



**City Commission Meeting Agenda**  
**2 Park Drive South, Great Falls, MT**  
**Commission Chambers, Civic Center**  
**June 15, 2021**  
**7:00 PM**

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

Public participation is welcome in the following ways:

- Attend in person. Please refrain from attending in person if you are not feeling well.
- Provide public comments via email. Comments may be sent via email before 12:00 PM on Tuesday, June 15, 2021, to: [commission@greatfallsmt.net](mailto:commission@greatfallsmt.net). Include the agenda item or agenda item number in the subject line, and include the name of the commenter and either an address or whether the commenter is a city resident. Written communication received by that time will be shared with the City Commission and appropriate City staff for consideration during the agenda item and before final vote on the matter; and, will be so noted in the official record of the meeting.
- Call-in. The public may call in during specific public comment periods at 406-761-4786. All callers will be in a queued system and are asked to remain on hold and be patient. Calls will be taken in the order in which they are received. Callers will be restricted to customary time limits. This is a pilot service to test the feasibility of expanded public participation by phone. We ask for your patience in the event there are technical difficulties.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL / STAFF INTRODUCTIONS**

**AGENDA APPROVAL**

**CONFLICT DISCLOSURE / EX PARTE COMMUNICATIONS**

**PROCLAMATIONS**

Juneteenth

**COMMUNITY HEALTH INITIATIVES**

1. Sandy Johnson RS -Cascade County Superfund Coordinator.

**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.](#) Appointment to the Golf Advisory Board.
- [5.](#) Reappointment to the Library Board.
6. Miscellaneous reports and announcements from Boards and Commissions.

## **CITY MANAGER**

7. 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.*

- [8.](#) Minutes, June 1, 2021, City Commission Meeting.
- [9.](#) Total Expenditures of \$2,475,534 for the period of May 18, 2021 through June 2, 2021, to include claims over \$25,000, in the amount of \$1,559,010.
- [10.](#) Contracts List.
- [11.](#) Grants List.
- [12.](#) Approve the purchase of 250 tons of Liquid Asphalt CRS-2P from Western Emulsions, Inc., of Billings for a total of \$107,000.
- [13.](#) Accept the low bid from Thatcher Company of Montana, Inc. and authorize staff to purchase liquid aluminum sulfate in the amount of \$478 per ton, up to the maximum amount of 800 dry tons for Fiscal Year 2021/22.
- [14.](#) Award a contract in the amount of \$77,465 to MRTE Inc., for the Longfellow/~~Lincoln~~ ADA Upgrades, and authorize the City Manager to execute the necessary documents and to make the payments.
- [15.](#) Award a contract in the amount of \$79,447.61 to Horn Construction for utility and site work for the new restroom in Lions Park, and authorize the City Manager to execute the construction contract documents.
- [16.](#) Approve an amendment #1 to the Memorandum of Understanding and Project Funding and Maintenance Agreement, increasing the City's funding match from \$100,521 to \$153,759 for the Stuckey Road Improvements project.
- [17.](#) Set the public hearing for July 6, 2021, to consider the Program Year 2021 Annual Action Plan related to the use of CDBG and HOME funds.

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

## **PUBLIC HEARINGS**

- [18.](#) Request from Steve Sheffels to vacate 8th alley South between 7th Avenue South and 8th Avenue South and a conditional use permit on property addressed as 214 7th Avenue South. (*Presented by Craig Raymond*)

- I. Resolution 10391, Approving a conditional use permit to allow a “Contractor Yard, Type, II” land use in the Mixed-use Transitional (M-2) zoning district at the property addressed as 214 7th Avenue South. *Action: Conduct a joint public hearing and adopt or deny Res. 10391.*
- II. Resolution 10405, Vacating a portion of 8th Alley South between 7th Avenue South and 8th Avenue South. *Action: Adopt or deny Res. 10405.*

## **OLD BUSINESS**

## **NEW BUSINESS**

## **ORDINANCES / RESOLUTIONS**

19. Resolution 10410, Approval to submit MT Gems, Inc.’s Application to the Big Sky Economic Development Trust Fund Program. *Action: Adopt or deny Res. 10410. (Presented by Jolene Schalper)*

## **CITY COMMISSION**

20. Miscellaneous reports and announcements from the City Commission.
21. Commission Initiatives.

## **ADJOURNMENT**

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

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

*Commission meetings are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. City Commission meetings are re-aired on cable channel 190 the following Wednesday morning at 10 am, and the following Tuesday evening at 7 pm.*



Commission Meeting Date: June 15, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Appointment to the Golf Advisory Board.

**From:** City Manager's Office

**Initiated By:** City Commission

**Presented By:** City Commission

**Action Requested:** Appoint Wes Maze to the Golf Advisory Board as the representative for the Men's Golf Association for the remainder of a three-year term through March 31, 2023.

**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (appoint/not appoint) Wes Maze to the Golf Advisory Board as the representative for the Men's Golf Association for the remainder of a three-year term through March 31, 2023."

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

**Board Recommendation:** It is recommended that the City Commission appoint Wes Maze to serve as representative for the Men's Golf Association for the remainder of a three-year term through March 31, 2023

**Summary:** Greg Bushman was appointed as the Men's Golf Association representative on July 1, 2019 and reappointed for a three-year term during the City Commission's March 17, 2020 meeting. Mr. Bushman recently resigned from the Board. The opening was advertised on the City's website with one application being received from Wes Maze.

During the Golf Advisory Board meeting on May 24, 2021 the Board reviewed the application for Mr. Maze and recommended the City Commission appoint him for the remainder of Mr. Bushman's term through March 31, 2023.

**Background:** On December 18, 2018 the City Commission approved a three-year Management Agreement with CourseCo to manage the day to day operations of both Eagle Falls and Anaconda Hills Golf Courses. The Golf Advisory Board and Park and Recreation Administration and CourseCo will continue with monthly Board meetings.



Purpose

The Golf Advisory Board is comprised of five members with representation from the City Men's Golf Association, City Women's Golf Association, Malmstrom Golf Association, and two non-league golfers. The Board advises the City Commission regarding the operation of municipal golf courses. Members must reside within the City limits.

Evaluation and Selection Process

Advertising was done through the local media and on the City of Great Falls Website.

Continuing members of this board are:

Jackie Lohman – Women's	4/1/16 – 3/31/22
Jayce Michael Blood - MAFB	3/17/20 – 3/31/23
Frederick "Rick" Gartzka	3/17/20 – 3/31/23
Dennis Heppner	10/1/19 – 3/31/22

Member leaving the Board:

Greg Bushman – Men's	7/1/19 – 3/31/23
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Citizen Interested in serving:

Wes Maze

**Alternatives:** The Commission could choose not to appoint and direct staff to continue to advertise for the vacancy.

**Attachments/Exhibits:**

Application



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

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



Board/Commission Applying For: <i>Advisory Board-Golf</i>		Date of Application: <i>3/22/21</i>
Name: <i>Wes Maze</i>		
Home Address: <i>1021 34th Ave NE</i>		Email address: <i>w.maze@bresnan.net</i>
Home Phone:	Work Phone:	Cell Phone: <i>406-899-0157</i>
Occupation: <i>Retired</i>		Employer:
Would your work schedule conflict with meeting dates? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> (If yes, please explain)		
Related experiences or background: <i>26 years management</i>		
Educational Background: <i>2 years college</i>		
<b>IF NECESSARY, ATTACH A SEPARATE SHEET FOR YOUR ANSWERS TO THE FOLLOWING:</b>		
Previous and current service activities: <i>RSVP Volunteer</i>		
Previous and current public experience (elective or appointive):		
Membership in other community organizations:		

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

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

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

Are you currently serving on a Board? Yes ☐ No ☒ If yes, which board?

Please describe your interest in serving on this board/commission?

Golfing in Great Falls is a great experience. I would like to contribute in any way to help it continue.

Please describe your experience and/or background which you believe qualifies you for service on this board/commission?

I golf a lot here and love it.

Additional comments:

Signature

Wes Mage

Date:

3/22/21

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

**Return this form to:**

City Manager's Office  
P.O. Box 5021  
Great Falls, MT 59403

Fax:  
(406) 727-0005

Email:  
kartis@greatfallsmt.net



Commission Meeting Date: June 15, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Reappointment to the Library Board

**From:** City Manager's Office

**Initiated By:** City Commission

**Presented By:** City Commission

**Action Requested:** Reappoint one member to the Library Board for a five-year term through June 30, 2026.

**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission (reappoint/ not reappoint) Samantha DeForest to the Library Board for a five-year term through June 30, 2026."

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

**Library Trustee Recommendation:** It is recommended that the City Commission reappoint Samantha DeForest to the Library Board for a five-year term through June 30, 2026.

**Background:** Samantha DeForest was appointed on May 15, 2018 to fill a partial term through June 30, 2021. Ms. DeForest is eligible and interested in serving her first five-year term. The Library Board met on May 25, 2021 and recommended reappointing Ms. Deforest.

Purpose

The Library Board is comprised of five members who are appointed by the City Commission. The Board oversees the Library policies and operations including book policies and service to the City, County, and Pathfinder Federation of Libraries. Members serve for five-year terms, but no more than two full terms in succession, exclusive of time served on any unexpired term.

Members of this board are:

Samantha DeForest	5/15/18 – 6/30/21
Whitney Olson	7/18/17 – 6/30/22
Anne Bulger	7/17/18 – 6/30/23
Susan McCord	7/ 1/19 – 6/30/24
Jessica Crist	7/ 1/19 – 6/30/25

**Alternatives:**

The City Commission could chose to not reappoint Ms. DeForest and ask staff to begin advertising.



**JOURNAL OF COMMISSION PROCEEDINGS****June 1, 2021**

Regular City Commission Meeting

Mayor Kelly presiding

**CALL TO ORDER:** 7:00 PM

Commission Chambers Room 206

**PLEDGE OF ALLEGIANCE**

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

Public participation is welcome as follows:

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**AGENDA APPROVAL:** 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:** Commissioner Houck read proclamations for NeighborWorks Homeownership Month (June) and PTSD Awareness Month (June), Commissioner Tryon read a proclamation for Men's Health Month (June), and Commissioner Moe read a proclamation for NeighborWorks Week (June 5-12).

**PETITIONS AND COMMUNICATIONS****1. MILITARY UPDATE FROM THE MONTANA AIR NATIONAL GUARD (MTANG).**

Colonel Trace Thomas, MTANG, provided the following updates:

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- Twenty percent of MTANG members participated in Coronavirus support, from working in nursing homes and labs in Montana to immunization lines.
- The first H-3 aircraft arrives tomorrow, with seven more arriving throughout the summer.
- A large exercise drill will be conducted the first week in July, causing some noise.
- Construction season is underway at MTANG.
- Fourth of July parades and flybys are scheduled across the state.
- MTANG's 75-anniversary open house is scheduled for July 22-24, 2022, with the Thunderbirds as the main act.

Commissioner Moe inquired if the Love's construction project is affecting productivity at MTANG.

Colonel Thomas responded that meetings have been scheduled with Montana Department of Transportation and the Airport Director regarding traffic control and he does not anticipate any issues or roadblocks.

**2. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Jerri Gertson**, City resident, and on behalf of three neighbors present, expressed frustration about an issue with a pickup truck attached to a fifth wheel trailer parked on the corner of 9<sup>th</sup> Street NE and 36<sup>th</sup> Avenue NE. This street is an emergency and school bus route. She and her neighbors can verify that he has not moved the truck and trailer since he has lived there, other than a few inches to a foot when police personnel have marked his tires. She has been in contact with the police, and they have ticketed the vehicle's owner. She expressed concerns about school children getting off the bus on that corner. Drivers cannot see the stop sign until they are past the trailer, and oncoming vehicles need to pull over and stop because there is not room for two vehicles to pass each other with the truck/trailer parked there. She urged the Commission to address this hazard before a child is hurt.

**Diana Hood**, City resident, commented that she resides three blocks from 36<sup>th</sup> Avenue NE and 9<sup>th</sup> Street NE. The truck/trailer have not moved since last Fall or when the owner was ticketed. She indicated state law sets forth that campers cannot stay on the street longer than five days and then need to be moved. Due to the parked truck/trailer, other vehicles have to drive in the middle of the road and oncoming vehicles have to pull over to the left. She expressed safety concerns for school children that have to walk on that side of the street and cross at that intersection to walk to school. There is no sidewalk on the other side of the street. Additionally, the owner did not move the truck/trailer today for the street sweepers, which causes pine cones and other debris to plug drains down the street.

Three weeks ago there was a wreck at that intersection involving a young driver that could not see the stop sign. She urged the Commission to look into this hazard. She further suggested that the Commission consider City Codes about campers parked on streets, similar to other cities, for the safety of the people of Great Falls.

Mayor Kelly thanked both citizens for expressing their concerns to the Commission.

Police Chief Jeff Newton acknowledge receipt of Ms. Gertson's email. Police personnel have dealt with this individual six times. He reported that he would be working with the City Attorney from this

**JOURNAL OF COMMISSION PROCEEDINGS****June 1, 2021**

point forward for a potential resolution to this problem.

**Jeni Dodd**, City resident, commented that Graybill Park was busy this Memorial weekend. She opined that more people could have used the park, but parking was limited due to a private business owner, who is also on a City advisory board, storing equipment and vehicles at one of the small parking areas for the park. She continued that the City has allowed this usage for several years despite City Code prohibiting overnight parking at City parks. She doubts the City would tolerate other adjacent property owners using the parking area of the park as their overflow parking for extended periods, or to store recreational vehicles, equipment or vehicles. Others are required to pay for storage for all of these things, while this person has received free storage for years. She alleged corruption of City government, and suggested the City charge this person for past storage, immediately ban the person from using the park for storage and remove this person from the advisory board position. Another potential safety issue is that this person parks a big trailer at the corner of the 34<sup>th</sup> Street and 8<sup>th</sup> Avenue North intersection making it hard to see oncoming traffic. Ms. Dodd concluded that the Commission has discussed RV parking since 2010 and nothing has been done.

**NEIGHBORHOOD COUNCILS****3. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Houck commented that it was announced at the recent meeting of the Council of Councils that NeighborWorks would be providing a grant opportunity for each of the Neighborhood Councils to apply, up to \$500, to help with engagement, including ice cream socials.

**BOARDS AND COMMISSIONS****4. APPOINTMENT TO THE AUDIT COMMITTEE.**

**Commissioner Moe moved, seconded by Commissioners Houck and Robinson, that the City Commission appoint Stephanie Berg to the Audit Committee to fill a private citizen position for a three-year term through June 30, 2024.**

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

Commissioner Tryon noted applicant Gavin's qualifications, and inquired why applicant Berg was recommended for appointment.

Mayor Kelly commented that the committee had a robust discussion about the difficult choice to make.

Finance Director Melissa Kinzler added that the committee chose Ms. Berg because of her audit committee experience at Pacific Steel & Recycling. The other two applicants were also qualified.

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

Motion carried 5-0.

**JOURNAL OF COMMISSION PROCEEDINGS****June 1, 2021****5. REAPPOINTMENT TO THE HOUSING AUTHORITY BOARD OF COMMISSIONERS.**

**Commissioner Houck moved, seconded by Commissioner Tryon, that the City Commission reappoint Doug Spence for a five-year term through June 30, 2026 to the Great Falls Housing Authority Board of Commissioners.**

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.

**6. REAPPOINTMENT TO THE HISTORIC PRESERVATION ADVISORY COMMISSION (HPAC).**

**Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission reappoint Richard Ecke and Ellen Sievert to the Historic Preservation Advisory Commission for three-year terms through April 30, 2024.**

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

**Susan Ashley**, City resident, read bible verse Philippians 4:8. It makes her sad to see buildings be torn down and forgotten, and the stories of city and county ancestors disappear without an attempt to preserve the heritage of Cascade County for future generations to enjoy and to learn from. She believes in the existence of boards, but does not believe in reappointments. She urged the Commission to not reappoint, and to strive to find other community members that do not have a conflict of interest. Four of the nine-board membership also serve on the board for the Big Sky National Heritage Area. She further noted that the first goal of the HPAC is to assist the Big Sky National Heritage Area in their effort to create Montana's first National Heritage Area and to create a Memorandum of Understanding that outlines future cooperation between the two entities. She opined that it is unethical and against the law to be on both boards.

**Jeni Dodd**, City resident, commented that she is leading the fight against the National Heritage Area. One of the main reasons is that it includes all of Cascade County and all of the private property without notification to all of the private property owners. Mr. Ecke and Ms. Sievert are excellent people and she does not have a problem with them personally. However, she does have a problem with them serving on the HPAC while also serving as board members of the Big Sky Country National Heritage Area, Inc. Four people serve on both boards. She feels there are potential conflicts of interest. It has manifested itself into the City assisting a private non-profit in accomplishing its goals, which is against state law. She asked the Commission to decline the reappointments.

**Trent Short**, County resident and owner of property in Great Falls, noted his previously submitted written comments. He asked the Commission to decline the reappointments.

Written communication in opposition to the reappointments of Richard Ecke and Ellen Sievert to the Historic Preservation Advisory Commission was received from: **Gordon Jacobs, Steven Galloway, Lola Galloway, Trent Short, Mark Workman, Lewis Zanto, Katie Hanning, on behalf of Home Builders Association of Great Falls, and Rae Grulkowski.**



**JOURNAL OF COMMISSION PROCEEDINGS****June 1, 2021**

Mayor Kelly noted that this is not the time to discuss the reappointment procedures. City Attorney Sara Sexe agreed, adding that the Commission has established procedures for appointments to boards and commissions.

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

Commissioner Robinson commented that he was proud to have made the motion. Rich Ecke and Ellen Sievert have done so much for the City of Great Falls and Cascade County in their historical works. The HPAC does not have anything to do with the heritage efforts, both just happen to have the same thoughts and beliefs. The HPAC will not be making motions to do something for the other board. He is honored to put their names forward for reappointment to the HPAC.

Commissioner Tryon expressed concerns regarding cross-pollination between the executive board of the Big Sky Country National Heritage Area, Inc. (BSCNHA) and the HPAC. His issue is not about whether Rich Ecke and Ellen Sievert are qualified, or the good work they have done for our community. Their reappointment presents, at the very least, the appearance of a conflict of interest. If both are reappointed to the HPAC, the Commission will have three of the four City appointees on the HPAC that also serve on the BSCNHA, a private, non-profit corporation. Commissioner Tryon reviewed the HPAC meeting minutes and clarified that there is a sub-committee of the HPAC dedicated to promoting the Big Sky National Heritage Act. The sub-committee has made motions to send letters of support for the BSCNHA. He suggested the appointment policy be revisited, so that all board openings are advertised, regardless of whether members are interested in being reappointed.

Commissioner Tryon continued that the HPAC is intended to represent all of the citizens in Great Falls and Cascade County without a bias towards a political objective of a private, non-profit organization and to not use the public advisory commission as a platform to promote that political agenda. The Big Sky National Heritage Area has become a political issue. There are a number of organizations in Great Falls that represent hundreds of citizens in this community that oppose the Big Sky National Heritage Area.

Commissioner Tryon suggested that the Commission take a vote to not reappoint Mr. Ecke and Ms. Sievert, and to advertise the board openings for other people to apply. In the meantime, he further suggested that legal staff review City Code and advise the Commission whether there would be a potential conflict of interest because of the cross-pollination.

Commissioner Houck expressed frustration about the contradictory comments she just heard about appointments to this board versus appointments the Commission makes to other boards and commissions. This is not a debate about support for or opposition to the BSCNHA. The HPAC held numerous public meetings about the BSNHA going back to 2015. To grow our community, capitalize on our tourism and our heritage, we need the expert advice from those people. This meeting is an example of people who are against a particular organization and using it to block other things as a way to get their hidden political agenda in the news. This meeting is about the appointment of two people, and the criteria listed for appointments to this board. These two people have the qualifications and expertise for this board and are willing to serve.

Commissioner Moe commented that she is somewhat confused about the relationship between these two boards. She would like to hear from one of the applicants about what that relationship is.

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Mayor Kelly agreed, but also requested that Director Raymond explain the role of the HPAC.

Director Raymond responded that the HPAC is a City and County member board, and participate in the advocacy and support of historic preservation in many forms. He pointed out that a goal in the 2013 City Growth Policy, voted on and approved by the City Commission, is to support the effort of the BSNHA. It stands to reason that members of the HPAC might serve in the capacity if they are in direct support of the BSNHA organization because it is a specific goal of the City Commission.

**Rich Ecke**, Applicant and City resident, reported that he is currently the Chairman of the HPAC and Vice-Chairman of the BSCNHA. He pointed out that there are specific requirements to be appointed to the HPAC. He qualifies to be a member because he owns a property that is listed on the National Register of Historical places. The HPAC did vote on sending a letter to the BSCNHA board endorsing the proposal to create the heritage area. In 2021, the NHA group is going to submit a feasibility study to the National Park Service. The study looked at whether there was a legitimate reason to create a heritage area, which included whether the area within the proscribed boundaries has interesting history and culture. The area includes four national landmarks.

Mr. Ecke commented that the members that are on the HPAC and the BSCNHA board are very attuned to the issue of ethics and following proper procedures. The City Attorney has advised City staff and the HPAC about what the proper procedures would be in a couple of instances. One instance pertained to the HPAC wanting to send a letter endorsing the proposal for the heritage area. The advice from City legal staff was to be open and transparent about the fact that there are some members on two boards. There are differing goals of each board. He will recuse himself in situations when advised by legal counsel that he should not vote on something. He concluded that the fact that the Commission already included this in its goals and objectives does not indicate to him that there is a problem with being on both boards.

Commissioner Moe commented that a couple of years ago she raised the question of how the Commission does appointments and that she would like to see them opened up fully to everyone prior to coming to the Commission. Her viewpoint did not prevail. Although she would like to see the board openings apply to everyone, she would also think the existing members have an edge because it does take a while to know the issues involved. She does take great exception to the perception language. Perception is gossip. Conflict of interest is a precise legal matter. The HPAC has been careful to find out if they do have a conflict of interest from legal staff. She thinks the Commission needs to be very cognizant of the difference between perception and reality. She is persuaded by Director Raymond's comments that it would be odd for a member of this particular board not to be involved with the Big Sky Heritage effort given the language in the Growth Policy that is in effect. It would be odd for the Commission not to appoint people who have done what the Commission said we wanted them to do.

In response to Commissioner Houck, Commissioner Tryon commented that this is not an issue about not appointing a board member if they have other outside interests. This is about using HPAC as a platform to specifically promote a non-profit, incorporated entity. He read excerpts from the December 11, 2019 and January 8, 2020 HPAC meeting minutes. He noted other dates that the HPAC meeting agendas contained an item for BSCNHA board updates on what this private, incorporated entity is doing, and how they are promoting the BSCNHA.

# JOURNAL OF COMMISSION PROCEEDINGS

June 1, 2021

Commissioner Tryon noted that he didn't believe it was called the Big Sky Country National Heritage Area in 2012 or 2013 when the Growth Policy was updated. The BSCNHA was not formed until 2015.

Commissioner Tryon read sections of the Official Code of the City of Great Falls Code of Ethics. He concluded that it is obvious to him that by appointing members that sit on a board of a private, incorporated organization to a City appointed board to promote that private, incorporated organization violates the spirit of the City's Code of Ethics.

Commissioner Houck reiterated that the HPAC and the Growth Policy is how this non-profit started. This item is not about the BSCNHA. It is about the reappointment of two people to an advisory council that have to have specific requirements to be on the HPAC. Commissioner Houck called for the question.

There being no objection, Mayor Kelly called for the vote on the reappointment of Rich Ecke and Ellen Sievert.

Motion carried 4-1 (Commissioner Tryon dissenting).

## 7. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

None.

**CITY MANAGER**

## 8. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Greg Doyon updated the Commission on the following:

- Aim High Big Sky Recreation Center (OF 1770) – The design team met on May 21<sup>st</sup> and primarily discussed final design renderings, construction timelines and bidding requirements, and pool features. The team began reviewing bid alternatives to include a splash pad, retractable walls, sound systems, flooring, acoustic panels, and some potential Covid preventative measures. The drawings are proposed to be completed by August 1<sup>st</sup>.
- The complaint filed by Mr. Faccenda still has not been resolved with the Office of Local Defense Community Cooperation (OLDCC). In summary, Manager Doyon reported that staff has been willing in any way to assist OLDCC to resolve the concern; OLDCC is not indicating exactly what the concern is; OLDCC has requested some information, including minutes. He is not sure OLDCC will get the full context in just reading minutes and he provided links to meeting videos as well; and, he expressed concern about the bonding process and interest rates due to the delay of not hearing back from OLDCC after submitting a response and legal opinion to them on April 19, 2021.

Mayor Kelly commented that this project has been about partnership. With community support, the incredibly aggressive application deadline was met. The City's partnership with OLDCC has been incredible up to this point. He hopes OLDCC is aware of what these delays do to the

**JOURNAL OF COMMISSION PROCEEDINGS****June 1, 2021**

municipal process, including financing, planning, cost of goods, and the requirements they put on the grant itself, which is shovels in the ground by September 1<sup>st</sup>. He appreciated Manager Doyon's efforts to assist OLDCC in any way possible to get this problem resolved. As much of a nuisance as Mr. Faccenda's complaint is, and as expensive as it has been, he hopes OLCDD can expedite the process.

Manager Doyon noted that the OLDCC representatives he has been working with are responsive. The delay is residing within the Office of General Counsel and the attorney that advises them.

Commissioner Moe expressed concern that (1) there is no specification from OLDCC of what the concern is, and (2) the minutes do not capture everything that was said, do not capture the context, and particularly do not capture what wasn't said. She is disappointed that the City did not have an aquatic center going into this process and may not have one going out, but there is integrity in the City's processes against some challenges.

Manager Doyon commented when the original complaint came in the City submitted a response with backup documentation. At that point, it was indicated the City would be okay. The complaint persisted. It got to the point that there was concerns about potentially accepting the grant, and then only to have it clawed back. The City Attorney was involved in the entire process. When OLDCC requested an opinion from legal counsel, he went external and retained Jim Zadick. Manager Doyon feels comfortable with Attorney Zadick's response. He spent a lot of time looking at the particular sections of federal code pertaining to the acquisition part of it.

Commissioner Houck commented that she understands it has been very costly in both dollars and time responding to Mr. Faccenda's concerns. After submittal of Attorney Zadick's legal opinion, she inquired if there was any indication from OLDCC that Mr. Faccenda has supplied additional documents that the City is not in receipt of.

Manager Doyon responded that OLDCC indicated they have not been in contact with Mr. Faccenda.

Commissioner Houck inquired if OLDCC had been in contact with any members of the Commission.

Manager Doyon responded not that he was aware.

- Manager Doyon reported that Collective Bargaining Agreements have been negotiated with Crafts, Great Falls Police Protective Association, and MFPE, pending approval from their members. If approved, those agreements will come before the Commission for ratification on July 6, 2021.
- Meeting dates and times that will work for the members of the Crime Task Force are being finalized.

**JOURNAL OF COMMISSION PROCEEDINGS****June 1, 2021**

- Senators Tester and Hoven have a bill pending in the Senate to add funding for the High Intensity Drug Task Force (HIDTA), Operation Stonegarden, and Community Oriented Policing.
- The CDBG/HOME Annual Action Plan will be available for a 30-day public comment period beginning June 7, 2021.
- The Civic Center Façade project (OF 1525.2) began today. The contractor will start mobilizing job trailers and setting up fencing. It is going to be a long process. They will try to minimize disruption around the Civic Center.
- The filing period for municipal election seats for offices of the mayor, two commissioners, and the neighborhood councils ends June 21<sup>st</sup>. Municipal election paperwork is filed at the Cascade County Election Office.
- New hires include: Jacob Walmsley, City Prosecutor; Casey Dobson, Criminal Division Legal Intern; Jason Fladland, Water Treatment Branch Manager; and, Mark Juras, Senior Engineer.

**CONSENT AGENDA.**

9. Minutes, May 18, 2021, City Commission Meeting.
10. Total Expenditures of \$1,642,273 for the period of May 5, 2021 through May 19, 2021, to include claims over \$25,000, in the amount of \$1,219,463
11. Contracts List.

**Commissioner Robinson moved, seconded by Commissioner Moe, that the City Commission adopt 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**

12. **TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) 2020/2021 BUDGET AMENDMENT.**

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

**JOURNAL OF COMMISSION PROCEEDINGS****June 1, 2021**

Great Falls Montana Tourism Executive Director Rebecca Engum, 100 1<sup>st</sup> Avenue North, reported that this public hearing is for consideration of a budget amendment. Before the Commission is the fifth revision of the TBID budget throughout the year. They were diligent in securing outside funds. Because of the combined effort through Great Falls Montana Tourism, they secured safety funds through the CVB designation, relief funds through both the TBID and CVB, and \$502,646 additional dollars that the TBID did not have when the Commission approved the budget. They were opportunistic with strategies and objectives that would really spur the recovery for tourism in Great Falls. Adjustments were made to accommodate many of those strategies. One of the largest line items in the budget is an opportunity TBID took to occupy 15 Overlook Drive.

The TBID promotes Great Falls to potential leisure travelers, recruits meetings and conventions to Great Falls, supports tourism infrastructure, invests in new and growing events, advocates for the tourism industry, and assists in-market guests with having an “only in Great Falls” experience. To better perform all operations, the TBID Trustees have taken advantage of the opportunity to relocate operations to 15 Overlook Drive and make an investment in leasehold improvements. This strategic move will better showcase Great Falls to in-market guests and present a better first impression to meeting planners.

They also looked at the other strategic priorities and invested in infrastructure assets, such as supporting some airline efforts, and creating a new event in the community.

Funds were reallocate, expenses adjusted, and funds placed into reserve. As a result, they did not have to deficit spend this year out of reserves for operations.

Mayor Kelly asked if the Commission members had any clarifying questions. No one responded.

Mayor Kelly asked if there were any comments from the public in support of or in opposition to the TBID 2020/2021 Budget Amendment. Hearing none, Mayor Kelly closed the public hearing and asked the will of the Commission.

**Commissioner Tryon moved, seconded by Commissioner Houck, that the City Commission approve the 2020/2021 Tourism Business Improvement District Budget Amendment.**

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

Commissioner Houck applauded Director Engum and the team for all of their efforts during this difficult year.

Motion carried 5-0.

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

**13. DOWNTOWN URBAN RENEWAL DISTRICT AMENDMENT.**

**JOURNAL OF COMMISSION PROCEEDINGS****June 1, 2021**

**I. RESOLUTION 10408, RESOLUTION OF INTENTION TO APPROVE THE FAÇADE PROGRAM, THE LIFE SAFETY/CODE COMPLIANCE PROGRAM, AND THE ENVIRONMENTAL SAFETY PROGRAM; AMEND THE DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL DISTRICT IN ORDER TO AUTHORIZE, APPROVE AND INCORPORATE THEREUNDER SUCH PROGRAMS; AND AUTHORIZE THE GREAT FALLS OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT TO PROVIDE FOR THE ADMINISTRATION OF SUCH PROGRAMS.**

**II. ORDINANCE 3229, APPROVING THE FAÇADE PROGRAM, THE LIFE SAFETY/CODE COMPLIANCE PROGRAM, AND THE ENVIRONMENTAL SAFETY PROGRAM; AMENDING THE DOWNTOWN URBAN RENEWAL PLAN FOR THE DOWNTOWN URBAN RENEWAL DISTRICT IN ORDER TO AUTHORIZE, APPROVE AND INCORPORATE THEREUNDER SUCH PROGRAMS; AND AUTHORIZING THE GREAT FALLS OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT TO PROVIDE FOR THE ADMINISTRATION OF SUCH PROGRAMS.**

Planning and Community Development Director Craig Raymond reported that this item is a request to consider Resolution of Intent 10408 which presents the proposed plan changes by introducing three new workable programs to the Downtown Urban Renewal Plan, publishes preliminary findings related to the amendment, and calls for a public hearing on the consideration of Ordinance 3229 for July 6, 2021.

The City Commission recently approved of another DURP amendment, which specifically targeted the inclusion of the Civic Center Façade renovation project as an eligible activity under the plan. During the course of that amendment, it became clear to City staff and the Commission that the downtown community was interested in further expanding the eligible activities in the Urban Renewal Area not unlike what other Montana communities currently offer. Specific activities discussed have included Crime Prevention through Environmental Design, ADA compliance life safety improvement program and a façade renovation program.

The Downtown Master Plan identifies the desire for preserving, restoring, and reusing downtown's historic buildings and sites as an objective to meet the goal of enhancing downtown aesthetics. The proposed Downtown Urban Renewal Area Façade Program opens up TIF financing to potentially assist in the financing of many more façade renovation efforts. The program provides for up to a \$50,000 reimbursement per project for eligible façade renovation activities.

The Life Safety Code Compliance Program is designed to stimulate increased public safety and handicap accessibility improvement projects. Due to the historic nature of the downtown building inventory, many buildings are rife with building and fire code violations as well as features that impede the use and enjoyment of services and activities for those with physical and mobility impairments. The total reimbursement available for each requested project under the Life Safety Code Compliance Program is \$25,000.

The Environmental Safety Program works toward the elimination of blight based upon the principles of Crime Prevention Through Environmental Design (Environmental Safety) and other safety and security design principles. Environmental safety is a set of design principles used to discourage crime

**JOURNAL OF COMMISSION PROCEEDINGS****June 1, 2021**

and promote building security. It can also be used to create inviting and safe public spaces where people can gather and socialize. The total reimbursement benefit for each project is \$5,000.

At the initiation of the programs, the total annual TIF request to fund the programs is \$500,000. Depending on the success of the program and TIF fund balance health, it could conceivably be possible that a request could be made to the City Commission in the future to either increase or decrease the total program budget. It should also be noted that applicants may apply through all three programs at one time for a total possible allocation of TIF funds in the amount of \$80,000 under the program. Each property would be eligible for such consideration once every 15 years. Funding applications, which fall within the program funding caps, will be processed by City staff and final funding decisions will be made by the Director of Planning & Community Development or the Deputy Director when the Director is not available or has a conflict of interest on the application. One more important element of the program is that from time to time, unique high impact opportunities present themselves that may need funding beyond the prescribed funding caps. In these cases, applicants may indeed submit an application that staff will present to the City Commission for consideration. This process preserves the City Commission's discretion to grant funds in excess of the caps for special circumstances.

On May 25, 2021, the Planning Advisory Board found that the proposed plan amendments are consistent with the Growth Policy, and on May 26, 2021, the Downtown Development Partnership voted unanimously to recommend that the City Commission approve of the proposed plan amendment.

**Commissioner Moe moved, seconded by Commissioner Tryon, that the City Commission adopt Resolution of Intention 10408, and set a public hearing for July 6, 2021.**

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

**Brett Doney**, Great Falls Development Authority (GFDA), announced that GFDA, along with other downtown partners and City staff, would be offering TIF workshops over the next couple of months so property owners are aware of TIF rules and how to apply for funds.

**Joan Redeen**, Business Improvement District, commented that they worked hard to create the programs at the Commission's request, and that they were modeled after other communities in the State. She requested the Commission's affirmative support.

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

Hearing none, Mayor Kelly called for the vote.

Motion carried 5-0.

**Commissioner Moe moved, seconded by Commissioner Robinson, that the City Commission accept Ordinance 3229 on first reading set a public hearing for July 6, 2021.**

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

Hearing none, Mayor Kelly called for the vote.



**JOURNAL OF COMMISSION PROCEEDINGS****June 1, 2021**

Motion carried 5-0.

**CITY COMMISSION****14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Houck commented that an amazing group of young adults recently graduated in Great Falls. It was a difficult school year due to Covid. They succeeded when the odds were against them.

**15. COMMISSION INITIATIVES.**

Mayor Kelly requested the concurrence of the Commissioners to direct Police and Legal Department staff to look into what steps the Commission can take to address nuisance, traffic and children safety issues that exist around the community regarding trailers parked on City streets. No one objected.

Commissioner Robinson noted that addressing trailers parked on streets was Mayor Kelly's initiative over a year ago, and the Commissioners all agreed. However, due to Covid, that initiative was set aside and it is now time to do something about it.

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioner Tryon moved, seconded by Commissioner Moe, to adjourn the regular meeting of June 1, 2021, at 8:59 p.m.**

Motion carried 5-0.

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Mayor Bob Kelly

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City Clerk Lisa Kunz

**Minutes Approved: June 15, 2021**



Commission Meeting Date: June 15, 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	MAY 20 -JUNE 2, 2021	632,349.62
ACCOUNTS PAYABLE CHECK RUNS FROM MUNIS	MAY 20 - JUNE 2, 2021	1,767,591.75
MUNICIPAL COURT ACCOUNT CHECK RUN FOR	MAY 18 - JUNE 1, 2021	75,592.50

TOTAL: \$ 2,475,533.87

**SPECIAL REVENUE FUND**

**PARK DISTRICT**

ADVANCED LAWN CARE AND MAINTENANCE LLC	IRRIGATION UPGRADE PR641906/OF#1740	194,045.14
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**CENTRAL MONTANA AG TECH PARK TID**

SHUMAKER TRUCKING & EXCAVATING CONTRACTORS INC	OF 1658.1 CMATP TIF PHASE 4 STORM DRAIN	285,864.50
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**CAPITAL PROJECTS**

**GENERAL CAPITAL**

WADSWORTH BUILDERS COMPANY INC	FINANCE OFFICE REMODEL	64,255.71
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**ENTERPRISE FUNDS**

**WATER**

UNITED MATERIALS OF GREAT FALLS	OF 1494.9 FOX FARM 20" & SW SIDE WMR	47,866.01
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## INTERNAL SERVICES FUND

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### CENTRAL GARAGE

DUVAL FORD LLC	4 STANDARD POLICE SUV	144,596.00
DUVAL FORD LLC	2 HYBRID POLICE SUV	78,600.00
NORTHWEST FUEL SYSTEMS	OF 1755.0 PARKS AND REC FUEL STATION	151,117.94

### TRUST AND AGENCY

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#### COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	63,603.99
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#### PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	45,633.00
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	48,593.34
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	67,395.39
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	122,907.45
US BANK	FEDERAL TAXES, FICA & MEDICARE	192,552.27
LABORERS INTERNATIONAL UNION	EMPLOYEE CONTRIBUTIONS	26,877.30
MONTANA OE - CI TRUST FUND	EMPLOYEE CONTRIBUTIONS	25,101.99

**CLAIMS OVER \$25000 TOTAL:**

\$ 1,559,010.03

**CITY OF GREAT FALLS, MONTANA****COMMUNICATION TO THE CITY COMMISSION****DATE: June 15, 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
<b>A</b>	Public Works/ Environmental	CDM Smith, Inc.	06/30/2021- 06/30/2022	N/A	Professional Services Agreement Extension to extend the term to continue to perform comprehensive engineering/ consulting services for the City's Wastewater Pretreatment Program <b>OF 1735.0</b> (CR 120418.7A; 042120.7B)
<b>B</b>	Public Works/ Engineering	Montana Department of Transportation (MDT)	06/2021 – 12/2023	\$47,798.28 (MDT) \$20,513.17 (City)	Utility Agreement MDT Project ID: UPP-MT-5220(9), Fox Farm Road Mill and Overlay, Uniform Project No. 9759000 ( <b>OF 1739.3</b> )

C	Planning & Community Development	T&M Properties and Development, LLC.	Perpetual	N/A	Easement for utilities across Lot 4 of the 1 <sup>st</sup> Amended Plat of Lot 1, Block 1, Jewell Addition, located in Section 10, Township 20 North, Range 3 East, PMM
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**CITY OF GREAT FALLS, MONTANA****COMMUNICATION TO THE CITY COMMISSION****DATE:** June 15, 2021

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

**PRESENTED BY:** Lisa Kunz, City Clerk

**ACTION REQUESTED:** Ratification of Grants through the Consent Agenda

**MAYOR'S SIGNATURE:** \_\_\_\_\_

**GRANTS**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>GRANT AMOUNT REQUESTED</b>	<b>CITY MATCH</b>	<b>PURPOSE</b>
<b>A</b>	Public Works	Montana Department of Military Affairs Disaster & Emergency Services Division	06/2021 – 12/2025	\$441,744.90	\$110,436.23	HMGP – FM-5324 grant application for Phase 2 of the Black Eagle bank stabilization project for an additional 765 feet of river bank stabilization along the Missouri River to protect critical infrastructure from continued erosion including existing City Sanitary Sewer Utility that services the entire Black Eagle area, and River's Edge Trail <b>OF 1693.0</b>



Commission Meeting Date: June 15, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Liquid Asphalt CRS-2P

**From:** Kenny Jorgensen, Street Manager

**Initiated By:** Public Works Department

**Presented By:** Paul Skubinna, Public Works Director

**Action Requested:** Approve Purchase for Liquid Asphalt CRS-2P

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/not approve) the purchase of 250 tons of Liquid Asphalt CRS-2P from Western Emulsions, Inc., of Billings for a total of \$107,000.”

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

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**Staff Recommendation:** Staff recommends that the City Commission approve the purchase of 250 tons of Liquid Asphalt CRS-2P from Western Emulsions, Inc., of Billings for a total of \$107,000.

**Background:**

Purpose

This asphalt emulsion will be used by the Street Division in the street chip-sealing program.

Evaluation and Selection Process

The specifications were advertised two times in the Great Falls Tribune, mailed to three prospective bidders and advertised on the City of Great Falls website. The bid opening was held on June 2, 2021, with two bidders responding.

Conclusion

The bid by Western Emulsions, Inc., of Billings meets specifications for the liquid asphalt.

**Fiscal Impact:** The bid received in 2021 of \$428 per ton is \$21,500 lower than the bid received in 2020 of \$514 per ton. Funding for this year’s purchase of liquid asphalt is in the proposed FY 2022 Street Maintenance Budget.

**Alternatives:** The City Commission could vote to not approve the purchase for Liquid Asphalt CRS-2P. One of the Street Divisions goals each year is to chip-seal 100 blocks of city streets.

**Attachments/Exhibits:** Bid Tab, Bid List

CITY OF GREAT FALLS  
PO BOX 5021  
GREAT FALLS MT 59403

# **LIQUID ASPHALT CRS-2P**

Project Number  
Bids Taken at Civic Center  
Date: June 2, 2021  
Tabulated By: Debbie Kimball  
Page 1 of 1

<b>NAME &amp; ADDRESS OF BIDDER</b>	<b>Bid Security</b>	<b>Affidavit of Non- Collusion</b>	<b>Cost Per Ton</b>	<b>Total 250 Tons</b>
<b>Western Emulsions Inc.</b>	√	√	<b>\$428.00</b>	<b>\$107,000.00</b>
<b>Ergon Asphalt &amp; Emulsions</b>	√	√	<b>\$512.99</b>	<b>\$128,247.50</b>



## LIQUID ASPHALT CRS-2P BID LIST

1. NORMONT  
2101 9<sup>th</sup> AVE NW  
GREAT FALLS, MT 59404  
406-453-4344  
ATTN: LUKE
  
2. WESTERN EMULSION PLANT  
7315 MOSSMAIN LANE  
BILLINGS, MT 59106  
406-628-1401  
ATTN: SEAN OR PHYLLIS
  
3. ERGON ASPHALT & EMULSIONS, INC.  
119873 RICK JONES WAY  
BUTTE, MT 59701  
ATTN: SEAN PELLERSELS  
406-876-4000



Commission Meeting Date: June 15, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Purchase of Liquid Aluminum Sulfate

**From:** Water Treatment Plant

**Initiated By:** Public Works Department

**Presented By:** Paul Skubinna, Public Works Director

**Action Requested:** Approval of Bid

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/not accept) the low bid from Thatcher Company of Montana, Inc. and authorize staff to purchase liquid aluminum sulfate in the amount of \$478.00 per ton, up to the maximum amount of 800 dry tons for FY2021/22.”

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

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**Staff Recommendation:** Staff recommends that the City Commission accept the low bid from Thatcher Company of Montana, Inc. in the amount of \$478.00 per dry ton for liquid aluminum sulfate for FY 2021/22.

**Summary:** Liquid aluminum sulfate is used in the water treatment process to coagulate suspended particles in the raw water stream to allow their removal. Specifications and bid materials were prepared for the purchase of liquid aluminum sulfate for the Water Treatment Plant for the upcoming fiscal year. Notices were sent out to all prospective bidders and publicly advertised. The bid from Thatcher Company of Montana, Inc. was acceptable as submitted.

Bids were accepted on June 2, 2021, for FY 2021/22 Water Treatment Plant chemical needs. Thatcher Company of Montana, Inc., with headquarters in Missoula, Montana, provided the lowest acceptable bid for liquid aluminum sulfate at \$478.00 per dry ton. This Commission action would award a contract for FY 2021/22.

**Fiscal Impact:** This price reflects a 10% Increase from the FY 2020/21 contract price. The new contract would allow for the purchase of a maximum of 800 dry tons for a total cost of \$382,400.

**Attachments/Exhibits:**

Bid Tabulation



# WATER PLANT

## QUOTE TABULATION SUMMARY 2021-22 WATER TREATMENT CHEMICALS

Page 1 of 1

Agenda #13.

Project # N/A

Quotes Rcvd by: 6/2/2021

Date: 6/2/2021

Tabulated by D.McNeese

	Name & Address of Bidder	10% Bid Security (Yes/No)	<del>Liquid Ammonium Sulfate</del> Bid Price Approx 200,000lbs— Delivery 10 days AFO	<del>Liquid Chlorine</del> Bid Price Approx 80 tons— Delivery 10 days AFO	Liquid Alum Sulfate Bid Price Approx 800 dry tons	Liquid Alum Cert of Chemical Analysis (Yes/No)	Liquid Alum Cert of Compliance w ANSI/NSF Standard 60 (Yes/No)	PREVIOUS YEAR
1	THATCHER COMPANY OF MT, INC. PO BOX 27407 SALT LAKE CITY UT 84127-0407	YES			\$478/TON	YES	YES	\$433
2	HAWKINS, INC 1519 OLD HARDIN RD BILLINGS MT 59101	N/A			N/A	N/A	N/A	N/A
3	UNIVAR USA INC 8201 S. 212TH KENT WA 98032	N/A			N/A	N/A	N/A	
4	CHEMTRADE CHEMICALS US LLC 90 EAST HALEY RD, SUITE 200 PARSIPPANY NJ 07054	YES			\$535/TON	YES	YES	\$510
5	KEMIRA 4321 W 6TH STREET LAWRENCE KS 66049	YES			\$600/TON	YES	YES	\$611
6								
7								



Commission Meeting Date: June 15, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Construction Contract Award: Longfellow/~~Lincoln~~ ADA Upgrades O.F. 1715.7

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Paul Skubinna, Public Works Director

**Action Requested:** Consider Bids and Approve Contract

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (award/not award) a contract in the amount of \$77,465.00 to MRTE Inc., for the Longfellow/~~Lincoln~~ ADA Upgrades, and authorize the City Manager to execute the necessary documents and to make the payments.”

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

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**Staff Recommendation:** Approve construction contract award.

**Summary:**

This project will serve to improve pedestrian traffic and accommodate Americans with Disabilities Act (ADA) federally mandated criteria. Any patrons that use the public right of way in and around Longfellow and ~~Lincoln~~ Schools will benefit from the project. Various school events will be accessible to hundreds of attendees, faculty, parents and visitors. 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 10<sup>th</sup> Avenue South. The location's<sup>2</sup> priority has also been established as well above average by public stakeholders and ADA federally mandated characteristics using metrics established and monitored in the Public Works ADA Transition Plan.

Original ~~bid~~ bid letting included the areas around both Longfellow and Lincoln Schools. Staff decided to postpone the Lincoln portion of the project due to the size of the project and limited timeline. This portion will be rebid at a later date.

**Background:**

Citizen Participation:

The area has been prioritized by disability stakeholders in meetings and infrastructure scoring processes outlined in the Public Right of Way ADA Transition Plan. The construction activity will require

temporary lane closures of 6<sup>th</sup> Avenue North near the intersections of 10<sup>th</sup> and 12<sup>th</sup> Streets. Access to residences and businesses adjacent to the construction zones will be maintained.

**Workload Impacts:**

Design phase engineering and plans and specifications were completed by the City Engineering staff with assistance from City Utilities Division, City Street Division, and Great Falls Public Schools. All provided input to the project. City Engineering staff will provide construction phase engineering services and project inspection.

**Purpose:**

This project will provide an Americans with Disabilities Act (ADA) compliant route of travel to connect citizens to each other and larger arterial routes for travel to various public and private amenities. The area has been prioritized by disability stakeholders in meetings and infrastructure scoring processes outlined in the Public Right of Way ADA Transition Plan. These routes improve the functional and aesthetic properties of the area and connect all citizens while providing a means of independence to the young and old and those with disabilities in the area. The proposed project will provide ADA compliant routes by installing curb ramps at the following intersections:

- 6<sup>th</sup> Avenue South and 10<sup>th</sup> Street South
- 6<sup>th</sup> Avenue South and 12<sup>th</sup> Street South.

The project corridor is located in the Public Right of Way, and identified in the ADA Transition Plan as high priority. The ADA ramp replacement schedule established in the Plan is being adhered to and fulfilled as outlined. In addition to the scheduled changes, the proposed route was identified by several stakeholders as a priority route due to its proximity to public and private amenities of interest including Longfellow School, and adjacent businesses on state maintained pedestrian routes along 10<sup>th</sup> Ave South and 9<sup>th</sup> Street South.

**Project Work Scope:**

The project consists of installing: approximately 250 Lineal Feet of integral concrete curb and gutter; 1,050 Square Feet of four (4)-inch concrete sidewalk; 1,660 Square Feet of six (6)-inch reinforced concrete; 12 truncated domes; Remove existing and replace 2 type I curb inlets with concrete aprons; Remove and replace trees; and 5,000 Square Feet of Sod placement.

**Evaluation and Selection Process:**

The specifications were advertised two times in the Great Falls Tribune. One bid was received on June 2, 2021, in the amount of \$77,465.00. MRTE Inc., submitted a responsible bid.

**Conclusion:**

The project has been selected and prioritized, and executed in accordance with the Public Works Capital Improvement Program, the City of Great Falls ADA Transition Plan, and budgeted in the Street Enterprise Fund. The project will result in an Americans with Disabilities Act (ADA) compliant route of travel to connect citizens to each other and larger arterial routes for travel to various public and private amenities.

**Fiscal Impact:**

The attached bid tabulation summarizes bids that were received. Community Development Block Grant funds and City Street Maintenance funds are programmed for this project.

**Alternatives:**

The City Commission could vote to deny award of the construction contract and re-bid or cancel the project. This action would result in delaying the project leading to additional citizen complaints and potential litigation.

**Concurrences:**

Great Falls Public Schools recommend award of the bid.

**Attachments/Exhibits:**

Bid tabulation is attached.

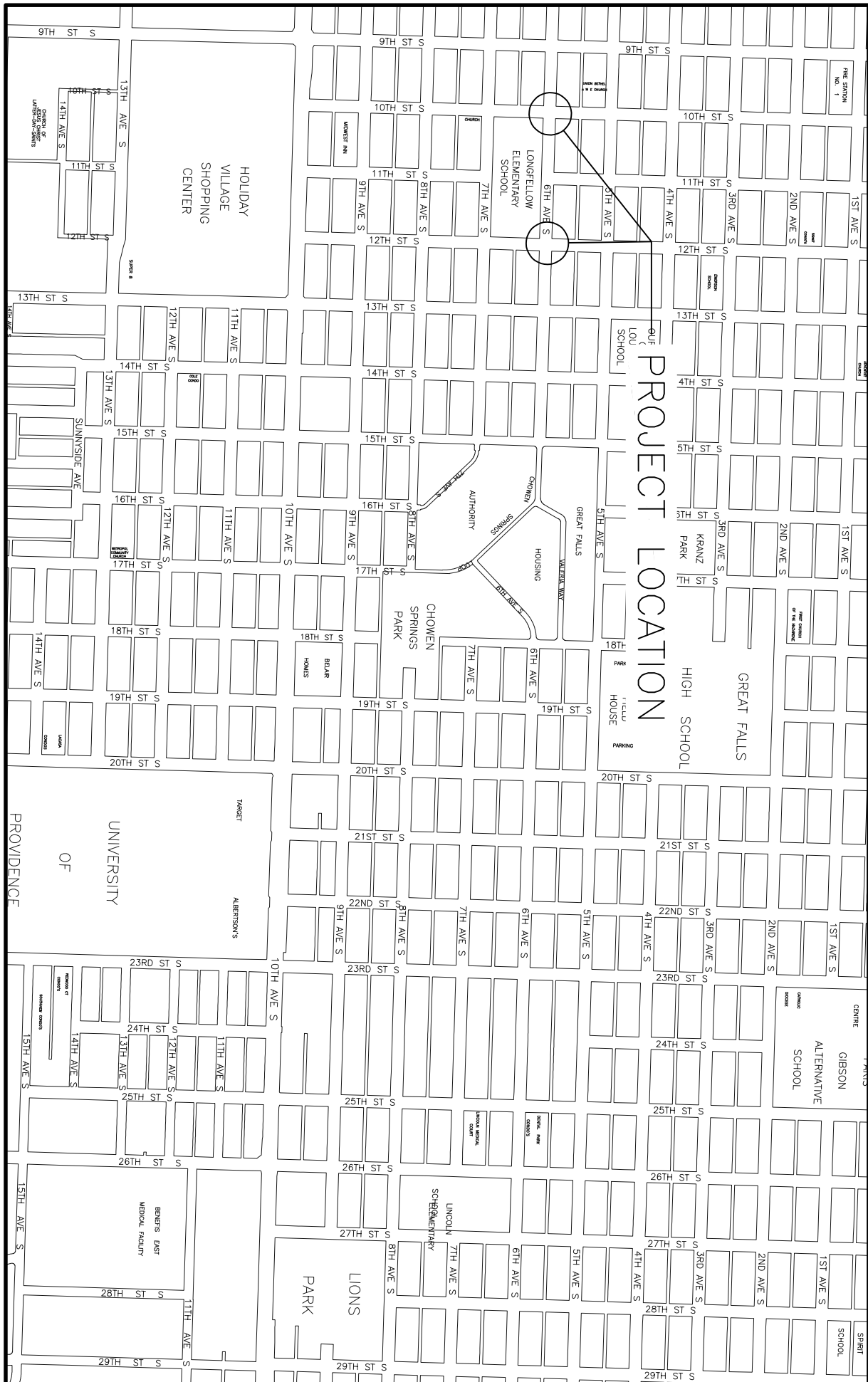
Vicinity Map

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

BID TABULATION SUMMARY  
  
Longfellow/Lincoln ADA Upgrades  
O.F. 1715.7

Project Number \_\_\_\_\_  
Bids Taken at Civic Center  
Date: June 2, 2021  
Tabulated By: Russ Brewer

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	MRTE	X	N/A	X	X	X	X	\$77,645.00
2								
3								
4								
5								
6								
7								
8								
9								
10	Engineers Estimate							\$94,080.00







Commission Meeting Date: June 16, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Park District: Lions Park Restroom Improvements, OF 1740.7

**From:** Park and Recreation

**Initiated By:** Park and Recreation

**Presented By:** Steve Herrig, Park and Recreation Director

**Action Requested:** Consider Bid and Approve Contract

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (award/not award) a contract in the amount of \$79,447.61 to Horn Construction for utility and site work for the new restroom in Lions Park, 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.

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**Staff Recommendation:**

Staff recommends awarding a contract in the amount of \$79,447.61 to Horn Construction for utility and site work for the new restroom in Lions Park, and authorize the City Manager to execute the construction contract documents.

**Summary:**

This project is being funded by Park District dollars. The project will include utility and site work for the new restroom. The precast concrete restroom will replace the aging restroom located in Lions Park. It will be installed by CXT of Spokane. The new restroom will include a handicap stall, 2 stalls and 2 sinks on the women’s side; and a handicap stall, 1 stall, 1 urinal and 2 sinks on the men’s side. It will also include an ADA drinking fountain unit on the exterior of the building. The existing restroom includes 2 stalls and 1 sink in both the women’s and men’s side, plus a family restroom with one toilet and one sink. The existing restroom will be repurposed. The prefabricated restroom was purchased from CXT, Inc. and approved by the City Commission on April 6, 2021.

**Background:**

Workload Impacts

Design services were completed by NCI under the direction of the Park and Recreation Department and City Engineering. NCI will also provide project management services. A City Engineer will provide general contract management with the consultant and the contractor.

**Purpose**

Utility and site work for the new restroom.

**Project Work Scope**

Includes: Construct a gravel building pad for a pre-fabricated restroom at Lion's Park, including utility stubs, floor drains and cleanouts. Install water and sewer services and connect to existing mains. Install site electrical and electrical modifications in existing Pavilion Building. After installation of the pre-fabricated restroom (installed by manufacturer CXT) installation of concrete sidewalk, concrete entrance pads and sod.

**Evaluation and Selection Process**

Three (3) bids were received on June 2, 2021 with the bid prices ranging from \$79,447.61 to \$116,750.00. Horn Construction submitted the low bid. The bid is recommended for award.

**Conclusion**

City staff recommends awarding the contract to Horn Construction in the amount of \$79,447.61.

**Fiscal Impact:**

The attached bid tabulation summarizes the received bids. Funding is provided through Great Falls Park District No. 1.

**Alternatives:**

The alternative would be to not award the contract, but this is not recommended by staff.

**Concurrences:**

Park and Recreation staff and Planning Engineering concur that the project is important and should be supported. In addition, the City's consultant, NCI, concurs with staff and recommends award of the contract.

**Attachments/Exhibits:**

Bid Tabulation

LONG FORM BID TABULATION SUMMARY

**Lion's Park Restroom Improvements, O.F. 1740.7**

Prepared by David Grosse P&CD Engineer  
6/2/2021

		Engineer's estimate		Ed Boland		Horn Construction		M&D Construction			
ITEM	DESCRIPTION	EST QTY UNIT	UNIT BID PRICE	BID AMOUNT	UNIT BID PRICE	BID AMOUNT	UNIT BID PRICE	BID AMOUNT	UNIT BID PRICE	BID AMOUNT	
1	Building Pad	1 LS	\$25,000.00	\$25,000.00	\$34,000.00	\$34,000.00	\$20,587.00	\$20,587.00	\$25,400.00	\$25,400.00	
2	2' Water Service	1 LS	\$10,000.00	\$10,000.00	\$12,236.00	\$12,236.00	\$11,733.00	\$11,733.00	\$7,850.00	\$7,850.00	
3	4" Sewer Service	1 LS	\$8,000.00	\$8,000.00	\$28,500.00	\$28,500.00	\$16,050.00	\$16,050.00	\$19,350.00	\$19,350.00	
4	Concrete Sidewalk	1 LS	\$6,000.00	\$6,000.00	\$8,750.00	\$8,750.00	\$7,077.00	\$7,077.00	\$13,000.00	\$13,000.00	
5	Sod and Lawn Restoration	1 LS	\$6,000.00	\$6,000.00	\$8,460.00	\$8,460.00	\$6,000.00	\$6,000.00	\$31,800.00	\$31,800.00	
6	Site Electrical	1 LS	\$15,000.00	\$15,000.00	\$14,370.00	\$14,370.00	\$13,000.61	\$13,000.61	\$14,350.00	\$14,350.00	
7	Miscellaneous Work	5,000 EA	\$1.00	\$5,000.00	\$1.00	\$5,000.00	\$1.00	\$5,000.00	\$1.00	\$5,000.00	
				\$75,000.00			\$111,316.00			\$79,447.61	\$116,750.00
TOTAL BID:				\$75,000.00	\$111,316.00		\$79,447.61		\$116,750.00		



Commission Meeting Date: June 15, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Amendment 1 to the Memorandum of Understanding (MOU) and Project Funding and Maintenance Agreement with the Montana Department of Transportation (MDT) for the Stuckey Road Improvements, O.F. 1739.1

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Approve Amendment #1 to the MOU and Project Funding and Maintenance Agreement

**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission (approve/not approve) amendment #1 to the Memorandum of Understanding and Project Funding and Maintenance Agreement, increasing the City’s funding match from \$100,521.00 to \$153,759.00 for the Stuckey Road Improvements project.”

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

**Staff Recommendation:** Approve the additional funding request to the MOU and Project Funding Maintenance Agreement (MDT Project UPN 9532 Stuckey Road).

**Summary:**

The original MOU was approved by the City commission on June 5, 2018; the subsequent modification to engineering expenses was approved on February 18, 2020. The City received Amendment #1 on May 20, 2021, requesting an increase to the City match from \$100,521.00 to \$153,759.00.

The estimated engineering costs to complete have gone up due to unanticipated costs for consultant services to perform subsurface utility investigation, additional effort to design drainage above existing utilities, additional hydraulics and environmental activities for unanticipated wetlands impacts and the estimated remaining man-hours to complete the project.

The Right of Way, Utility Relocation, Construction and Construction Engineering estimates have all been adjusted as well. Most of these changes are minor and reflect updated estimates. The two most noteworthy items are the Utilities and Right of Way. An estimated cost for Right of Way has been added to reflect the acquisition that is necessary on the east side of the NW Bypass-Stuckey Road intersection. Another

unanticipated cost is potential relocation of 4" gas main. Unanticipated, estimated costs for utility relocates have been added to the estimate.

## **Background:**

### Significant Impacts

This project will reconstruct and pave the portion of Stuckey Road located within the City limits. This section of roadway is approximately three tenths of a mile in length, is currently gravel, and serves a mixture of businesses and residences. The project will also extend the road improvements a short distance past the City limits into the County.

Montana Department of Transportation (MDT) will design, manage and oversee construction of these improvements. The project was nominated by City Staff through the Great Falls Technical Advisory Committee for consideration for funding through the Congestion Mitigation and Air Quality Improvement (CMAQ) Program. The City will pay a match of 13.42% of the total project costs for the work completed within the city limits. The County's match for their portion and the federal CMAQ funding will cover the remainder of the project costs. The project qualified for this funding source because it will improve air quality by eliminating dust generated from this section of roadway once the surface has been changed from gravel to pavement. The City will continue to maintain the section of Stuckey Road in the City limits after the improvements are completed.

The large number of heavy vehicles that use the roadway daily create air quality issues and necessitates increased maintenance. The City Street department frequently receives complaints related to air quality and maintenance issues along this stretch of roadway.

### Workload Impacts

MDT will complete the design and construction management. City Staff will have limited participation in the design phase and project administration.

### Project Work Scope

This project will reconstruct and pave approximately 2,000 feet of Stuckey Road north of the Northwest Bypass. The new roadway will tie into the approaches for the existing businesses and residences and improve drainage along the roadway as needed. The project is scheduled for an October 2021 letting date with construction to take place in summer of 2022.

### Conclusion

The project will provide a more durable surface for the commercial traffic concentrated on this stretch of roadway. This project will also reduce the complaints associated with maintenance and dust issues related to the gravel surface. The wider shoulders will increase safety for pedestrians and bike riders. The improved roadway will help promote future development of the area. As the area grows higher paying jobs will be supported by this improvement. This project is compatible with the cities growth plan. The community has supported industrial development in this area. The project has been selected and prioritized, and executed in accordance with the Public Works Capital Improvement Program and budgeted in the Street Division, Improvements Other Than Buildings, Enterprise Fund.

## **Fiscal Impact:**

The updated estimated project cost is \$1,507,559. The City's 13.46% match of \$153,759 is required for the project to be eligible for CMAQ funding. These funds, referred to as "CMAQ-Local" (Congestion Mitigation and Air Quality), are made available for local prioritization through the Transportation Planning Process. Projects are nominated by members of the Technical Advisory Committee (TAC), and

that same body selected this project from a slate of 15 possible projects in 2016. The final approval body, the Policy Coordinating Committee (PCC) concurred in the selection, and the Transportation Improvement Program (TIP) was amended to include the project in 2018. The 2018 (current) Long Range Transportation Plan includes this project.

The City's matching funds will be provided through the City's Street Fund.

**Alternatives:**

The City Commission could vote to not approve the amendment to the MOU and Project Funding and Maintenance Agreement with MDT and cancel the project. This action would result in burdening the City with reimbursing MDT \$294,290.00 for all expenses incurred to this point and time.

**Attachments/Exhibits:**

Amendment 1 to the MOU and Project Funding and Maintenance Agreement

Original Agenda from June 5 2018

Agenda from February 18, 2020



Agenda # 14.  
 Commission Meeting Date: June 5, 2018  
**City of Great Falls**  
**Commission Agenda Report**

**Item:** Memorandum of Understanding (MOU) and Project Funding and Maintenance Agreement with the Montana Department of Transportation (MDT) for the Stuckey Road Improvements, O.F. 1739.1

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Jim Rearden, Public Works Director

**Action Requested:** Approve MOU and Project Funding and Maintenance Agreement.

**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission (approve/not approve) a Memorandum of Understanding and Project Funding and Maintenance Agreement including City Street funding participation of \$96,761.00 between the City of Great Falls and the Montana Department of Transportation for the Stuckey Road Improvements project, and authorize the City Manager to execute the agreement.”

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

**Staff Recommendation:**

Approve MOU and Project Funding and Maintenance Agreement.

**Background:**

Significant Impacts:

This project will reconstruct and pave the portion of Stuckey Road located within the City limits. This section of roadway is approximately three tenths of a mile in length, is currently gravel, and serves a mixture of businesses and residences. The project will also extend the road improvements a short distance past the City limits into the County.

MDT will design, manage and oversee construction of these improvements. The project was nominated by City Staff through the Great Falls Technical Advisory Committee for consideration for funding through the Congestion Mitigation and Air Quality Improvement (CMAQ) Program. The City will pay a match of 13.42 percent of the total project costs for the work completed within the city limits. The County's match for their portion and the federal CMAQ funding will cover the remainder of the project

costs. The project qualified for this funding source because it will improve air quality by eliminating dust generated from this section of roadway once the surface has been changed from gravel to pavement.

The City will continue to maintain the section of Stuckey Road in the City limits after the improvements are completed.

Citizen Participation:

There may be lane closures and road closures during construction.

Workload Impacts:

MDT will complete the design and construction management. City Staff will have limited participation in the design phase and project administration.

Project Work Scope:

This project will reconstruct and pave approximately 2,000 feet of Stuckey Road north of the Northwest Bypass. The new roadway will tie into the approaches for the existing businesses and residences and improve drainage along the roadway as needed. MDT anticipates construction to take place in 2021.

Conclusion:

City Staff recommends approving the MOU and Project Funding and Maintenance Agreement with MDT.

**Fiscal Impact:**

The anticipated matching funds from the City will be provided through the City's Street Fund.

**Alternatives:**

The City Commission could vote to not approve the MOU and Project Funding and Maintenance Agreement with MDT.

ATTACHMENTS:

- ▢ OF 1739.1 - Stuckey Road MOU, Funding and Maintenance Agreement



MEMORANDUM OF UNDERSTANDING

AND

PROJECT FUNDING AND MAINTENANCE AGREEMENT

THIS AGREEMENT is made and entered into by and between the State of Montana, acting by and through its Department of Transportation, hereinafter called "MDT" or the "State", Cascade County or the "County" and the City of Great Falls, hereinafter called the "City", together, referred to as "the Parties".

WITNESSETH THAT:

WHEREAS, the Parties are desirous of having Stuckey Road (L-7-77) reconstructed from RP 0 to approximately RP 0.426 and,

WHEREAS, it appears that by Fiscal Year 2021 or beyond, sufficient Federal and State highway construction funds will be available to construct UPN 9532000, CMGF 5299(133), Stuckey Road-Great Falls, hereinafter called the "Project"; and,

WHEREAS, the estimated cost of the Project's development as noted in Table 1 of this agreement will be financed by the State using Federal CMAQ funds and matching funds provided by the County and City; and,

WHEREAS, the Parties are desirous of seeing that Stuckey Road is maintained in good repair after the reconstruction is accomplished.

NOW, THEREFORE, in consideration of the covenants herein contained, the Parties agree:

1. The State agrees to proceed with the development of Project CMGF 5299(133) to reconstruct Stuckey Road.

The year 2021 or beyond is considered to be the best estimate to let the project to contract. The actual letting date will depend upon plan development, the magnitude of issues arising during project development, right-of-way acquisition if needed, and availability of funds.

This is not a commitment by the State to build Stuckey Road -Great Falls, as the "no build" alternate must be considered a viable alternate at every stage of development. It is a commitment by the State to proceed with the development of the project as long as it is desired by all parties, and necessary allocations of State and federal-aid funds are available.

2. The City and County agree to examine their long-range plans for water service and sanitary sewer condition and needs. Prior to plan completion, they further agree to identify water and sewer service needs to all areas that will, at any time in the foreseeable future, be serviced from beneath the project. The City and County agree to inventory and advise MDT of the condition of all water service lines. Prior to or during project construction, the City and County agree to replace water lines or sanitary sewer facilities that are located under the proposed project that are in such a condition that they may require replacement within twenty years after the estimated completion date of the proposed project. The City and County agree to ensure that any City or County construction work within the project limits is

completed prior to the letting of the project, or that provisions are made to coordinate the construction with the project. The City and County agree to pay for all City-owned or County-owned facilities installed by the MDT contractor during construction of the project, unless the facilities are in conflict with the project construction. For facilities that must be moved because of conflicts with the proposed project, MDT will prepare a utility agreement and will pay its proportional share of the cost as determined by state law.

3. The City and County agree to advise the utility companies responsible for water, power, gas, phone, etc. of the future plans for the area and to encourage them to make provisions for any underground utility additions, adjustments, or replacements anticipated within twenty years after the estimated completion date of the proposed project.

4. Section 17-1-106. MCA requires any state agency, including MDT, that receives non-general funds to identify and recover its indirect costs. These costs are in addition to direct Project costs. MDT's indirect cost rate is determined annually as a percentage of the Project's direct costs to cover the Project's share of MDT's indirect costs as defined by 2 CFR Part 200, Appendix VII. MDT's current indirect cost rate is 10.96% for fiscal year 2018 (July 1, 2017 to June 30, 2018).

For this project, MDT billings to the City of Great Falls and Cascade County will include a charge for the indirect costs at the current fiscal year indirect cost rate, which amount will be applied toward the total project contribution of the City and County. If this project extends across more than one fiscal year, more than one annual rate will be involved, as the rates may change during the life of the project.

5. The City and County will be billed in advance for their local matching funds and associated indirect costs. Separate billings will be made for the Project's preliminary engineering phase and the subsequent construction/construction engineering phase. The billing for the PE phase will be sent within 30 days of this Agreement being signed. The billing for the CN/CE phase will be sent no more than sixty (60) days prior to the Project bid opening. The billing amount for CN/CE will be updated with the most current cost estimates at time of billing.

The contact for billing and accounting for the City is:

David Dobbs, City Engineer  
Public Works Complex, City of Great Falls  
1005 25th Avenue NE, Great Falls, MT 59403

The contact for billing and accounting for the County is:

Brian Clifton, Director  
Public Works, Cascade County  
415 3rd St NW  
Great Falls, MT 59404

6. The City and County will submit payment to the State within thirty (30) days of billing. Payments to this Project will be provided to the State in the form of a check to be credited to the Project. The payment(s) should be sent to MDT's Administration Division at:

Montana Department of Transportation  
 Attention: Collections  
 2701 Prospect Avenue  
 P.O. Box 201001  
 Helena, MT 59620-1001

7. The Parties understand that it is possible that the estimated cost of the Project may be exceeded once the Project has begun. For the PE and CE phases, the State agrees to cover cost overruns using Federal CMGF funds, provided, the City and County agree to pay the 13.42% local matching share and associated indirect costs for the overruns. For the CN phase, the State agrees to award the Project using Federal CMGF funds, provided, the lowest responsive bid does not exceed the allowable overrun percentage listed in Table 2. The City and County agree to pay the requisite 13.42% local matching share and associated indirect costs up to the allowable overrun percentage. The State will contact the City and County if the lowest responsive bid exceeds the allowable overrun percentage listed in Table 2 to determine a funding solution agreeable to all Parties. If all Parties agree to recommend awarding the contract, MDT will fund the overrun using Federal funds and the City and County agree to pay the additional 13.42% local matching funds and the associated indirect costs for the overruns.

If all Parties don't agree to fund the overrun, the State will recommend the Commission not award the Project. The State will work with the City and County to identify scope changes to bring the Project into a fundable level and re-advertise for letting. If scope changes cannot be agreed to by all Parties, then the Project may either be re-advertised, and all Parties agree to fully fund it in accordance with this agreement or the Project may be withdrawn, and the City and County agree to reimburse the State for all Federal funds expended to date.

The State's Project Manager will inform the City's and County's point of contact beforehand, and as early as possible, of anything that appears will result in a cost increase and will discuss the need for any possible additional costs, alternative designs, or a reduction in the Project's scope with the City and County and will consider the City and County comments and concerns for that additional cost or alteration in scope or design. None of this will prevent, delay, or excuse the City and County from paying for any additional costs deemed necessary by State.

8. If payment is not made within that thirty (30) day period, interest on the unpaid amount will accrue at the rate of 10% per year and continue to accrue until paid in full. If the City or County are billed for additional funds, MDT will not participate in any future funding agreement with the City or County until full payment, including interest, is received from the City or County.

9. Upon completion of the Project by the State and its contractor, the City and County, at their sole expense, agrees that it will service, maintain, repair and pay the cost of operating the Project described

in this agreement. The City and County agree that they are responsible to service, maintain, repair and operate the Project to ensure that it does not negatively impact the safety of the traveling public.

10. The City will operate and maintain the current and future Storm Drain System including the collectors, laterals, inlets and outfall facilities in accordance with the existing agreement (Memorandum of Agreement and Understanding dated December 6, 1991) between the City and State for maintaining such facilities.

11. Storm Water Management – If the project is anticipated to disturb one acre or more, then the following applies.

(1) Construction Storm Water General Permit.

(a) Upon completion of all physical work associated with construction activity, the parties will inspect the temporary erosion and sediment control measures and devices as part of the Department's final inspection with the Department's contractor. The Department will provide the City and County with the Storm Water Pollution Prevention Plan (SWPPP) package for the City's and County's review. Within ten (10) days of receiving the package, the City and County will provide the Department with an itemized list of any outstanding records or deficiencies associated with the SWPPP. Upon the Party's approval of site conditions and contractor records, the Department will provide the City and County a Permit Transfer Notification (PTN) form. The City and County will return the signed PTN form to the Department within ten (10) business days. The Department will forward the completed PTN form and transfer fees to the Montana Department of Environmental Quality (DEQ).

(b) Once DEQ transfers the Construction Storm Water General Permit Authorization, the City and County will inspect, maintain, and revise the Best Management Practice devices (BMPs) in accordance with DEQ permit requirements until final stabilization is met and permit coverage is terminated.

(c) The City and County agree to pay annual fees associated with permit coverage until termination.

12. The City and County agree that they will defend, protect, indemnify, and hold the State, its elected and appointed officials, agents, and employees, while acting within their duties as such, harmless from and against all claims, liabilities, demands, causes of action, and judgements (include the cost of defense and reasonable attorney fees) arising in favor of or asserted by the City's or County's employees or third parties on account of damage to property, bodily or personal injury, or death arising out of any services performed, act or omission that in any way results from the acts or omissions of the City and County, or their agents, or subcontractors, under this Agreement, except the negligence of the State under this Agreement.

The State agrees that it will protect, defend, indemnify, and hold the City and County, its elected and appointed officials, agents, and employees, while acting within their duties as such, harmless from and against all claims, liabilities, demands, causes of action, and judgements (include the cost of defense

and reasonable attorney fees) arising in favor of or asserted by the State's employees or third parties on account of damage to property, bodily or personal injury, or death arising out of any services performed, act or omission that in any way results from the acts or omissions of the State, or their agents, or subcontractors, under this Agreement, except the negligence of the City and County under this Agreement.

13. Choice of Law and Venue – In the event of litigation concerning this Agreement, venue will only be in District Court of the First Judicial District of the State of Montana in and for the County of Lewis and Clark. This Agreement will be interpreted according to Montana law.

14. Insurance – The City and County shall maintain for the duration of the Agreement at their cost and expense insurance against claims for injuries to persons or damages to property which may arise from or in connection with any act or omission by the City or County and their agents, employees, representative, assigns or subcontractors. This City's insurance coverage shall be primary insurance with respect to the State, its officers, officials, employees, and volunteers and shall apply separately to the facility and its location. Any insurance or self-insurance maintained by the State, its officers, officials, employees or volunteers shall be in excess of the City's insurance and shall not contribute with it. This insurance shall cover such claims as may be caused by any intentional or negligent act or omission.

a) Commercial General Liability Insurance: The City and County shall purchase and maintain occurrence coverage with combined single limits for bodily injury, personal injury, and property damage as set forth below, to cover such claims as may be caused by any act, omission, or negligence of the City or County or their officers, agents, representatives, assigns, or subcontractors. Commercial General Liability insurance covering all operations under the Agreement shall have coverage substantially similar to the standard ISO Commercial General Liability Insurance policy, the limits shall be:

Each Occurrence	\$1,000,000.00
General Aggregate	\$2,000,000.00
Excess/Umbrella Liability Insurance	\$2,000,000.00

Any party classified as a governmental entity may meet the insurance requirements of this Agreement through self-insurance or risk sharing pool coverage which meets Montana statutory tort limits. Proof of self-insurance or risk sharing pool coverage must be provided to MDT before commencement of the Agreement activities. The City and County must notify the State immediately of any change in insurance coverage during the term of this Agreement and must meet the limits for private insurance shown above should self-insurance or risk sharing pool coverage be discontinued.

b) Additional insured status: The State, MDT, its officers, officials, employees, and volunteers are to be covered and listed as additional insureds arising out of the activities performed by or on behalf of the City and County, including the insured's general supervision of any Contractor; products, and completed operations; premises owned, leased, occupied or used.

c) Certificates of Insurance: Insurance is to be placed with an insurer with a Best's rating of no less than A-. The Best's rating requirement does not apply to any governmental entity self-insurance or risk-



sharing pool insurance coverage. The City and County must notify the State immediately of any material change in insurance coverage, such as changes in limits, coverages, changes in status of policy, etc. The State reserves the right to require complete copies of insurance policies at any time.

15. Agreement Modification – Any change to this Agreement will only be by written agreement between the Parties.

16. Severability and Integration – If any single part or parts of this Agreement are determined to be void, the remaining parts will remain valid and operative. This Agreement, as written, expresses the total, final and only agreement of the parties relevant to its subject matter. No provision, expressed or implied, arising from any prior oral or written request, bid, inquiry, negotiation, contract, or any other form of communications shall be a provision of this Agreement unless specifically provided within the written terms herein.

17. Termination – The Parties may mutually terminate this Agreement in writing at any time prior to the award of the construction contract. MDT, at its sole discretion, may terminate or reduce the scope of this Agreement if available funding is reduced for any reason. Should the City or County decide to terminate the Project, the City and County will be responsible for the reimbursement of the Federal funds expended to date. MDT may terminate this Agreement in whole or in part at any time if the City or County fail to perform the Agreement as set forth. If MDT terminates this Agreement due to the City's or County's failure to perform, the City and County will be responsible for the reimbursement of the Federal funds expended to date.

18. Compliance with Laws - The City and County shall, at all times during the performance of its obligations of this Contract strictly adhere to all applicable local, state and federal laws and regulations, including but not limited to: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1972, the Education Amendments of 1972, the Age Discrimination Act of 1975, the Americans With Disabilities Act, including Title II, Subtitle A, 24 U.S.C. Sec. 12101, et seq., all rules and regulations applicable to these laws prohibiting discrimination based upon actual or perceived race, color, national origin, ancestry, religion, creed, sex, age, marital or familial status, physical or mental disability, sexual orientation, gender identity or expression and handicap and with Exhibit A, attached hereto and incorporated by reference.

Non-Discrimination – The City and County will require that during the performance of any work arising out of this Agreement the City and County, for itself, assignees, and successors shall comply with all applicable non-discrimination regulations, as set forth in Attachment "A" attached hereto and made part of this Agreement.

Additionally, MDT requires that any construction resulting from this Agreement must include appropriate pedestrian facilities that meet or exceed current MDT standards for accessibility as set forth by the United States Department of Justice 2010 ADA Standards for Accessibility Design, United States Access Board Proposed Guidelines for Pedestrian Facilities in the Public Right-of-Way (2011 PROWAG), and MDT's detailed drawings, 608 series.

IN WITNESS WHEREOF, the Director of Transportation's authorized representative has signed on behalf of the State of Montana, and the Mayor or the City Manager of the City of Great Falls, on behalf of the City, has signed and affixed hereto the seal of the City, and the Cascade County Commissioners have signed on behalf of the County.

**STATE OF MONTANA, DEPARTMENT OF TRANSPORTATION**

By \_\_\_\_\_  
Administrator - Engineering Division

\_\_\_\_\_, 20 \_\_\_\_

By \_\_\_\_\_  
Approved for Legal Content

By \_\_\_\_\_  
Approved for Civil Rights

**CITY OF GREAT FALLS**

(SEAL & ATTEST)

By \_\_\_\_\_  
Greg Doyon, City Manager

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

**APPROVED FOR LEGAL CONTENT:**

By \_\_\_\_\_  
Sara Sexe, City Attorney

\_\_\_\_\_, 20 \_\_\_\_

**CASCADE COUNTY, MONTANA**

(COUNTY SEAL)

\_\_\_\_\_, 20 \_\_\_\_ BY \_\_\_\_\_  
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

ATTEST: BY \_\_\_\_\_  
MEMBER, BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
CLERK & RECORDER BY \_\_\_\_\_  
MEMBER, BOARD OF COUNTY COMMISSIONERS

**TABLE 1**  
**STUCKEY ROAD – GREAT FALLS**  
**PROJECT COST ESTIMATE FEBRUARY 2018**

Project Phases	Total Project Cost	CMGF Funds 86.58%	Matching Funds 13.42%	City Funds 76% of match	County Funds 24% of match
length (feet)		2250		1710	540
percent				76.00%	24.00%
Preliminary Engineering (PE)	\$85,000	\$73,593	\$11,407	\$8,669	\$2,738
Utility Relocations (IC)	\$0	\$0	\$0	\$0	\$0
Right-of-Way (ROW)	\$0	\$0	\$0	\$0	\$0
Construction (CN)	\$700,000	\$606,060	\$93,940	\$71,394	\$22,546
Construction Engineering (CE)	\$70,000	\$60,606	\$9,394	\$7,139	\$2,255
Subtotal	\$855,000	\$740,259	\$114,741	\$87,203	\$27,538
IDC	\$93,708	\$81,132	\$12,576	\$9,557	\$3,018
Grand Total	\$948,708	\$821,391	\$127,317	\$96,761	\$30,556

The above costs are estimates. Additional project costs will be covered in the same manner as above. The IDC rate for FY 2018 (July 1, 2016 - June 30, 2018) is 10.96%.

**TABLE 2**

**MDT GUIDELINES FOR AWARDING CONSTRUCTION CONTRACTS**  
(Used to determine allowable overrun cost participation based on construction bid award amount)

LOWEST RESPONSIVE BID	ALLOWABLE OVERRUN %
UNDER \$50,000	30%
\$50,000 - \$200,000	25%
\$200,000 - \$500,000	20%
\$500,000 - \$2,000,000	15%
OVER \$2,000,000	10%



**MDT NONDISCRIMINATION  
AND  
DISABILITY ACCOMMODATION NOTICE**

*Montana Department of Transportation ("MDT") is committed to conducting all of its business in an environment free from discrimination, harassment, and retaliation. In accordance with State and Federal law MDT prohibits any and all discrimination and protections are all inclusive (hereafter "protected classes") by its employees or anyone with whom MDT does business:*

Federal protected classes

Race, color, national origin,  
sex, sexual orientation, gender identity,  
age, disability, & Limited English  
Proficiency

State protected classes

Race, color, national origin, parental/marital  
status, pregnancy, childbirth, or medical  
conditions related to pregnancy or childbirth,  
religion/ creed, social origin or condition,  
genetic information, sex, sexual orientation,  
gender identification or expression, national  
origin, ancestry, age, disability mental or  
physical, political or religious affiliations or  
ideas, military service or veteran status

*For the duration of this contract/agreement, the PARTY agrees as follows:*

**(1) Compliance with Regulations:** The PARTY (hereinafter includes consultant) will comply with all Acts and Regulations of the United States and the State of Montana relative to Non-Discrimination in Federally and State-assisted programs of the U.S. Department of Transportation and the State of Montana, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

**(2) Non-discrimination:**

- a. The PARTY, with regard to the work performed by it during the contract, will not discriminate, directly or indirectly, on the grounds of any of the protected classes in the selection and retention of subcontractors, including procurements of materials and leases of equipment, employment, and all other activities being performed under this contract/agreement.
- b. PARTY will provide notice to its employees and the members of the public that it serves that will include the following:
  - i. Statement that PARTY does not discriminate on the grounds of any protected classes.
  - ii. Statement that PARTY will provide employees and members of the public that it serves with reasonable accommodations for any known disability, upon request, pursuant to the Americans with Disabilities Act as Amended (ADA).
  - iii. Contact information for PARTY's representative tasked with handling non-discrimination complaints and providing reasonable accommodations under the ADA.

- iv. Information on how to request information in alternative accessible formats.
- c. In accordance with Mont. Code Ann. § 49-3-207, PARTY will include a provision, in all of its hiring/subcontracting notices, that all hiring/subcontracting will be on the basis of merit and qualifications and that PARTY does not discriminate on the grounds of any protected class.

**(3) Participation by Disadvantaged Business Enterprises (DBEs):**

- a. If the PARTY receives federal financial assistance as part of this contract/agreement, the PARTY will make all reasonable efforts to utilize DBE firms certified by MDT for its subcontracting services. The list of all currently certified DBE firms is located on the MDT website at [mdt.mt.gov/business/contracting/civil/dbe.shtml](http://mdt.mt.gov/business/contracting/civil/dbe.shtml)
- b. By signing this agreement the PARTY assures that:

*The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.*

- c. PARTY must include the above assurance in each contract/agreement the PARTY enters.

**(4) Solicitation for Subcontracts, Including Procurement of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation, made by the PARTY for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the PARTY of the PARTY's obligation under this contract/agreement and all Acts and Regulations of the United States and the State of Montana related to Non-Discrimination.

**(5) Information and Reports:** The PARTY will provide all information and reports required by the Acts, Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by MDT or relevant US DOT Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the PARTY will so certify to MDT or relevant US DOT Administration, as appropriate, and will set forth what efforts it has made to obtain the information.

**(6) Sanctions for Noncompliance:** In the event of a PARTY's noncompliance with the Non-discrimination provisions of this contract/agreement, MDT will impose such sanctions as it or the relevant US DOT Administration may determine to be appropriate, including, but not limited to:

- a. Withholding payments to the PARTY under the contract/agreement until the PARTY complies; and/or
- b. Cancelling, terminating, or suspending the contract/agreement, in whole or in part.

**(7) Pertinent Non-Discrimination Authorities:**

*During the performance of this contract/agreement, the PARTY, for itself, its assignees, and successor in interest, agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:*

*Federal*

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21;
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airways Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (broadened the scope, coverage, and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients, and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 CFR parts 37 and 38;
- The Federal Aviation Administration's Non-Discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;

- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681 *et seq.*).
- Executive Order 13672 prohibits discrimination in the civilian federal workforce on the basis of gender identity and in hiring by federal contractors on the basis of both sexual orientation and gender identity.

#### *State*

- Mont. Code Ann. § 49-3-205 Governmental services;
- Mont. Code Ann. § 49-3-206 Distribution of governmental funds;
- Mont. Code Ann. § 49-3-207 Nondiscrimination provision in all public contracts.

**(8) Incorporation of Provisions:** The PARTY will include the provisions of paragraph one through seven in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and/or directives issued pursuant thereto. The PARTY will take action with respect to any subcontract or procurement as MDT or the relevant US DOT Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the PARTY becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the PARTY may request MDT to enter into any litigation to protect the interests of MDT. In addition, the PARTY may request the United States to enter into the litigation to protect the interests of the United States.



Agenda #: 10  
 Commission Meeting Date: February 18, 2020  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

**Item:** Additional funding request to the Memorandum of Understanding (MOU) and Project Funding and Maintenance Agreement with the Montana Department of Transportation (MDT) for the Stuckey Road Improvements, O.F. 1739.1

**From:** Engineering Division

**Initiated By:** Public Works Department

**Presented By:** Jim Rearden, Public Works Director

**Action Requested:** Approve Preliminary Engineering (PE) modification to the Memorandum of Understanding and Project Funding and Maintenance Agreement, increasing the City's funding match.

**Suggested Motion:**

1. Commissioner moves:

5-0 "I move that the City Commission (approve/not approve) the Montana Department of Transportation's Preliminary Engineering (PE) modification to the Memorandum of Understanding and Project Funding and Maintenance Agreement, increasing the City's funding match from \$8,669 to \$15,401 for the Stuckey Road Improvements project."

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

**Staff Recommendation:** Approve the Additional funding request to the MOU and Project Funding and Maintenance Agreement.

**Summary:**

The original Memorandum of Understanding was approved by the City Commission on June 5, 2018. The City received a letter from Montana Department of Transportation on January 24, 2020 providing a Preliminary Engineering modification. The request is to modify the City match for the Preliminary Engineering (PE) from \$8,669 to \$15,401.

**Background:**

Significant Impacts

This project will reconstruct and pave the portion of Stuckey Road located within the City limits. This section of roadway is approximately three tenths of a mile in length, is currently gravel, and serves a mixture of

businesses and residences. The project will also extend the road improvements a short distance past the City limits into the County.

MDT will design, manage and oversee construction of these improvements. The project was nominated by City Staff through the Great Falls Technical Advisory Committee for consideration for funding through the Congestion Mitigation and Air Quality Improvement (CMAQ) Program. The City will pay a match of 13.42 percent of the total project costs for the work completed within the city limits. The County's match for their portion and the federal CMAQ funding will cover the remainder of the project costs. The project qualified for this funding source because it will improve air quality by eliminating dust generated from this section of roadway once the surface has been changed from gravel to pavement. The City will continue to maintain the section of Stuckey Road in the City limits after the improvements are completed.

#### Workload Impacts

MDT will complete the design and construction management. City Staff will have limited participation in the design phase and project administration.

#### Project Work Scope

This project will reconstruct and pave approximately 2,000 feet of Stuckey Road north of the Northwest Bypass. The new roadway will tie into the approaches for the existing businesses and residences and improve drainage along the roadway as needed. MDT anticipates construction to take place in 2021.

#### Conclusion

City Staff recommends approving the additional funding request to the MOU and Project Funding and Maintenance Agreement with MDT.

#### **Fiscal Impact:**

The matching funds from the City will be provided through the City's Street Fund.

#### **Alternatives:**

The City Commission could vote to not approve the additional funding request although this could potentially cancel the Project.

**Concurrences:** City Engineering staff and City Street Division recommends approval of the additional funding.

#### **Attachments/Exhibits:**

Letter from MDT regarding the MOU and Project Funding and Maintenance Agreement  
Original Agenda Report from June 5, 2018 and Memorandum of Understanding





# Montana Department of Transportation

Michael T. Tooley, Director

Great Falls District Office  
200 Smelter Avenue NE  
PO Box 1359  
Great Falls MT 59403-1359

Steve Bullock, Governor

Friday, January 24, 2020

Russel Brewer  
City of Great Falls  
1005 25<sup>th</sup> Avenue NE  
Great Falls MT 59403

Les Payne  
Public Works – Cascade County  
415 3<sup>rd</sup> St NW  
Great Falls, MT 59404

Subject: 9532000 Stuckey Road – Preliminary Engineering modification

The Preliminary Engineering budget for the Stuckey Road design is overrun and we will need additional funding to complete the design. You are the contacts for funding adjustments in the MOU agreement for the project signed in June of 2018.

Project Phases	Total Project Cost	CMAQ Funds 86.58%	Matching Funds 13.42%	City Funds 76% of match	County Funds 24% of match
length (feet)		2250		1710	540
percent				76.00%	24.00%
Preliminary Engineering (PE)	\$151,000	\$130,736	\$20,264	\$15,401	\$4,863
Utility Relocations (IC)	\$0	\$0	\$0	\$0	\$0
Right-of-Way (ROW)	\$0	\$0	\$0	\$0	\$0
Construction (CN)	\$674,230	\$583,748	\$90,482	\$68,766	\$21,716
Construction Engineering (CE)	\$67,423	\$58,375	\$9,048	\$6,877	\$2,172
Subtotal	\$892,653	\$772,859	\$119,794	\$91,043	\$28,751
IDC	\$92,925	\$80,455	\$12,471	\$9,478	\$2,993
Grand Total	\$985,578	\$853,314	\$132,265	\$100,521	\$31,744

The above costs are estimates. Additional project costs will be covered in the same manner as above. The IDC rate for FY 2020 (July 1, 2019 - June 30, 2020) is 10.41%.

This modifies the PE City match from \$8,669 to \$15,401 and the PE County match from \$2,737 to \$4,863.

The requested increase in the federal aid agreement amount for PE is \$80,000. This change will modify the PE City match from \$8,669 to \$15,401 and the PE County match from \$2,737 to \$4,863.

Please contact me by email or call me with any concerns.

Christie McOmber, District Projects Engineer

Digitally signed by

copies: Project File 8E4E3C7E9F834C9...

AMENDMENT 1  
UPN 9532 STUCKEY RD – GREAT FALLS  
MEMORANDUM OF UNDERSTANDING  
BETWEEN

THE MONTANA DEPARTMENT OF TRANSPORTATION  
CITY OF GREAT FALLS  
AND  
CASCADE COUNTY

The City of Great Falls (“CITY”), Cascade County (“COUNTY”), and the Montana Department of Transportation (“MDT”) do hereby agree and acknowledge that the UPN 9532 Stuckey Rd – Great Falls memorandum of understanding (MOU) entered into April 24, 2018, is amended as follows:

**TABLE 1  
STUCKEY ROAD – GREAT FALLS  
PROJECT COST ESTIMATE APRIL 2021**

Project Phases	Total Project Cost	CMGF Funds 86.58%	Matching Funds 13.42%	City Funds 76% of match	County Funds 24% of match
Length (feet)		2250		1710	540
Percent				76%	24%
Preliminary Engineering (PE)	\$265,405	\$229,788	\$35,617	\$27,069	\$8,548
Utility Relocations (IC)	\$106,089	\$91,852	\$14,237	\$10,820	\$3,417
Right-of-Way (ROW)	\$36,039	\$31,203	\$4,836	\$3,676	\$1,161
Construction (CN)	\$864,319	\$748,327	\$115,992	\$88,154	\$27,838
Construction Engineering (CE)	\$86,431	\$74,832	\$11,599	\$8,815	\$2,784
Subtotal	\$1,358,283	\$1,176,002	\$182,282	\$138,534	\$43,748
IDC	\$149,275	\$129,243	\$20,033	\$15,225	\$4,808
Grand Total	\$1,507,559	\$1,305,244	\$202,314	\$153,759	\$48,555

The above costs are estimates and include inflation. Additional project costs will be covered in the same manner as above. The IDC rate for the FY 2021 (July 1, 2020 to June 30, 2021) is 10.99%.

The utility companies will bear all costs for utility relocations (IC) located within the public right-of-way for the project.

**The remaining terms and provisions of the original MOU, including any subsequent amendments, remain in full force and effect and are incorporated fully herein.**

The agreement between the CITY, COUNTY and MDT executed on April 24, 2018, as amended, constitutes the entire agreement between the parties and no statements, promises or inducements made by either party, or agents of either party, which are not contained in written agreement, shall be binding or valid.



IN WITNESS WHEREOF, the parties to this agreement have signed their names.

CITY OF GREAT FALLS

By: \_\_\_\_\_  
City Manager

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

CASCADE COUNTY, MONTANA

By: \_\_\_\_\_  
Chairman, Board of County Commissioners

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

STATE OF MONTANA – DEPARTMENT OF TRANSPORTATION

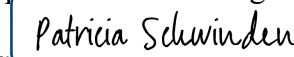
By: \_\_\_\_\_  
Montana Department of Transportation

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

Approved for Legal Content:

By:   
C3685E7AFD144B6...  
MDT Legal Services

Approved for Civil Rights Content:

By:   
CDF2B6A0A2C34EC...  
Office of Civil Rights



Commission Meeting Date: June 15, 2001

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Set the Public Hearing for the Program Year 2021 Annual Action Plan

**From:** Planning and Community Development Department

**Initiated By:** Lisa Andis, CDBG Program Specialist, Planning and Community Development

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

**Action Requested:** Set the Public Hearing on the Program Year 2021 Annual Action Plan related to the use of Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funds for July 6, 2021

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (set/not set) the public hearing for July 6, 2021, to consider the Program Year 2021 Annual Action Plan related to the use of CDBG and HOME 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 July 6, 2021, as the public hearing date to consider the Program Year 2021 Annual Action Plan related to the use of Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) funds.

**Summary:** Holding a Public Hearing is a requirement outlined in the City’s Citizen Participation Plan submitted with the City’s Five Year Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD). The Public Hearing is the final formal opportunity for the public as well as sub recipient agencies to impact the priorities the City will outline in the Annual Action Plan that is submitted to HUD.

**Background:** CDBG and HOME programs are federal programs administered by HUD to help fund local community development programs including affordable housing, public service agency assistance, economic development and public infrastructure projects. The primary goal of these programs is to assist low and moderate income (LMI) persons in Great Falls. State and local governments receive funding from HUD based on a formula derived from population and housing statistics. HUD requires public input, especially input from lower income citizens and the agencies representing them, on issues and needs of the community.

**Proposed Funding Priorities in the Annual Action Plan:** Last year, the City Commission adopted the program's 2020-2024 Consolidated Plan that provides policy guidance for funding priorities that are required to be incorporated into each year's Annual Action Plan. The attached Annual Action Plan implements the Consolidated Plan by focusing on the following programs: 1) Public Services, 2) Affordable Housing, 3) Housing Rehabilitation, 4) Fair Housing, 5) Economic Development, and 6) Public Facilities and Improvements. Additionally, the Action Plan estimates the allocation of CDBG and HOME funds for each program category as well as the number of individuals that may be assisted by each program.

**Public Input Process:** For the development of the 2021 Annual Action Plan, a public needs hearing was held by the City Commission on May 4, 2021; a Neighborhood Council of Councils meeting was held on May 25, 2021; and a 15-day public comment period on the proposed Plan will be provided from June 7, 2021 through June 21, 2021. All public comments received by staff at this time have been transcribed and attached to the draft Annual Action Plan document as an appendix.

Additional public outreach included notifications via traditional and social media outlets, including the Great Falls Tribune, The Electric, and the City's Facebook page and webpage, as well as direct emails to other public, private, and non-profit agencies. A detailed review of public outreach and citizen participation for the draft Action Plan can be found in sections AP-10 and AP-12 of the document.

During the May 4, 2021 Public Needs Hearing, the City received both verbal and written testimony from citizens and agencies addressing community needs such as providing greater services for youth, supporting agencies that provide substance abuse programs, and maximizing the use of funds to provide affordable housing. The proposed Action Plan addresses this input as follows:

- Specifically identifying youth services and substance abuse services as priority goals under the Public Service program category, and
- Identifying that both HOME funds and CDBG funds can be used to support affordable housing efforts. Specifically, the Action Plan proposes to use CDBG funds for slum and blight removal in association with affordable housing projects. For new affordable housing construction, staff notes that the City has approximately \$800,000 of unspent HOME funds from prior funding cycles available for eligible projects. Additionally, the City will be receiving approximately another \$1 million of HOME funds later this year in association with the recently approved American Rescue Plan Act. These HOME funds represent a significant opportunity to add new affordable housing stock into the Great Falls community.

**Fiscal Impact:** Adoption of the Annual Action Plan is a pre-condition for the City to receive its annual allocation of CDBG and HOME grant funds from HUD. For the upcoming fiscal year (FY 2021/2022), the City will receive \$810,605 in CDBG funds and \$283,494 of HOME funds.

**Alternatives:** The City Commission could elect to not set the public hearing on the Annual Action Plan and thereby decide to delay or not accept CDBG and HOME funding for FY 2021/2022.

**Concurrences:** Development of the Annual Action Plan does not require any specific concurrences from other City departments. However, City departments, citizens, and potential sub recipient agencies have been involved in the Plan development process.

#### **Attachments/Exhibits:**

Proposed Annual Action Plan

# CITY OF GREAT FALLS

## 2021 Annual Action Plan for HUD-Funded Programs

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



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

Public Needs Hearing: May 4, 2021  
Draft Released: June 7, 2021  
Public Comment: June 7 – June 21, 2021  
City Commission Review and Action: July 6, 2021  
Submitted to HUD: TBD  
Approved by HUD: TBD

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## 2021 Annual Action Plan

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

The City of Great Falls Annual Action Plan for Program Year 2021 is scheduled for review by the Great Falls City Commission on July 6, 2021. City Commission action on the Annual Action Plan follows a plan development process which included input from local organizations and community residents through a public needs hearing held by the City Commission on May 4, 2021, a Neighborhood Council of Councils meeting on May 25, 2021, and a 15-day public comment period extending from June 7, 2021 through June 21, 2021. Due to a funding allocation error, HUD had granted the City a waiver reducing the public comment period for the 2021 Annual Action Plan to a minimum of 3 days; however, the City chose the longer comment period to ensure greater public involvement.

The purpose of this Annual Action Plan is to implement program year two of the five-year [2020-2024 Consolidated Plan](#), identify the housing and community development needs of low and moderate income (LMI) people in the community, and develop comprehensive, coordinated strategies for addressing those needs using available federal and non-federal resources. This Annual Action Plan for Program Year 2021 serves as the budget for the City of Great Falls Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME). Detailed within this Plan are the City's recommended community grant goals and priorities for the upcoming program year, which begins July 1, 2021, and ends June 30, 2022. The City expects to receive an annual allocation of \$810,605 through CDBG and \$283,494 through HOME.

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

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

## Summarize the Objectives and Outcomes Identified in the Plan

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

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

### 2020-2024 Goals and Objectives

1	<b>Goal Name</b>	<b>Public Services</b>
	Goal Description	Provide support to public service agencies' operating programs that benefit low to moderate income persons. The City of Great Falls will provide CDBG funds to social service agencies for activities that service low to moderate income people or areas.
2	<b>Goal Name</b>	<b>Affordable Housing</b>
	Goal Description	Increase and preserve affordable housing opportunities for very low to moderate income renters, homeowners, first-time homebuyers, and those experiencing homelessness. This includes affordable housing efforts that require funding to remediate properties negatively affected by slum and blighted conditions.
3	<b>Goal Name</b>	<b>Housing Rehabilitation</b>
	Goal Description	Provide construction and rehabilitation assistance for very low to moderate income homeowners, rental property owners and the Public Housing Authority. The City will focus on upgrading the City's housing stock to meet standard building codes to provide and sustain safe, affordable housing through its revolving loan fund. The City of Great Falls will address Public Housing Authority rehabilitation or modernization projects with the use of CDBG funding.
4	<b>Goal Name</b>	<b>Fair Housing</b>
	Goal Description	Provide funding for activities that affirmatively further fair housing. The City of Great Falls will fund activities that include, but are not limited to fair housing education, counseling, outreach, and referrals pertaining to the laws, rights, and responsibilities related to housing and housing-related transactions, as well as service activities that reduce and remove barriers to fair housing choice.
5	<b>Goal Name</b>	<b>Economic Development</b>
	Goal Description	Provide funding for projects which create decent paying jobs with benefits for persons from low to moderate income households. The City of Great Falls will fund economic development projects which will result in the creation and retention of jobs for low to moderate income people.
6	<b>Goal Name</b>	<b>Public Facilities and Improvements</b>
	Goal Description	Provide public facility and infrastructure assistance, including but not limited to handicap accessibility, energy efficiency improvements, and removal of slum and blighted properties to provide a suitable living environment. The City of Great Falls will prioritize meeting handicap accessibility requirements in public facilities and infrastructure.
7	<b>Goal Name</b>	<b>Planning and Administration</b>
	Goal Description	City staff to administer, manage, and monitor CDBG and HOME funded activities.

Based on the 2020-2024 Consolidated Plan goals and objectives, as well as citizen input during this plan development process, the following priorities have been identified in the Annual Action Plan for Program Year 2021:

**Public Improvements:** Provide public facility and infrastructure assistance, including but not limited to handicap accessibility, energy efficiency improvements, and removal of slum and blighted properties to provide a suitable living environment. The City of Great Falls will prioritize meeting handicap accessibility requirements in public facilities and infrastructure.

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

**Public Services:** Provide funding toward public service projects that specifically focus on addressing Youth Services/Childcare, Health/Mental Health, Homelessness, Substance Abuse, and Fair Housing. All public service projects must be new and/or expanding services that benefit low-to-moderate income persons. The City will allocate 15% of CDBG funds to Public Services.

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

**Economic Development:** Through the Great Falls Development Authority's CDBG-funded Revolving Loan Fund, provide funding for projects which create decent paying jobs with benefits for persons from low to moderate income households. The City of Great Falls will fund economic development projects which will result in the creation and retention of jobs for low to moderate income people.

**Planning and Administration:** City staff to administer, manage, and monitor CDBG and HOME funded activities.

In Program Year 2021, the City will continue to provide funding through the following programs utilizing program income:

**CDBG Program Income:** City of Great Falls – Housing Rehabilitation Loan Program

Great Falls Development Authority – Economic Development Revolving Loan Fund



## **HOME Program Income: NeighborWorks Great Falls – Down Payment Assistance and Owners in Partnership Program**

### **Evaluation of Past Performance**

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

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

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

The evaluation of these issues led to updating the City's Grant Policies in 2018. The City now balances the funding of subrecipients with providing direct programming in order to reach community goals. Instead of funding many small grants, the City's most recent Annual Action Plans have focused on fewer goals. This narrowed funding approach is intended to make a greater impact by allocating greater funding amounts to a smaller number of projects annually. These updated policies will continue to be implemented in Program Year 2021.

### **Summary of Citizen Participation Process and Consultation Process**

*Summary from citizen participation section of plan.*

Community involvement is a critical component of the planning process for the effective use and prioritization of CDBG and HOME funds. The Citizen Participation Plan contains the City of Great Falls' policies and procedures for involving the community in the development of the Citizen Participation Plan, Annual Action Plan and the Consolidated Plan; the review of the Consolidated Annual Performance and Evaluation Report (CAPER); and any substantial amendments to the Consolidated Plan. The City's Citizen Participation Plan was adopted by the City Commission on April 20, 2021, following a 15-day public comment period from March 22, 2021, through April 5, 2021. A copy of the Citizen Participation Plan can be found as an appendix to this document and on the City's [website](#).

A Community Needs Assessment survey and three public meetings were held to gather citizen input for the development of the 2020-2024 Consolidated Plan. As detailed in the [Consolidated Plan](#), a total of 529 survey responses were received, and the public meetings were attended by community residents, as well as public agencies, nonprofit agencies, and Neighborhood Council members. For the development of this 2021 Annual Action Plan, a public needs hearing was held by the City Commission on May 4, 2021; a Neighborhood Council of Councils meeting was held on May 25, 2021; and a 15-day public comment period on the proposed Plan was provided from June 7, 2021 through June 21, 2021. All public comments received and themes addressed in public meetings were transcribed and attached to this document as an appendix.

Public outreach included notifications via traditional and social media outlets, including the Great Falls Tribune, The Electric, and the City's Facebook page and webpage, as well as direct emails to other public, private, and non-profit agencies. A detailed review of public outreach and citizen participation for Program Year 2021 is found in sections AP-10 and AP-12 of this Plan.

### **Summary of Public Comments**

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

All public comments received for the development of this Plan are attached to this document as an appendix. In summary, the City received public input related to the use of CDBG funds for affordable housing development, as well as prioritizing funding for infrastructure, workforce housing, legal services, youth services, substance abuse, and accessibility.

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

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

### **Summary**

The needs of the Great Falls community are greater than the funding provided from the Entitlement Community's CDBG funds or Participating Jurisdiction's HOME funds. Despite this, coordination of public and nonprofit leaders seeks to make the best use of these federal funds. The joint use of the Fair Housing Specialist by the City and Great Falls Housing Authority is an example of working together to solve needs indicated by the community. Great Falls is the only municipality in Montana with this position.

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

### Agency/entity responsible for preparing/administering the Consolidated Plan

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

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

**HUD Table 1 – Responsible Agencies**

### Narrative

The Planning and Community Development Department is responsible for administering the Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) within the City of Great Falls, Montana. An Annual Action Plan is required by the U.S. Department of Housing and Urban Development (HUD) in order to receive federal assistance annually. The City of Great Falls receives CDBG and HOME funds as an Entitlement Community and Participating Jurisdiction, respectively. The City Commission is required to review and approve the Consolidated Plan and associated Annual Action Plans and will continue to do so in July 2021.

The City of Great Falls will submit the 2021 Annual Action Plan to HUD by July 12, 2021, following the required public comment period and City Commission review. The City program year begins July 1 and ends June 30.

### Consolidated Plan Public Contact Information

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

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

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

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

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### Introduction

The 2021 Annual Action Plan was authored by City of Great Falls Planning and Community Development Department staff. Other City departments were heavily involved either in attendance/guidance for input meetings or available for consultation in updating current City projects, particularly the Great Falls Housing Authority, Public Works, and Park and Recreation. Nonprofit service agencies, affordable housing service providers, and housing developers were heavily involved in the creation and fulfillment of past and current Consolidated Plan goals and are crucial to the further fulfillment of these goals during the 2021 program year.

### **Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))**

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

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

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

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

The City participates in the local Continuum of Care for Homelessness (CoC) group. The CoC group meets monthly throughout the year to expand understanding of the services needed by those who are homeless, to facilitate consolidation and coordination of homeless services and to improve service delivery to people experiencing homelessness. The CoC meetings provide a networking opportunity and assist in keeping funding options open for future HUD homeless grant funds. Since September 2017, the

CoC has incorporated a Coordinated Entry System and bi-monthly Case Conferencing meetings. The progression of the CoC has allowed the community service providers to collaborate, partner, and offer wraparound services to address the community's needs.

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

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

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

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

1	<b>Agency/Group/Organization</b>	<b>NEIGHBORWORKS GREAT FALLS</b>
	<b>Agency/Group/Organization Type</b>	Housing Services - Housing Services-Education Regional organization Neighborhood Organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Provided input on community needs; attended Public Needs Hearing and offered comments; attended meetings with City staff to develop potential project ideas for proposed Affordable Housing funds.

2	<b>Agency/Group/Organization</b>	<b>GREAT FALLS DEVELOPMENT AUTHORITY</b>
	<b>Agency/Group/Organization Type</b>	Services-Education Services-Employment Regional organization Planning organization Business Leaders Community Development Financial Institution
	<b>What section of the Plan was addressed by Consultation?</b>	Economic Development
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Provided input on community needs; attended Public Needs Hearing and offered comments; attended meetings with City staff to develop potential project ideas for proposed Economic Development funds.
3	<b>Agency/Group/Organization</b>	<b>CITY PARK AND RECREATION - COMMUNITY RECREATION CENTER</b>
	<b>Agency/Group/Organization Type</b>	Services-Children Services-Persons with Disabilities Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Facility/ADA Improvements
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Attended meetings with City staff to develop potential project ideas for proposed Public Infrastructure funds.
4	<b>Agency/Group/Organization</b>	<b>Great Falls Public Housing Authority</b>
	<b>Agency/Group/Organization Type</b>	Housing PHA Service-Fair Housing Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Attended CoC meetings and bi-monthly Case Conferencing meetings. Attended meetings with City staff to develop potential project ideas for Public Housing Modernization.

5	<b>Agency/Group/Organization</b>	<b>North Central Independent Living Services</b>
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Elderly Persons Services-Persons with Disabilities Services-homeless Service-Fair Housing Regional organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homelessness Strategy Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Provided input on community needs; attended Public Needs Hearing and offered comments; attended CoC meetings.
6	<b>Agency/Group/Organization</b>	<b>ALLIANCE FOR YOUTH</b>
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Children Services-homeless Services-Health Services-Education Services - Victims
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Homelessness Strategy Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Provided input on community needs; attended Public Needs Hearing and offered comments; attended CoC meetings.
7	<b>Agency/Group/Organization</b>	<b>St. Vincent de Paul</b>
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-homeless Food Boxes
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homelessness Needs - Veterans Homelessness Strategy Anti-poverty Strategy

	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Provided input on community needs; submitted written comments for Public Needs Hearing; attended CoC meetings.
8	<b>Agency/Group/Organization</b>	<b>United Way of Cascade County</b>
	<b>Agency/Group/Organization Type</b>	Services-homeless Services-Health Services-Education Services-Employment Regional organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Homelessness Strategy Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Provided input on community needs; submitted written comments for Public Needs Hearing; attended CoC meetings.
9	<b>Agency/Group/Organization</b>	<b>YWCA</b>
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Victims of Domestic Violence Services-homeless Services-Health Services - Victims Regional organization
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Strategy Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Provided input on community needs; submitted written comments for Public Needs Hearing; attended CoC meetings.



10	<b>Agency/Group/Organization</b>	<b>Family Promise of Great Falls</b>
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Children Services-homeless Services-Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Strategy Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Provided input on community needs; submitted written comments for Public Needs Hearing; attended CoC meetings.
11	<b>Agency/Group/Organization</b>	<b>Montana Legal Services Association</b>
	<b>Agency/Group/Organization Type</b>	Service-Fair Housing Regional organization Legal Services
	<b>What section of the Plan was addressed by Consultation?</b>	Homelessness Strategy Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Provided input on community needs; submitted written comments for Public Needs Hearing.

HUD Table 2 – Agencies, groups, organizations who participated

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

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

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

<b>Name of Plan</b>	<b>Lead Organization</b>	<b>How do the goals of your Strategic Plan overlap with the goals of each plan?</b>
Continuum of Care	Montana Continuum of Care Coalition	Coordinates local and statewide housing and services for households experiencing homelessness
City of Great Falls Growth Policy Update	City of Great Falls	Dedicated Housing section informs needs for all four housing goals (Fair and Affordable Housing, Rental Rehabilitation, and Homeownership)

PHA 5-Year and Annual Plan	GFHA, U.S. Department of Housing and Urban Development	Quantifiable goals and objectives for very low to low income needs; including public improvements (building sites), Affordable Housing
Great Falls Downtown Master Plan (2011)	City of Great Falls	Consists of census tracts qualifying as Low to Moderate Income areas, Housing Rehabilitation, Affordable rental goals
Analysis of Impediments to Fair Housing Choice (2015-2019)	City of Great Falls	Goals and strategies that address Fair and Affordable Housing
Comprehensive Housing Affordability Strategy	City of Great Falls	Needs assessment for previous goals and included in previous Strategic Plans (2011-2015; 2015-2019)

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

**Narrative (or Describe cooperation and coordination with other public entities, including the State and any adjacent units of general local government, in the implementation of the Consolidated Plan (91.215(l)).**

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

## AP-12 Participation – 91.105, 91.200(c)

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

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

The goals outlined in this Plan are primarily driven by community input through the Community Needs Assessment survey that was incorporated into the Consolidated Plan, Neighborhood Council meetings, a public needs hearing, and the public comment period. The City intentionally provided multiple avenues of public engagement to ensure the priority-setting process was community-driven and inclusive. The 2021 goals reflect the community's identified priorities, which allows for strategic funding in areas of need. These funding priorities will be used by City staff as a guideline for awards throughout the year.

### Citizen Participation Outreach

<b>1</b>	<b>Mode of Outreach: PUBLIC NEEDS HEARING</b>	
	<b>Target of Outreach</b>	Minorities, Persons with disabilities, Non-targeted/broad community, Residents of Public and Assisted Housing
	<b>Summary of response/attendance</b>	Four organizations attended and commented at the Public Needs Hearing, while seven others presented written comments via email.
	<b>Summary of comments received</b>	Comments received were related to the use of CDBG funds for affordable housing development, as well as prioritizing funding for infrastructure, workforce housing, legal services, youth services, substance abuse, and accessibility. Comments received are included as an appendix.
	<b>Summary of comments not accepted and reasons</b>	No comments were rejected.
<b>2</b>	<b>Mode of Outreach: PUBLIC MEETING</b>	
	<b>Target of Outreach</b>	Minorities, Persons with disabilities, Non-targeted/broad community, Residents of Public and Assisted Housing
	<b>Summary of response/attendance</b>	Staff member attended Council of Councils meeting on May 25, 2021, to present the City's Strategic Plan Goals and solicit input for Program Year 2021 activities and priorities. Attendees included Neighborhood Council representatives, community residents, reporter with the <i>Tribune</i> , and two City Commissioners.
	<b>Summary of comments received</b>	Comments received pertained to program requirements for income verification and how entitlement funds work in relation to recent funds the City has received through the American Rescue Plan Act (ARPA). All comments are summarized and included as an appendix.
	<b>Summary of comments not accepted and reasons</b>	No comments were rejected.
<b>3</b>	<b>Mode of Outreach: PUBLIC HEARING</b>	
	<b>Target of Outreach</b>	Minorities, Persons with disabilities, Non-targeted/broad community, Non-profit agency personnel, faith-based institutions

	<b>Summary of response/attendance</b>	A second Public Hearing will be held on July 6, 2021, when the City Commission votes on the 2021 Annual Action Plan. Updates to this section will be made following the hearing.
	<b>Summary of comments received</b>	Comments received are included as an appendix.
	<b>Summary of comments not accepted and reasons</b>	No comments were rejected.
<b>4</b>	<b>Mode of Outreach: INTERNET OUTREACH</b>	
	<b>Target of Outreach</b>	Minorities, Persons with disabilities, Non-targeted/broad community, Residents of Public and Assisted Housing, Non-profit agency personnel, faith-based institutions
	<b>Summary of response/attendance</b>	The City's website and Facebook page were utilized to provide additional sources of Public Notice for the following: public comment period for the proposed Citizen Participation Plan from March 22 – April 5, 2021; Public Needs Hearing on May 4, 2021; public comment period for the proposed Annual Action Plan from June 7 - June 21, 2021; Public Hearing on July 6, 2021; and to host the proposed Citizen Participation Plan and Annual Action Plan drafts for public review, comment, and download.
	<b>Summary of comments received</b>	Comments received are included as an appendix.
	<b>Summary of comments not accepted and reasons</b>	No comments were rejected.
<b>5</b>	<b>Mode of Outreach: NEWSPAPER AD</b>	
	<b>Target of Outreach</b>	Minorities, Persons with disabilities, Non-targeted/broad community, Residents of Public and Assisted Housing, Non-profit agency personnel, faith-based institutions
	<b>Summary of response/attendance</b>	Legal Advertisements were placed with the Great Falls Tribune to run on the following dates for the corresponding Public Notices: March 21, 2021 and March 28, 2021 for the 15-day comment period from March 22–April 5, 2021 for the proposed Citizen Participation Plan; April 18, 2021 and April 25, 2021 for the May 4, 2021 Public Needs Hearing; June 6, 2021 and June 13, 2021 for the 15-day comment period from June 7, 2021-June 21, 2021 for the proposed Annual Action Plan; June 20, 2021 and June 27, 2021 for the July 6, 2021 Public Hearing.
	<b>Summary of comments received</b>	Comments received are included as an appendix.
	<b>Summary of comments not accepted and reasons</b>	No comments were rejected.

HUD Table 4 – Citizen Participation Outreach

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

### Introduction

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

The expected resources include the annual allocations of CDBG and HOME federal grant funds that Great Falls receives as an Entitlement City and Participating Jurisdiction. The grant amounts are actual allocations for Program Year 2021. If the grant funding or program income comes in above or below the expected amounts identified in the Priority Table below, the project allocations (AP-38 Projects Summary) will be adjusted.

### Anticipated Resources

Program	Source of Funds	Expected Amount Available for Program Year				Expected Amount Available Remainder of ConPlan
		Annual Allocation:	Program Income:	Prior Year Resources:	Total:	
CDBG	public - federal	\$810,605	\$225,000	\$1,621,160	\$2,656,765	\$2,400,000
<i>Uses of Funds</i>	<i>Acquisition, Economic Development, Housing, Public Improvements, Public Services, Admin and Planning</i>					
<i>Description</i>	<i>CDBG funds are anticipated to be \$800,000 annually for the program years 2020-2024.</i>					
HOME	public - federal	\$283,494	\$300,000	\$1,687,963	\$2,271,457	\$840,000
<i>Uses of Funds</i>	<i>Acquisition, Homebuyer Assistance, Rehabilitation (Multifamily &amp; Homeowner), New Construction (Multifamily &amp; Homeowner), Admin and Planning</i>					
<i>Description</i>	<i>HOME funds are anticipated to be \$280,000 annually for the program years 2020-2024.</i>					

HUD Table 5 - Expected Resources – Priority Table

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

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

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

None appropriate.

## AP-20 Annual Goals and Objectives

### Goals Summary Information

	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Public Services	2021	2022	Homeless, Non-Homeless Special Needs, Non-Housing Community Development	City of Great Falls	Public Services	CDBG: \$96,590	Public service activities other than Low/Moderate Income Housing Benefit: 1000 Persons Assisted
2	Affordable Housing	2021	2022	Affordable Housing, Homeless, Non-Homeless Special Needs	City of Great Falls	Affordable Housing	HOME: \$800,000 CDBG: \$ 60,000	Homeowner Housing Added: 5 Household Housing Units Rental Units Rehabilitated: 4 Household Housing Units Direct Financial Assistance to Homebuyers: 7 Households Assisted
3	Housing Rehabilitation	2021	2022	Affordable Housing, Public Housing, Non-Homeless Special Needs	City of Great Falls	Housing Rehabilitation	CDBG: \$500,000	Rental Units Rehabilitated: 10 Household Housing Units Homeowner Housing Rehabilitated: 5 Household Housing Units
4	Fair Housing	2021	2022	Affordable Housing, Public Housing, Homeless, Non-Homeless Special Needs	City of Great Falls	Fair Housing	CDBG: \$25,000	Public service activities other than Low/Moderate Income Housing Benefit: 120 Persons Assisted

	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
5	Economic Development	2021	2022	Non-Housing Community Development, Economic Development	City of Great Falls	Economic Development	CDBG: \$166,000	Jobs created/retained: 5 Jobs
6	Public Facilities and Improvements	2021	2022	Public Housing, Non-Homeless Special Needs, Non-Housing Community Development	City of Great Falls	Public Facilities and Improvements	CDBG: \$500,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 2000 Persons Assisted
7	Planning and Administration	2021	2022	Planning and Administration	City of Great Falls	Planning and Administration	CDBG: \$162,121 HOME: \$28,349	

HUD Table 6 – Goals Summary

### Goal Descriptions

1	Goal Name	Public Services
	Goal Description	The City of Great Falls will provide CDBG funds to social service agencies for activities that provide services for low to moderate income people or areas. The City will focus efforts on meeting the needs of our homeless population, health/mental health needs, substance abuse, and underserved youth this program year. Applications will not be limited to these activities; however, the City will give priority to applications that directly address homelessness, health/mental health, substance abuse and youth services.
2	Goal Name	Affordable Housing
	Goal Description	Increase and preserve affordable housing opportunities for very low to moderate income renters, homeowners, first-time homebuyers, and those experiencing homelessness. This includes affordable housing efforts that require funding to remediate properties negatively affected by slum and blighted conditions.
3	Goal Name	Housing Rehabilitation
	Goal Description	Provide construction and rehabilitation assistance for very low to moderate income homeowners, property owners and the Public Housing Authority. The City will focus on upgrading the City's housing stock to meet standard building codes to provide and sustain safe, affordable housing through its revolving loan fund. The City of Great Falls will address Public Housing Authority rehabilitation or modernization with the use of CDBG funding. Housing efforts to remediate properties negatively affected by slum and blighted conditions will be funded through CDBG.

4	<b>Goal Name</b>	<b>Fair Housing</b>
	Goal Description	Provide funding for activities that affirmatively further fair housing. The City of Great Falls will fund activities that include but are not limited to fair housing education, counseling, outreach, and referrals pertaining to the laws, rights, and responsibilities related to housing and housing-related transactions, as well as service activities that reduce and remove barriers to fair housing choice.
5	<b>Goal Name</b>	<b>Economic Development</b>
	Goal Description	All Economic Development Activities in this Program Year will be carried out by GFDA through the administration of their already established CDBG Revolving Loan Fund for the purpose of job creation and retention for low to moderate income households. This program operates on program income from CDBG.
6	<b>Goal Name</b>	<b>Public Facilities and Improvements</b>
	Goal Description	Provide public facility and infrastructure assistance to provide a suitable living environment. The City of Great Falls will prioritize meeting handicap accessibility requirements in public facilities and infrastructure. There will be a focus on funding activities that are associated with public parks, public safety, public recreation as well as slum and blight removal this program year with the understanding that efforts are not limited solely to these priorities.
7	<b>Goal Name</b>	<b>Planning and Administration</b>
	Goal Description	City staff to administer, manage, and monitor CDBG and HOME funded activities.



## AP-35 Projects – 91.220(d)

### Introduction

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

The Fair Housing Program will be a partnership with the Great Falls Housing Authority. The City will also utilize CDBG funds to carry out the Revolving Loan Fund Program as well as support the Fair Housing Specialist position.

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

### Program Year 2021 Projects

	Project Name
1	2021 Public Services
2	2021 Residential Housing Rehabilitation
3	2021 Public Facilities and Improvements
4	2021 Fair Housing Program
5	2021 CDBG Housing Slum and Blight Removal
6	2021 HOME Investment Partnerships Program Projects
7	2021 HOME NeighborWorks Direct Assistance to Homebuyers
8	2021 HOME CHDO Project
9	2021 Great Falls Development Authority Job Creation
10	2021 CDBG/HOME Administration

**HUD Table 7 – Project Information**

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

The recommended funding allocation priorities are primarily driven by community input through a public needs hearing, Neighborhood Council of Councils meeting, and the public comment period. Staff intentionally provided multiple avenues of public engagement to ensure the priority-setting process was community-driven and inclusive. The City of Great Falls' recommendation is to respectfully utilize the community's input in setting these priorities. These community-identified priorities allow for strategic funding in areas of need and will be used by staff as a guideline for awards throughout the year.

## AP-38 Project Summary

### Project Summary Information

1	<b>Project Name</b>	<b>2021 Public Services</b>
	<b>Target Area</b>	City of Great Falls
	<b>Goals Supported</b>	Public Services
	<b>Needs Addressed</b>	Public Services
	<b>Funding</b>	CDBG: \$96,590
	<b>Description</b>	The City of Great Falls will provide CDBG funds to social service agencies for activities that provide services for low to moderate income people or areas. The City will focus efforts on meeting the needs of our homeless population, health/mental health needs, substance abuse, and underserved youth this Program Year. Applications will not be limited to these activities; however, the City will give priority to applications that directly address the aforementioned needs.
	<b>Target Date</b>	6/30/2022
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	1000 LMI individuals will benefit from the proposed activity.
	<b>Location Description</b>	City of Great Falls
	<b>Planned Activities</b>	The City will focus efforts on meeting the needs of our homeless population, health/mental health needs, substance abuse, and underserved youth this Program Year. Applications will not be limited to these activities; however, the City will give priority to applications that directly address the aforementioned needs.
2	<b>Project Name</b>	<b>2021 Residential Housing Rehabilitation</b>
	<b>Target Area</b>	City of Great Falls
	<b>Goals Supported</b>	Housing Rehabilitation
	<b>Needs Addressed</b>	Housing Rehabilitation
	<b>Funding</b>	CDBG: \$500,000

	<b>Description</b>	Provide construction and rehabilitation assistance for very low to moderate income homeowners, property owners and the Public Housing Authority. The City will focus on upgrading the City's housing stock to meet standard building codes to provide and sustain safe, affordable housing through its revolving loan fund. The City of Great Falls will address Public Housing Authority rehabilitation or modernization with the use of CDBG funding. Housing efforts to remediate properties negatively affected by slum and blighted conditions will be funded through CDBG.
	<b>Target Date</b>	6/30/2022
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	15 LMI households will benefit from this proposed activity.
	<b>Location Description</b>	City of Great Falls
	<b>Planned Activities</b>	Provide construction and rehabilitation assistance for very low to moderate income homeowners, property owners and the Public Housing Authority. The City will focus on upgrading the City's housing stock to meet standard building codes to provide and sustain safe, affordable housing through its revolving loan fund. The City of Great Falls will address Public Housing Authority rehabilitation or modernization with the use of CDBG funding. Housing efforts to remediate properties negatively affected by slum and blighted conditions will be funded through CDBG.
<b>3</b>	<b>Project Name</b>	<b>2021 Public Facilities and Improvements</b>
	<b>Target Area</b>	City of Great Falls
	<b>Goals Supported</b>	Public Facilities and Improvements
	<b>Needs Addressed</b>	Public Facilities and Improvements
	<b>Funding</b>	CDBG: \$500,000
	<b>Description</b>	Provide public facility and infrastructure assistance to provide a suitable living environment. The City of Great Falls will prioritize meeting handicap accessibility requirements in public facilities and infrastructure. There will be a focus on funding activities that are associated with public parks, public safety, public recreation as well as slum and blight removal this program year with the understanding that efforts are not limited solely to these priorities.
	<b>Target Date</b>	6/30/2022

	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	These projects will primarily provide an area benefit to LMI families, an estimated 2000 residents this year.
	<b>Location Description</b>	City of Great Falls
	<b>Planned Activities</b>	Provide public facility and infrastructure assistance to provide a suitable living environment. The City of Great Falls will prioritize meeting handicap accessibility requirements in public facilities and infrastructure. There will be a focus on funding activities that are associated with public parks, public safety, public recreation as well as slum and blight removal this program year with the understanding that efforts are not limited solely to these priorities.
4	<b>Project Name</b>	<b>2021 Fair Housing Program</b>
	<b>Target Area</b>	City of Great Falls
	<b>Goals Supported</b>	Fair Housing
	<b>Needs Addressed</b>	Fair Housing
	<b>Funding</b>	CDBG: \$25,000
	<b>Description</b>	This is a shared position with the Great Fall Housing Authority to provide funding for activities that affirmatively further fair housing. The City of Great Falls will fund activities that include but are not limited to fair housing education, counseling, outreach, and referrals pertaining to the laws, rights, and responsibilities related to housing and housing-related transactions.
	<b>Target Date</b>	6/30/2022
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	120 LMI families will benefit from the proposed activity.
	<b>Location Description</b>	City of Great Falls
	<b>Planned Activities</b>	The City of Great Falls will fund activities that include but are not limited to fair housing education, counseling, outreach, and referrals pertaining to the laws, rights, and responsibilities related to housing and housing-related transactions, as well as service activities that reduce and remove barriers to fair housing choice.

5	<b>Project Name</b>	<b>2021 CDBG Housing Slum and Blight Removal</b>
	<b>Target Area</b>	City of Great Falls
	<b>Goals Supported</b>	Affordable Housing
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	CDBG: \$60,000
	<b>Description</b>	The City will allocate funding for affordable housing efforts and housing rehabilitation to remediate properties negatively affected by slum and blighted conditions.
	<b>Target Date</b>	6/30/2022
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	2 LMI families will benefit from the proposed activity.
	<b>Location Description</b>	City of Great falls
5	<b>Planned Activities</b>	The City will allocate funding for affordable housing efforts to remediate properties negatively affected by slum and blighted conditions.
	<b>Project Name</b>	<b>2021 HOME Investment Partnerships Program Projects</b>
	<b>Target Area</b>	City of Great Falls
	<b>Goals Supported</b>	Affordable Housing
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	HOME: \$500,000
	<b>Description</b>	Allocate HOME Investment Partnerships Program (HOME) funds towards new construction and homeownership. HOME funds will be granted to continue the City's mission to improve and grow the community's affordable housing stock. HOME funding can be utilized towards building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people.
	<b>Target Date</b>	6/30/2022

	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	9 LMI households will benefit from this project.
	<b>Location Description</b>	City of Great Falls
	<b>Planned Activities</b>	Allocate HOME Investment Partnerships Program (HOME) funds towards new construction and homeownership. HOME funds will be granted to continue the City's mission to improve and grow the community's affordable housing stock. HOME funding can be utilized towards building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people.
<b>6</b>	<b>Project Name</b>	<b>2021 HOME-NeighborWorks Direct Assistance to Homebuyers</b>
	<b>Target Area</b>	City of Great Falls
	<b>Goals Supported</b>	Affordable Housing
	<b>Needs Addressed</b>	Affordable Housing
	<b>Funding</b>	HOME: \$300,000
	<b>Description</b>	NeighborWorks Great Falls will utilize HOME program income to provide direct assistance to first-time homebuyers.
	<b>Target Date</b>	6/30/2022
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	7 LMI families will benefit from the proposed activity.
	<b>Location Description</b>	City of Great Falls
	<b>Planned Activities</b>	NeighborWorks Great Falls will utilize HOME program income to provide direct assistance to first-time homebuyers.
<b>7</b>	<b>Project Name</b>	<b>2021 HOME CHDO Project</b>
	<b>Target Area</b>	City of Great Falls
	<b>Goals Supported</b>	Affordable Housing
	<b>Needs Addressed</b>	Affordable Housing

	<b>Funding</b>	HOME: \$42,524
	<b>Description</b>	15% set-aside for HOME CHDO Project
	<b>Target Date</b>	6/30/2022
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	At least 1 LMI household will benefit from this project.
	<b>Location Description</b>	City of Great Falls
	<b>Planned Activities</b>	Activities to increase affordable housing stock.
	<b>Planned Activities</b>	Activities to increase affordable housing stock.
<b>8</b>	<b>Project Name</b>	<b>2021 GFDA Job Creation</b>
	<b>Target Area</b>	City of Great Falls
	<b>Goals Supported</b>	Economic Development
	<b>Needs Addressed</b>	Economic Development
	<b>Funding</b>	CDBG: \$166,000
	<b>Description</b>	All Economic Development Activities this Program Year will be carried out by GFDA through the administration of their already established CDBG Revolving Loan Fund for the purpose of job creation and retention for low to moderate income households. This program operates on program income from CDBG.
	<b>Target Date</b>	6/30/2022
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	5 LMI jobs created/retained.
	<b>Location Description</b>	City of Great Falls
	<b>Planned Activities</b>	All Economic Development Activities this Program Year will be carried out by GFDA through the administration of their already established CDBG Revolving Loan Fund for the purpose of job creation and retention for low to moderate income households. This program operates on program income from CDBG.
<b>9</b>	<b>Project Name</b>	<b>2021 CDBG/HOME Administration</b>
	<b>Target Area</b>	City of Great Falls

<b>Goals Supported</b>	Planning and Administration
<b>Needs Addressed</b>	Planning and Administration
<b>Funding</b>	CDBG: \$162,121 HOME: \$28,349
<b>Description</b>	City staff to administer, manage, and monitor CDBG and HOME funded activities.
<b>Target Date</b>	6/30/2022
<b>Estimate the number and type of families that will benefit from the proposed activities</b>	n/a - City staff to administer, manage, and monitor CDBG and HOME funded activities.
<b>Location Description</b>	City of Great Falls
<b>Planned Activities</b>	City staff to administer, manage, and monitor CDBG and HOME funded activities.

HUD Table 8 – Projects Summary



## AP-50 Geographic Distribution – 91.220(f)

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

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

#### Geographic Distribution

Target Area	Percentage of Funds
City of Great Falls	100

HUD Table 9 - Geographic Distribution

### Rationale for the priorities for allocating investments geographically

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

## AP-55 Affordable Housing – 91.220(g)

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### Introduction

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

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	31
Special-Needs	0
Total	31

**Table 64 - One Year Goals for Affordable Housing by Support Requirement**

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	5
Rehab of Existing Units	19
Acquisition of Existing Units	7
Total	31

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

## AP-60 Public Housing – 91.220(h)

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### **Introduction**

The City of Great Falls relies on the Great Falls Housing Authority (GFHA) to provide public housing within the City. The GFHA will responsibly and respectfully provide safe, basic, affordable housing for qualified residents.

GFHA currently manages five public housing sites and two affordable housing sites. These facilities provide 490 units to income qualifying residents through the GFHA's subsidized housing program and another 32 units that are not subsidized but are affordable to low/moderate income households through the GFHA's affordable housing programs.

GFHA is also a manager for Housing Choice Vouchers, formerly known as the Section 8 Program. This program allows private landlords to contract with the GFHA, who inspects the units for Housing Quality Standards and subsidizes the rent for the approved tenant.

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

The Housing Authority will continue its multi-year rehabilitation project at the main site (MT2-1 and MT2-2) which involves upgrading the overhead electrical distribution system, street lights, sewer mains, water mains and gas distribution systems for 356 units and major interior renovation of 156 units. The units will be demolished down to the studs and rebuilt, including new roofs; windows; doors; walls; flooring; and electrical, plumbing and heating systems. Exterior sewer, water and electrical services will also be replaced. This modernization project began in 2015 and is expected to take 10 to 15 years to complete, contingent upon funding.

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

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

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

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

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

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

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### Introduction

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

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

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

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

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

### **Addressing the emergency shelter and transitional housing needs of homeless persons**

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

### **Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to**

**permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

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

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

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

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

## **Discussion**

The Center for Mental Health has an adult case manager who provides outreach and wellness checks for chronically homeless people. The Center provides outreach to the mentally ill homeless population and conducts evaluations to determine whether symptoms of a mental disorder are evident. The agency coordinates with organizations such as Opportunities, Inc., Office of Public Assistance, Great Falls Rescue

Mission, Salvation Army, and St. Vincent DePaul to provide assistance with housing, food, clothing and payee services.

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

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

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

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

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### Introduction

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

The City reviews development applications to ensure that they are consistent with subdivision regulations, zoning and land use controls and annexation policies. Such codes and policies are designed to create orderly development; provide adequate services including transportation, utilities, and fire and police protection; and promote public health, safety and general welfare.

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

The current zoning and setback requirements can be restrictive for developing affordable housing in situations where developers wish to use odd-size or small lots or construct high density housing. Additionally, no affordable housing incentives such as reduced lot sizes, setback standards or waived building fees are automatically available to developers of affordable housing. Due to land prices and infrastructure costs, smaller lots are being developed for condensed housing at this time. Additionally, the City has worked very successfully with NeighborWorks Great Falls to use the Planned Unit Development process to create customized development standards to support higher density affordable housing development. As result of this partnership, NeighborWorks has successfully completed the Rockcross Apartments project (124 affordable rental units) as well as currently building affordable homes on its Meriwether Crossing subdivision. This subdivision will lead to the eventual addition of 80 affordable, owner-occupied homes into the City's affordable housing inventory.

Traditionally, mobile/manufactured housing has allowed low income families to purchase housing when a conventional home may be out of reach. However, there is limited availability of vacant affordable single lots, mobile home courts will not accept homes that are older than five years, and a zoning change would be required if a new mobile home subdivision were to be developed. There appears to be the demand for an affordable housing option such as improvements to existing mobile/manufactured home parks or development of a new mobile/manufactured home subdivision. Some of those proposed upgrades are cost prohibitive due to some existing mobile home parks being located in the floodplain.

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

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

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

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



## AP-85 Other Actions – 91.220(k)

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### Introduction

The Planning and Community Development Department (PCD) administers the CDBG and HOME grant funds that the City is allocated each year. For the 2021 program year, PCD will administer more than one million dollars in funding for projects in public services, affordable housing, housing rehabilitation, fair housing, economic development, and public facilities. These funds come from both federal dollars and program income.

### Actions planned to address obstacles to meeting underserved needs

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

### Actions planned to foster and maintain affordable housing

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

**Affordable Housing** Increase and preserve affordable housing opportunities for very low to moderate income renters, homeowners, first-time homebuyers, and those experiencing homelessness. This includes affordable housing efforts that require funding to remediate properties negatively affected by slum and blighted conditions.

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

**Fair Housing** Provide funding for activities that affirmatively further fair housing. The City of Great Falls will fund activities that include, but are not limited to fair housing education, counseling, outreach, and referrals pertaining to the laws, rights, and responsibilities related to housing and housing-related transactions, as well as service activities that reduce and remove barriers to fair housing choice.

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

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

### **Actions planned to reduce lead-based paint hazards**

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

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

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

### **Actions planned to reduce the number of poverty-level families**

All planned activities for Program Year 2021 will promote the reduction of poverty-level families by providing resources and opportunities to assist low-income individuals to be able to grow and prosper. One specific example is that 15% of the CDBG Budget, approximately \$120,000, will be allocated to

provide public services to reduce the number of poverty-level families. This will provide funding toward public service projects that specifically focus on addressing barriers in the areas of homelessness, health/mental health, substance abuse, youth services, and fair housing. All public service projects must be new and/or expanding services that benefit low-to-moderate income persons.

The City will also work with Opportunities, Inc., which provides a number of programs to assist LMI families.

### **Actions planned to develop institutional structure**

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

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

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

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

The Continuum of Care for Homelessness will meet in an ongoing effort to identify needs and coordinate delivery of services for people experiencing homelessness. The City will continue its close working

relationship with the Great Falls Housing Authority. This relationship will include such aspects as sharing of staff, environmental clearances, and fair housing activities. The City Commission appoints the Housing Authority Board of Commissioners and the City Manager appoints the Executive Director of the Housing Authority. Housing Authority staff is made up of City employees. The City will complete environmental reviews for all Housing Authority sponsored construction and rehabilitation projects; therefore, the City will be aware of and review any proposed development projects or proposed demolition of public housing units.

The City will work with private and public organizations to foster communication and delivery of information to the public regarding housing and social services to be provided.

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

### Introduction

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

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

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

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

### Other CDBG Requirements

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

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

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

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

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

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

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

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

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

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

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

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

Example:

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

Affordable Price at Sale: \$150,000

Standard or Index: 25%

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

ensures that the CHDO complies with all recapture provisions established, most recently updated in 2015. It notes when and how recapture is scheduled to occur. While a deed restriction acts as the primary agreement between borrower and lender, information provided in the Program Income Policy clearly states the terms of recapture to the prospective homeowner, the required length of affordability, and strongly associates responsibility to (ultimately) the Participating Jurisdiction, the City of Great Falls. This policy is attached as an appendix.

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

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



Commission Meeting Date: June 15, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10391 – A Resolution to approve a conditional use permit to allow a “Contractor Yard, Type, II” land use in the Mixed-use Transitional (M-2) zoning district at the property addressed as 214 7<sup>th</sup> Avenue South; Resolution 10405 – a resolution to vacate by the City Commission of the City of Great Falls, Montana, to vacate a portion of 8<sup>th</sup> Alley South between 7<sup>th</sup> Avenue South and 8<sup>th</sup> Avenue South.

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

**Initiated By:** Steve Sheffels, Owner and Applicant

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

**Action Requested:** City commission adopt Resolution 10391, adopt Resolution 10405 and 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:**

Commissioner moves:

- I. “I move that the City Commission (adopt/deny) Resolution 10391, a conditional use permit to allow a “Contractor Yard, Type II” land use in the Mixed-use Transitional (M-2) zoning district at the property addressed as 214 7<sup>th</sup> Avenue South and the accompanying Findings of Fact/Basis of Decision subject to the Conditions of Approval being fulfilled by the applicant.”

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

Commissioner moves:

- II. “I move that the City Commission (adopt/deny) Resolution 10405 vacating a portion of 8<sup>th</sup> Alley South between 7<sup>th</sup> Avenue South and 8<sup>th</sup> Avenue South.”

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

**Staff Recommendation:** At the conclusion of a public hearing held on February 23, 2021, the Zoning Commission recommended that the City Commission approve the applicant's request for a conditional use permit subject to the conditions set forth below.

Staff recommends approval of the Conditional Use Permit with the following conditions:

**Conditions of Approval:**

1. **Subsequent Modifications and Additions:** If, after establishment of the conditional use, 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 found in OCCGF 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
2. **Abandonment:** If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
3. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
4. **Acceptance of Conditions:** No zoning or building permits shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.
5. **Site Improvements:** The existing fence shall, at the minimum, have slats installed to screen the use from the adjacent residential properties. The portion of the fence that is located on City Right-of-Way shall be moved to the property line.

**Conditional Use Permit Request – Resolution 10391:**

**Background:** Sheffels Farms, Inc. has owned the subject property since the 1950s. While in the Sheffels Farms ownership, the property has typically been used in a fashion that would be considered industrial in nature. However, in recent years the property has had very little to no use on it. Within the last year, a local bank has been renting the property in order to store heavy construction equipment that has been in the bank's care while a bankruptcy case is being adjudicated. The land use that is associated with this type of property usage is a "Contractor Yard, Type, II," which is conditionally permitted in the M-2 zoning district. This Conditional Use request is coming forward in response to a citizen's complaint on the property regarding the amount of heavy equipment being stored at the location. When staff contacted the property owner, he indicated that he was unaware that the activity was not permitted by City zoning. Since the family had used the property for this type of land use in the past, he wanted the flexibility for contracting businesses to use the site in the future and brought forward this Conditional Use request.

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

**Improvements:** The only site improvement recommended is that the existing chain-link fence have privacy slats installed in order to screen the interior use of the property from the neighboring public, particularly the residentially zoned area to the east. There is a portion of the fence that juts out into the public 3<sup>rd</sup> Street South right-of-way that will need to be moved so that it is placed along the property line. A large portion of 8<sup>th</sup> Alley South was vacated in 1958 but a small portion was never vacated. Because the applicant has the portion of the alley that is still considered public right-of-way fenced off, City Staff is working with the applicant to vacate the remainder of the alley.

***Proximity to Other Uses:***

The Subject Property is located on a parcel that has historically had industrial uses. Properties to the north and the south are similar properties that have all been part of a railroad route dissecting the blocks in the middle. The property to the west is owned by BNSF Railroad and is a non-functioning former railroad right-of-way. Currently the property to the north provides health services to youth in the community. Carter Park, a city park, is to the northeast of the Subject Property. Directly to the east across 3<sup>rd</sup> Street South are residences and an administrative office for a local union. A business classified as a Light Industrial use is located to the south across 8<sup>th</sup> Avenue South.

**Vacation of Public Rights-of-Way – Resolution 10405:**

The applicant's request to vacate 8<sup>th</sup> Alley South between 2<sup>nd</sup> Street South and 3<sup>rd</sup> Street South allows the owner to assume full control of their portion of the block. The vast majority of the alley was vacated by Ordinance 1280 in 1958, leaving only a small portion remaining as public right-of-way. A 20-foot easement has been prepared allowing the City to access the sewer main that exists in the former alley vacated in 1958 and the proposed vacated alley. An exhibit has been attached to the agenda report to show the remaining right-of-way to be vacated.

According to Section 7-3-4448, Montana Code Annotated (M.C.A), the owner must file a request for the intent to vacate any right of way. A Resolution of Intent was adopted by the City Commission on May 18, 2021, and the Commission set a date for a public hearing regarding the vacation of right of way. M.C.A. requires a petition to be sent to each of the owners abutting the right of way property. Unless 51 percent of the affected property owners object to the proposed vacation, the Commission may, by ordinance, declare such vacation. Staff notes that the applicant is the only property owner on either side of the right of way and the Notice of Acknowledgement of Receipt of Notice of Intent to Vacant has been signed by the applicant.

**Neighborhood Council Input:** The subject property is located in Neighborhood Council District 7. The applicant met with the Council on February 8, 2021, to discuss his request. The Council voted unanimously to recommend approval of the Conditional Use Permit. Staff has received a phone call asking what the proposed use would mean for the property but the caller voiced no opinions either way.

**Fiscal Impact:** Approval of the Conditional Use Permit would have no adverse financial impact upon the City of Great Falls. Giving the owner more flexibility to use the property through the Conditional Use process should assist the property in getting a more permanent use.

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

**Concurrences:** Representatives from the City's Public Works, Fire/Rescue, and Building Departments have reviewed the proposal and have no objections to the issuance of the Conditional Use Permit.

**Attachments/Exhibits:**

Resolution 10391 – Conditional Use Permit

Basis of Decision/Findings of Fact – Conditional Use Permit

Aerial Map

Zoning Map

Applicant Narrative

Resolution 10405 – Resolution to Vacate

Petition request for right-of-way vacation

Draft Amended Plat

Ordinance 1280

Exhibit of remaining right-of-way to be vacated

## RESOLUTION 10391

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW “CONTRACTOR YARD, TYPE II” LAND USE UPON A PARCEL OF LAND ADDRESSED AS 214 7<sup>TH</sup> AVENUE SOUTH, AND LEGALLY DESCRIBED AS LOTS 5-10, BLOCK 479, GREAT FALLS ORIGINAL TOWNSITE CASCADE COUNTY, MT.

\* \* \* \* \*

WHEREAS, the property owner, Sheffels Farms, Inc., has petitioned the City of Great Falls to approve a Conditional Use Permit to allow for the establishment of a “Contractor Yard, Type II” land use upon the property legally described as Lots 5-10, Block 479 of the Great Falls Original Townsite, Cascade County, Montana (subject property); and

WHEREAS, the subject property is presently zoned M-2 Mixed-use transitional, wherein a "Contractor Yard, Type II" land use is permitted upon receiving approval of a Conditional Use Permit; and

WHEREAS, the proposed Conditional Use Permit for the establishment of a “Contractor Yard, Type II” land use upon the subject property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF) Section 17.16.36.040; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on February 23, 2021 to consider said Conditional Use Permit application and, at the conclusion of said hearing, passed a motion recommending a Conditional Use Permit for a “Contractor Yard, Type II” land use be granted by the City Commission for the subject property, subject to the following conditions:

## CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT

1. **Subsequent Modifications and Additions:** If, after establishment of the conditional use, the owner proposes to expand or modify the use, 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 found in OCCGF 17.16.36.040. If such proposed change would alter a finding, the proposal shall be submitted for review as a new conditional use application. If such proposed change would not alter a finding, the owner shall obtain all other permits as may be required.
2. **Abandonment:** If the permitted conditional use ceases to operate for more than six months, the Conditional Use Permit shall expire.
3. **General Code Compliance:** The proposed project shall be developed consistent with the conditions of approval adopted by the City Commission, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.
4. **Acceptance of Conditions:** No Safety Inspection Certificate shall be issued until the property owner acknowledges in writing that it has received, understands, and agrees to comply with the conditions of approval.
5. **Site Improvements:** The existing fence shall have, at the minimum, slats installed to screen the use from the public outside the property. The portion of the fence that is located on City Right-of-Way shall be moved to the property line.

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

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

That a Conditional Use Permit be granted for a “Contractor Yard, Type II” land use at the property addressed as 214 7<sup>th</sup> Avenue South, Great Falls, Montana, and legally described as Lots 5-10, Block 479 of the Great Falls Original Townsite, T20N, R3E, PMM, Cascade County, Montana, conditioned upon the owner complying with the conditions listed herein; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that, pursuant to the Official Code of the City of Great Falls (OOCGF) 17.16.36.090, the permit shall be considered a covenant that runs with the land and shall be binding on all subsequent



property owners. Additionally, pursuant to OOCGF 17.16.36.100, the Conditional Use Permit shall expire one (1) year after the date of issuance unless substantial work has commenced under the permit and continues in good faith to completion. If the Conditional Use is established, but ceases to operate for more than six (6) months, the Conditional Use Permit shall expire.

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on June 15, 2021.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara Sexe, City Attorney

## **CONDITIONAL USE PERMIT - BASIS OF DECISION**

The applicant is requesting the approval of a Conditional Use Permit (CUP) for Contractor Yard, Type II in the M-2 district.

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

The proposed conditional use is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. Allowing for the establishment of a contracting business on a property that has long been vacant will help stabilize the area and fulfill the following objectives from the City's Growth Policy:

Phy 4.1 – Encourage a balanced mix of land uses through-out the City.

Phy 4.1.5 –Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.

Eco 3.5 – Continue efforts to support and develop small businesses in Great Falls.

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

The CUP would have no detrimental impact upon the health, safety, morals, comfort or general welfare of the community. The subject property has historically seen uses that are industrial in nature for almost 70 years. The applicant has also agreed to screen the interior of the property from the general public by adding privacy slats to the 6-foot high chain link fence that currently surrounds the property.

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

The conditional use will not be injurious. The property is surrounded by M-2 zoning and non-residential land uses on three sides. The land use designation of Mixed-Use Transitional supports the transition over time from a once-thriving industrial, railroad corridor with large tracts of land and large warehouse-type structures to a blend of light-industrial businesses, professional services, and other compatible uses.

The future contractor yard activity on the property will also be buffered adequately from the residentially zoned area to the east by the applicant's proposal to provide screening slats into the existing 6-foot high chain-link fence to help protect views from the general public outside of the property. This conditional use will not adversely impact the use, enjoyment or property value of any property in the immediate vicinity.

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

The proposed project will not impede the normal and orderly development and improvement of surrounding properties. There are no vacant lots in the immediate vicinity of the Subject Property. Adjacent property owners have been notified regarding the project. City Staff did receive a call from a neighbor with questions regarding how a "Contractor Yard, Type II" is defined by the Official Code of the City of Great Falls.

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

The facility is existing and currently has services and infrastructure that meet all City standards. The subject property will only be used to store construction vehicles and related materials within its boundaries but if, in the future services are needed, there are adequate City services to facilitate more development of the Subject Property.

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


The property and its proposed use have existing functioning ingress and egress. Existing driveway accesses are located on 7<sup>th</sup> Avenue South and 3<sup>rd</sup> Street South.

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

The proposed project will conform to all the applicable regulations of the Land Development Code. The applicant is not proposing any new building on the property at this time.

EXHIBIT A



 Parcel selection

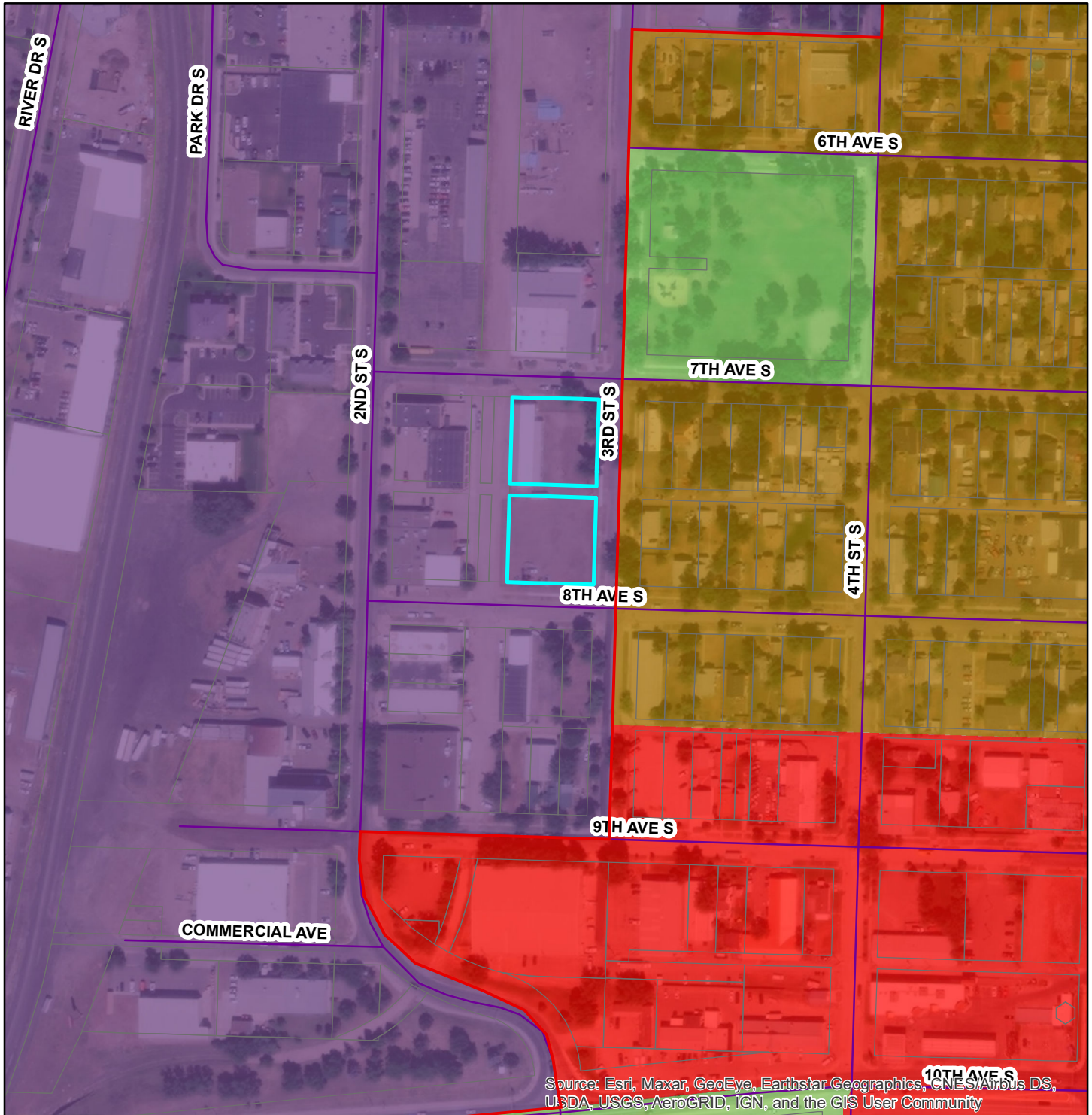
 City Limits



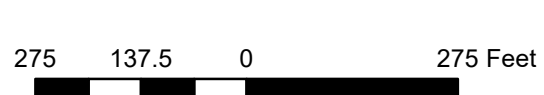


# ZONING MAP

Agenda #18.



- R-9 Mixed Residential
- C-2 General Commercial
- M-2 Mixed-use Transitional
- POS Parks and Open Space





## **SHEFFELS FARMS, Inc.**

PO Box 1545 Great Falls, MT 59403-1545  
Office: (406) 761-8805 Shop: (406) 761-4882

January 20, 2021

### **Conditional Use Permit - Narrative**

Sheffels Farms, Inc. (SFI) is requesting a Conditional Use Permit to continue to use its property at 214 7th Avenue South as a Contractor II type yard. As SFI is no longer operating its own business on the property it has been used as rental property for the last 40 some years. Without the Contractor II use designation which would allow for the property to be used by contractors, electricians, plumbers, heating and air and the like (trades) there are very few practical uses for the lot. Not allowing this use would be a significant 'taking' of value from the property.

During the majority of the time between the 1970's and now the back lot at 714 7<sup>th</sup> Avenue South has been unoccupied. It is difficult to find profitable, practical use of this space. Our only renters of this space have been the grain merchant and the contractor. Both of which fall into the Contractor II use designation.

Sheffels Farms was founded NE of Great Falls around 1918. It has been successfully farming small grains and oil seeds for over 100 years. The founders of the farm came from Washington State. One of the tenants of the successful farm business has been diversification. The family intermingled ownership of land in the farms in Washington and Montana to reduce the risk of crop failure in either state.

Sheffels Farms, Inc. was established in 1948. It is currently owned by John and Jim Sheffels, their children, grandchildren, and one nephew.

The family also owned Central Machinery Company which was the Caterpillar dealership in Great Falls, Havre, and Lewistown. SFI made its first purchase of property in downtown Great Falls in 1953.





Through the 50's, 60's, and some of the 70's the property was used as a heavy equipment dealership. Caterpillar tracked D-series tractors, motor graders, scrapers, loaders, and others were offloaded from rail cars, stored on the back lot, repaired, and loaded on trucks for delivery. This dealership was at the south end of "Machinery Row." There were many other equipment dealers further north up 2<sup>nd</sup> Street. The use of the yard at 714 7<sup>th</sup> Avenue South would have fit the definition of 'Contractor Type II' during this time. Although this industrial use of the entire lot would no longer be allowed, SFI would like to continue to use the yard for storage of equipment and materials.

The surrounding property hasn't physically changed very much over this time. The property does border a residential zone for ½ block on 3<sup>rd</sup> St South and 8<sup>th</sup> Avenue South. At some point the city re-zoned Machinery Row as M-2, mixed-use transitional.

#### 17.20.2.040.A.14 - Establishment and purpose of districts.

**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.

(highlighting added)

Item 29. Of Exhibit 28-1 of Chapter 28, Section 17.28.050 referenced above states:

29. Exterior storage of materials. Exterior storage of materials in an M-2 zoning district shall be attractively screened.

This property is currently fenced with 6-foot high chain link topped with security wire. If this CUP is approved, SFI will add slats to the entire existing fence to effectively screen the contents of the yard from view. We have spent significant effort looking for a more attractive, cost effective alternative, but this is the best that is available. We are very open to explore other, more attractive options.

As this is a rental property, SFI requests that this CUP apply to the property regardless of the current occupant, prior use, occupancy, or owner.





Sheffels Farms, Inc.  
CUP application – Site Plan  
Add Dark Brown screening to existing  
Chain link fence (outlined in black)

# RESOLUTION 10405

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 8<sup>TH</sup> ALLEY SOUTH WITHIN BLOCK 479, GREAT FALLS ORIGINAL TOWNSITE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-3-4448, MONTANA CODE ANNOTATED AND DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

\* \* \* \* \*

WHEREAS, the subdivision plat of the Great Falls Original Townsite dedicated a twenty (20) foot wide right-of-way for 8<sup>th</sup> Alley South within Block 479; and,

WHEREAS, on the 8<sup>th</sup> day of September, 1958, the Council of the City of Great Falls, Montana vacated a portion of 8<sup>th</sup> Alley South legally described as “That part of 8<sup>th</sup> Alley South lying East of Second Street South and West of the West Boundary Line of Lot 8 and the West Boundary line of the East Half of Lot 6 in Block 479, Original Townsite to the city of Great Falls, Montana,” by Ordinance 1280; and

WHEREAS, Sheffels Farms, Inc., owns the properties on both sides of the remaining portion of said right-of-way and has submitted a petition to have the remaining portion of said 8<sup>th</sup> Alley South vacated; and,

WHEREAS, it is determined retention of the remaining portion of 8<sup>th</sup> Alley South within Block 479 for access by the public is not needed and an easement will suffice to accommodate public and private utilities, both buried and overhead, existing in the Alley; and,

WHEREAS, an Amended Plat of Lots 6-8, Block 479, Great Falls Original Townsite as well as the vacated right-of-way, shall be prepared which reflects the requested vacated right-of-way; and,

WHEREAS, the right-of-way therein of any owner is not impaired by the requested vacation; and

WHEREAS, at its regular meeting held on May 18, 2021, the City Commission of the City of Great Falls, Montana, passed and adopted Resolution 10404, titled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 8<sup>TH</sup> ALLEY SOUTH WITHIN BLOCK 479, GREAT FALLS ORIGINAL TOWNSITE, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-3-4448, MONTANA CODE ANNOTATED AND DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

WHEREAS, notice was provided pursuant to Mont. Code Ann. § 7-3-4448(2); and

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls, Montana, on the 15th day of June, 2021, at 7:00 p.m. in the Commission Chambers of the Civic Center, 2 Park Drive South, Great Falls, Montana, where said Commission heard all persons relative to the proposed vacation of a portion of 8<sup>th</sup> Alley South between 7<sup>th</sup> Avenue South and 8<sup>th</sup> Avenue South in Block 479 of the Great Falls Original Townsite Addition.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that a portion of 8<sup>th</sup> Alley South between 7<sup>th</sup> Avenue South and 8<sup>th</sup> Avenue South in Block 479 of the Great Falls Original Townsite Addition, is hereby vacated.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the Amended Plat of Lots 6-8, Block 479, great Falls Original Townsite Addition including those portions of vacated rights-of-way, has been prepared which reflects the aggregation of the existing parcels in the park and the requested vacated rights-of-way into two parcels.

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 15th day of June, 2021.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 15<sup>th</sup> day of June, 2021.

---

Bob Kelly, Mayor

ATTEST:

---

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

---

Sara Sexe, City Attorney



## **SHEFFELS FARMS, Inc.**

PO Box 1545 Great Falls, MT 59403-1545  
Office: (406) 761-8805 Shop: (406) 761-4882

April 16, 2021

Mayor Bob Kelly & City Commissioners  
City of Great Falls  
PO Box 5021  
Great Falls, MT 59403-5021

Re: Vacate a portion of the alley between 7<sup>th</sup> and 8<sup>th</sup> Avenue South at 3<sup>rd</sup> Street

We, the undersigned, are asking the City Commission of the City of Great Falls to vacate a portion of the alley; the east half of the northern portion of the 8<sup>th</sup> Alley South to the south of lot 6 and the portion of 8<sup>th</sup> Alley South between Lots 7 and 8. The procedure to vacate streets is outlined in the Montana Code Annotated 7-3-4448 and requires a petition in writing of at least the Owners of the lots on the street or alley; and approval by a majority vote of the council. The undersigned represent 100% of the owners.

The alley described is at Cascade County, Montana, PMM, Township 20 North, Range 3 East, Section 12, Block 479 and located between lots 7 and 8. It also includes the north-eastern portion of the alley to the south of Lot 6. All of these lots are owned by Sheffels Farms, Inc. The remainder of this alley in Block 479 has previously been vacated, see attached drawing.

We appreciate your consideration in this matter.

Owners:

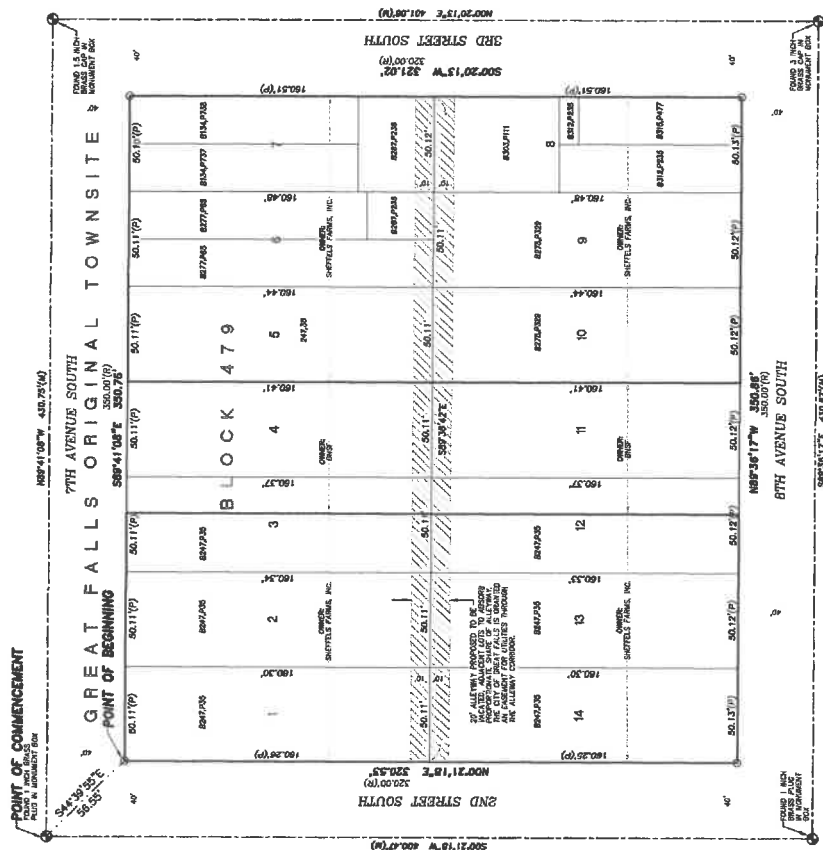
Sheffels Farms, Inc.

Signature:

  
James Sheffels, President

Date:

4/16/21



**ABBREVIATIONS**

(M)	MEASURED DIMENSION
(R)	RECORD DIMENSION
(P)	PROPORTIONED DIMENSION

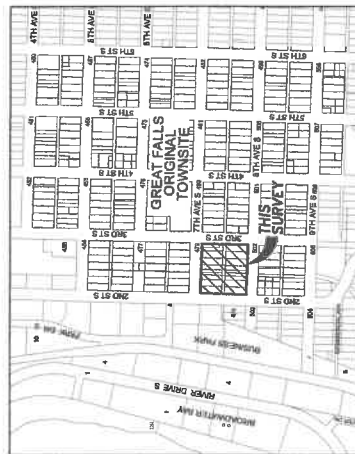
**RECORD DOCUMENTS**

**CERTIFICATE OF SURVEYOR:**  
I, MARK LEO PROFESSIONAL ENGINEER AND LAND SURVEYOR, DO HEREBY CERTIFY THAT DURING THE MONTH OF \_\_\_\_\_, 2021, I PERFORMED UNDER MY DIRECT SUPERVISION, THE SURVEY OF \_\_\_\_\_, AND THAT THIS SURVEY IS IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE M.C.A., AND THAT THE MONUMENTS FOUND AND SET ARE IN THE POSITIONS SHOWN HEREON.

DATE: \_\_\_\_\_ DAY OF \_\_\_\_\_ 2021.

**BASIS OF BEARING**  
THE BEARING SOURCE FOR THIS SURVEY IS BASED ON AN RTK GPS SURVEY CONDUCTED BY THE SURVEYOR. THE COORDINATES OF THE SURVEY POINTS ARE SHOWN ON THE ACCOMPANYING MAP.

MARK LEO, PROFESSIONAL ENGINEER AND LAND SURVEYOR, UT LICENSE NUMBER 12920678



T. 20 N., R. 03 E.  
VICINITY MAP

**SHEET TITLE:** BLOCK 479 ALLEY VACATION

**FIELD BOOK COMPLETION:** 5/24/21

**COMMITTEE MEM:**

**JOB NO./DRAWING NAME:** 21AB/AM PLAT

**DESIGNED BY:** CRB

**DRAWING DATE:** 4/2/21

**BIG SKY CIVIL & ENVIRONMENTAL, INC**

3124 N 1830 Ave. SW  
 SUITE 200  
 GREAT FALLS, MT 59403  
 (406) 727-2145  
 (406) 727-3856 F



**CERTIFICATE OF OWNER:**  
THE UNDERSIGNED, AUTHORIZED REPRESENTATIVE OF GUY TABACORD CONSTRUCTION COMPANY, INC., THE SUBJECT CONTRACTOR, SHOWN HEREON, CERTIFY THAT I HAVE REVIEWED THE ABOVE SET OF PLANS, SPECIFICATIONS AND CONDITIONS, AND I AM REQUESTED TO BE SURVEYED, AND LOTS ADJACENT, THE FOLLOWING DESCRIBED REAL PROPERTY TO WIT:

[illegible]

**PURPOSE:** CERTIFY THAT THE PURPOSE OF THIS SURVEY IS TO RETRACE AN EXISTING BLOCK FOR THE PURPOSE OF THE VACATION OF AN EXISTING ALLEYWAY. THE ALLEYWAY VACATION DOES NOT CREATE ADDITIONAL LOTS, THEREFORE IS NOT A SUBDIVISION.

STEVE SHEFFELS, AUTHORIZED REPRESENTATIVE OF  
 COUNCIL ON AMERICAN-SOVIET FRIENDSHIP, INC.

STATE OF MONTANA)

FROM THIS DAY OF 2021, BEFORE ME, THE  
COUNTY OF CASCADE)  
APPEAR AND STATE SHEFFELS, AUTHORIZED REPRESENTATIVE OF SHEET  
WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND  
YEAR HEREIN ABOVE FIRST WRITTEN.

NOTARY PUBLIC FOR THE STATE OF MONTANA

PRINTED NAME:

RESIDING AT:

MY COMMISSION EXPIRES:

AN ORDINANCE VACATING THAT PART OF EIGHTH ALLEY SOUTH LYING EAST OF SECOND STREET SOUTH AND WEST OF THE WEST BOUNDARY LINE OF LOT EIGHTH AND THE WEST BOUNDARY LINE OF THE EAST HALF OF LOT SIX IN BLOCK 479, ORIGINAL TOWN-SITE TO THE CITY OF GREAT FALLS; MONTANA.

\* \* \* \* \*

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. WHEREAS, the owners of all of the lots abutting that part of Eighth Alley South lying East of Second Street South and West of the West Boundary Line of Lot 8 and the West Boundary line of the East Half of Lot 6 in Block 479, Original Townsite to the City of Great Falls, Montana, have filed and presented to the City Council of the City of Great Falls, Montana, their petition in writing to vacate that part of Eighth Alley South lying East of 2nd Street South and West of the West Boundary Line of Lot 8 and the West Boundary Line of the East Half of Lot 6 in Block 479, Original Townsite to the City of Great Falls, Montana; and,

WHEREAS, the City Council of the City of Great Falls has determined and does hereby determine that good cause and reason exist to vacate that part of 8th Alley South lying East of 2nd Street South and West of the West Boundary Line of Lot 8 and the West Boundary Line of the East Half of Lot 6 in Block 479, Original Townsite to the City of Great Falls, Montana, and that the vacating of same will be to the public interest and that the same may be vacated without detriment to the public interests; and,

WHEREAS, notice of hearing said petition has been duly given in the manner and form and for the time prior to this date, all as required by law; and,

WHEREAS, public hearing has been held, as provided by law, and whereas there has been no objection raised to the vacating of that part of 8th Alley South lying East of 2nd Street South and West of the West Boundary Line of Lot 8 and the West Boundary Line of The East Half of Lot 6 in Block 479, Original Townsite to the City of Great Falls, Montana; NOW, THEREFORE,

Section 2. That part of Eighth Alley South lying east of Second Street South and West of the West Boundary Line of Lot 8 and the West Boundary Line of the East Half of Lot 6 in Block 479, Original Townsite to the City of Great Falls, Montana, be and the same is, hereby discontinued, vacated, and closed, subject to the following reservations: The City of Great Falls reserves the right to enter upon any portion of said alley so closed and vacated for the purpose of constructing for any municipal purposes, either above or below the surface of said street, and with the further reservation that the said city may grant the

-Page One-



right to any public service company to use any portion of said alley, either above or below or below the surface, for the purpose of laying or replacing gas mains or conduits or erecting pole lines or any other work of improvement declared by the City Council necessary, and further reserves the right to maintain such improvements, either municipal or public, with the understanding that no structure or building shall be placed thereon, and further that if it is necessary to remove any improvement placed thereon, for construction or maintenance purposes, such improvement shall be replaced and restored at the expense of the property owners abutting said vacated alley.

Section 3. This ordinance shall become effective thirty (30) days after its passage and approval.

PASSED by the Council of the City of Great Falls, Montana, this 8<sup>th</sup> day of September, 1958, and APPROVED by the Mayor of said City this 8<sup>th</sup> day of September, 1958.

ATTEST:

Fred L. Hill  
City Clerk

(SEAL OF CITY)

James W. DePoff  
Mayor

STATE OF MONTANA, )  
County of Cascade, ) ss.  
City of Great Falls. )

I, FRED L. HILL, Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance No. 1280 was regularly placed on its final passage and passed by the Council of said City at a meeting thereof held on the 8<sup>th</sup> day of September, 1958, and that the same was approved by the Mayor of said City on the 8<sup>th</sup> day of September, 1958.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this 9<sup>th</sup> day of September, 1958.



Fred L. Hill  
City Clerk

STATE OF MONTANA, )  
County of Cascade, : ss.  
City of Great Falls. )

10 10 31 1958

FRED L. HILL, being first duly sworn, deposes and says: That on the 9<sup>th</sup> day of September, 1958, and prior thereto, he was the City Clerk of the City of Great Falls, Montana; that as said City Clerk, he did on the 9<sup>th</sup> day of September, 1958, post as required by law and as prescribed and directed by the City Council, Ordinance No. 1280 of the City of Great Falls in five conspicuous places within the limits of said City, to-wit:

On the billboard of the First Floor of the Courthouse;

At the entrance to the Police Station, 423 - 2d Avenue South;

On the front of the West Side Fire Station, 526 - 2d Avenue S.W.;

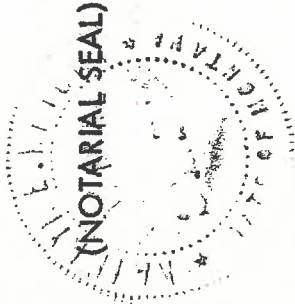
On the Bulletin Board on the First Floor of the Civic Center Building;

On the Bulletin Board of the East Side Fire Station, 3301 - Central Avenue.

(SEAL OF CITY)

Tom L. Hill  
City Clerk

SUBSCRIBED AND SWORN to before me this 9<sup>th</sup> day of September, 1958.

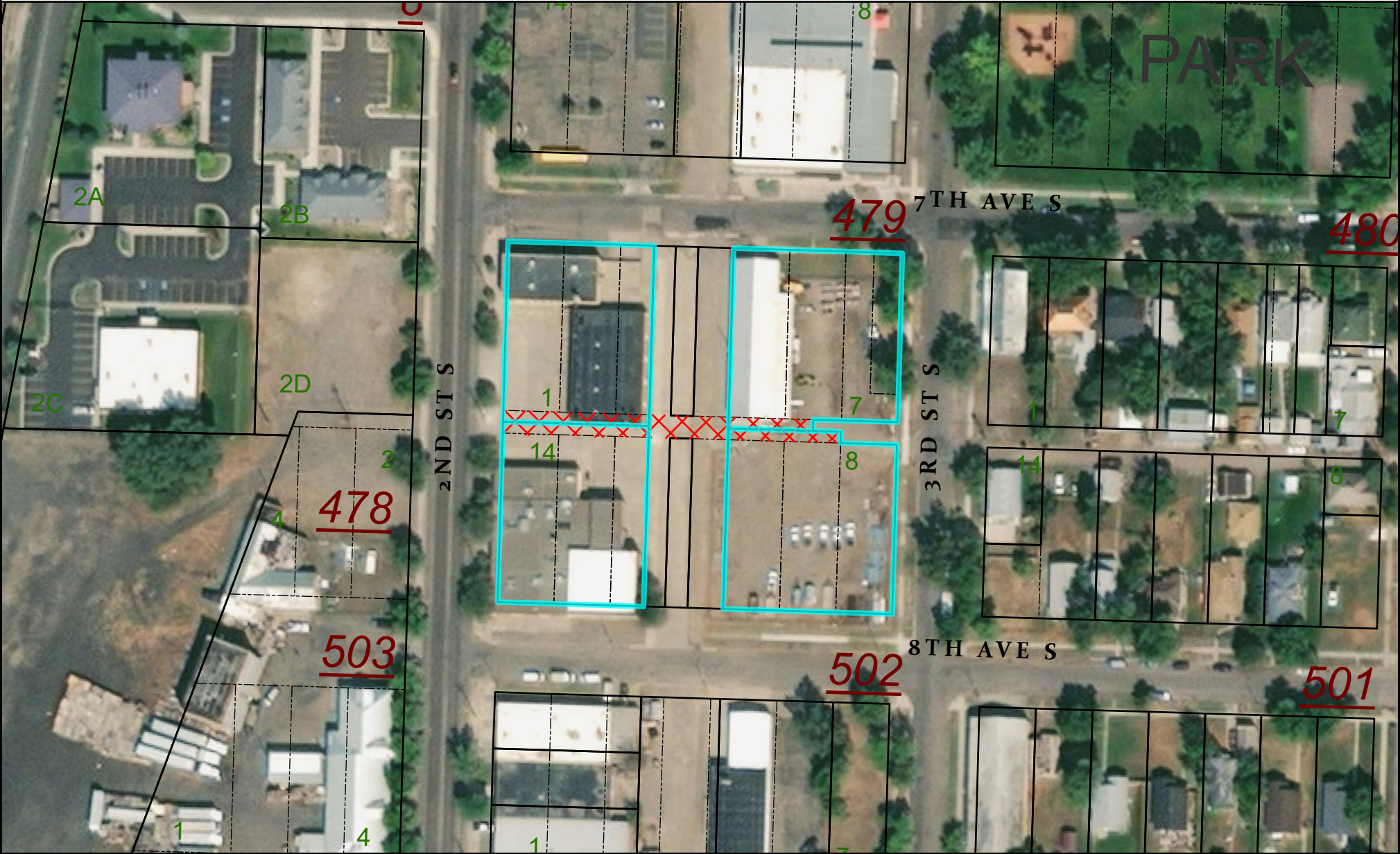


Kathryn C. Wright  
Notary Public for the State of Montana.  
Residing at Great Falls, Montana.  
My Commission expires Aug 26, 1961

-Page Three-



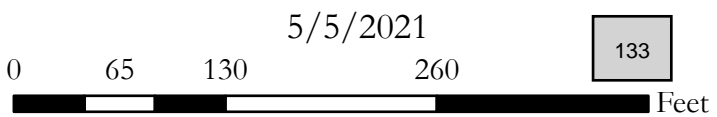
# Ordinance 1280



- Legend**
- Lot Lines
  - ▭ Parcels
  - XXXX Vacated ROW - 1958



Map exhibit is for reference only and is not survey grade. For questions, please contact City of Great Falls Mapping & Addressing.





Commission Meeting Date: June 15, 2021

**CITY OF GREAT FALLS  
COMMISSION AGENDA REPORT**

**Item:** Resolution 10410, A Resolution to Submit MT Gems, Inc.'s Application to the Big Sky Economic Development Trust Fund Program.

**From:** Great Falls Development Authority

**Initiated By:** Great Falls Development Authority

**Presented By:** Jolene Schalper, Great Falls Development Authority

**Action Requested:** Adopt Resolution 10410 to Submit The MT Gems, Inc. Application to the Big Sky Economic Development Trust Fund Program administered by the Department of Commerce, and designate the Great Falls Development Authority to manage all aspects of the grant.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 10410.”

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

---

**Summary:** The MT Gems, Inc. along with Great Falls Development Authority (GFDA) is requesting the City approve a grant submittal for a BSTF Grant in the amount of \$27,000. GFDA will manage all aspects of the grant.

**Background:** The BSTF program is designed to aid in the development of good paying jobs for residents and promote long-term, stable economic growth in Montana. It has two distinct methods for achieving this goal. The first is through job creation funding (Category I) which receives 75% of the program funding and the second is through planning projects (Category II) which receives 25% of the funding.

MT Gems, Inc. is eligible for Category II funding. Category II includes grants or loans to assist with economic development planning efforts that promote long-term, stable economic growth in Montana.

In order to apply for funding through the BSTF, one of the following entities must apply for the grant or loan (as well as administer awarded funds) on behalf of an eligible business:

- Incorporated city or town;
- County Consolidated government;
- Tribal government Public districts; or
- local public entities with the authority to spend or receive public funds.

In order for a business to be eligible to receive funding they must use the funds for the following activities:

- support for business improvement districts;
- central business district redevelopment;
- industrial development;
- feasibility studies;
- creation and maintenance of baseline community profiles;
- matching funds for federal funds;
- preproduction costs for film or media; and
- administrative expenses.

The maximum grant or loan award is \$27,000 per application. Projects provide a \$1 for \$1 match to show the local commitment. In-kind contributions are not considered match.

Quarterly reports are due for each year the contract is open (2-year grant or loan awards), or with a request for reimbursement of grant or loan funds. Applications are accepted throughout the year until all available funds are committed.

**Purpose:**

Currently, MT Gems, Inc, dba Ruby and Sapphire houses, care for those in need of assisted living and Dementia care in two locations. They share a common area between them in a secured yard. This gives all residents a sense of freedom to go back and forth while still being safe and secure.

MT Gems will be building an addition to encompass all levels of needed care to include on-site daycare for staff, full retirement apartments, assisted living and Dementia care units all under one roof. This project should increase jobs by 12 or more permanent full-time staff. All residents will have access to all meals, housekeeping, and activities. This larger structure will give them more suites to house residents in all stages of mental and/or physical needs. They want to be able to have couples under one roof so they can spend as much time as they desire without the struggle of giving that care that is so needed for their spouse. This building will allow more space for activities in a safe and secured environment.

MT Gems does not have room to have those who only need retirement living to be near the spouses who need more care. The elderly need a choice to stay close to their spouse even though they, themselves, can no longer be the care giver 24/7. They need a choice on their own terms of how much care they want to give and when.

The Requestor stated in the application, the drive is to make this project happen is due to seeing, over the past 17 years, couples having to live separately due to one being healthy and the other not. This is commonly due to some type of Dementia. The healthy spouse comes to visit as often as possible, good and bad weather, to be involved and try to keep that promise they all make: "I will keep you at home and take care of you." As much as couples mean what they say in the beginning they cannot keep this promise. They do their best, but often, they become ill trying to be that 24/7 caregiver. This same 24/7 caregiver has the impossible task of trying to find a reliable, consistent, and well-trained helper while living in their own home even for just a few hours per day. Friends and family assist when they can, but it is never enough for the 24/7 care giver. And when that happens, it becomes a crisis for both.

This project takes care of a growing economic problem and gives value and a great service to the community. This is essential to our aging community. It helps ages birth to 100+. Families can come and enjoy their parents/grandparents company knowing everything is taken care of. Staff will not have to worry about daycare as it will be on site.

**Fiscal Impact:**

There is no fiscal impact to the City of Great Falls. Funding for the BSTF is provided through (MCA 90-1-2) House Bill 249, which was passed by the 59<sup>th</sup> Legislature, and on July 1, 2005, \$20 million was transferred from the Coal Severance Tax Permanent Fund to the Big Sky Economic Development Trust Fund. Additionally, a portion of the total coal severance taxes is collected annually and deposited into the BSTF. Interest earnings only, not principal, from the BSTF are available for financial assistance to local governments and economic development organizations through application to the Department of Commerce.

**Alternatives:** The Commission could choose not to adopt Resolution 10410.

**Attachments/Exhibits:**

Resolution 10410

BSTF Grant Application

## RESOLUTION 10410

### A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, RELATING TO MT GEMS, INC ROBIN FLEEK APPLICATION TO THE BIG SKY ECONOMIC DEVELOPMENT TRUST FUND PROGRAM, ADMINISTERED BY THE STATE OF MONTANA DEPARTMENT OF COMMERCE, ON BEHALF OF THE GREAT FALLS DEVELOPMENT AUTHORITY

**WHEREAS**, the Great Falls Development Authority is committed to facilitating economic diversification in the City and the region; and

**WHEREAS**, the City Commission is committed to facilitating Planning project and expansion, thus positively impacting the economy of the entire region; and

**WHEREAS**, MT Gems, Inc Robin Fleek desires to expand its business, build an additional facility, and create additional jobs in Great Falls; and

**WHEREAS**, the City Commission has determined that MT Gems, Inc Robin Fleek has growth potential and supports economic diversity; and

**WHEREAS**, the Montana Department of Commerce administers the Big Sky Economic Development Trust Fund Category II Planning project program, which is a state-funded program to assist with economic development planning efforts that promote long-term, stable economic growth in Montana, create partnerships, expand existing businesses and provide a better life for future generations through greater economic growth and prosperity in Montana; and

**WHEREAS**, the City Commission hereby authorizes and appoints the Great Falls Development Authority to administer, on behalf of the City of Great Falls, all aspects of the Economic Development Grant, and provide administrative support and other responsibility for the management and appropriate reporting to the Montana Department of Commerce.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Great Falls, Montana, that the City submit an application, on behalf of the Great Falls Development Authority, to the Big Sky Economic Development Trust Fund Program to assist MT Gems, Inc Robin Fleek in its expansion project and that Great Falls Development Authority manage all aspects of the grant.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, June 15, 2021.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

---

Sara R. Sexe, City Attorney





Application

111566 - DOC - Big Sky Economic Development Trust Fund (BSTF) - Planning Projects - FY22-01

113105 - Emerald and Diamond addition (BSTF) - Planning Projects - FY22-01

DOC MOTBD BSTF Planning Projects

Status: Editing

Submitted Date:

## Primary Contact

Name:\* Ms. Robin Fleek  
Salutation First Name Middle Name Last Name

Title:

Email: mtgemsinc@gmail.com

Alternate Email

Address: 811 2nd Ave S

\* Great Falls Montana 59405  
City State/Province Postal Code/Zip

Phone:\* 406-761-1155  
Phone Ext. ###-###-####

Alternate Phone 406-453-0607

Fax: 406-761-2091

## Organization Information

Name: MT Gems, Inc.

Organization Type: For-Profit - Privately Held

Organization Website: mtgemsinc.com

Address: 811 2nd Ave S

\*  
 Great Falls Montana 59405  
 City State/Province Postal Code/Zip  
 Phone: 406-761-1155  
 Ext.  
 Alternate Phone 406-453-0607  
 Fax: 406-761-2091  
 Email address mtgemsinc@gmail.com  
 Alternate Email  
 Vendor ID

## Applicant Information -- Eligible Applicant Information

### Eligible Applicant

*Eligible applicants are CRDC, Local or Tribal Governments and approved EDO, which are located in a county that is not part of a CRDC region and meet program eligibility requirements. **The organization that is preparing the application must match the organization that is selected below. If the organizations do not match, please withdraw the application and contact the BSTF Program.***

### CRDC or EDO

*If your name does not appear on the list and you believe that you meet the program eligibility requirements, please contact the BSTF Program.*

### Tribal

City GREAT FALLS

County

Authority

### Authorized Contract Signatory

Enter full name \* Gregory Doyon  
 First Name Last Name

City Manager

Title

Email Address of Contract Signatory gdoyon@greatfallsmt.net

## Applicant Information -- Project Summary Information

Proposed Use of BSTF Funds: Feasibility Studies

*Eligible Activities Listed in Section D.2 of the Application Guidelines.*

Physical address of the project 805 2nd Ave S, Great Falls, MT

County Cascade



Type of Assistance Requested	Grant
<i>Grant or Loan</i>	
Total Project Cost	\$52,000.00
<i>Leave Blank - this amount will be automatically updated from your submitted budget.</i>	
Amount of BSTF Funds Requested	\$27,000.00
<i>Leave Blank. This amount will be automatically updated based on your submitted budget.</i>	
Total Cash Match	\$25,000.00
<i>Leave blank - as this will automatically update from the submitted budget</i>	

## Applicant Information -- Assisted Business/Entity

Assisted Entity's Name	MT Gems, Inc Robin Fleek	
<i>Who is the work being done for?</i>		
<i>What is the mailing address for the Assisted Business/Entity.</i>		
Mailing Address	811 2nd Ave S	
	Great Falls	Montana
	City	State
	59405-2101	
<i>Zip (Use xxxxx-xxxx format) To look up your 4 digit extension, click here USPS Zip Code Look Up</i>		
Contact Person for the Assisted Entity	Robin	Fleek
	First Name	Last Name
Title	President	
Phone Number	641-233-8500	
<i>Use xxx-xxx-xxxx format</i>		
E-Mail Address	mtgemsinc@gmail.com	
North American Industrial Classification System (NAICS) Code	623312 623311	
<i>Enter the most appropriate NAICS Code that matches the Assisted Business/Entity. To look-up your NAICS code, click on: NAICS Look Up</i>		
Total Number of New Jobs to be Created	12	
<i>Enter a number only. If not applicable, leave blank.</i>		
Explanation of Jobs		
<i>If New Jobs are to be created, please provide information regarding the types of jobs to be created. For example: Full-time (35+ hours per week), Part-time (25-34 hours per week), Direct or Indirect, potential number of BSTF eligible jobs, etc.</i>		
Caregivers - 5		
Laundry staff - 1		
Cook - 2		
Reception - 2		
drivers - 1		
cleaning - 1		
Total Positions created - 12		

## Applicant Information - Partner Organizations

Organization Name

Great Falls Development Authority

*If not applicable, mark the field N/A*

Contact Person within the Organization

Rustin

Lippincott

First Name

Last Name

Organization Address

405 3rd St NW # 203

Great Falls

Montana

City

State

59404-4115

*Zip (Use xxxxx-xxxx format) To look up your 4 digit extension, click here [USPS Zip Code Look Up](#)*

Phone Number

406-590-1301

Email Address

Rustin@GrowGreatFalls.org

What are the partner organization's responsibilities relative to the proposed project?

Administer on behalf of CC or City of Great Falls all aspects of the planning grant. Provide admin support and other responsibilities for the management and appropriate reporting to the MT Dept of Commerce.

## Project Information - Overview

Please describe, in detail, the proposed project.

This initial phase will be to get a cost analysis from Phillip Faccenda, Architect, for project costs.

MT Gems will be building an addition to encompass all levels of needed care to include on-site daycare for staff, full retirement apartments, assisted living and Dementia care units all under one roof. This project should increase jobs by 12 or more permanent full-time staff. All residents will have access to all meals, housekeeping, and activities. This larger structure will give us more suites to house residents in all stages of mental and/or physical needs. We want to be able to have couples under one roof so they can spend as much time as they desire without the struggle of giving that care that is so needed for their spouse. This building will allow more space for activities in a safe and secured environment.

We don't have room to have those who only need retirement living to be near the spouses who need more care. The elderly need a choice to stay close to their spouse even though they, themselves, can no longer be the care giver 24/7. They need a choice on their own terms of how much care they want to give and when. We take care of the rest. My drive to make this project happen is due to seeing, over the past 17 years, couples having to live separately due to one being healthy and the other not. This is commonly due to some type of Dementia. The healthy spouse comes to visit as often as possible, good and bad weather, to be involved and try to keep that promise they all make. "I will keep you at home and take care of you". As much as couples mean what they say in the beginning they cannot keep this promise. They do their best, but often, they become ill trying to be that 24/7 caregiver. This same 24/7 caregiver has the impossible task of trying to find a reliable, consistent, and well-trained helper while living in their own home even for just a few hours per day. Friends and family assist when they can, but it is never enough for the 24/7 care giver. And when that happens, it becomes a crisis for both.

I want couples to spend as much time together as they desire.

This project takes care of a growing economic problem and gives value and a great service to the community. This is essential to our aging community. It helps ages birth to 100+. Families can come and enjoy their parents/grandparents company knowing everything is taken care of. Staff don't have to worry about daycare as it will be on site.

[Describe the assisted entity or business.](#)

Currently, MT Gems, Inc, dba Ruby and Sapphire houses, care fore those in need of assisted living and Dementia care in two locations. They share a common area between them in a secured yard. This gives all residents a sense of freedom to go back and forth while still being safe and secure.

After opening the new MT Gems, the previous structures will be changed into a veterans assisted living home.

[Please describe what activities the BSTF funds will be used for.](#)

These funds, matched with my own, will be used for a cost analysis for the project. This cost annalysis will include architecture and engineering for the facility.

[Please describe how the proposed BSTF project fits into Governor Gianforte Montana Comeback Plan.](#)

Gianforte's plan seeks to increase access to good high quality health care. This facilitiy would provide additional resources to the Great Falls area. Patients would have greater care for those suffering from memory issues while staying close to their families. This will also meet the goal to "Provide a Strong Safety Net for the Most Vulnerable" by creating more choice in the region and a new oportunitty to keep families together.

The planning grant and eventual facility directly meets the need specified in this quote form the plan - "Greg will also ensure there is a strong social safety net for individuals with disabilities, seniors, and the most vulnerable among us who need it most."

[Identify the entities involved in completing the proposed project, including management of the project/staffing plan.](#)

Phillip Faccenda 868-9235 will be the architect to design the building with my detailed input and supervise the construction. He will work with engineers.

Expected contractor will be Oswood Construction, 761 1465 per Faccenda's recommendation.

Permits will be done by the City of Great Falls.

The current desired location is 25th Street and 6th Ave S. It is already zoned C-1 which is what we need. We will have the property lines removed to make one lot.

I have met with Erin Borland and Tom Micuda at the City Planning Dept. I will not need to go to the City Commission or the planning board for this. I will not need to go through the process of conditional use. I meet with more City staff on 9/4-Kenny- regarding streets, Dustin-plans for exits, Nate-environmental, storm, water and kitchen, and David the city engineer.

[Provide an implementation plan or timeline for the project activities from start-up through closeout.](#)

The Phase 1 project is expected to start as soon as we have funding.

[Specify if outside professional services will be procured.](#)

Architect, Phillip Faccenda of Great Falls and he will subcontract with engineers fir tge .  
Oswood Construction of Great Falls

[Provide any relevant historical information on this project or the region it could support.](#)

In February 2003, I opened Sapphire house assisted living. Over the years, I increase our license to handle higher levels of care. In 2009, we opened Ruby House. This 2nd stucture was custom built to house mainly Dementia residents. I was able to incorporate all the things the Sapphire structure could not. After 17 years, I have seen the heart ache of couples being forced to be seperated. I want to fix that situation. In order to do this, I need a larger structure to facilitate this next chapter in "community livng".

We currently have residents from all over the State of Montana and other states as well. This project will be a great addition to the choices our elderly will have. I dont know of any other facilities that will have all these benefits for residents and staff. We will be our own community from age 0-100+.

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## Project Information - Economic Impact Statement

### [Impact Statement](#)

This project will have a huge impact on our elderly population. Couples will no longer have to choose between jeopardizing both their health and safety and having to be seperated. This impact will also have downstream affects on the children of elderly patients.

Many prime wokring age adults also are providing care for elderly parents. This tends to encourage them to work fewer hours, pass up promotions, and take more time away from their careers. This creates a drag on the economy. Privinging more options for elder care will create a boost to the economy by freeing up these employees and potential employees to excel in their career.

This will also provide direct jobs and a boost in tax base for Great Falls.

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## Project Objectives & Deliverables

### [Objectives](#)

[What are the objectives? Please describe, in detail, the objectives of the project](#)

The objective of this project phase 1 is to get a cost estimate of the entire project for a new retirement, assisted, and dementia care home with an on-site daycare.

The cost estimates will include detailed architectural drawings as well as any engineering drawings for the facility.

## Deliverables

What will be the deliverable(s)? Provide a bullet list detailing what will be delivered to the Department that demonstrates that the objectives were met at the end of the project.

Cost estimate based on the preliminary floor plan by Phillip Faccenda, Architect.

## End Use

What is the intend use of the document to be created with BSTF assistance?

*Examples, - The PAR document will be used towards an application to the MT Community Development Block Grant Program. - The conceptual design drawing will be the basis for an building permit from the City for the construction of the facility. We highly encourage you to check with the end funders for their specific requirements.*

The preliminary plans will be used to estimate the cost of the project. This will give us the information for a construction bid and the cost of permits by the City of GF.

## Overall Project Budget

Deliverable	Activity	BSTF Request	Other Funding Source	Total Project Cost
Administration	Administration	\$2,000.00	\$0.00	\$2,000.00
Project Cost Assessment including Architecture and Engineering	Professional Services	\$25,000.00	\$25,000.00	\$50,000.00
		\$27,000.00	\$25,000.00	\$52,000.00

## Budget Narrative - Other Funding Sources

Other Funding Source	Source	Amount	Status
Funding Source		\$0.00	
Funding Source	MT Gems Funding	\$25,000.00	Committed
Funding Source		\$0.00	
Funding Source		\$0.00	
Funding Source		\$0.00	
Funding Source		\$0.00	
Funding Source		\$0.00	
Funding Source		\$0.00	
Totals		\$25,000.00	

## Budget Narrative - Checkpoint

## Total Other Funding

From budget form \$25,000.00

*This is the total other funding source as reported on the Budget form.*

From above \$25,000.00

*This is the total other funding source amount as shown above.*

Difference \$0.00

*If this amount is NOT \$0.00, then please recheck your numbers.*

## Budget Narrative - All Funds

### Professional Services

Provide a description with documentation that details how all project costs were verified, specifying how and by whom they are determined (i.e. who prepared the cost estimates, equipment lists, etc.) and describe that the cost estimates are reasonable and complete.

*Please provide a detailed narrative describing how you derived at the Professional Services budget. Cost proposals should be attached below.*

Phillip Faccenda 868-9235 will be the architect to design the building with my detailed input and supervise the construction. He will subcontract with engineers.

Expected contractor will be Oswood Construction, 761 1465 per Faccenda's recommendation.

### Other funding consideration

*Please describe what other funding sources did you consider and why those funding sources were not pursued?*

### Other

*If you included "Other" in your budget, please provide a detailed narrative describing how you derived at the "Other" budget. Cost proposals should be attached below.*

### In-kind Contributions

*Although in-kind contributions are not considered match, applicants may elect to provide a narrative of their proposed in-kind contributions to the project.*

## Budget Narrative - Attachments

### Cost Estimates or Quotes

*Please attach the cost estimates and/or quotes for any professional services or vendors to be utilized.*

### Cost Estimates

### Cost Estimates

### Letters of Commitment

*Please attach any letters of commitment for the other funding sources.*

### Letters

### Letters

## Supporting Documentation

### Application Certification Form

Attachment	Description	File Name	File Size	Type
Certification Form			52.0 MB	
Government Applications				Resolution