 Edition)
 Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America and the Construction Specifications Institute. Modified by the City of Great Falls to add items 9 and 10.



Contractors Gross Receipts Gross Receipts Withholding Return

1. Contract Awarded by: Agency Prime Contractor

Federal Identification Number (FEIN): 81-6001269		
Name: City of Great Falls		
Address: PO Box 5021		
City: Great Falls	State: MT	Zip Code: 59403

2. Contract Awarded to: Prime Contractor Sub Contractor

Federal Identification Number (FEIN): 81-0481268		
Name: Planned & Engineered Construction		
Address: 3400 Centennial Dr		
City: Helena	State: MT	Zip Code:

3. Government Issued Contract Number	3.	OF 1675.4
4. Contract Award Date	4.	3-Mar-21
5. Month and year increment payment earned	5.	Sep-21
6. Gross amount due prime contractor or sub-contractor at the time of this report	6.	\$764,666.00
7. Amount Withheld (1% of line 6) (If payment made to prime contractor from awarding agency, remittance must accompany this report)	7.	\$7,646.66
8. Net amount paid prime contractor or sub-contractor at the time of this report	8.	\$757,019.34
9. Check proper box for type of return being filed:		
<input checked="" type="checkbox"/> Remittance attached for credit to prime contractor's account (amount paid)	9a.	\$7,646.66
<input type="checkbox"/> Sub-Contractor allocation. Authorization to transfer credit to sub-contractor Failure of prime contractor to file a distribution report within thirty (30) days of payment will result in a 10% penalty. Date payment made to sub-contractor	9b.	03-Nov-21

10. Description of work to be performed: Sanitary Sewer Trenchless Phase 23

11. Location of work to be performed (be specific): Great Falls MT

The agency or contractor must, in accordance with Section 15-5-206, Montana Code Annotated, withhold one percent (1%) of incremental payments due the contractor or sub-contractor. Amounts withheld from a prime contractor must be forwarded with this report to the Department of Revenue. Amounts withheld from sub-contractors must be reported on this form so that proper allocation of credit can be made from prime contractor's account to the sub-contractor.

Return Submitted by: Agency Prime Contractor Sub-Contractor

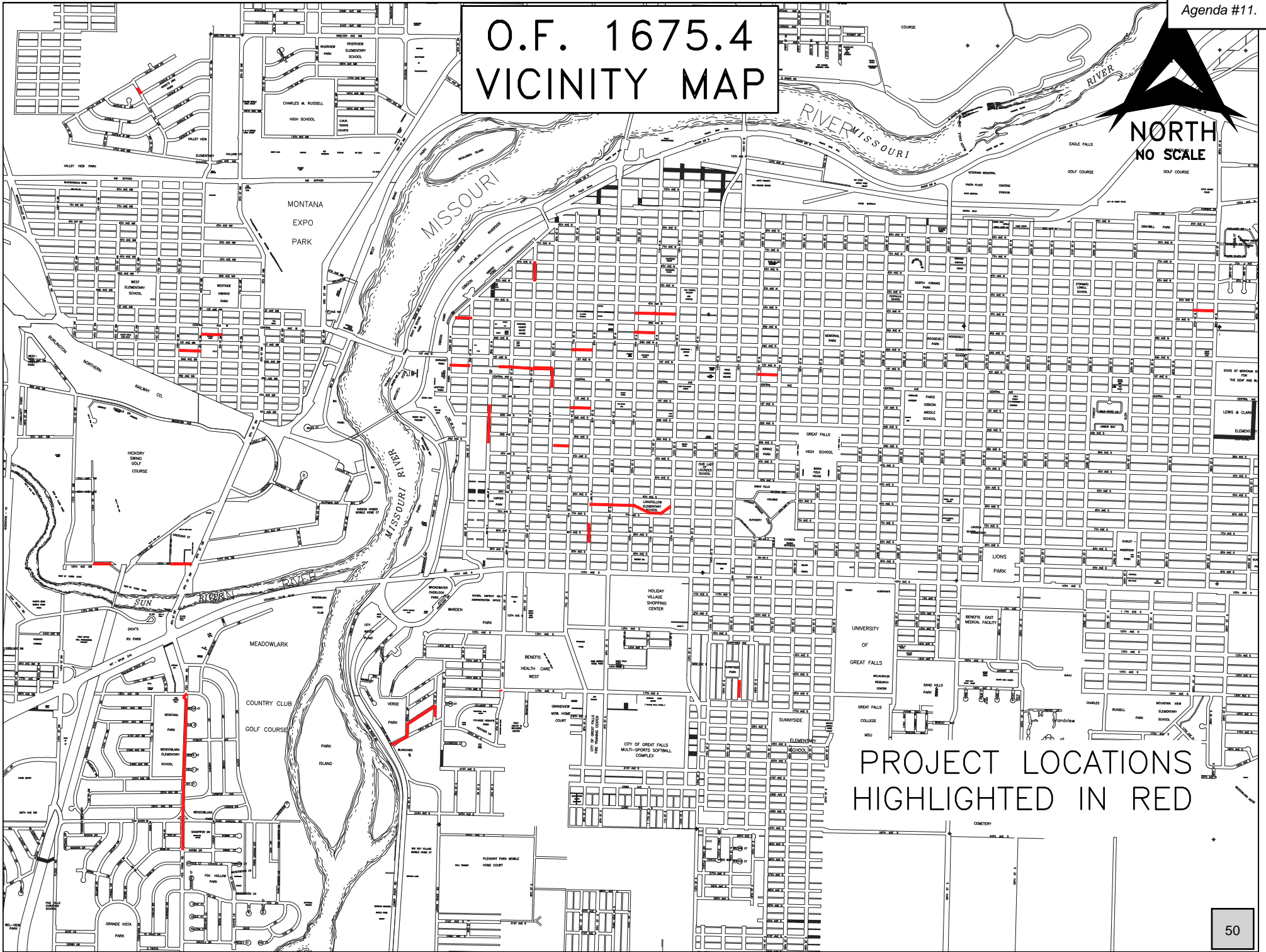
Award Authorization

Preparer's Signature: _____

Preparer's Title: Engineering Admin Secretary Date: _____

Phone: 406.771.1258 Fax: 406.771.0700

O.F. 1675.4 VICINITY MAP



PROJECT LOCATIONS
HIGHLIGHTED IN RED



Commission Meeting Date: November 2, 2021

**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: HOME-ARP Funds Public Needs Hearing

From: Planning & Community Development Department

Initiated By: Tonya Shumaker, CDBG Administrator, Planning & Community Development

Presented By: Craig Raymond, Director, Planning & Community Development

Action Requested: Set the Public Needs Hearing for December 7, 2021

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (set/not set) a public hearing for December 7, 2021, to receive public comment on the needs within the community related to the use of HOME-ARP funds.”

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

Staff Recommendation: Staff recommends the City Commission set December 7, 2021, as the public hearing date for citizen comments regarding needs of the community that may be addressed with HOME-ARP funds.

Summary: Holding a Public Needs Hearing to receive community input on the development of the HOME-ARP allocation plan is required by the U.S. Department of Housing and Urban Development (HUD). The Public Needs Hearing is an opportunity for the public to impact the priorities the City will outline in the development of its HOME-ARP allocation plan submission to HUD.

Background: The American Rescue Plan Act of 2021 appropriated \$5 billion to provide housing, services, and shelter to individuals experiencing homelessness and other vulnerable populations, to be allocated by formula to jurisdictions that qualified for HOME Investment Partnerships Program allocations in Fiscal Year 2021. The City of Great Falls has been awarded \$1,026,477 of HOME-ARP funds. These HOME-ARP funds are in addition to the annual allocation of \$283,494 of HOME funding that the City received for the current fiscal year.

HUD has outlined specific guidance on who qualifies for assistance as well as eligible activities as outlined below.

The HUD issued CPD Notice identifies **qualifying populations** as:

- a. Homeless (as defined by the McKinney-Vento Homeless Assistance Act)
- b. At risk of homelessness (as defined by the McKinney-Vento Homeless Assistance Act)
- c. Fleeing, or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking
- d. Part of other populations where providing supportive services or assistance would prevent a family's homelessness or would serve those with the greatest risk of housing instability
- e. Or, veterans and families that include a veteran family member that meet the criteria in one of the above

The eligible activities for the use of HOME-ARP funding are as follows:

- a. Development and support of affordable rental housing
- b. Tenant based rental assistance (TBRA). The City of Great Falls has never provided grants for this program.
- c. Supportive services to qualifying individuals
- d. Acquisition and development of non-congregate shelter units

Fiscal Impact: Conducting the public needs hearing is a pre-condition for the City to receive its HOME-ARP allocation from HUD.

Alternatives: The City Commission could elect to not hold a public needs hearing and thereby decide to delay or not accept HOME-ARP funding.



Commission Meeting Date: November 2, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Public Hearing - Ordinance 3238 – An Ordinance by the City Commission of the City of Great Falls to rezone 14.7 acres addressed as 1300 River Drive North from Light Industrial and Mixed-Use Transitional to Planned Unit Development

From: Tom Micuda, Deputy Director, Planning and Community Development

Initiated By: Tye Habel (TC Glass) and Northern Hydraulics, Applicants

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

Action Requested: City Commission adopt Ordinance 3238, per the 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/deny) Ordinance 3238 and the accompanying Findings of Fact/Basis of Decision subject to the Conditions of Approval being fulfilled by the applicants.”
2. Mayor requests a second to the motion, Commission discussion, and calls for the vote.

Staff Recommendation: The Zoning Commission recommended that the City Commission approve the applicants’ request for Planned Unit Development (PUD) zoning at the conclusion of a public hearing held on September 28, 2021. Staff also recommends approval of the applicants’ request, subject to the fulfillment of the following Conditions of Approval:

Conditions of Approval:

1. **General Code Compliance.** The proposed project shall be developed consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
2. **Land Use & Zoning.** Development of the property shall be consistent with the allowed uses and

specific development standards of the underlying I-1 zoning district as well as the submitted PUD application.

3. **Subsequent Modifications and Additions.** If after establishment of the PUD, the owner proposes to expand or modify the use, buildings, and/or structures, the Director of the Planning and Community Development Department shall determine in writing if such proposed change would alter the finding for one or more review criteria. If such proposed changes would alter a finding, the proposal shall be submitted for review as a new development application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
4. **Section 17.20.3.060 of the Land Development Code.** If a future land use application includes a “permitted land use that emits air contaminants or potentially offensive odors outside of the building, or that handles radioactive materials, hazardous substances, hazardous waste, or regulated substances”, such application shall be subject to Conditional Use Permit review.
5. **Section 17.44.030 (G) Screening Between Uses.** Any industrial development activity, including material storage, in this PUD shall be subject to the landscape buffer requirements to protect existing residential uses.
6. **Future Development of the 3.8 acre site along 14th Street.** Future development of the 3.8 acre area represented in the Northern Hydraulics application is subject to City staff verification that a legal parcel has been created by the applicant.

Background: For the last several months, City staff have been in discussions with the Great Falls Development Authority (GFDA) and the TC Glass company about the former Wausau Building Supply site located at 1300 River Drive North. TC Glass currently has a retail business operation located at 1019 8th Avenue North. Additionally, TC Glass has a glass production facility located outside the city limits at 2300 Vaughn Road. The production facility building on Vaughn Road is too small to accommodate all of the glass product storage needs for TC Glass. Several months ago, staff toured the facility with GFDA and the business owner, Tye Habel. Because of the building’s smaller size, glass and aluminum frame products being received have to be stored outside under large canopy structures.

The property located at 1300 River Drive North used to be the business location for Wausau Building Supply. There is an existing 105,000 square foot building on the property that has been vacant for the last several years. The building and surrounding property have been on the real estate market for some time, but the large size of the building makes it difficult to be used by a single business.

TC Glass has approached GFDA and City staff with an interest in using approximately 50,000 square feet of the existing building to consolidate its entire sales, office, and production operation. However, in order to move forward with its purchase of the property, the applicant has brought forward this rezoning request to share the building with a wider range of industrial tenants.

The 14.7 acres requested to be rezoned is actually composed of eight parcels that originally were platted as part of Great Falls 1st Addition. When the Burlington Northern/Santa Fe rail line was constructed through the original platted area and a portion of 13th Street North was vacated, the 14.7 acres was essentially bisected into two land areas. The western land area contains the former Wausau Building Supply operation. This site is roughly 10.9 acres and is bordered by River Drive to the north, 11th Street to the west, the rail line to the south, and the vacated 13th Street right of way to the east. The remaining portion of the 14.7 acre property is approximately 3.8 acres and is bordered by 14th Street North to the east, the rail line to the north, and the vacated right of way to the west. The second applicant for the request, Northern Hydraulics, wishes to purchase the 3.8 acres. They may eventually construct a new

building at this location. Northern Hydraulics has a business location in Black Eagle that sells and repairs hydraulic components.

Because of the unusual history for how the eight parcels were created over many decades, staff's recommendation to the Planning Advisory Board required the submittal of a more accurate legal description for the properties being considered for rezoning. A proposed Certificate of Survey (COS) has since been submitted to City staff. The legal description from the submitted COS has been incorporated into Ordinance 3238 and attached as Exhibit A. The ordinance also contains a provision that the ordinance effective date would extend beyond the typical 30 days if the COS has not been officially recorded.

PUD Zoning Request: The entire western site and most of the eastern site are zoned Light Industrial (I-1). A portion of the eastern site along 14th Street is zoned Mixed-Use Transitional (M-2). The applicants' request to create a Planned Unit Development is being driven by several factors: 1) eliminate the split zoning situation on the eastern tract, and 2) give the applicants the ability to market the sites to both light industrial and limited heavy industrial users.

Like many communities, Great Falls has two zoning districts designed to accommodate industrial land use activities.

The I-1 zoning district has the following purpose as outlined in the City's Land Development Code:

Light industrial. This district is intended to accommodate those types of activities typically associated with manufacturing of finished products, storage, and wholesale operations.

The second district is I-2 – Heavy Industrial. The purpose of this district is:

I-2 Heavy industrial. This district is intended to accommodate those activities associated with processing raw materials or other activities with potentially significant off-site impacts. Typically, the uses found in this district are not compatible with most types of non-industrial uses.

The applicants are requesting the flexibility to market the sites, particularly the remaining portion of the Wausau Supply Building, for businesses that manufacture products made from raw materials. Normally, this would require the applicants to rezone the property to Heavy Industrial (I-2). However, the applicants are sensitive to the concern that other permitted land use activities in the Heavy Industrial zoning district might raise concerns from surrounding property owners. To alleviate potential concerns, the applicants' PUD zoning request for the property allows them to submit their own list of permitted land uses and development standards. The applicant's proposal for permitted land uses, which is attached, contains the land uses that are already permitted by the property's I-1 zoning district. Additionally, the applicant proposes that the PUD allow the Heavy Industrial land use. This land use is defined in the City's Land Development Code as:

"Industrial, heavy" means a place and/or building, or portion thereof, that is used or is intended for the following or similar uses: processing or manufacture of materials or products predominantly from extracted or raw materials; storage of or manufacturing processes using flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions. The term includes motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, primary metal processing, and the like.

If the Commission allows the Heavy Industrial land use to be added, it would allow a manufacturing business to be proposed that makes products starting with raw materials. This is driving the applicants' request. If a proposal like this is brought forward through the City's permitting process, staff would review it to determine if there are any concerns related to flammable or explosive materials or offensive impacts like odors, noise, smoke, etc. If any of these impacts are found, the staff would treat the request much like the Helena Chemical project. It would go to the Planning Board and City Commission as a Conditional Use Permit using the following provision in City code.

Section 17.20.3.060 of the City's Land Development Code 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."

If the Heavy Industrial land use is added to the permitted land use list for the proposed PUD, there is also a possibility that other uses listed within the land use definition - motor vehicle assembly, oil refineries, textile production, sawmills, post and pole plants, log yards, asphalt and concrete operations, primary metal processing, could be proposed in the future. If such possibility occurs, City staff would apply the same permit review process noted above and have the discretion to classify the proposal as requiring a Conditional Use Permit.

During discussion between the applicants' representative and staff, several land uses that are permitted in the City's I-2 zoning district were identified as prohibited land uses for the PUD request. These are:

- Junkyards
- Motor Vehicle Graveyards
- Motor Vehicle Wrecking Facilities

Staff Analysis: In staff's view, the applicants' choice to bring forward a PUD request is clearly preferable to simply rezoning the property to I-2. The policy question for the City Commission is whether to allow the Heavy Industrial land use request. To assist the Commission with this decision, staff notes the following factors that should mitigate such concerns:

1. **City staff authority to designate certain heavy industrial users for Conditional Use review.** As noted above, Section 17.20.3.060 of the City's Land Development Code gives staff the discretion to forward certain heavy industrial users for public hearing review if there are questions about negative impacts. Many operations that store/manufacture raw materials can be accomplished without negative impacts to adjoining owners.
2. **Both of the applicants have business operations which are permitted as Light Industrial uses.** The only immediate action that will occur on the property is occupancy of the eastern half of the former Wausau Building Supply site. All other future requests will be subject to permit review by City staff, including the City's Fire Rescue Department and Public Works Environmental Division.
3. **The City has additional codes in place that address industrial user impacts.** In addition to the City's permit review process, the City has other ordinances that regulate noise, nuisances (such as odors), and even the location of truck routes.
4. **The property location is good for a possible heavy industrial option.** Specifically, the property is located adjacent to a rail line and is bordered by two major streets (River Drive and 14th). It is extremely well buffered with landscaping along River Drive. It is also surrounded by nonresidential zoning on all sides. There are three existing residential homes that are only separated from the 14.7 acre site by the rail line and a chain link fence. However, the City landscape code would require that area to be buffered with landscaping.

Additional justification for the applicants' request can be found in the PUD Basis for Decision included as an attachment to this agenda report.

Public Input: Staff, a representative from GFDA, and the applicants' representative, Woith Engineering, all attended the Neighborhood Council District #7 meeting held on September 13. The Council meeting was well attended, with the project generating a number of questions. Ultimately, the Council voted unanimously, 4-0, to recommend in favor of the applicants' request. The policy issue that was discussed was whether this property should be redeveloped in keeping with other mixed use development activity along River Drive North. Ultimately, the fact that there is a 105,000 square foot building on the property with many years of useful life made the Council understand that demolition and mixed use development is not a realistic scenario at this time.

Additionally, staff sent notices of public hearing to the Great Falls Tribune for both the Zoning Commission meeting and the upcoming City Commission meeting as well as adjoining property owner notices for both public hearings. To date, staff has received a single phone call (prior to the Zoning Commission public hearing) asking questions about the proposed rezoning request.

Fiscal Impact: If the requested zoning change is approved, there would be significant financial benefits for the City of Great Falls. First, TC Glass would immediately relocate its glass production operation from the County to within city limits. Second, the flexibility of having a heavy industrial land use allowed for the property will make it more likely that the additional acreage on the Wausau site will be leased and that the 3.8 acres along 14th Street will be sold and redeveloped. Finally, there are significant employment benefits that accompany the TC Glass proposal.

Alternatives: The City Commission could deny Ordinance 3238. If such action is taken, the Commission must develop alternative findings to support such a denial decision.

Concurrences: The applicants' request was distributed to all City departments for review and comment. No agency expressed concerns about the change in zoning to Planned Unit Development.

Attachments/Exhibits:

Ordinance 3238

Ordinance 3238 Exhibit A

Findings of Fact/Basis of Decision – Planned Unit Development

Aerial Map

Zoning Map

Applicants' Combined Narrative

Development Standards Chart – Light Industrial Zoning District

ORDINANCE 3238

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA TO REZONE THE PROPERTIES LEGALLY DESCRIBED AS: LOT 2 OF AMENDED PLAT 4299, TRACT 1 OF AMENDED PLAT 4898, AND PORTIONS OF BLOCKS 27, 28, 29, 35, 37, AND 38, AND PORTIONS OF ABANDONED RIGHTS-OF-WAYS ALL IN THE FIRST ADDITION TO GREAT FALLS TOWNSITE INCLUDING PARCELS 1-6, SITUATED IN THE E1/2, NE1/4 OF SECTION 1, TOWNSHIP 20 NORTH, RANGE 3 EAST, AND THE W1/2, NW1/4 OF SECTION 6, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M, CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA, FROM I-1 LIGHT INDUSTRIAL AND M-2 MIXED-USE TRANSITIONAL TO PUD PLANNED UNIT DEVELOPMENT ZONING DISTRICT

* * * * *

WHEREAS, the subject properties, located at 1300 River Drive North, and legally described above, are presently zoned I-1 Light Industrial and M-2 Mixed-Use Transitional; and

WHEREAS, the owner, WS Great Falls Real Estate, Inc. (Charlie Herwig), has petitioned the City of Great Falls to rezone said properties to PUD Planned Unit Development zoning district; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on October 28, 2021, to consider said rezoning from I-1 Light Industrial and M-2 Mixed-use Transitional to PUD Planned Unit Development zoning district and, at the conclusion of said hearing, passed a motion recommending the City Commission rezone the property legally described as Lot 2 of Amended Plat 4299, Tract 1 of Amended Plat 4898, and portions of Blocks 27, 28, 29, 35, 37, and 38, and portions of abandoned rights-of-ways all in the First Addition to Great Falls Townsite including Parcels 1-6, situated in the E1/2, NE1/4 of Section 1, Township 20 North, Range 3 East, and the W1/2, NW1/4 of Section 6, Township 20 North, Range 4 East, P.M.MT, City of Great Falls, Cascade County, Montana; and

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 2nd day of November, 2021, before final passage of said Ordinance herein; and

WHEREAS, following said public hearing, it was found and decided that the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.29.050, and that the said rezoning designation be made.

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

Section 1. It is determined that the herein requested rezoning meets the criteria and guidelines cited in Mont. Code Ann §76-2-304, and Section 17.16.29.050 of the OCCGF.

Section 2. That the property legally described as: Lot 2 of Amended Plat 4299, Tract 1 of Amended Plat 4898, and portions of Blocks 27, 28, 29, 35, 37, and 38, and portions of abandoned rights-of-ways all in the First Addition to Great Falls Townsite including Parcels 1-6, situated in the E1/2, NE1/4 of Section 1, Township 20 North, Range 3 East, and the W1/2, NW1/4 of Section 6, Township 20 North, Range 4 East, P.M.MT, City of Great Falls, Cascade County, Montana be rezoned to PUD Planned Unit Development as shown in Exhibit A.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission, or upon the Certificate of Survey depicted in Exhibit A being recorded with the Cascade County Clerk and Recorder, whichever is later.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading October 19, 2021.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading November 2, 2021.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Jeffrey M. Hindoiem, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3238 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

FINDINGS OF FACT/BASIS OF DECISION – PLANNED UNIT DEVELOPMENT

For a 14.7 acre tract addressed as 1300 River Drive North – Proposed rezoning from Light Industrial (I-1) and Mixed-Use Transitional (M-2) to PUD

PRIMARY REVIEW CRITERIA:

The basis for decision on planned unit developments are listed in Official Code of the City of Great Falls § 17.16.29.050 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall, at a minimum, consider the following criteria:

1. The development project is consistent with the City's growth policy;

The proposed development is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. More specifically, the proposed rezoning to stimulate redevelopment of the property is consistent with the following policies:

Environmental

- Env2.3.1 - In order to maximize existing infrastructure, identify underutilized parcels and areas with infill potential as candidates for redevelopment in the City.

Economic

- Eco3.2.7 – Identify potential growth areas to accommodate the demands created by the building industry and trade in the area.
- Eco3.4.4 – Continue to offer incentives to responsible developers and employers.
- Eco3.7.6 – In keeping with the City's industrial heritage, develop, maintain and utilize infrastructure that ensures "shovel ready" industrial sites.
- Eco 3.7.8 – Encourage entrepreneurship and free market innovation.
- Eco 3.7.9 – Develop incentives, such as expedited permitting, for brownfield redevelopment, infill, and other highly desired but challenging projects.

2. The development project is consistent with applicable neighborhood plans, if any;

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council District #7. As noted in the agenda report, Council District #7 heard the applicant's request at their September 13 meeting and voted unanimously to support the PUD zoning designation.

3. The establishment, maintenance, or operation of the development project will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare;

The immediate development request for TC Glass to occupy about 50,000 square feet of the existing building on the property is considered a permitted light industrial use and will allow all storage and manufacturing to be contained indoors. Over the longer term, if a heavy industrial use is proposed for the property, it will be reviewed during the permit process to ensure compliance with all City codes. This includes review to make sure a Conditional Use Permit is not

required as well as review by the City's Environmental Division for compliance with storm water standards as well as industrial pre-treatment requirements.

4. The development project 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;

As noted in the agenda report, the property is well located for industrial development. All surrounding properties are zoned nonresidential, and the property is additionally buffered by heavy landscaping along River Drive and railroad tracks along the southern boundary. In the conditions of approval section of the agenda report, staff has noted that future industrial development near several nonconforming homes south of the parcel will be required to provide landscape buffering.

5. The development project will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

Properties surrounding the rezoning site are largely developed with nonresidential uses. The proposed rezoning request will not change the status of the properties, and may stimulate increased redevelopment with higher value land uses.

6. The proposed design of the building and other structures are compatible with the desired character of the neighborhood;

No immediate building construction is proposed. Short-term redevelopment of the former Wausau Supply building will simply re-activate the vacant building. The property is not located in a neighborhood environment.

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

The property is already served with City water, sewer, and storm water infrastructure. As noted in the agenda report, the property is also located along two major streets that can accommodate truck traffic. Individual access points to both 14th Street North and 11th Street North will be subject to review at the time of development.

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

The finding for this criterion is addressed Criterion #7.

AERIAL MAP

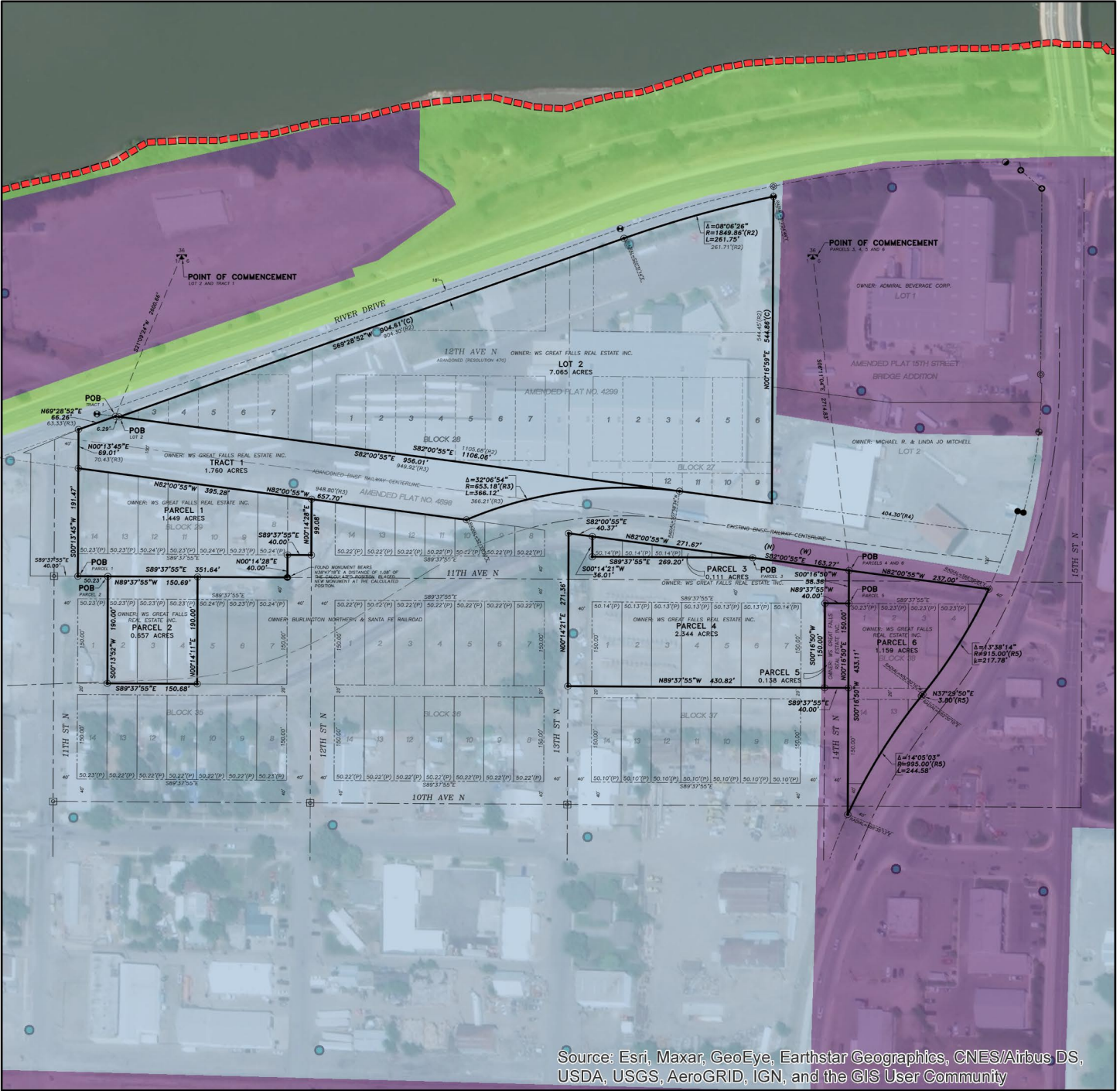


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus/DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

275 137.5 0 275 Feet

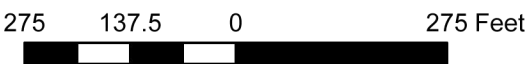


Zoning Map



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

- M-2 Mixed-use Transitional
- I-1 Light Industrial
- POS Parks and Open Space





SEPTEMBER 1, 2021

Mr. Tom Micuda, AICP – Deputy Director
City of Great Falls – Planning and Community Development
Civic Center, Room 112
Great Falls, MT 59403
(406) 454-0495

RE: TC Glass Planned Unit Development

Mr. Micuda

Attached please find our Planned Unit Development (PUD) submittal in the form of the information plan and data as required by the City of Great Falls for the above referenced project. Woith Engineering is submitting this request on behalf of our client.

Our submittal includes the following:

- 1. City of Great Falls PUD Application
- 2. Site Plan

The area proposed for a rezone by TC Glass and Northern Hydraulics is located off of River Drive North in a historically Industrial Area. This site is currently utilizing rail service via Burlington Northern Santa Fe Railroad. The major building on the site formerly housed Lumber Yard Supply and was most recently occupied by Wausau Supply Company.

The site lies just to the south of the River Drive North and East of 11th Street North. The total acreage is approximately 14.9 acres.

Please contact me at your convenience if you require additional information or clarification of the attached.

Sincerely,

Woith Engineering, Inc.

Spencer Woith
President

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GREAT FALLS, MT 59404
(406) 761-1955

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3860 O'LEARY STREET, SUITE A
MISSOULA, MT 59808
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**WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS**

SEPTEMBER 1, 2021

PURPOSE AND INTENT

a) Project Overview and Goals

The proposed rezone to PUD intends to allow the continued industrial type activities that have been active on the property for years. The Current Zoning is both M-2 Mixed Use Transitional and I-1 Light Industrial, the City Description of Light Industrial is as follows:

I-1 Light industrial. This district is intended to accommodate those types of activities typically associated with manufacturing of finished products, storage, and wholesale operations.

M-2 Mixed-use transitional. This district is intended to promote a transition over time to a predominately mixed-use land use pattern. Because of changing economic conditions and other factors, some current uses do not represent the highest and best use, given other more suitable areas. Current industrial uses and warehouses are not considered nonconforming. As such, current industrial uses and warehouses existing at the time this Title was adopted are allowed to expand or to be re-established, if damaged, provided development and appearance standards under the purview of the Design Review Board are met. (See Chapter 28, Section 17.28.050.) Uses characteristic of this district are the same as those found in the previously described M-1 District.

The above description also flows a matrix of permitted, conditional and non-allowable uses. Some of the intended operations on this parcel falls into a non-allowable use under both M-2 Mixed Use Transitional and the I-1 Light Industrial Zoning. The next available zoning that would allow for these uses is I-2 Heavy Industrial Zoning. The City Description of Heavy Industrial Zoning is as follows:

I-2 Heavy industrial. This district is intended to accommodate those activities associated with processing raw materials or other activities with potentially significant off-site impacts. Typically, the uses found in this district are not compatible with most types of non-industrial uses.

The intent of this zoning request is to use the I-1 Light Industrial Zoning as the underlying zoning and add some of the uses that would be found in I-2 Heavy Industrial Zoning, but not all of the allowed uses. This puts some side boards on



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the allowable uses that are just slightly wider than the current zoning, closely maintaining the current zoning of the parcel yet allowing a little flexibility for certain defined uses.

b) Overall design concept to include, use categories, themes, or other significant features

TC Glass is interested in occupying 50,000 sf in the former Wausau Building consolidating their two operations and providing room for expansion. The PUD is being requested to provide the flexibility to allow for occupation of the buildings and yard by a user or users that import, store and use raw materials and produce an end product. This facility is served by the rail and creates a unique opportunity for these types of uses. At some point in the future potential new buildings could be constructed. The southeastern approximately 3.5 acre parcel will most likely be the first parcel to have new construction on it. Any new construction will be subject to all applicable codes and requirements including those in this zoning should it be approved.

Land Use Plan

a) Description of proposed land use categories, include acreages and location if more than one land use category is proposed

The overall concept is to maintain the historically industrial use of the property. There are some potential uses that lie outside of the current allowed uses in the I-1 zoning that the property is currently zoned.

b) Brief discussion of the Conceptual Site Plan

There are no defined plans as to what any new buildings or expansion would be at this time. The property will be broken into two separate parcels at some point in the future. Any new construction will be subject to all applicable codes and requirements including those in this zoning should it be approved.

Site Conditions and Location

a) Acreage

The overall site proposed for the development contains 14.9 acres.



SEPTEMBER 1, 2021

b) Location in relation to major intersections or areas of regional significance

The parcel lies just to the south of the River Drive North and East of 11th Street North. The total acreage is approximately 14.9 acres. A portion of the parcel abuts 14th Street North close to the intersection of 10th Avenue North.

c) Topography and natural features

A majority of the parcel is comprised of a warehouse facility and accompanying parking lots and semi-truck access. The site has a drainage ditch on the east side of the parcel and boulevard landscaping facing River Drive North.

Zoning and Land Use Compatibility

a) Describe existing zoning on and adjacent to site, to include conformance with the objectives, policies, design guidelines, and planned land uses and intensities of all applicable planning areas

The current zoning assigned to the parcel is both I-1 Light Industrial Zoning and M-2 Mixed Use. The parcel is currently cross zoned with both zoning districts. The majority of the parcel boundary abuts currently zoned I-1 Parcels. The majority of adjacent uses are commercial and industrial of nature at this time.

b) Describe existing land uses on and adjacent to site

The majority of adjacent uses are commercial and industrial of nature at this time. Including contractor yards, auto repair facilities, distribution warehouses and rail road parcels.

c) Describe existing and adjacent character

The character of both the subject parcel and the adjacent parcels are mostly commercial and industrial in character and use.

List of Uses

a) Permitted Uses



SEPTEMBER 1, 2021

Land uses for this development will follow the zoning regulations.

Development Standards

- a) Density and number of dwelling units
- b) Minimum lot width/depth
- c) Building setbacks/build to lines
- d) Landscape setbacks
- e) Building separation
- f) Height
- g) Lot coverage
- h) Division of Uses

Development Standards a-h will all be the same as the underlying I-1 zoning district requirements.

Design Guidelines

The Guidelines for Design Review section of the Zoning Ordinance establishes minimum design guidelines for development. The PUD Narrative is expected to exceed these standards by meeting the Objectives outlined in the Planned Unit Development Basis of Decision (17.16.29.050)

Signs

- a) Location

All signage will be located at the current locations on the parcel or will be subject to the code requirements already established by the City of Great Falls Sign Code.

- b) Size

All signage will be subject to the City of Great Falls Sign Code

Infrastructure

- a) Circulation Systems (streets, pedestrian circulation, trails, etc.)

There is no plan to amend the vehicular or pedestrian circulation from the current operation.



SEPTEMBER 1, 2021

b) Grading and Drainage

The site has will remain as design except for any potential new buildings or expansion. At this time those have not been identified and or designed. In the future those improvements will be subject to the requirement of the City of Great Falls and any other applicable government agencies.

c) Water and Wastewater Services

Public water currently serves the building and there is no intent to change.

A public wastewater currently serves the building and there is no intent to change.

Phasing Plan

a) If no Phasing plan is proposed, state that there is no Phasing Plan

There is no phasing plan proposed for the project.

EXHIBITS		INCLUDED Y/N
a)	Comparative Zoning Standards Table (to include applicable existing and proposed zoning standards)	N
b)	Legal Description	Y – SITE PLAN
c)	Area Vicinity Map	Y
d)	Aerial Map	Y
e)	Zoning Map (existing/ proposed)	N
f)	Land Use Plan	Y
g)	Conceptual Site Plan	Y
h)	Conceptual Elevations	N

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SEPTEMBER 1, 2021

i)	Conceptual Landscape Plan	N
j)	Thematic Street Cross Sections	N
k)	Circulation Plan	N
l)	Sign Plan	N
m)	Color Palette	N
n)	Phasing Plan	N
o)	Traffic Study or Statement (as applicable)	N/A

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Principal Uses	M-2	I-1	I-2	PUD
Agricultural Uses				
Agriculture, horticulture, nursery	-	P	P	P
Residential Uses				
Mobile home/park	-	-	-	-
Residence, single-family detached	P	-	-	-
Residence, zero lot line	P	-	-	-
Residence, two-family	P	-	-	-
Residence, multi-family	P	-	-	-
Residence, townhouse	P	-	-	-
Residence, manufactured/factory-built	P	-	-	-
Retirement home	P	-	-	-
Special Care Facilities				
Community residential facility, type I	P	-	-	-
Community residential facility, type II	C	-	-	-
Day care center	P	-	-	-
Emergency shelter	C	-	-	-
Family day care home	P	-	-	-
Group day care home	P	-	-	-
Nursing home	P	-	-	-
Overnight Accommodations				
Campground	-	-	-	-
Hotel/motel	P	-	-	-
Food and Beverage Sales				
Micro-brewery	C	P	-	P
Restaurant	P	P	P	P
Tavern	C	P	P	P
General Sales				
Agriculture sales	-	P	P	P
Auction sales	-	P	P	P
Construction materials sales	-	P	P	P
Convenience sales	-	P	P	P
General sales	P	P	P	P
Manufactured housing sales	-	P	P	P
Off-site liquor sales	C	P	P	P

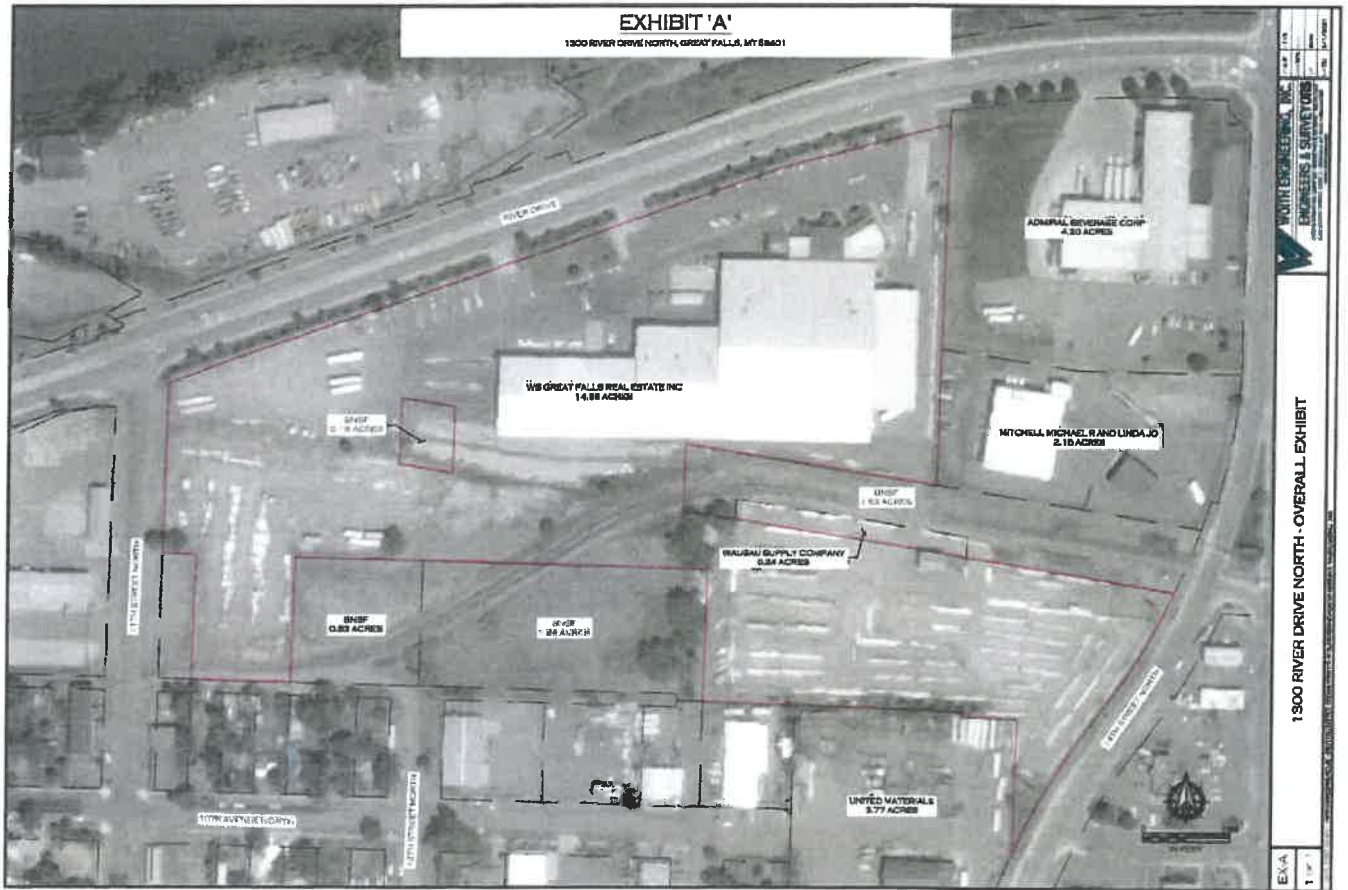
Secondhand sales	-	P	P	P
Shopping center	-	P	P	P
General Services				
Administrative services	P	-	-	-
Commercial kennel	-	P	-	P
Financial services	P	-	-	-
Funeral home	P	-	-	-
General services	P	P	P	P
Professional services	P	-	-	-
Sexually-oriented business	-	P	P	P
Veterinary clinic, large animal	-	P	P	P
Veterinary clinic, small animal	P	P	P	P
Rental and General Repair				
Large equipment rental	-	P	P	P
Small equipment rental	-	P	P	P
General repair	-	P	P	P
Vehicle Trade and Service				
Vehicle fuel sales	-	P	-	P
Vehicle repair	-	P	-	P
Vehicle sales and rental	-	P	-	P
Vehicle services	P	P	-	P
General Storage				
Agricultural commodity storage facility	-	P	P	P
Climate controlled indoor storage	P	P	P	P
Fuel tank farm	-	-	P	-
Mini-storage facility	C	P	P	P
Freight terminal	-	P	P	P
Warehouse	C	P	P	P
Indoor Recreation/Sports/Entertainment				
Casino, type I	-	P	P	P
Casino, type II	-	P	P	P
Indoor entertainment	C	-	-	-
Indoor sports and recreation	C	P	-	P
Outdoor Recreation/Sports/Entertainment				
Golf course/driving range	-	-	-	-
Miniature golf	C	C	-	C
Outdoor entertainment	-	C	-	C
Park	P	P	P	P
Recreational trail	P	P	P	P
Community Services/Uses				
Administrative governmental center	P	-	-	-
Animal shelter	C	P	-	P

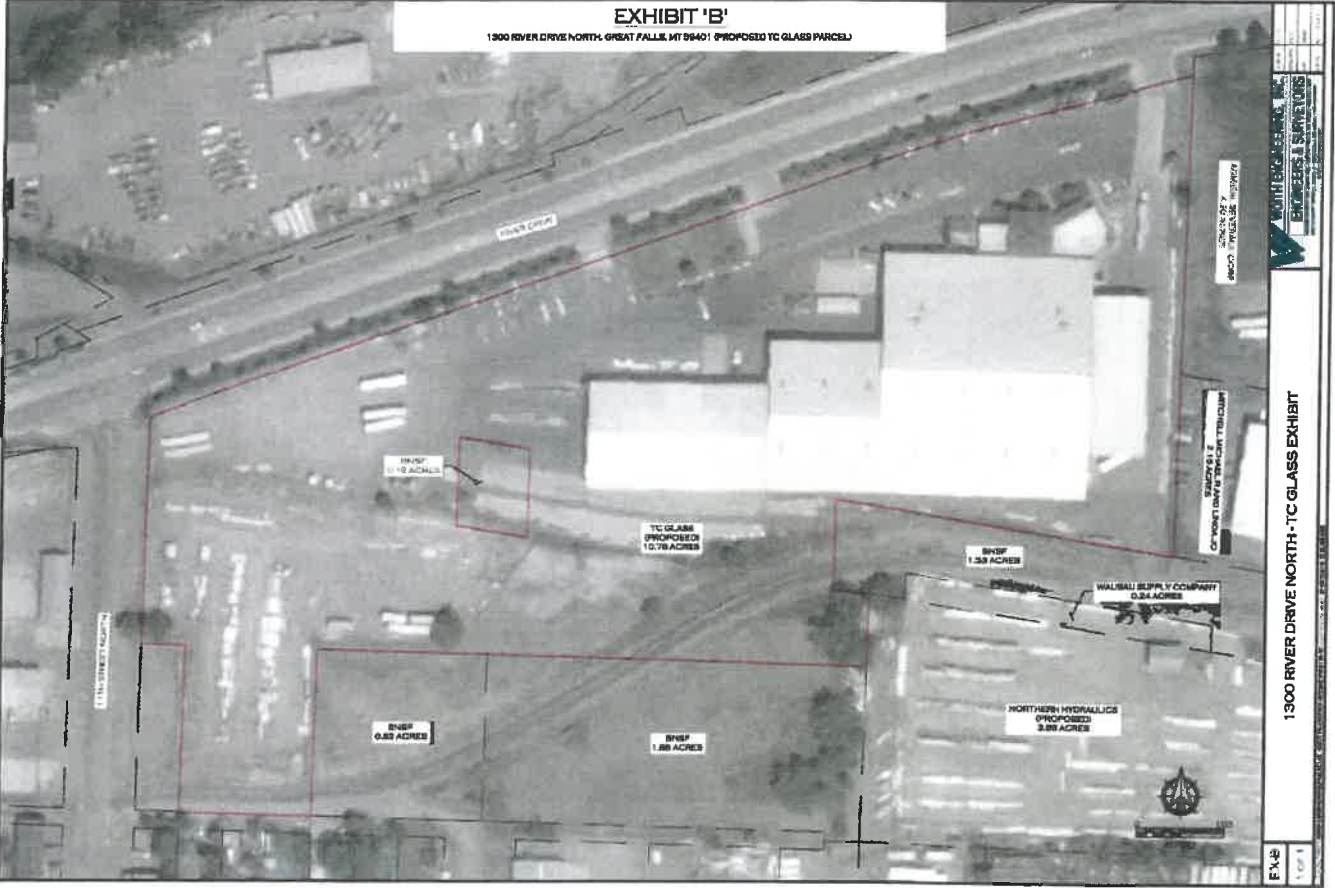
Cemetery	-	-	-	-
Civic use facility	P	-	-	-
Community center	P	-	-	-
Community cultural facility	P	-	-	-
Community garden	P	C	C	C
Public safety facility	P	P	-	P
Worship facility	P	-	-	-
Health Care				
Health care clinic	P	-	-	-
Health care facility	C	-	-	-
Health care sales and services	P	-	-	-
Education				
Commercial education facility	P	P	-	P
Educational facility (K—12)	C	-	-	-
Educational facility (higher education)	C	-	-	-
Instructional facility	P	P	-	P
Solid Waste, Recycling and Composting				
Composting facility	-	C	P	C
Recycling center	-	C	P	C
Solid waste transfer station	-	C	P	C
Telecommunications				
Amateur radio station	-	-	-	-
Telecommunication facility	-	-	-	-
Concealed facility	P	P	P	-
Unconcealed facility	C	P	P	-
Co-located facility	C	P	P	-
Utilities				
Utility installation	C	C	P	-
Transportation				
Airport	-	-	-	-
Bus transit terminal	C	P	-	P
Heli-pad	C	P	P	-
Parking lot, principal use	P	P	P	P
Parking structure	P	P	P	P
Railroad yard	-	P	P	P
Taxi cab dispatch terminal	P	P	-	P
Contractor Yards				
Contractor yard, type I	P	P	-	P
Contractor yard, type II	C	P	P	P
Industrial/Manufacturing				
Artisan shop	P	P	-	P
Industrial, heavy	-	-	P	P

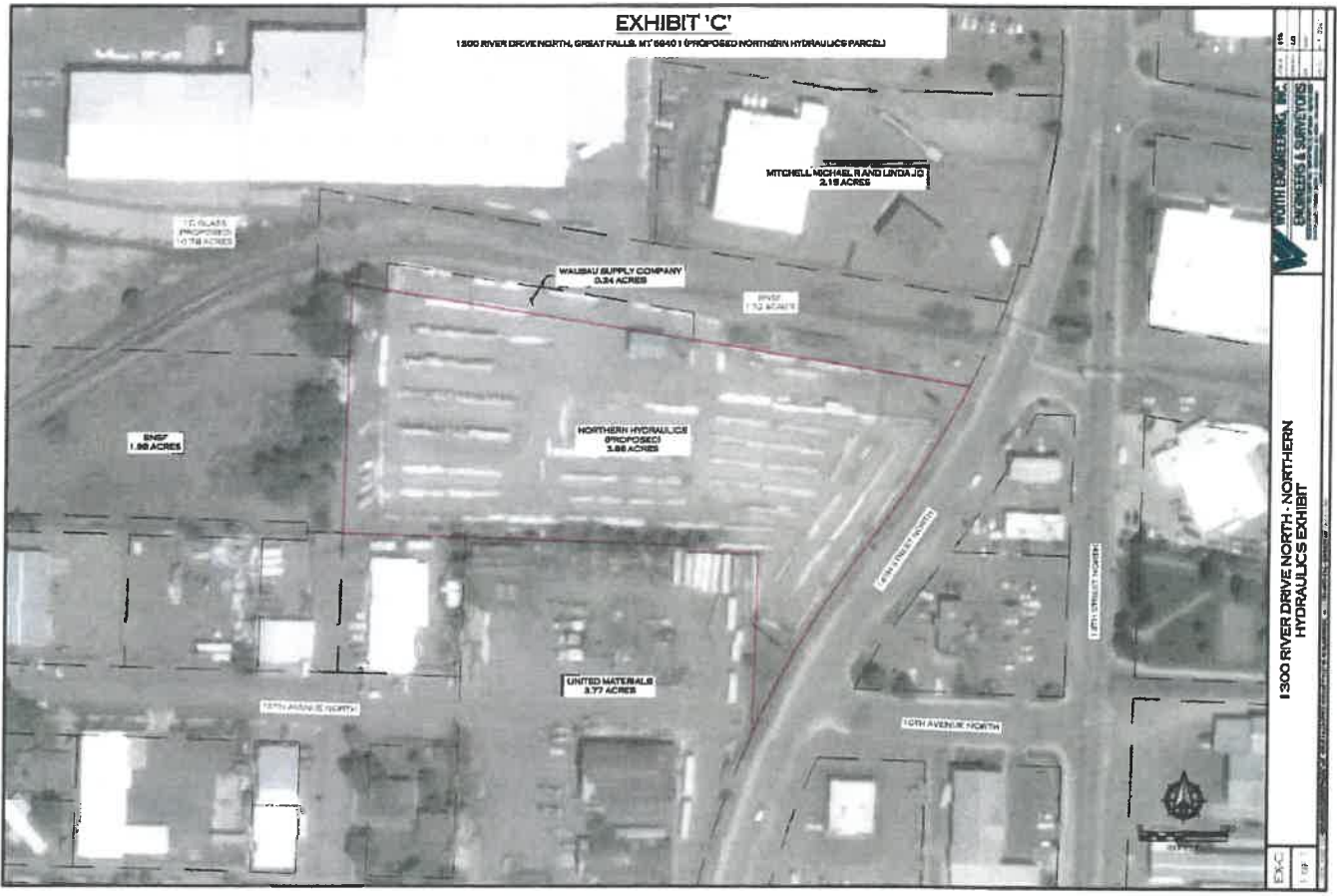
Industrial, light	-	P	P	P
Industrial park	-	P	P	P
Junkyard	-	C	P	-
Light manufacturing and assembly	P	P	P	P
Motor vehicle graveyard	-	-	P	-
Motor vehicle wrecking facility	-	-	P	-

Accessory Uses	M-2	I-1	I-2	PUD
Accessory living space	P	-	-	-
Agriculture, livestock	-	-	-	-
ATM, exterior	P	P	P	P
Bed and breakfast	P	-	-	-
Fences	P	P	P	P
Gaming, accessory	P	P	P	P
Garage, private	P	P	P	P
Home occupation	P	P	P	P
Private stable/barn	-	-	-	-
Residence, accessory	P	P	P	P
Roadside farmer's market	-	-	-	-
Storage containers	-	P	P	P
Wind-powered electricity systems	P	P	P	P

Temporary Use	M-2	I-1	I-2	PUD
Garage sales	P	P	P	P
Itinerant outdoor sales	P	C	-	-
On-site construction office	P	P	P	P
On-site real estate sales office	P	-	-	-
Outdoor entertainment, temporary	-	P	P	P
Sidewalk café	P	-	-	-
Sidewalk food vendor	P	-	-	-







TRACT 1:

Lots 9, 10, 11, 12, 13 and 14, Block 27, South of the Chicago, Milwaukee, Railway Right of Way, all in Great Falls Water Power and Townsite Company's First Addition to Great Falls Townsite, Cascade County, Montana, according to the official plat or map thereof on file and of record in the office of the Clerk and Recorder of said County.

TRACT 2:

Lots 8-14, inclusive (lying South of the South line of the railroad) Block 29 and those portions of vacated streets, avenues and alleys adjoining Lots 8 to 14, inclusive, in Block 29, Great Falls Water Power and Townsite Company's First Addition to Great Falls Townsite, Cascade County, Montana, described as follows:

That portion of Twelfth Alley North lying between the South line of the Chicago, Milwaukee, Saint Paul, and Pacific Railroad Company's right of way and the North line of Lot 14 in said Block 29.

The West 1/2 of Twelfth Street North bounded on the North by the South line of the Chicago, Milwaukee, Saint Paul and Pacific Railroad Company's right of way, bounded on the South by the North line of Eleventh Avenue North.

The North 1/2 of Eleventh Avenue North bounded on the West by the East line of Eleventh Street North and on the East by the West line of Twelfth Street North.

TRACT 3:

Lots 2, 3, and 4, Block 35, Great Falls Water Power and Townsite Company's First Addition to Great Falls Townsite, Cascade County, Montana, together with the Southerly 1/2 of vacated Eleventh Avenue North which adjoins said Lots 2, 3, and 4, Block 35, on the North, Cascade County, Montana, according to the official plat or map thereof on file and of record in the office of the Clerk and Recorder of said County.

All of the above land located in Great Falls Water Power and Townsite Company's First Addition to Great Falls Townsite, Cascade County, Montana, according to the official plat or map thereof on file and of record in the office of the Clerk and Recorder of said County.

TRACT 4:

Lot 2 of the Amended Plat of a portion of Blocks 4, 5, 27, 28, 29, portions of vacated 12th and 13th Streets North, and a portion of the vacated 12th Alley North, all in the First Addition to the City of Great Falls, Cascade County, Montana, as well as portions of Government Lot 6, Section 1, Township 20 North, Range 3 East, and Government Lot 5, Section 6, Township 20 North, Range 4 East, PMM. This plat also amends the Amended Plat of a portion of Lot 1, Block 2, and a portion of 13th Street North, all in the First Addition to the City of Great Falls, Cascade County, Montana, a subdivision located in the NE1/4 of Section 1, Township 20 North, Range 3 East, and the NW1/4 of Section 6, Township 20 North, Range 4 East, PMM, all in Great Falls, Cascade County, Montana, according to PL #4299.

TRACT 5:

Tract No. 1 of the Amended Plat of a portion of Blocks 27, 28, 29, 30, portions of vacated 11th, 12th and 13th Streets North and a portion of vacated 12th Alley North, all in the First Addition to the City of Great Falls, Cascade County, Montana, a Subdivision located in Section 1, Township 20 North, Range 3 East, PMM, according to Plat #4898, filed October 9, 1998.

Except that portion Deeded to the State of Montana, Department of Transportation as to that portion lying with Lots 1 and 2, Block 29, as conveyed by Deed recorded August 20, 196 on Rel 285, Document 61, records of Cascade County, Montana.

Exhibit 20-4. Development standards for other zoning districts: I-1 S

	M-1	M-2	C-1	C-2	C-3	C-4	C-5	PLI	GFIA	I-1	I-2
Residential density	500 sq. feet of lot area per dwelling unit	500 sq. feet of lot area per dwelling unit	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Minimum lot size for newly created lots	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet	7,500 sq. feet
Minimum lot width for newly created lots	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet	50 feet
Lot proportion for newly created lots (maximum depth to width)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	3:1	3:1
Maximum building height of principal building	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district	65 feet except as follows: 35 feet within 200 feet of an R-1, R-2, R-3 district; 45 feet when within 200 feet to 350 feet of an R-1, R-2, R-3 district; and 65 feet when more than 350 feet from an R-1, R-2, R-3 district	35 feet	65 feet	50 feet	100 feet by right; 101 feet to 160 feet as conditional use	55 feet	100 feet by right; 101 feet to 160 feet as conditional use, except as follows; in the proposed medical district master plan area, 160 feet by right	65 feet	45 feet	none
Maximum building height of accessory building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of	24 feet, but may not be higher than the uppermost elevation of	24 feet, but may not be higher than the uppermost elevation of	n/a	24 feet, but may not be higher than the uppermost elevation of	24 feet, but may not be higher than the uppermost elevation of the principal building	24 feet, but may not be higher than the uppermost elevation of	35 feet	none

			the principal building	the principal building	the principal building		the principal building		the principal building		
Minimum front yard setback of principal and accessory buildings	none	Existing Industrial: 20 feet	15 feet	none	25 feet	none	15 feet	25 feet	25 feet	20 feet	10 feet
Minimum side yard setback of principal and accessory buildings	Commercial: none Residential: 5 feet each side	Commercial: none Residential: 5 feet each side Existing Industrial: 15 feet each side	10 feet each side	10 feet each side	15 feet each side	none	10 feet each side	10 feet each side	none	10 feet each side	10 feet each side, 15 feet when side yard abuts a non-industrial zoning district
Minimum rear yard setback of principal and accessory buildings	10 feet	10 feet	15 feet	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	1/10 of lot depth but not less than 1/10 of building height	1/10 of lot depth but not less than 1/10 of building height	none	5 feet	5 feet
Maximum lot coverage of principal and accessory buildings	Corner lot: 70% Other lots: 65%	Corner lot: 70% Other lots: 65%	Corner lot: 50% Other lots: 40%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	100%	Corner lot: 70% Other lots: 60%	Corner lot: 70% Other lots: 60%	none	Corner lot: 85% Other lots: 70%	Corner lot: 85% Other lots: 70%



Commission Meeting Date: November 2, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Public Hearing - Ordinance 3239 – Amendment to the Official Code of the City of Great Falls – 17.32.150 (Driveways)

From: Tom Micuda, Deputy Director, Planning and Community Development

Initiated By: Planning and Community Development

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

Action Requested: City Commission adopt Ordinance 3239

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) Ordinance 3239.”

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

Staff Recommendation: At the September 28, 2021 meeting of the Planning Advisory Board, the Board unanimously voted to recommend approval of the proposed amendment to the City’s Driveway regulations. Additionally, staff recommends that the City Commission adopt the proposed amendment contained in Ordinance 3239.

Background: The driving factor behind the proposed amendment to the Driveway chapter of the Land Development Code was a series of permit requests to construct street accessed driveways on properties located within the older neighborhoods that also have alley access. These requests brought to light a problematic provision within the Driveway chapter of the City’s Land Development Code. The current provision of the code states the following:

17.32.150(B)(4)(c) Alley Accessed Lots - For those properties which are served by an alley, no new driveways or expansions of existing driveways accessing the street are allowed unless authorized by both the City Engineer and the Director of Planning and Community Development.

There are legitimate reasons why city codes restrict the ability of property owners to have street-accessed driveways when they already have alley access to parking areas and detached garages. These reasons include: 1) preventing conflicts between vehicles backing out of driveways and vehicles using city streets, 2) keeping the sidewalk network as intact as possible and reducing vehicle/pedestrian conflicts, and 3) maintaining greenspace in the front yards and boulevards of older neighborhoods.

However, the current code provision for alley accessed lots is problematic because it both prohibits street accessed driveways in one passage, but then allows City staff to essentially override the code in the next passage. What is further problematic is that the provision does not provide any decision making criteria to assist City staff in potentially overriding the prohibition on street-accessed driveways.

The submittal and denial of several permit requests for street-accessed driveways led staff to ask the following question. Should the City simply allow street loaded driveways rather than continue the current situation where case by case decisions can be made without guidance?

Ultimately, staff determined that a proposed code amendment should be brought forward for the following reasons:

1. There are a number of street blocks within older neighborhoods where street-accessed driveways already exist despite the presence of alley accessed driveways and garages. This creates an equity challenge for staff to deny certain requests.
2. Freeing up some additional street parallel parking spaces in favor of more on-site parking does allow for easier snow removal and street sweeping. This why the proposed amendment is supported by Public Works staff.
3. Creating more options for property owners to move recreational vehicles, campers, and boats off the street network will allow those owners a better opportunity to comply with the Large Vehicle Ordinance recently adopted by the City Commission.

Summary of Proposed Amendment: The proposed amendment is attached in bold/strike-through format (Exhibit A) and in clean copy format (Exhibit B). The key portion of the amendment is as follows:

17.32.150(B)(4)(c) Alley Accessed Lots - For those properties which are served by an alley, **a single street-accessed driveway is allowed. The owner must obtain a permit, and the driveway shall be limited to no greater than twelve (12) feet in width. Such driveway must be surfaced and maintained with Portland cement concrete, asphaltic concrete, or pavers.** ~~no new driveways or expansions of existing driveways accessing the street are allowed unless authorized by both the City Engineer and the Director of Planning and Community Development.~~

The proposed code amendment will allow property owners of alley accessed lots to file a driveway permit to construct a single driveway of no greater than 12 feet in width. This will allow that owner to park a single vehicle off the street to supplement whatever parking is available off the alley portion of the property. While this will create a minor interruption in the integrity of the adjoining curb, sidewalk and front yard area, a 12 foot wide driveway in the front yard will only consume 24 percent of a typical 50 foot wide lot in the older neighborhood areas of Great Falls. Given the benefits of clarifying the code and providing more options for property owners to remove larger vehicles from the street, staff believes that the submitted code amendment should be approved.

Fiscal Impact: Because the proposed code amendment is minor in scope, no financial impacts to the City are anticipated.

Alternatives: The City Commission could vote to deny the proposed amendment to the City's current driveway regulations. If this occurs, the code would continue to prohibit new street-accessed driveways from being constructed on lots accessed by alleys unless an applicant's request was approved by both the City Engineer and the City's Director of Planning and Community Development.

Concurrences: Staff from both the Public Works Department and Planning and Community Development have consulted on the proposed amendment. Public Works staff is in favor of the proposed amendment because it will allow for some vehicles to be parked out of parallel parking areas. This will make it easier to conduct both street sweeping and snow removal activities.

Attachments/Exhibits:

Ordinance 3239

Exhibit A – Bold/Strikethrough Copy of Proposed Code Amendment

Exhibit B – Clean Copy of Proposed Code Amendment

ORDINANCE 3239

AN ORDINANCE AMENDING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF): CHAPTER 32 TRANSPORTATION FACILITIES, SECTION 17.32.150 DRIVEWAYS; TO ALLOW STREET ACCESSED DRIVEWAYS FOR ALLEY ACCESSED LOTS.

* * * * *

WHEREAS, the City Commission established Title 17 of the OCCGF outlining provisions pertaining to, and known as, the Land Development Code; and

WHEREAS, Section 17.32.150 of the OCCGF contains standards for driveway construction which regulate the number, spacing, surface material, width, and location of driveways for both residentially and non-residentially zoned properties; and

WHEREAS, the current regulation contained in 17.32.150(B)(4)(c) of the OCCGF prohibits the construction of a street accessed driveway to serve properties that already have alley access unless such request is approved by both the Director of Planning and Community Development and the City Engineer; and

WHEREAS, City staff have concluded that this regulation is problematic because it provides no criteria for staff to allow such driveways, is inconsistent with the City’s efforts to have more vehicles parked on private property, conflicts with City pavement maintenance and snow removal efforts, and conflicts with the context of many neighborhood areas where street accessed driveways are already in place; and

WHEREAS, City staff believe that it is in the community’s best interest for property owners with alley accessed lots to have the option of having a single street accessed driveway of narrow width to address additional vehicle parking needs; and

WHEREAS, at is regularly scheduled September 28, 2021 meeting, the Great Falls Planning Advisory Board recommended that the City Commission adopted Ordinance 3239, and

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

Section 1. OCCGF 17.32.150(B)(4)(c), is hereby amended as depicted by Exhibit “A” attached hereto and by reference incorporated herein, with deleted language identified by ~~strikeout~~ and inserted language **bolded**; and

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

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading October 19, 2021.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading November 2, 2021.

Bob Kelly, Mayor

ATTEST:

(CITY SEAL)

Lisa Kunz, City Clerk

APPROVED FOR LEGAL CONTENT:

Jeffrey Hindoien, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3239 on the Great Falls Civic Center posting board and the Great Falls City website.

Lisa Kunz, City Clerk

(CITY SEAL)

Exhibit A

17.32.150 Driveways.

- A. Generally. Prior to the installation of a driveway curb cut or other access point onto a public street or right-of-way, the developer or owner shall obtain approval from the City, and if applicable, the Montana Department of Transportation or Cascade County. The City Engineer may require site driveway plans prior to approval and the start of construction on any driveway accessing any public street or right-of-way within the City, and may deny, limit, or modify access.
- B. Width and Surfacing. Curb cuts shall not be wider than the widths listed in Exhibit 32-3. For single-family and duplex uses, the width of curb cuts shall conform to the standards listed in Exhibit 32-3 or the following, whichever is more restrictive:
1. For lots less than sixty-one (61) feet in width of frontage, the cumulative width of curb cuts shall not be more than thirty (30) percent of the lot frontage width.
 2. For lots sixty-one (61) feet or greater width of frontage, the cumulative width of curb cuts shall not be more than thirty-five (35) percent of the lot frontage width.
 3. For commercial and industrial zoning districts where commercial trucking or transportation is a significant use, driveway width may exceed widths listed in Exhibit 32-3 with approval of the City Engineer. If approved, boulevard landscaped area used for the additional driveway width shall be relocated elsewhere upon the private property.
 4. Driveway width shall not be wider than the curb cut bottom width (excluding driveway wings) for the entire length of the driveway. Exception: For single-family and two-family residential uses, driveways accessing a street may taper to be wider than the curb cut width at the street in order to accommodate vehicle parking needs. This allowance is subject to the following restrictions:
 - a. Maximum Additional Width - The additional width of the driveway to accommodate vehicle parking may not be more than ten (10) feet greater than the curb cut bottom width (excluding driveway wings). The combined driveway and associated parking area shall be limited to no more than forty (40) total feet, measured parallel to the residential structure's frontage, and not be located in front of the living area of the structure. See Exhibit 32-4.
 - b. Surfacing - The associated parking area shall be surfaced and maintained with Portland cement concrete, asphaltic concrete, pavers, or gravel conforming to the standards prescribed by the City Engineer. The main driveway area must be paved except noted in 17.32.150(B)(4)(d) and 17.32.150 (G).
 - c. Alley Accessed Lots - For those properties which are served by an alley, **a single street-accessed driveway is allowed. The owner must obtain a permit, and the driveway shall be limited to no greater than twelve (12) feet in width. Such driveway must be surfaced and maintained with Portland cement concrete, asphaltic concrete, or pavers.** ~~no new driveways or expansions of existing driveways accessing the street are allowed unless authorized by both the City Engineer and the Director of Planning and Community Development. A~~ **Additionally, a** driveway accessing an alley is allowed. Such driveway and associated parking area shall be surfaced and maintained with Portland cement concrete, asphaltic concrete, pavers, or gravel conforming to the standards prescribed by the City Engineer. The combined driveway and associated parking area **accessing an alley** shall be limited to no greater than nine hundred (900) square feet. See Exhibit 32-5. For lots that are one (1) acre or larger, the area of the combined driveway and associated parking area **accessing an alley** may not exceed six percent (6%) of the gross lot area.

- d. Unpaved Streets. Where a property abuts an unpaved street, a gravel driveway and associated parking area otherwise conforming to the chapter may be installed directly off the unpaved street.
- e. Separation for Sidewalk and Street Boulevard - For properties that do not contain sidewalks or have a sidewalk connected to the curb, associated parking areas shall not encroach beyond the front property line into the street boulevard. See Exhibit 32-4a. For properties where the sidewalk is separated from curb, the associated parking area shall only connect at a point where the driveway intersects the sidewalk. The remaining associated parking area must be set back from the sidewalk as shown in Exhibit 32-4b.
- f. Gravel Driveway and Parking Area Maintenance - All gravel driveways and associated parking areas shall be maintained to ensure that they do not become rutted, contain standing water, or contain noxious or nuisance weeds. Gravel shall not be tracked, erode, nor spill over any paved driveway or onto any public sidewalk, path, paved street, or adjacent property. Stormwater runoff from driveways associated parking areas shall not negatively impact adjacent properties.

Exhibit 32-3. Maximum curbcut widths

Type of Use	Maximum Width
Single-family residential & Two-family residential *(see 17.32.150(B) for further restrictions)	<ul style="list-style-type: none"> • One stall, 10 12 feet* • Two stalls, 20 feet* • Three or more stalls, 30 feet* • 30 feet is the maximum allowed width*
Multi-family	<ul style="list-style-type: none"> • 24 feet, two-way • 12 feet, one-way
Commercial zoning district	<ul style="list-style-type: none"> • 36 feet, two-way • 45 feet with City Engineer approval
Industrial zoning district	<ul style="list-style-type: none"> • 45 feet • 55 feet with City Engineer approval

Exhibit 32-4. Street accessed driveway and parking area

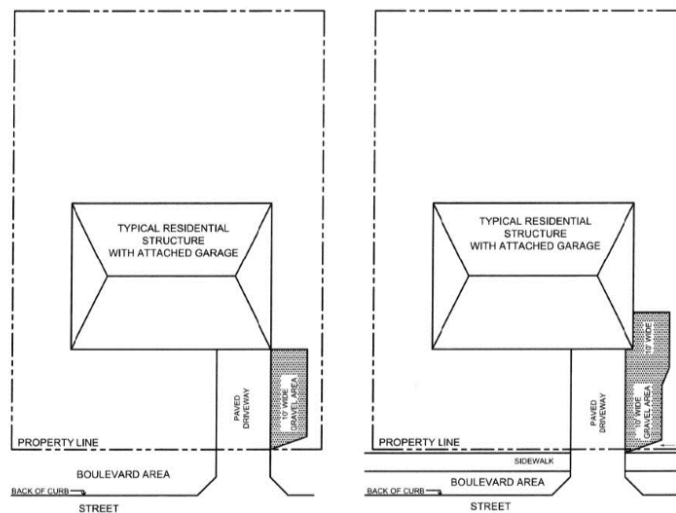
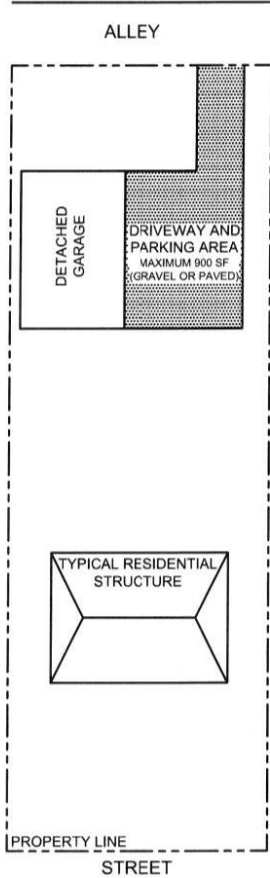


Exhibit 32-5. Alley accessed driveway and parking area



C. Number. The number of curb cuts shall conform to the standards listed in Exhibit 32.6.

Exhibit 32.6. Number of curb cuts

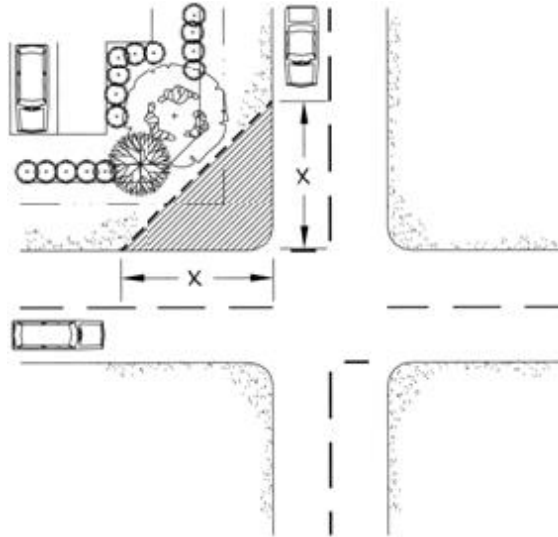
Residential Lot Frontage	Number Allowed
less than 101 feet	1
101 feet or more	2

Commercial-Industrial/PLI Lot Frontage	Number Allowed
Less than 51 feet	1
51 feet to 400 feet	2
More than 400 feet	3

- D. Location. Curb cuts shall be located at the discretion and by the approval of the City Engineer to ensure traffic safety and the character of the neighborhood is maintained.
- E. Off-street parking. Approval of curb cuts to serve off-street parking that is not connected to a garage or covered carport in residential areas is discouraged and shall be at the discretion of the City Engineer. If approved, such driveways shall be of adequate length onto the private property to allow parking on the

private property beyond the building setback. "U" shaped driveways (one continuous driveway with two curb cuts) in single-family residential zoned areas are prohibited.

Exhibit 32.7. Clear visibility triangle



- F. Drainage structures. All driveways shall be constructed so as to not impair drainage within the right-of-way nor alter the stability of the roadway subgrade and at the same time not impair or materially alter drainage of the adjacent areas. All drainage structures required within the public right-of-way and under the driveways as a result of the property being developed shall be installed in accordance with the standards of the City.
- G. Driveway paving in the public right-of-way. Driveways connecting to a paved public street must be surfaced and maintained with Portland cement concrete from the back of curb to the front property line. The use of gravel for driveways connecting to a public street in the R-1 Zoning District may be allowed at the discretion of the City Engineer.

(Ord. 3239, 2021; Ord. 3155, 2017; Ord. 3087, 2012; Ord. 2950, 2007)

Exhibit B

17.32.150 Driveways.

- A. Generally. Prior to the installation of a driveway curb cut or other access point onto a public street or right-of-way, the developer or owner shall obtain approval from the City, and if applicable, the Montana Department of Transportation or Cascade County. The City Engineer may require site driveway plans prior to approval and the start of construction on any driveway accessing any public street or right-of-way within the City, and may deny, limit, or modify access.
- B. Width and Surfacing. Curb cuts shall not be wider than the widths listed in Exhibit 32-3. For single-family and duplex uses, the width of curb cuts shall conform to the standards listed in Exhibit 32-3 or the following, whichever is more restrictive:
1. For lots less than sixty-one (61) feet in width of frontage, the cumulative width of curb cuts shall not be more than thirty (30) percent of the lot frontage width.
 2. For lots sixty-one (61) feet or greater width of frontage, the cumulative width of curb cuts shall not be more than thirty-five (35) percent of the lot frontage width.
 3. For commercial and industrial zoning districts where commercial trucking or transportation is a significant use, driveway width may exceed widths listed in Exhibit 32-3 with approval of the City Engineer. If approved, boulevard landscaped area used for the additional driveway width shall be relocated elsewhere upon the private property.
 4. Driveway width shall not be wider than the curb cut bottom width (excluding driveway wings) for the entire length of the driveway. Exception: For single-family and two-family residential uses, driveways accessing a street may taper to be wider than the curb cut width at the street in order to accommodate vehicle parking needs. This allowance is subject to the following restrictions:
 - a. Maximum Additional Width - The additional width of the driveway to accommodate vehicle parking may not be more than ten (10) feet greater than the curb cut bottom width (excluding driveway wings). The combined driveway and associated parking area shall be limited to no more than forty (40) total feet, measured parallel to the residential structure's frontage, and not be located in front of the living area of the structure. See Exhibit 32-4.
 - b. Surfacing - The associated parking area shall be surfaced and maintained with Portland cement concrete, asphaltic concrete, pavers, or gravel conforming to the standards prescribed by the City Engineer. The main driveway area must be paved except noted in 17.32.150(B)(4)(d) and 17.32.150 (G).
 - c. Alley Accessed Lots - For those properties which are served by an alley, a single street-accessed driveway is allowed. The owner must obtain a permit, and the driveway shall be limited to no greater than twelve (12) feet in width. Such driveway must be surfaced and maintained with Portland cement concrete, asphaltic concrete, or pavers. Additionally, a driveway accessing an alley is allowed. Such driveway and associated parking area shall be surfaced and maintained with Portland cement concrete, asphaltic concrete, pavers, or gravel conforming to the standards prescribed by the City Engineer. The combined driveway and associated parking area accessing an alley shall be limited to no greater than nine hundred (900) square feet. See Exhibit 32-5. For lots that are one (1) acre or larger, the area of the combined driveway and associated parking area accessing an alley may not exceed six percent (6%) of the gross lot area.

- d. Unpaved Streets. Where a property abuts an unpaved street, a gravel driveway and associated parking area otherwise conforming to the chapter may be installed directly off the unpaved street.
- e. Separation for Sidewalk and Street Boulevard - For properties that do not contain sidewalks or have a sidewalk connected to the curb, associated parking areas shall not encroach beyond the front property line into the street boulevard. See Exhibit 32-4a. For properties where the sidewalk is separated from curb, the associated parking area shall only connect at a point where the driveway intersects the sidewalk. The remaining associated parking area must be set back from the sidewalk as shown in Exhibit 32-4b.
- f. Gravel Driveway and Parking Area Maintenance - All gravel driveways and associated parking areas shall be maintained to ensure that they do not become rutted, contain standing water, or contain noxious or nuisance weeds. Gravel shall not be tracked, erode, nor spill over any paved driveway or onto any public sidewalk, path, paved street, or adjacent property. Stormwater runoff from driveways associated parking areas shall not negatively impact adjacent properties.

Exhibit 32-3. Maximum curbcut widths

Type of Use	Maximum Width
Single-family residential & Two-family residential *(see 17.32.150(B) for further restrictions)	<ul style="list-style-type: none"> • One stall, 12 feet* • Two stalls, 20 feet* • Three or more stalls, 30 feet* • 30 feet is the maximum allowed width*
Multi-family	<ul style="list-style-type: none"> • 24 feet, two-way • 12 feet, one-way
Commercial zoning district	<ul style="list-style-type: none"> • 36 feet, two-way • 45 feet with City Engineer approval
Industrial zoning district	<ul style="list-style-type: none"> • 45 feet • 55 feet with City Engineer approval

Exhibit 32-4. Street accessed driveway and parking area

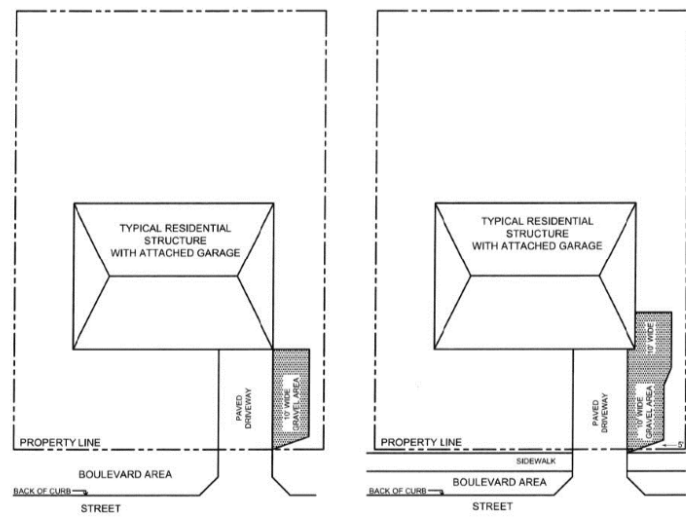
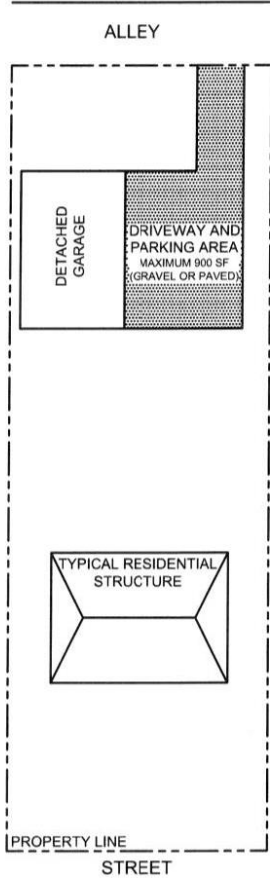


Exhibit 32-5. Alley accessed driveway and parking area



C. Number. The number of curb cuts shall conform to the standards listed in Exhibit 32.6.

Exhibit 32.6. Number of curb cuts

Residential Lot Frontage	Number Allowed
less than 101 feet	1
101 feet or more	2

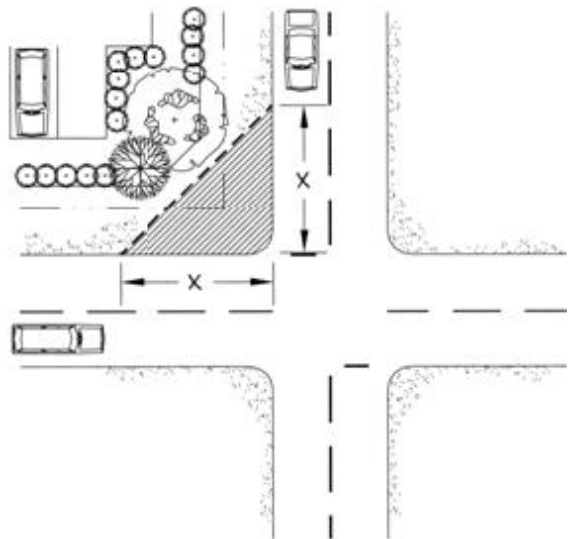
Commercial-Industrial/PLI Lot Frontage	Number Allowed
Less than 51 feet	1
51 feet to 400 feet	2
More than 400 feet	3

D. Location. Curb cuts shall be located at the discretion and by the approval of the City Engineer to ensure traffic safety and the character of the neighborhood is maintained.

E. Off-street parking. Approval of curb cuts to serve off-street parking that is not connected to a garage or covered carport in residential areas is discouraged and shall be at the discretion of the City Engineer. If approved, such driveways shall be of adequate length onto the private property to allow parking on the

private property beyond the building setback. "U" shaped driveways (one continuous driveway with two curb cuts) in single-family residential zoned areas are prohibited.

Exhibit 32.7. Clear visibility triangle



- F. Drainage structures. All driveways shall be constructed so as to not impair drainage within the right-of-way nor alter the stability of the roadway subgrade and at the same time not impair or materially alter drainage of the adjacent areas. All drainage structures required within the public right-of-way and under the driveways as a result of the property being developed shall be installed in accordance with the standards of the City.
- G. Driveway paving in the public right-of-way. Driveways connecting to a paved public street must be surfaced and maintained with Portland cement concrete from the back of curb to the front property line. The use of gravel for driveways connecting to a public street in the R-1 Zoning District may be allowed at the discretion of the City Engineer.

(Ord. 3239, 2021; Ord. 3155, 2017; Ord. 3087, 2012; Ord. 2950, 2007)



Commission Meeting Date: November 2, 2021
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Indoor Aquatics and Recreation Center, O.F. 1770.0
From: Park and Recreation
Initiated By: Park and Recreation
Presented By: Steve Herrig, Park and Recreation Director
Action Requested: Consider Bid and Approve Contract

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (award/not award) a contract to Swank Enterprises in the amount of \$17,995,000.00 for the Base Bid and \$354,000 for Alternate #19 for the Indoor Aquatics and Recreation Center, for a total contract amount of \$18,349,000 and authorize the City Manager to execute the construction contract documents.”

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

Staff Recommendation:

Staff recommends awarding the construction contract to Swank Enterprises in the total amount of \$18,349,000.00 for (1) its Base Bid [\$17,995,000] and (2) its Alternate # 19 bid [\$354,000] for the construction of the Indoor Aquatics and Recreation Center.

Summary:

The Indoor Aquatics and Recreation Center project as proposed consists of approximately 45,000 square feet of new facility construction and site work such as excavation, new utility extensions, parking lots, playgrounds, and landscaping. The multi-functional facility will be located in Lions Park at 900 29th St. South and will include a recreation pool, lap pool, gym, fitness center, walking track, multi-purpose room, party room, locker rooms, sauna, restrooms, and child watch area. The facility will also include an attractive lobby with seating and fireplace, reception area, offices, storage and mechanical rooms, and an elevator.

Background:

Significant Impact

The facility will meet the community’s recreational and aquatics needs that were identified in the Park and Recreation Master Plan adopted by the City Commission in November 2016. The facility will also assist the military with water training needs for the military missions at both Malmstrom AFB and the

Montana Air National Guard. The facility will contribute to the quality of life of service members and their families and the surrounding communities as well.

Workload Impacts

Design services were completed by LPW Architecture in cooperation with TD&H Engineering (the design team). The design team will also provide project management services. City staff will provide general contract management with the design team and the Contractor. City staff is providing grant management for the \$10 million in U.S. Department of Defense grant funds that have been awarded for the project.

Evaluation and Selection Process

An *Invitation to Bid* was advertised four times in the Great Falls Tribune on August 23, September 12 & 26, and October 3, 2021 and posted on the City’s web site. The Invitation to Bid was also made available to the contracting community through the Montana Plans Exchange.

The project specifications included a Base Bid for the facility and twenty-two (22) Additive Alternates for various additional components such as military training equipment, exterior aquatic and playground equipment and slides for the interior pool. Bids were opened on October 13, 2021, with bids submitted by:

Company	Base Bid	Bid Alternates	Total
Dick Anderson Construction	\$19,059,000	\$2,392,560	\$21,451,560
Sletten Construction	\$18,700,000	\$2,332,250	\$21,032,250
Sampson Construction (Nebraska/Wyoming)	\$19,670,000	\$2,525,000	\$22,195,000
Swank Enterprises	\$17,995,000	\$2,477,200	\$20,472,200

As indicated by the chart above, the Base Bid amounts ranged from \$17,995,000 to \$19,670,000 and the cumulative bid amounts (Base Bid – Add Alternates) ranged from \$20,472,200 to \$22,195,000. Swank Enterprises submitted both the lowest Base Bid and the lowest aggregate bid.

Staff is recommending awarding a contract to Swank Enterprises for (1) the Base Bid and (2) Additive Alternative # 19, which is the large flume slide to be installed in the leisure pool area. It is the assessment of City staff and the design team that the flume slide will be an integral component in terms of family and community engagement with and utilization of the facility. The attraction will also enhance facility revenue to support the facility that will flow from that engagement and utilization.

Conclusion

The Staff recommendation is to award Swank the construction contract [Base Bid + Additive Alternate # 19] even though it will exceed the current project budget.

Under Montana law, the City could engage the low bidder and negotiate a more competitive proposal (Not to exceed 7% of the total bid proposed). However, because this proposal is part of a Federal Department of Defense Grant Award, staff cannot negotiate in the same manner.

Staff’s recommendation to award of the contract at this amount is based on staff’s intention to utilize the City’s authority under its *Construction Agreement* form, once entered into with Swank Enterprises, to

work with Swank to develop a deductive Change Order reflecting value engineering and other measures to better align the ultimate contract amount with the current project budget. Once that deductive Change Order is agreed upon between Swank and the City's design team and staff, it will be brought back to the Commission for formal approval.

Fiscal Impact

The total project budget for the Indoor Aquatics and Recreation Center project was projected to be \$20 million. Funding includes 50% by a U.S. Department of Defense Office of Local Defense Community Cooperation (OLDCC) Grant, and 50% by funding generated through the sale of bonds by the Great Falls Park District No. 1.

It is worth noting that the process to secure grant funding, design the facility and request bids for project construction has occurred under the cloud of COVID-19, supply chain issues, and recent material inflation costs. No one could have projected the current financial environment or timing to let the Aim High Big Sky Center bids and as a result, they were higher than anticipated. Despite the current economic conditions, staff believes it is appropriate to secure a construction contract now, as all indications are that costs for materials will only increase. Additionally if the Commission re-bids the contracts, it is very likely that the bids will return higher. An indication of the tight market is demonstrated by a willingness of subcontractors to only hold their pricing for 30 days.

To address the budget shortfall, City staff will explore a formal fund raising campaign, including naming rights to facility or parts of the facility or equipment.

Alternatives:

Option #1

Reject all bids - The City Commission could vote to deny the award of any contract at this point and either and rebid the project.

Staff Comments - It is the assessment of the City's project team that based on anticipated market and supply chain conditions, the re-solicitation of bids is not likely to generate bids any lower than what was received in response to this solicitation.

Option #2

Cancel the project in its entirety.

Staff Comments - Cancellation of the project is not recommended by City staff in light of the strong partnership developed with Malmstrom Air Force Base, Montana Air National Guard, and OLDCC. The community has made a large investment into the project already and it will have a significant benefit to the community (and military community).

Concurrences:

This project has been supported by the City of Great Falls, Malmstrom Air Force Base, Montana Air National Guard, and the Park and Recreation Advisory Board.

Attachments/Exhibits:

1. Bid Tabulation
2. Vicinity Map



LPW Project No. 20-019-001

Summary Bid Tabulation

Great Falls Indoor Aquatics and Recreation Center

Bid Date: Wednesday, October 13, 2021 Bid Time: 3:00 p.m. local time

Dick Anderson Construction

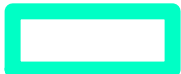
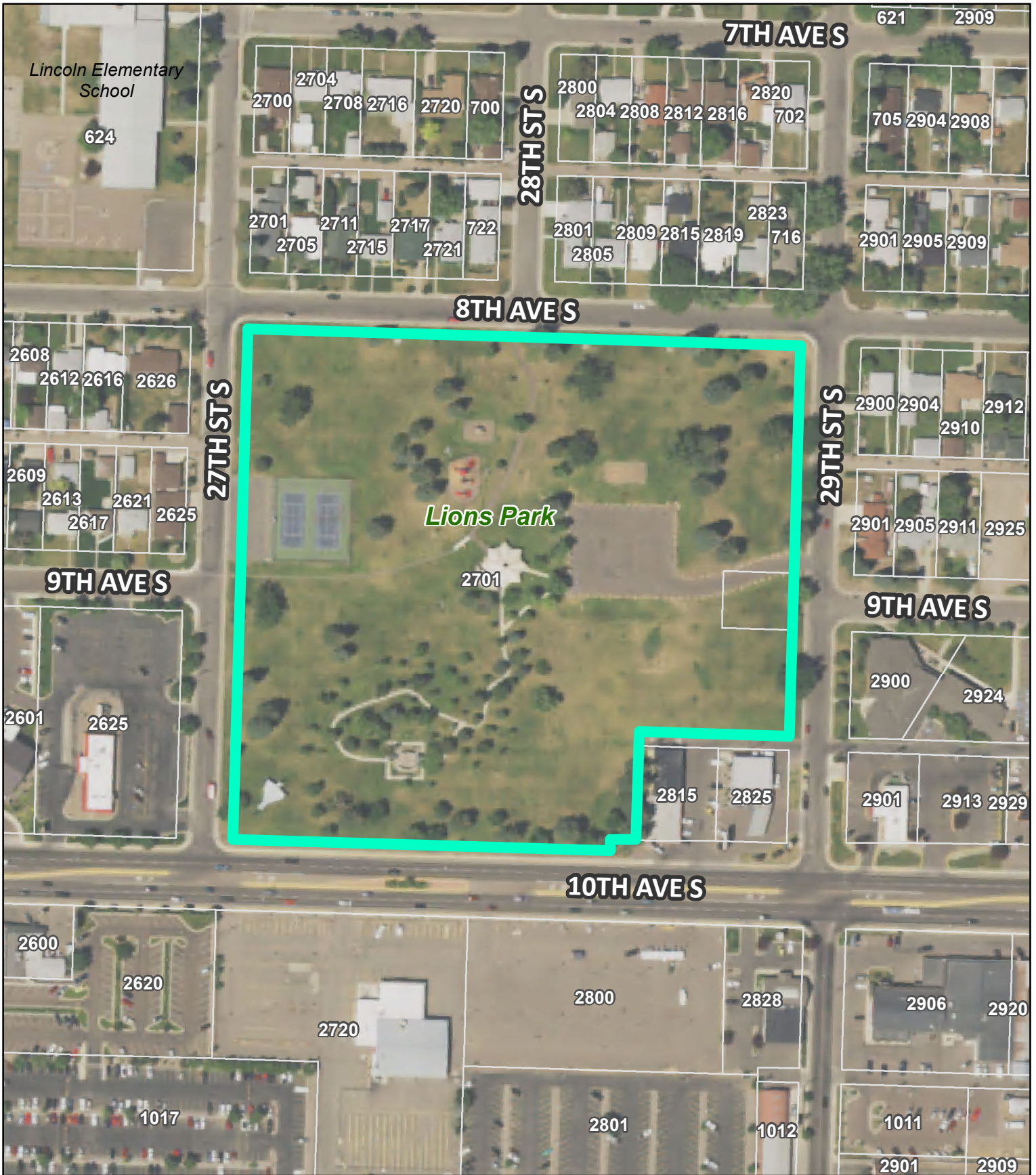
Sampson Construction

Sietten Construction

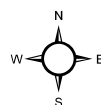
Swank Construction

ITEM DESCRIPTION	COST	COST	COST	COST
Basic Bid [Lump Sum]	\$19,059,000.00	\$19,670,000.00	\$18,700,000.00	\$17,995,000.00
Add Alternate No. 1 [Water-Source Condenser in Dehumidifier DH-1 and DH-2]	\$98,100.00	\$61,000.00	\$103,800.00	\$95,700.00
Add Alternate No. 2 [Exhaust Heat Recover System Convert EF-5 to ERU-1 and EF-6 to ERU-2]	\$86,000.00	\$86,000.00	\$84,100.00	\$84,000.00
Add Alternate No. 3 [Outdoor Splash Pad]	\$275,000.00	\$271,000.00	\$240,000.00	\$318,000.00
Add Alternate No. 4 [Military Training Equipment]	\$896,000.00	\$940,000.00	\$974,000.00	\$965,000.00
Add Alternate No. 5 [Gymnasium Divider Curtain in Gym 136]	\$14,500.00	\$15,000.00	\$9,950.00	\$9,900.00
Add Alternate No. 6 [Sauna 125 Complete, including Door 125.]	\$20,000.00	\$14,000.00	\$29,000.00	\$29,000.00
Add Alternate No. 7 [Acoustics panels in gym and pool areas.]	\$125,500.00	\$240,000.00	\$123,900.00	\$124,900.00
Add Alternate No. 8 [Underwater sound system in Lap Pool 120P.]	\$19,500.00	\$19,000.00	\$19,200.00	\$16,700.00
Add Alternate No. 9 [South parking lot drop-off parking.]	\$14,740.00	\$164,000.00	\$14,000.00	\$10,300.00
Add Alternate No. 10 [Exterior playground equipment at Child Watch and exterior basketball hoop.]	\$92,350.00	\$85,000.00	\$85,000.00	\$81,200.00
Add Alternate No. 11 [Specialty paving, cast-in-place concrete benches, compacted gravel trail etc.]	\$28,900.00	\$14,000.00	\$25,000.00	\$25,200.00
Add Alternate No. 12 [Class/ Party Room 114.]	\$12,070.00	\$18,000.00	\$11,900.00	\$14,700.00
Add Alternate No. 13 [Security Cameras.]	\$95,700.00	\$92,000.00	\$94,500.00	\$94,000.00
Add Alternate No. 14 [Portable bleachers.]	\$17,800.00	\$10,000.00	\$10,200.00	\$10,200.00
Add Alternate No. 15 [Flagpole, concrete pad and associated lighting.]	\$8,000.00	\$13,000.00	\$9,700.00	\$9,400.00
Add Alternate No. 16 [Monument sign and landscaping.]	\$32,300.00	\$36,000.00	\$43,000.00	\$40,000.00
Add Alternate No. 17 [Future electrical vehicles charging stations and solar panels on roof.]	\$17,300.00	\$17,000.00	\$17,100.00	\$17,000.00
Add Alternate No. 18 [Timing system and scoreboard for lap pool.]	\$71,000.00	\$69,000.00	\$70,000.00	\$77,000.00
Add Alternate No. 19 [Large flume slide in leisure pool.]	\$258,000.00	\$249,000.00	\$267,000.00	\$354,000.00
Add Alternate No. 20 [Frog slide in leisure pool.]	\$41,000.00	\$40,000.00	\$41,000.00	\$40,000.00
Add Alternate No. 21 [Covid-related mechanical upgrades.]	\$60,800.00	\$46,000.00	\$52,000.00	\$52,000.00
Add Alternate No. 22 [Hallway cubbies in Corridor 127.]	\$8,000.00	\$26,000.00	\$7,900.00	\$8,000.00
Sum of Base Bid and All Add Alternates	\$21,451,560.00	\$22,195,000.00	\$21,032,250.00	\$20,472,200.00

Location Map



Subject Property - Lions Park



Date: 3/18/2021
 Drawn By: Planning

