



City Commission Agenda
Civic Center, 2 Park Drive South, Great Falls, MT
Commission Chambers Room 206
August 7, 2018

CALL TO ORDER 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL/STAFF INTRODUCTIONS

AGENDA APPROVAL

CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS

PETITIONS AND COMMUNICATIONS

(Public comment on any matter that is not on the agenda of the meeting and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of 3 minutes. When at the podium, state your name and address for the record.)

1. Miscellaneous reports and announcements.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

BOARDS AND COMMISSIONS

3. Miscellaneous reports and announcements from Boards and Commissions.

CITY MANAGER

4. Miscellaneous reports and announcements from the 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.

5. Minutes, July 17, 2018, Commission Meeting.
6. Total Expenditures of \$6,509,562 for the period of June 30, 2018 through July 25, 2018, to include claims over \$5,000, in the amount of \$6,097,250.
7. Contracts List.
8. Approve cancellation of outstanding and unpaid checks over one (1) year old.
9. Award a contract in the amount of \$199,911.96 to Geranios Enterprises, Inc., for the 43rd Street North / 8th Avenue North Street Reconstruction, and authorize the City Manager to execute the construction contract documents.
10. Award a contract in the amount of \$217,980.00 to Central Excavation for the Lift Station #8 Removal, and authorize the City Manager to execute the construction contract

documents.

11. Award a contract for the 16th Avenue South / Prospect Heights Storm Drain Improvements, in the amount of \$166,756.10 to Horn Construction and authorize the City Manager to execute the construction contract documents.
12. Award a contract in the amount of \$134,863.80 to Geranios Enterprises, Inc., for the Miscellaneous Drainage Improvements NW Side Alleys Phase 2 and authorize the City Manager to execute the construction contract documents.
13. Award a contract in the amount of \$260,520.00 to Ed Boland Construction Inc. for the Lift Station 9 Rehabilitation Project, and authorize the City Manager to execute the construction contract documents.
14. Award a contract in the amount of \$378,950.00 to Planned and Engineered Construction Inc. (PEC) for the Sanitary Sewer Trenchless Rehabilitation, Phase 21, and authorize the City Manager to execute the construction contract documents.
15. Award a contract in the amount of \$123,806.00 to Thomas Dean & Hoskins, Inc., for the CMATP Storm Drain Improvements Design, Phase 3, and authorize the City Manager to execute the construction contract documents.
16. Approve the purchases of water meter equipment for the 2019 Fiscal Year from Ferguson Enterprises, Inc. in an amount not to exceed \$240,000.

Action: Approve Consent Agenda as presented or remove items for separate discussion and/or vote

PUBLIC HEARINGS

17. Resolution 10243, to Levy and Assess Street Maintenance District.
Action: Conduct public hearing and adopt or deny Res. 10243. (Presented by Melissa Kinzler)
18. Resolution 10244, to Levy and Assess Properties within Special Improvement Lighting Districts.
Action: Conduct public hearing and adopt or deny Res. 10244. (Presented by Melissa Kinzler)
19. Res. 10245, to Levy and Assess Special Improvement General Boulevard Maintenance District No. 3570.
Action: Conduct public hearing and adopt or deny Res. 10245. (Presented by Melissa Kinzler)
20. Resolution 10246, to Levy and Assess Special Improvement Portage Meadows Maintenance District No. 1195.
Action: Conduct public hearing and adopt or deny Res. 10246. (Presented by Melissa Kinzler)
21. Resolution 10252, to amend building permit fees per Exhibit A- Permit Fee Schedule.
Action: Conduct public hearing and adopt or deny Res. 10252. (Presented by Craig Raymond)
22. Sky-line Addition Lots 1A, 2A, 3-5. and 6A; Tract 2 of Certificate of Survey #5150; and the adjoining right-of-way of Skyline Drive NW.
 1. Resolution 10253, to annex subject properties and Improvement Agreements and accompanying Findings of Fact.
Action: Conduct joint public hearing and adopt or deny Res.10253 approve or deny the Improvement Agreements and the accompanying Findings of Fact.
 2. Ordinance 3191, to establish R-2 Single-family Medium Density zoning for the subject properties.

Action: Adopt or deny Ord. 3191 and the accompanying Findings of Fact. (Presented by Craig Raymond)

23. Ordinance 3190 to rezone the property located in The Great Falls Water Power and Townsite Company's First Addition, Block 405, Lots 8-14 from PUD Planned Unit Development to R-3 Single-family high density.

Action: Conduct public hearing and adopt or deny Ord. 3190 and Findings of Fact. (Presented by Crag Raymond)

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

24. Resolution 10247, to Levy and Assess the Great Falls Park District Number 1.

Action: Set or not set public hearing date on Res. 10247 for September 4, 2018. (Presented by Melissa Kinzler)

25. Ordinance 3180, to establish PUD Planned Unit Development zoning upon annexation for the property legally described in Certificate of Survey #5162, for a project known as Wheat Ridge Estates, Phase I.

Action: Accept Ord. 3180 on first reading and set or not set a public hearing for September 18, 2018. (Presented by Craig Raymond)

CITY COMMISSION

26. Miscellaneous reports and announcements from the City Commission.

27. Commission Initiatives.

ADJOURNMENT

(Please exit the chambers as quickly as possible. Chamber doors will be closed 5 minutes after adjournment of the meeting.) Commission meetings are televised on cable channel 190. If a video recording is available it will be posted on the City's website at <https://greatfallsmt.net> after the meeting. 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.



Item: Minutes, July 17, 2018, Commission Meeting

From: City Clerk's Office

Initiated By: City Clerk's Office

Presented By: City Commission

ATTACHMENTS:

- ▢ Draft July 17, 2018 - - City Commission Meeting Minutes

JOURNAL OF COMMISSION PROCEEDINGS

July 17, 2018

**Regular City Commission Meeting
Commission Chambers Room 206**

CALL TO ORDER 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

City Commission members present: Bob Kelly, Bill Bronson, Mary Sheehy Moe, Owen Robinson and Tracy Houck. Also present were City Manager Greg Doyon and Deputy City Manager Chuck Anderson; City Clerk Lisa Kunz; Public Works Director Jim Rearden; Human Resources Director Gaye McInerney; Finance Director Melissa Kinzler; Housing Authority Executive Director Kevin Hager; Library Director Kathy Mora; Fire Chief Steve Hester; City Attorney Sara Sexe; and, Police Chief Dave Bowen.

AGENDA APPROVAL

No changes were proposed by the City Manager or City Commission. The agenda was approved as submitted.

CONFLICT DISCLOSURE/ EX PARTE COMMUNICATIONS

Mayor Kelly reported that he received a telephone call today from a constituent expressing sorrow that the recommendation to the Commission's closure of the Natatorium.

PETITIONS AND COMMUNICATIONS

1. Miscellaneous reports and announcements.

None.

NEIGHBORHOOD COUNCILS

2. Miscellaneous reports and announcements from Neighborhood Councils.

None.

BOARDS AND COMMISSIONS

3. Appointment, Housing Authority Board of Commissioners.

Commissioner Moe moved, seconded by Commissioner Houck, that the City Commission

appoint David Fink for a five-year term through June 30, 2023 to the Great Falls Housing Authority Board of Commissioners.

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

Commissioner Houck expressed appreciation to Mike McCleary for his 10 years of service to this board.

Motion carried 5-0

4. **Appointment, Library Board.**

Commissioner Robinson moved, seconded by Commissioner Bronson, that the City Commission appoint Anne Bulger to the Library Board for a five-year term through June 30, 2023.

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

Appreciation was expressed to MaryEllen Kropp for her service to the community.

Motion carried 5-0

5. **Miscellaneous reports and announcements from Boards and Commissions.**

Lonnie Hill, 610 4th Avenue SW, had a prepared statement on behalf of the Park and Recreation Advisory Board expressing support for a short term solution to keep indoor swimming available, if not cost prohibitive, while long term solutions are researched and developed.

CITY MANAGER

6. **Miscellaneous reports and announcements from the City Manager.**

City Manger Greg Doyon reported that:

- He will keep the Commission posted as staff works through the live-streaming technology issues. The meetings are being recorded for viewing.
- Staff is collecting information requested by the Commission on two areas of concern with the budget - the status of the Natatorium facility and what the plans are long term for the golf courses.
- He attended a quarterly City-County Health Department meeting wherein the detection of the West Nile virus north of Great Falls was reported.
- Assistant Fire Chief Jones and Cascade County DES Coordinator John Stevens were featured in a KGPR radio show discussing the recent flooding events and the upcoming fire season.
- Great Falls Fire Rescue had 35 calls for service on the 4th of July, and the Great Falls Police Department had 21 calls regarding fireworks.

- Twenty applications were received for the inaugural City 101 program.
- Overtime expenses totaled \$14,000 for the recent President Trump visit to Great Falls.
- Sergio Carrion retired from the City of Great Falls on July 13, 2018 with 44 years of service.
- Brooke Lindskog was a recent graduate of Firefighter 1 and 2 and is on her probationary period with Great Falls Fire Rescue.

CONSENT AGENDA

7. Minutes, July 3, 2018, Commission Meeting.
8. Total Expenditures of \$6,366,330 for the period of June 15, 2018 through July 5, 2018, to include claims over \$5,000, in the amount of \$6,012,065.
9. Contracts List.
10. Approve the School Resource Officer Services Agreement with Great Falls Public School District for the 2018/2019 school year.
11. Approve a Professional Services Agreement with Benefis Hospitals, Inc. to provide Annual Firefighter Medical Physicals/Wellness Exams in an amount up to \$79,487.85 annually.

Commissioner Houck moved, seconded by Commissioner Robinson, that the City Commission adopt the Consent Agenda as submitted.

Mayor Kelly asked if there were any comments from the public or discussion amongst the Commissioners. No one responded.

With regard to Item 11, Professional Services Agreement with Benefis, Manager Doyon commented that a provision for annual firefighter medical physicals/wellness exams was ratified during the last labor agreement with Local 8. The cost to provide the service was more than anticipated. An adjustment in the proposed budget was made to accommodate the costs for those services. There is a limited number of providers that can provide the occupational health physicals in this instance. To reduce the costs further, staff attempted to negotiate with Benefis and also looked into the possibility of incorporating the City's Wellness Program for some of the services. A central provider was required to establish, track and maintain the records and results. He encouraged the Commission to keep this in mind for future Collective Bargaining Agreements with Local 8, and also to have a full understanding of requirements and costs associated with future requests.

Mayor Kelly again 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. 2018/2019 Business Improvement District Budget and Work Plan.

Business Improvement District (BID) Community Director Joan Redeen reported that the BID was originally formed in 1989 and is up for renewal every 10 years. The property owners within the BID vote to self-impose an additional assessment on their property tax bill. All of those funds are directed back into the BID boundaries for beautification and improvements. The BID is currently comprised of 192 parcels and is operated by a volunteer board of directors comprised of property owners or designated representatives from within the district.

The BID has proven itself to be a vital part of the downtown area providing for improvement and beautification. She explained the three pronged assessment formula that has been unchanged since 1989. In 2017, a fourth prong was added to allow for residential growth. The BID total annual operating assessment income budgeted has ranged from \$158,000 in 2009 to \$248,000 in 2019. She further reviewed grant funds provided for façade, new businesses and residential development, as well as streetscape, sidewalk, art, and Preserve America grants.

BID Director Redeen reported that the total tax valuation of the properties within the BID boundaries totaled over \$65 million dollars in 2009, and \$110 million dollars in 2018.

Other services provided to property owners within the District include tree maintenance, trash removal, summer flower maintenance, winter snow removal, holiday décor and banners.

Mayor Kelly declared the public hearing open.

No one spoke in opposition to the report of the 2018/2019 BID Budget and Work Plan.

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

Commissioner Bronson moved, seconded by Commissioner Houck, that the City Commission accept the 2018/2019 Business Improvement District Budget and Work Plan.

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

Community Director Redeen and the BID Board of Directors were commended for accomplishments, tackling challenges and being part of the solutions for the downtown.

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

Motion carried 5-0

13. 2018/2019 Tourism Business Improvement District Budget and Work Plan.

Tourism Business Improvement District (TBID) Tourism Director Rebecca Engum reported that the TBID is a 10 year district made up of hotel properties that collect an assessment in the

amount of \$1.00 per room night from anyone using lodging facilities within the community 30 days or less. Last year over 892,000 visitors spent the night in our community. That number is significantly down from 2016, the national park anniversary, but up 5% from 2015. She discussed certain conditions for the decline in room demand numbers. The TBID has strategically used reserve funds in the last year to invest in media and supported some key projects that will make Great Falls more competitive as a convention and sports venue in the future.

Recapping accomplishments, the TBID launched a new website, placed a record amount of media, launched an app, renewed the TBID district, launched restaurant week, and will be the location to launch the new state "Taste our Place" program. Additionally, the TBID brought back the "Greatest of Great Falls" in partnership with the *Great Falls Tribune* and awarded 58 different titles to businesses in our community that are the greatest, and then promote messages through social media as well as in market visitors.

In summary, TBID's theme going forward is: establish, begin to grow, continue with content efforts (Basecamp blog, Adventure Awaits emails, newsletters and social media) and more placement that produces the greatest return on investment, continue to do trade shows at a reduced rate, formalize an engagement strategy that will get locals more involved with the tourism message, and launch a partner retargeting program. The TBID team will concentrate more on conventions and meetings by attending more meeting planner events, new familiarization trip opportunities with meeting planners with qualified RFP's, and a new meeting incentive to let planners know what our community is willing to help with.

Mayor Kelly declared the public hearing open.

No one spoke in opposition to or in support of the 2018/2019 TBID Budget and Work Plan.

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

Commissioner Moe moved, seconded by Commissioner Bronson, that the City Commission accept the 2018/2019 Tourism Business Improvement District Budget and Work Plan.

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

Commissioner Houck inquired who made up the board.

Tourism Director Engum responded: Chairman Scott Shull (Days Inn), Becky Amaral-Miller (Staybridge Suites), Robert Dompier (Best Western Plus Heritage Inn), David Buckingham (Crystal Inn), Laurie Price-Manning (Hilton Garden Inn), Scott Arensmeyer (currently serving, but seeking replacement), and Malissa Hollan (LaQuinta Inn and Suites). Board members serve four year terms.

Commissioner Moe expressed appreciation for the thorough report and written materials.

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

Motion carried 5-0

14. **Resolution 10239 Intent to Increase Property Tax.**

Finance Director Melissa Kinzler reported that, prior to the adoption of the City's annual budget, the Commission is required to hold public hearings on (1) the intent to increase revenue from property taxation, and (2) the proposed annual budget. This action would schedule the public hearing on the intent to increase revenue from property taxation.

The City of Great Falls has a limited ability to increase property tax revenue because of a statewide property tax cap. Pursuant to Mont. Code Ann. § 15-10-420, the City is authorized to increase property tax revenue by "one-half of the average rate of inflation for the prior three years."

For Fiscal Year 2019 (Tax Year 2018), as provided by the Montana Department of Administration, the allowable inflationary adjustment is .82%. This amounts to \$127,721 of additional revenue.

Mont. Code Ann. §§ 15-10-420 and 2-9-212(2)(a) also allows property tax levy increases for premium contributions for group benefits. The City is proposing an additional 1.93% property tax levy increase for health insurance premiums. This would provide \$300,000 in additional revenue to help offset the health insurance increases in the General Fund. Health insurance premiums increased 8.2% for Fiscal Year 2019. The total proposed allowable property tax levy increase is 2.75%.

The hearing on Resolution 10239 is the Intent to Increase Property Tax, whereas additional action by the City Commission will be needed in the future to set the increased mill levy. This will occur after the City receives its certified taxable value from the Montana Department of Revenue in August.

Mayor Kelly declared the public hearing open.

Speaking in opposition to Resolution 10239 was **John Hubbard**, 615 7th Avenue South. Mr. Hubbard expressed opposition to any increases in taxes, rates or fees.

No one spoke in support of Resolution 10239.

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

Commissioner Robinson moved, seconded by Commissioner Houck, that the City Commission adopt Resolution 10239.

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

Motion carried 5-0

15. **Resolution 10240 Annual Budget Resolution.**

Finance Director Melissa Kinzler reported that the City started the Fiscal Year 2019 budget

process with an initial City Commission priority setting session on March 27, 2018. The City Commission set informal budget priorities for the Fiscal Year 2019 Budget. This session was open to the public.

In March, the City Manager and Department Heads met to discuss 2019 budget priorities. Each department's requested budgets were presented to the City Manager between May 21st and May 30th, 2018.

From these meetings and through the City Manager's direction, the Fiscal Year 2019 Budget was balanced. The Proposed Fiscal Year 2019 Budget was presented to the City Commission on June 27th, July 3rd, and July 11th at the City Commission Budget Work Sessions. These sessions were also open to the public.

Mont. Code Ann. § 7-6-4024 requires that the budget be approved and adopted by resolution by the later of the first Thursday after the first Tuesday in September or within 30 calendar days of receiving certified taxable values from the Montana Department of Revenue.

Included in the budget resolution is the fund balance policy change for the General Fund from a minimum of 17% to 22% of total expenditures.

Director Kinzler provided a high level synopsis of the FY 19 proposed budget:

- \$109 million in total revenues, up less than .5%
- \$31.8 million in total general fund revenues, up 3.64%
- proposed fee increases for water - 5% sewer - 2%, storm drain - 10%, sanitation commercial - 5%; and, a decrease for permit fees - 5%
- assessment increases include Portage Meadow - 7%, Natural Resources Boulevard - 3%
- new assessment for the Park Maintenance District

All proposed revenue increases require separate action by the City Commission. Additional public hearings will be set for proposed fee increases.

She continued with the high level review:

- \$11 million in total expenses, up 1.64%
- \$31.8 million in general fund total expenses, up 3.7%; included in that budget is proposed increase for personnel of 2.29 employees

Collective bargaining increases are:

- 3.5% for MPEA
- 5.5% for Police
- 5% for Fire
- proposed 3% for non-union staff
- health insurance increases of 8.2% are included in the costs
- minimal operation improvements for Court, Fire, Police and Park and Recreation Departments

Facility and facility capital improvements of \$2.9 million includes the park facility (Park Maintenance District), and a proposed \$17 million in capital improvements for storm drain, water, sewer and streets.

The general fund currently has an undesignated projected fund balance of 22%.

Three funds are considered at risk: golf courses, parking and Civic Center events. The City is currently working towards financial stability of these funds.

Mayor Kelly declared the public hearing open.

No one spoke in opposition to or in support of Resolution 10240.

Written correspondence was received from **Shyla Patera**, North Central Independent Living Services, Inc., expressing appreciation for progressing with infrastructure disability and accessibility issues, and concern about receiving great accessible community services with a struggling tax base.

There being no one further to address the Commission, Mayor Kelly closed the public hearing.

Commissioner Bronson moved, seconded by Commissioner Robinson, that the City Commission adopt Resolution 10240.

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

Commissioner Houck commented on the many budget meetings attended and information that the City Commission has received. Tough decisions have been vetted. The Commission collectively set forth goals and is trying to utilize community dollars the best way it can. Some things are not going to be able to be taken care of that the Commission wants in lieu of other priorities. She credited the City Manager and staff for having conversations that were outside the box regarding funding and different sources that would then open up funding for other things.

Commissioner Bronson thanked staff for their work and preparation in addressing the Commission's general directive when putting this budget together. The Commission is trying to address the basic services that the public wants from a municipal government. The Commission isn't always one hundred percent satisfied with what is being provided, but it is because the City does not have enough resources to meet the demands and expectations that the public really has. Municipal government is limited in its resources. The City is hoping to get about \$19.5 million dollars in property tax revenue this coming year. The combined budget of the police and fire departments is \$22.5 million, or \$3 million dollars more than the projected tax revenue. The City is under limitations imposed by state law and is essentially trying to run a 21st century operation and budget on 19th century tax principles. Until there is a recognition statewide that cities and towns, that are the large engines of growth in the state, should have greater freedom in conjunction with the taxpayers in their communities to be able to decide for themselves how best to raise the revenues to meet the needs of those communities, we will have to struggle through with the system that we have.

Commissioner Moe commented that the two things she hears about the most with regard to the budget are the Natatorium and the golf courses. She commented that it is a pity cities are not structured in such a way to meet other than basic needs. She feels that healthful recreation in communities is equally important. After many conversations and reports received about the Natatorium, she doesn't believe that safety allows the City to keep it open for another year without making major improvements to the facility. She concurs with the analysis that making those improvements would be cost prohibitive. She has made it known that her approval of the budget was contingent on a Plan B for the Natatorium. The City Manager has worked with her to come up with several alternatives, but it is not something that can be pinned down at this time. They are working in good faith to provide a short term solution while the community

considers what can be done for the long term.

She agreed with the recommendation of issuing a Request for Proposals that might provide for a more sustainable function for the golf courses. She thinks they are an important part of the recreational life in the community. They will be seeking responses to see if there is a better way to keep both courses open.

Commissioner Robinson concurred with the comments of his fellow commissioners. He is in favor of finding a short term, and perhaps long term, solution for indoor swimming. He noted the difficulty of budgeting public safety to the level the Commission would like. He expressed appreciation to the City Manager and staff in providing the information and asking the questions that needed answered to come up with this budget.

Commissioner Houck pointed out that property tax protests are still pending. The City is exercising fiduciary responsibility in budgeting only the money the City knows it will get.

On the advice of counsel and concurrence with the Commissioners, Mayor Kelly allowed additional public comment.

Larry Johnson, 3523 9th Avenue South, referring to Item 11, Professional Services Agreement with Benefis for annual firefighter medical physicals/wellness exams, commented that the agreement should cover all first responders employed by the City.

There being no one further to address the Commission, Mayor Kelly closed the public comment period.

With regard to the budget, Mayor Kelly noted that discussions have been ongoing for six months. He encouraged the public's active participation. The Commission is committed to delivering efficient and effective services to the public with the limited budget it is presented with. City staff has done a great job of managing those resources, especially through some difficult times. He expressed appreciation to the taxpayers for allowing the Park Maintenance District to go forward.

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

Motion carried 5-0

OLD BUSINESS

NEW BUSINESS

16. **Labor Agreement between City of Great Falls and the International Brotherhood of Electrical Workers (IBEW) Local Union #233.**

Human Resources Director Gaye McInerney reported that staff recommends the City Commission approve the labor agreement between the City of Great Falls and the International Brotherhood of Electrical Workers (IBEW) Local Union #233. The IBEW consists of seven employees across two City departments - Planning and Community Development and Public Works.

Members of the negotiating team worked to update basic contractual language in order to make

the Agreement more clear, more understandable, and consistent. Changes from the previous Agreement include, but are not limited to:

- Article 2 - Term of the Agreement: Updated the contract dates to reflect the new term beginning July 1, 2018 through June 30, 2019.
- Article 4 - Definitions: Clarified the definition of "Temporary employee" to coincide with the definition outlined in the City of Great Falls Personnel Policy Manual.
- Article 6.5 - Strikes and Lockouts: Clarified when the Union may "strike" and the City may "lockout" if the contract has expired, good faith efforts in negotiating a new contract have failed, and the parties are at impasse.
- Article 11.1 - Call Back: Clarified rate of one and one half regular straight time rate of pay will be paid to employees called in for work two hours before the start of their scheduled shift or four hours after the end of the scheduled shift.
- Article 16.2(3) - Sick Leave: Clarified no more than five days sick leave may be granted when a death occurs in the immediate family, unless the leave qualifies for FMLA.
- Article 16.3(4) - Sick Leave: Clarified Parental Leave provision with, "unless qualified under the Family Medical Leave Act (FMLA)."
- Article 16.6 - Sick Leave: Clarified death benefits are provided for under the Public Employment Retirement System (PERS).
- Article 16.7 - Sick Leave: Clarified that sick leave donations are not available to employees during a probationary period.
- Article 25 - Updated wording of clause from Affirmative Action to Non-Discrimination Policy.
- Article 28 - Waiver and Amendment Clause was added stating no past practices, policies, rules, or prior agreements shall alter the intent or the meaning of the specific articles of this Agreement.
- Schedule A was updated with three new positions and to reflect a 4.5% increase - 3.0% for COLA and 1.5% for market adjustment. The increase also includes a \$0.15 per hour deferral for the IBEW Pension.
- Schedule B, 4(A)(3): Health premium charges after 7/1/18 will be shared at a provider standard rate with the City paying 90 percent and the employee paying 10 percent of the premium. In addition, the 7/1/18 premium rates were updated.

The previous labor agreement period was for a two year period, expiring June 30, 2018. The term of the proposed Agreement is for a one year period beginning July 1, 2018 through June 30, 2019. A one year contract was bargained in order to align the healthcare benefit premiums across all City departments for two reasons. Firstly, to establish a provider standard rate computation from MMIA, and secondly, to establish a cost sharing with the City paying 90 percent and the employee paying 10 percent of the healthcare premium.

The representatives of the negotiating teams included-City: Gaye McInerney, Human Resources Director; Sara Sexe, City Attorney; Jim Rearden, Public Works Director; Chuck Anderson, Deputy City Manager; Wayne Lovelis, Water Plant Manager; and Jerry McKinley, Traffic Division Supervisor. IBEW: John Gordon, IBEW Business Manager; Don Briggs, IBEW Assistant Business Manager; Robert Bubnash, Traffic Signal Tech/Electrician, Public Works; Wes Crawford, SCADA/Tech Support Technician, Water Plant; and Mat Kenner, Asset Management/Tech Support Specialist, Administration.

The IBEW members voted unanimously in June, 2018 to ratify the proposed contract.

The financial impact of a 4.5% increase to wages (3.0% COLA and 1.5% market adjustment) for a one year contract is approximately \$19,131, divided out as follows: Planning and Community Development - \$2,880; Public Works Administration - \$2,709; Traffic Division - \$5,418; and Water Plant - \$8,124.

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

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

Commissioner Houck received clarification that there were seven people affected by the contract negotiations, and that five of them were on the negotiating team. She inquired if the Commission would provide direction to staff if it did not ratify the labor agreement.

Manager Doyon responded that, if the Commission had concerns, he would take the specific concerns back to the negotiating teams.

Commissioner Moe inquired the rationale for not allowing sick leave donations during the probationary period.

Director McInerney responded that there are many benefits held back until the probationary period is complete. This change is consistent with the City Personnel Policy Manual.

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

Motion carried 5-0

ORDINANCES/RESOLUTIONS

CITY COMMISSION

17. Miscellaneous reports and announcements from the City Commission.

Mayor Kelly inquired the status of the response to the statement read by Debbie Walsh on behalf of Elizabeth Buskott at the July 11th budget work session.

Manager Doyon responded that the response letter has been drafted, and that he expected the letter to go out in tomorrow's mail.

Mayor Kelly announced that Mayor Pro Tempore Bill Bronson will preside over the August 7th Commission meetings in his absence.

Commissioner Houck reported that the Business Improvement District (BID) is governed by a Board of Directors: Andy Ferrin, Garry Hackett, Alison Fried, Max Grebe, Travis Neil, Sheila Rice and Jason Madill. The work plan and grant applications that Community Director Redeen reported on earlier are on the BID's website.

Commissioner Moe commented that the news coverage about the Missoula policeman that uncovered the baby in the woods made her cognizant, not for the first time, but in a particular way, of the strain that is always with our police and fire departments. She expressed appreciation to the first responders for their extraordinary service.

At the request of Mayor Kelly, Fire Chief Steve Hester announced that the opening ceremony for the Professional Firefighters and Firefighters Association Convention begins tomorrow at the Best Western Heritage Inn. He extended an invitation to drop in to interact with the firefighters from across the state.

18. **Commission Initiatives.**

None.

ADJOURNMENT

There being no further business to come before the Commission, **Commissioner Moe moved, seconded by Mayor Kelly, to adjourn the regular meeting of July 17, 2018, at 8:24 p.m.**

Mayor Bob Kelly

City Clerk Lisa Kun

Minute Approve

DRAFT



Item: Total Expenditures of \$6,509,562 for the period of June 30, 2018 through July 25, 2018, to include claims over \$5,000, in the amount of \$6,097,250.

From: Fiscal Services

Initiated By: City Commission

Presented By: Melissa Kinzler, Fiscal Services Director

ATTACHMENTS:

- 5000 Report



ITEM: \$5,000 Report
 Invoices and Claims in Excess of \$5,000

PRESENTED BY: Fiscal Services Director

ACTION REQUESTED: Approval with Consent Agenda

LISTING OF ALL ACCOUNTS PAYABLE CHECKS ISSUED AVAILABLE ONLINE AT
www.greatfallsmt.net/fiscalservices/check-register-fund

TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN
ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:

ACCOUNTS PAYABLE CHECK RUNS FROM JULY 6, 2018 - JULY 25, 2018	6,478,942.84
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JUNE 30, 2018 - JULY 13, 2018	30,619.00
TOTAL: \$	<u>6,509,561.84</u>

GENERAL FUND

CITY COMMISSION

MONTANA LEAGUE OF CITIES AND TOWNS	2018-2019 MEMBERSHIP DUES	20,712.30
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OTHER ADMIN

CTA ARCHITECTS ENGINEERS	PHASE I CC EXTERIOR ENVELOPE REHAB ARCHITECTURAL SERVICES	8,492.72
CASCADE CITY COUNTY HEALTH DEPT	2019 FIRST HALF ANNUAL CONTRIBUTION	125,000.00

POLICE

STATE OF MONTANA DEPT OF JUSTICE	CIN FEES 07/01/18 - 06/30/19 (SPLIT AMONG FUNDS)	1,067.09
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SPECIAL REVENUE FUND

911 SPECIAL REVENUE

CENTURYLINK	DISPATCH MONTHLY LINE CHARGES	5,840.80
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HIDTA SPECIAL REVENUE

STATE OF MONTANA DEPT OF JUSTICE	CJIN FEES 07/01/18 - 06/30/19 (SPLIT AMONG FUNDS)	605.37
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SPECIAL REVENUE FUND (CONTINUED)

STREET DISTRICT

KUGLIN CONSTRUCTION	OF 1697.2 3RD AVE S HANDICAP RAMPS (SPLIT AMONG FUNDS)	82,610.41
GREAT FALLS SAND & GRAVEL	ASPHALT	87,859.99

LIBRARY

SIRSIDYNIX	MAINTENANCE AGREEMENT 7/1/18-6/30/19	38,252.25
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PLANNING & COMMUNITY DEVELOPMENT

GREAT FALLS TRANSIT DISTRICT	2ND QUARTER REIMBURSEMENT FOR TRANSIT PLANNING FROM UPWP FUNDS RECEIVED	21,318.35
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NATURAL RESOURCES

TREE AMIGOS TREE SERVICE	ASH TREE TRIM CONTRACT	5,760.00
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FEDERAL BLOCK GRANTS

QUALITY LIFE CONCEPTS INC	CDBG SEAL & REPLACE ASBESTOS FLOORING SOUTH PARK GROUP HOME	17,888.00
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CAPITAL PROJECTS

GENERAL CAPITAL

GREAT FALLS SAND & GRAVEL	OF 1684.1 POLICE DEPT. CONCRETE REPLACEMENT	17,812.57
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ENTERPRISE FUNDS

WATER

FERGUSON ENTERPRISES INC	METER SUPPLIES	25,220.04
UNITED MATERIALS OF GREAT FALLS	OF 1465.2 LOWER SOUTH SIDE WMR PH III	264,750.28
STATE OF MONTANA	1% WITHHOLDING FOR SLETTEN	5,106.70
STATE OF MONTANA	1% WITHHOLDING FOR LANDMARK STRUCTURES	6,894.42
TECHNICAL MARKETING MFG. INC	FIRE STATION 1 & MAFB PLC UPGRADE	9,575.40
NALCO COMPANY	WATERPLANT CHEMICALS	59,748.00
SLETTEN CONSTRUCTION CO	OF 1519.6 WTP IMP PH 1 CONSTRUCTION	505,563.63
LANDMARK STRUCTURES I, L.P	OF 1625.2 GORE HILL TANK REPL.	682,547.18
ADVANCED ENGINEERING & ENVIRONMENTAL SERVICES	OF 1625.0 WATER STORAGE TANK EVALUATION PHASE 1	32,945.50

ENTERPRISE FUNDS (CONTINUED)

SEWER

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT JUNE & JULY 2018	482,548.08
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS JUNE & JULY 2018	25,000.00
NCI ENGINEERING CO	OF 1658.3 CMATP TIF #30 FORCE MAIN	22,269.40
TITAN MACHINERY INC	RING O MATIC 550	78,300.00
HDR ENGINEERING	WWTP ENVIRONMENTAL REGULATORY COMPLIANCE	8,874.04
LINKO TECHNOLOGY INC	ANNUAL SOFTWARE MAINTENANCE	6,075.00
US BANK NA	DEBT SERVICE	314,575.00
CIP CONSTRUCTION	OF 1695.6 WEST BANK SANITARY	28,382.91
TECHNOLOGIES INC	SEWER MANHOLE LINING	

STORM DRAIN

KUGLIN CONSTRUCTION	OF 1697.2 3RD AVE S HANDICAP RAMPS (SPLIT AMONG FUNDS)	44.97
CENTRAL EXCAVATION	OF 1462.5 18TH ST S STORM DRAIN	526,342.13
STATE OF MONTANA	1% WITHHOLDING FOR CENTRAL EXCAVATION	5,316.59

911 DISPATCH CENTER

STATE OF MONTANA DEPT OF JUSTICE	CJIN FEES 07/01/18 - 06/30/19 (SPLIT AMONG FUNDS)	31,554.40
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RECREATION

BIG SKY BUS LINES	REC CENTER 2018 SUMMER CAMP TRANSPORT	5,216.32
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CIVIC CENTER EVENTS

DICK OLSON CONSTRUCTION INC	THEATER PROJECTION BOOTH UPGRADE	12,519.00
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INTERNAL SERVICES FUND

HEALTH & BENEFITS

MONTANA MUNICIPAL INTERLOCAL AUTHORITY	EMPLOYEE INSURANCE PREMIUM FOR JULY 2018	792,584.70
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INSURANCE & SAFETY

KENCO SECURITY & TECHNOLOGY	CIVIC CENTER INSTALL CCTV SYSTEM	21,312.52
MONTANA MUNICIPAL INTERLOCAL AUTHORITY	FY 2018/19 LIABILITY PREMIUM	591,414.00
MONTANA MUNICIPAL INTERLOCAL AUTHORITY	FY 2018/2019 PROPERTY ASSESSMENT	214,407.05

INTERNAL SERVICES FUND (CONTINUED)

INFORMATION TECHNOLOGY

VERMONT SYSTEMS INC	ANNUAL RECTRAC WEBTRAC MAINTENANCE	10,036.99
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CENTRAL GARAGE

TERRACON CONSULTANTS INC	OF 1455.9 PW FUEL TANK PURCHASE INSTALL	6,726.50
FLAWLESS AUTOBODY INC	MMIA DEDUCTIBLE-INSURANCE	10,000.00
MOUNTAIN VIEW CO-OP	FUEL	74,803.97

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	25,804.00
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PAYROLL CLEARING

STATE TREASURER	MONTANA TAXES	52,773.00
ICMA RETIREMENT TRUST	EMPLOYEE CONTRIBUTIONS	7,898.34
FIREFIGHTER RETIREMENT	FIREFIGHTER RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	54,642.81
STATEWIDE POLICE RESERVE FUND	POLICE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	67,630.94
PUBLIC EMPLOYEE RETIREMENT	PUBLIC EMPLOYEE RETIREMENT EMPLOYEE & EMPLOYER CONTRIBUTIONS	133,972.65
POLICE SAVINGS & LOAN	EMPLOYEE CONTRIBUTIONS	13,377.00
US BANK	FEDERAL TAXES, FICA & MEDICARE	229,893.87
AFLAC	EMPLOYEE CONTRIBUTIONS	10,397.35
NATIONWIDE RETIREMENT SOLUTIONS	EMPLOYEE CONTRIBUTIONS	13,379.40

UTILITY BILLS

NORTHWESTERN ENERGY	TRANSMISSION CHARGES FOR APR 2018	11,645.73
TALLEN TREASURE STATE	ELECTRICITY CHARGES FOR JUNE 2018	89,092.00
MONTANA WASTE SYSTEMS INC	JUNE 2018 MONTHLY CHARGES	92,868.36

CLAIMS OVER \$5000 TOTAL: \$ 6,097,250.02



Item: Contracts List

From: City Clerk's Office

Initiated By: Various City Departments

Presented By: City Commission

ATTACHMENTS:

- ▢ Contracts List

COMMUNICATION TO THE CITY COMMISSION

DATE: August 7, 2018

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

PRESENTED BY: Darcy Dea, Deputy City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR’ S SIGNATURE: _____

CONTRACTS LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	AMOUNT	PURPOSE
A	Great Falls Fire Rescue	Calvert’s Overhead Door	08/07/2018-08/07/2019	\$6400	Agreement to replace overhead doors at the Great Falls Fire Rescue Training Center at 1900 9 th Street South
B	Public Works/ Engineering	Stewart and Sara Reynolds	Permanent	\$1.00	Memorandum of Understanding and Permanent Storm Drainage Utility Easement in the Southwest Quarter of the Southwest Quarter of Section 13, Township 20 North, Range 3 East, MPM, Grandview Tracts Subdivision OF 1722.2

C	Public Works/ Engineering	Cartegraph Systems LLC	08/07/2018- 08/07/2019	\$9,300	Purchase Agreement and Addendum to Cartegraph Hosted Solutions Agreement, dated March 28, 2018 for Cartegraph Cloud Shared Hosting Subscription, User Pack Subscription – 5 named users, and fixed fee for support and field services
D	Planning and Community Development	Falls Mechanical Services, LLC	08/07/2018- 06/30/2019	\$6996	Professional Services Agreement for Community Development Offices HVAC replacement.
E	Planning and Community Development	Tilleraas Landscape Nursery Inc.	08/07/2018- 12/31/2020	\$37,225	Agreement to provide landscape renovations and maintenance of the landscaping at the Civic Center
F	Great Falls Police Department	Mission Critical Partners LLC	08/07/2018- 12/31/2018	\$36,880	Professional Services Agreement to provide an Assessment Report for review of radio system
G	Park and Recreation	Custom Wood Flooring	08/07/2018- 08/28/2018	\$3,537.50	Agreement to recoat the wood floors in the gym and the dance studio in the Community Recreation Center



Item: Cancellation of Outstanding and Unpaid Checks Over a Year Old

From: Melissa Kinzler, Finance Director

Initiated By: Generally Accepted Accounting Principles (GAAP)

Presented By: Melissa Kinzler, Finance Director

Action Requested: Approve cancellation of outstanding and unpaid checks over one (1) year old.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/deny) the cancellation of City of Great Falls checks that remain outstanding, and unpaid, for a period of one (1) year or longer as authorized by Mont. Code Ann. §7-6-4303.”

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

Staff Recommendation:

Staff recommends that the City Commission approve the cancellation of checks that remain outstanding, and unpaid, for the period of one (1) year or longer.

Summary:

Mont. Code Ann. §7-6-4303, authorizes the City Commission to cancel municipal checks that have remained outstanding and unpaid for a period of one (1) year or longer. Attached is the required list of the instruments to be cancelled including the check number, date, amount, and payee. The Finance Department sends out two separate letters with affidavits to the address on record for the payee. If no response is received, a request to cancel the checks is sent to the City Commission. If a payee comes forward anytime after the checks are cancelled, Finance will generate a replacement check. The cancellation of outstanding checks is done on an annual basis. The last time the City Commission approved cancellation of checks issued by the Finance Department was September 5, 2017.

Fiscal Impact:

The total amount of the checks that are written off (\$966.30) is placed in the General Fund miscellaneous

revenue.

ATTACHMENTS:

- List of Outstanding and Unpaid Checks

Current List of Outstanding and Unpaid Checks Over a Year Old

Check No.	Date	Type of Check	Amount	Date of First Letter	Date of Second Letter
Accounts Payable Checks					
338516	09/20/2016	Utility Management Refund	\$6.00	6/9/2017	10/12/2017
338866	09/28/2016	Accounts Payable	\$39.48	6/9/2017	10/12/2017
341587	01/24/2017	Utility Management Refund	\$11.56	6/9/2017	10/12/2017
342374	02/22/2017	Accounts Payable	\$12.00	9/20/2017	11/7/2017
342697	03/08/2017	Accounts Payable	\$35.00	9/20/2017	11/7/2017
343607	04/12/2017	Accounts Payable	\$12.00	11/7/2017	12/14/2017
343610	04/12/2017	Accounts Payable	\$12.00	11/7/2017	12/14/2017
344023	04/27/2017	Utility Management Refund	\$211.17	11/7/2017	12/14/2017
344622	05/23/2017	Utility Management Refund	\$73.25	11/7/2017	12/14/2017
344940	05/31/2017	Accounts Payable	\$60.00	11/7/2017	12/4/2017
345136	06/09/2017	Utility Management Refund	\$26.21	11/7/2017	12/14/2017
345479	06/21/2017	Accounts Payable	\$199.50	11/7/2017	12/14/2017
345512	06/26/2017	Utility Management Refund	\$23.62	2/26/2018	5/9/2018
345720	06/28/2017	Accounts Payable	\$12.00	2/26/2018	5/9/2018
345721	06/28/2017	Accounts Payable	\$12.00	2/26/2018	5/9/2018
345929	07/11/2017	Utility Management Refund	\$106.41	2/26/2018	5/9/2018
346230	07/19/2017	Accounts Payable	\$14.43	2/26/2018	5/9/2018
346446	07/26/2017	Accounts Payable	\$24.00	2/26/2018	5/9/2018
346448	07/26/2017	Accounts Payable	\$12.00	2/26/2018	5/9/2018
346468	07/26/2017	Accounts Payable	\$12.00	2/26/2018	5/9/2018
		Total Accounts Payable	<u>\$914.63</u>		

Check No.	Date	Type of Check	Amount	Date of First Letter	Date of Second Letter
Payroll Checks					
262319	05/22/2017	Payroll	\$51.67	11/8/2017	12/14/2017
		Total Payroll	<u>\$51.67</u>		



Item: Construction Contract Award: 43rd Street North / 8th Avenue North Street Reconstruction, Office File 1679.9

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Approve Contract

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (award/not award) a contract in the amount of \$199,911.96 to Geranios Enterprises, Inc., for the 43 d Street No th / 8th Avenue North Street Reconstructio , and authorize the City Manager to execute the construction contract documents."

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

Staff Recommendation:

Approve construction contract award.

Summary:

This project was initiated to reconstruct a portion of 43rd Street North from the north cul-de-sac to a point 50 feet south of the intersection with 8th Avenue North.

Background:

Workload Impacts:

Design phase engineering and plans and specifications were completed by the City Engineering staff with assistance from City Street Division and Utilities. City Engineering staff will provide construction phase engineering services and project inspection. The construction activity will require temporary closure of 8th Avenue North from 42nd Street North to 44th Street North. Access to local residences and businesses adjacent to construction zones will be maintained.

Purpose:

This project was initiated to reconstruct a portion of 43rd Street North from the north cul-de-sac to a point 50 feet south of the intersect on with 8th Avenue North. The project consists of reconstructing approximately 250 feet of road way; installing valley gutters; curb and gutter; sidewalk; and ADA curb ramps.

Project Work Scope:

Work to be performed under this contract includes the following: approximately 1,100 Square Yards of 4 inch Asphalt Concrete Pavement; approximately 560 Lineal Feet of integral concrete curb and gutter; 1,150 Square Feet of four (4)-inch concrete sidewalk; 2,200 Square Feet of 6 inch reinforced concrete; 4 truncated domes; and 2,200 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 July 24, 2018 with a bid price of \$199,911.96. Geranios Enterprises, Inc., submitted the lone bid.

Conclusion:

City staff recommends awarding the contract to Geranios Enterprises, Inc., in the amount of \$199,911.96.

Fiscal Impact:

The attached bid tabulation summarizes bids that were received. Street Division Improvements funding is budgeted to fund this project.

Alternatives:

The City Commission could vote to deny award of the construction contract and re-bid or cancel the project.

ATTACHMENTS:

- Bid Tab OF 1679.9

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

BID TABULATION SUMMARY

43rd Street North / 8th Ave North Street Reconstruction
O.F. 1679.9

Project Number 1679.9
Bids Taken at Civic Center
Date: July 24, 2018
Tabulated By: _____

	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	Geranios Enterprises P.O. Box 2543 Great Falls MT 59403	X		X	X	X		\$199,911.96
2	Great Falls Sand & Gravel P.O. Box 1989 Great Falls, MT 59403	No Bid						
3								
4								
5								
6								
7								
8								
9								
10	Engineer's Estimate							



Item: Construction Contract Award: Lift Station #8 Removal, O.F. 1722.2

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Approve Contract

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (award/not award) a contract in the amount of \$217,980.00 to Central Excavation for the Lift Station #8 Removal, and authorize the City Manager to execute the construction contract documents."

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

Staff Recommendation:

Approve construction contract award.

Summary:

This project was initiated to prevent sanitary sewage overflows (SSOs) by installing new gravity PVC sanitary sewer collection main and removing the existing lift station. The purpose for doing this is to continue to provide adequate and reliable sewer flow in order to protect the health and safety of the citizens of Great Falls.

Background:

Workload Impacts:

Design phase engineering and plans and specifications were completed by Outrigger Consultants, LLC. Outrigger Consultants and City Engineering staff will provide construction phase engineering services and project inspection.

Purpose:

The existing lift station was installed in 1979 and is nearing the end of its useful design life. The project will help prevent SSO's from the aging lift station and continue to allow the city to provide sanitary

sewer service to the citizens of Great Falls safely and effectively. The project begins at Lift Station #8 on the dead end of 20th Avenue South, east of the intersection of 20th Avenue South and 4th Street South. The project continues along an easterly extension of 20th Avenue South then south for 420 feet and ties into the gravity system at the east end of 21st Avenue South.

Project Work Scope:

Work to be performed under this contract includes the following: approximately 850 lineal feet of new 8 inch diameter PVC sanitary sewer collection main; 194 lineal feet of new 10-inch diameter PVC sanitary sewer collection main; five 48-inch diameter manholes; abandonment of the existing sanitary sewer lift station, force main, and wet well manhole; removal of two manholes; and landscaping and irrigation system repair.

Evaluation and Selection Process:

The specifications were advertised three times in the Great Falls Tribune. Two bids were received on July 24, 2018 with the bids ranging between \$217,980.00 and \$230,315.00. Central Excavation submitted the low bid.

Conclusion:

City staff recommends awarding the contract to Central Excavation in the amount of \$217,980.00.

Fiscal Impact:

The attached bid tabulation summarizes bids that were received. City sanitary sewer funding is budgeted to fund this project.

Alternatives:

The City Commission could vote to deny award of the construction contract and re-bid or cancel the project.

ATTACHMENTS:

- Bid Tab OF 1722.2

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

BID TABULATION SUMMARY

Lift Station #8 Removal
 O.F. 1722.2

Project Number 1722.2
 Bids Taken at Civic Center
 Date: July 25, 2018
 Tabulated By: _____

	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	Cap Con 4117 14th Ave S Great Falls, MT 59405	X		X		X	X	\$230,315.00
2	Ed Boland Construction 4601 7th Ave. So. Great Falls, MT 59405	No Bid						
3	Central Plumbing & Heating 3701 River Drive N Great Falls, MT 59405	X		X		X	X	\$217,980.00
4								
5								
6								
7								
8								
9								
10	Engineer's Estimate							



Item: 16th Avenue South / Prospect Heights Storm Drain Improvements - O.F. 1666.7

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Approve Construction Contract

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (award/not award) a contract for the 16th Avenue South / Prospect Heights Storm Drain Improvements, in the amount of \$166,756.10 to Horn Construction and authorize the City Manager to execute the construction contract documents.”

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

Staff Recommendation:

Approve construction contract award.

Summary:

This project will improve drainage and remedy flooding issues along 16th Avenue South in the Prospect Heights Area. This project includes work scope to upsize 382 lineal feet of storm drain pipe and install two new inlets along 16th Avenue South between 4th and 2nd Street South as well as upsize 16 lineal feet of storm drain pipe on 2nd Street South between 16th and 17th Avenue South. The project is scheduled to begin no later than September 1st and is anticipated to be completed by mid-October.

Background:

Citizen Participation

The improvements to the storm drain system will reduce the potential for stormwater impacting motorists and property during heavy rain events. There will be road closures along the route of the pipe installation. Local residents provided comments for the project, and will be provided updates during construction.

Workload Impact

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

Purpose

The purpose of this project is to reduce the potential for flooding in the Prospect Heights area during heavy rainfall events, and reduce the volume of standing water on 16th Avenue South and 2nd Street South.

Project Work Scope

This project consists of installation of approximately 440 lineal feet of storm drain pipe including manholes, two inlets, and inlet leads; removal of existing storm drain; restoration of roadway gravel base and asphalt pavement; and miscellaneous concrete sidewalk, curb and apron work. The project provisions specified the project to begin no later than September 1, 2018 and be completed in 45 calendar days.

Evaluation and Selection Process

Two (2) bids were received on July 25, 2018, with the base bids ranging between \$166,756.10 and \$215,015.00. Horn Construction submitted the low bid and executed all the necessary bid documents.

Conclusion

City staff recommends awarding the construction contract to Horn Construction, in the amount of \$166,756.10.

Fiscal Impact:

The attached bid tabulation summarizes bids that were received.

Storm Drain Capital Funds will be utilized to finance associated improvements within the project.

Alternatives:

The City Commission could vote to deny award of the construction contract to the low bid and instead award the contract to a different bidder; re-bid the project; or cancel the project.

ATTACHMENTS:

- Bid Tabulation

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

BID TABULATION SUMMARY

16th Avenue South / Prospect Heights Storm Drain Improvements
 O.F. 1666.7

Project Number 1666.7
 Bids Taken at Civic Center
 Date: July 25, 2018
 Tabulated By: Madeline Good

	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	Central Plumbing 3701 River Drive North Great Falls, MT 59405	No Bid						
2	Horn Construction 11 Sunnyside Ave. Vaughn, MT 59487	✓		✓	✓	✓	✓	\$166,756.10
3	Capcon Construction 4117 14th Ave. S. Great Falls, MT 59405	✓		✓	✓	✓	✓	\$215,015.00
4								
5								
6								
7								
8								
9								
10								



Item: Construction Contract Award: Miscellaneous Drainage Improvements NW Side Alleys Phase 2, Office File 1666.8

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Approve Contract

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (award/not award) a contract in the amount of \$134,863.80 to Geranios Enterprises, Inc., for the Miscellaneous Drainage Improvements NW Side Alleys Phase 2, Office File 1666.8, and authorize the City Manager to execute the construction contract documents."

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

Staff Recommendation:

Approve construction contract award.

Summary:

This project was initiated to reduce storm water ponding issues along 3rd Alley Northwest and 5th Alley Northwest between Vaughn Road and 15th Street Northwest. Flat grades and low areas in the alley have created ponding issues throughout the alley. Some areas of ponding have depths of 6-inches or more.

Background:

Workload Impacts:

Design phase engineering and plans and specifications were completed by the City Engineering staff with assistance from City Street Division and Utilities. City Engineering staff will provide construction phase engineering services and project inspection.

Purpose:

The primary objective of this project is to provide adequate drainage and reduce storm water ponding in the alleys. Phase 1 of this project was completed November 23, 2017 and remediated the drainage issues in 4th Alley Northwest. At this time, no further alley drainage work is planned in this area.

Project Work Scope:

Work to be performed under this contract includes the following: approximately 550-feet of 12-inch SDR 35 PVC storm pipe approximately 120 lineal feet of integral concrete curb and gutter; Two 24-inch storm drain riser inlets; Type I Curb Inlet w/ concrete apron; Two 5 foot diameter manholes; 200 square feet of 6" reinforced concrete; 1,100 square yards of separation geotextile; and 600 square feet of sod.

Evaluation and Selection Process:

The specifications were advertised two times in the Great Falls Tribune. Two bids were received on July 24, 2018 with the bids ranging between \$134,863.80 and \$171,000.00. Geranios Enterprises, Inc., submitted the low bid.

Conclusion:

City staff recommends awarding the contract to Geranios Enterprises, Inc., in the amount of \$134,863.80.

Fiscal Impact:

The attached bid tabulation summarizes bids that were received. City storm drain funding and street improvements other than buildings is budgeted to fund this project.

Alternatives:

The City Commission could vote to deny award of the construction contract and re-bid or cancel the project.

ATTACHMENTS:

- Bid Tab OF 1666.8

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

BID TABULATION SUMMARY

Misc Drainage Improvements, NW Side Alleys Phase 2
 O.F. 1666.8

Project Number OF 1666.8
 Bids Taken at Civic Center
 Date: July 24, 2018
 Tabulated By: _____

	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	Cap Con 4117 14th Ave S Great Falls, MT 59405	N/A	N/A	X		X	X	\$171,100.00
2	Geranios Enterprises P.O. Box 2543 Great Falls MT 59403	N/A	N/A	X		X	X	\$134,863.80
3	Horn Construction 11 Sunnyside Ave Vaughn, MT 59487	N/A	N/A					
4	David W. Kuglin Construction P.O. Box 491 Black Eagle, MT 59414	N/A	N/A	None				
5								
6								
7								
8								
9								
10	Engineer's Estimate							



Item: Construction Contract Award: Lift Station 9 Rehabilitation, Office File 1722.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Approve Contract

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (award/not award) a contract in the amount of \$260,520.00 to Ed Boland Construction Inc. for the Lift Station 9 Rehabilitation Project, and authorize the City Manager to execute the construction contract documents."

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

Staff Recommendation:

Approve Construction Contract Award.

Summary:

This project was initiated as a result of Veolia Water's reports of frequent clogging associated with the two pumps in sewer lift station #9. The lift station serves the Sunrise Court Apartments complex. The complex is made up of approximately 14 multi-unit apartment buildings. Upon initial investigation of the lift station #9 structure and equipment, the team found that the drywell housing the pumps was experiencing corrosion in several areas. The scope of the project was defined according to these initial investigations to include corrosion corrections, electrical and control equipment upgrades, valve upgrades/replacements, and rebuilding of both existing station pumps.

It should be noted that the decision to award/not award this contract was postponed at the July 3rd Commission Meeting until the August 7th Commission meeting. This postponement was to allow time for the Great Falls Housing Authority Board to meet concerning the lift station power supply. At the July 19th Great Falls Housing Authority Board meeting, it was agreed that the board would honor the original agreement and continue to pay for electricity on this Lift Station. Based on this confirmation, we would

like to move forward the award of this contract.

Background:

Citizen Participation:

The construction activity will require closure of 1st Avenue South and parts of 51st Street near the lift station. Access to the residences adjacent to the construction zones will be maintained. The Sunrise Courts management has been notified of the project.

Workload and Impacts:

Design phase engineering, plans, and specifications were completed by NCI Engineering staff with assistance and guidance from the City Engineering Division, City Environmental Division and Veolia Water. NCI Engineering will provide construction phase engineering services and handle project inspection. City Engineering will provide project administration.

Purpose:

The primary objective of this project is to maintain the function of the existing lift station, eliminate clogging of the pumps, and upgrade the communication system in coordination with other lift stations maintained by Veolia.

Project Work Scope:

This project consists of repairing and coating the lift station drywell, rebuilding both existing lift station pumps; replacing the gate and check valves, sump pump, blower, dehumidifier, and floor mat heater; upgrading electrical and installing a new disconnect and control panel, and setting up and maintaining all necessary bypass pumping. The control panels and associated electrical are to be moved to ground level for easier access by Veolia Water. Currently, confined space protocol must be followed to maintain/operate these systems. The project is scheduled for substantial completion in 30 calendar days after a 12 week equipment acquisition allowance period.

Evaluation and Selection Process:

Two (2) bids were received on June 20, 2018 with the bid prices ranging from \$260,520.00 to \$343,046.00. Ed Boland Construction Inc. submitted the low bid.

Conclusion:

City staff recommends awarding the contract to Ed Boland Construction Inc. in the amount of \$260,520.00.

Fiscal Impact:

The attached bid tabulation summarizes the bids that were received. Funding for this project will be from the Sewer capital fund.

Alternatives:

The City Commission could vote to deny award of the construction contract and re-bid or cancel the project.

ATTACHMENTS:

- Bid Tab OF1722.1

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

BID TABULATION SUMMARY

 Lift Station #9 Rehabilitation
 O.F. 1722.1

Project Number PW341806
 Bids Taken at Civic Center
 Date: June 20, 2018
 Tabulated By: Mikalea Schultz

	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	Ed Boland Construction 4601 7th Ave. So. Great Falls, MT 59405	X		X		X	X	\$260,520.00
2	Geranios Enterprises P.O. Box 2543 Great Falls MT 59403	X		X		X	X	\$343,046.00
3								
4								
5								
6								
7								
8								
9								
10	Engineer's Estimate							\$203,500.00



Item: Construction Contract Award: Sanitary Sewer Trenchless Rehabilitation, Phase 21, Office File 1674.8

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bid and Award Construction Contract

Suggested Motion:

1. Commissioner moves:

"I move the City Commission (award/not award) a contract in the amount of \$378,950.00 to Planned and Engineered Construction Inc. (PEC) for the Sanitary Sewer Trenchless Rehabilitation, Phase 21, and authorize the City Manager to execute the construction contract documents."

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

Staff Recommendation:

Approve construction contract award.

Summary:

Approximately 12,501 lineal feet of 8 and 9 inch sewer main is to be lined as part of this project. These mains were identified by the Public Works Utilities Division as priorities for lining.

Background:

Significant Impacts

This project is a continuation of the ongoing rehabilitation program of sanitary sewer mains that utilizes trenchless technologies. The use of this technology greatly extends the life and reduces maintenance cost of deteriorating sewer mains without disturbing soils or structures above the main.

Citizen Participation

The construction activity will have little impact on the citizens of Great Falls. The contractor is required to keep the sewer mains functioning by utilizing bypass pumping.

Workload Impacts

The Utility Division of the City's Public Works Department completed sewer main camera inspections that were used to identify and prioritize sewer mains which needed rehabilitation. City Engineering staff designed the project and will perform construction inspection and contract administration duties.

Purpose

Many of the sewer mains in Great Falls have outlasted their intended service life. Although the sewer mains are functioning, the aged lines develop pits, cracks, and holes. These defects can lead to raw sewage leaking into ground water, and also make routine maintenance difficult. Utilizing Cured-in-Place-Pipe (CIPP) will extend the service life and alleviate the issues stated above. Trenchless technology was chosen for this project for several reasons, including lower cost, ease of installation, greatly reduced surface disruption, and elimination of utility conflicts.

Project Work Scope

This project will rehabilitate 12,501 linear feet of 8 and 9-inch diameter sewer mains at thirty-four (34) locations spread around the City. These locations are as follows:

4th Alley North 4th-5th Street	11th Alley South 15th-16th Street
5th Alley North 4th-5th Street	Valley View Dr. & Avenue D NW
5th Alley North 6th-7th Street	1st Alley SW 13th-14th Street
6th Alley North 6th -7th Street	1st Alley NW 14th-15th Street
6th Alley North 8th -9th Street	6th Alley NW 12th-13th Street
3rd Alley North 8th-9th Street	6th Alley SW 4th-6th Street
5th Alley North 11th-12th Street	46th Street S 3rd-7th Ave
5th Alley North 13th-14th Street	
4th Alley North 15th-16th Street	
2nd Alley North 17th -18th Street	
1st Alley North 22nd-23rd Street	
5th Alley North 24th -25th Street	
4th Alley North 24th -25th Street	
5th Alley North 25th-26th Street	
3rd Alley North 25th -26th Street	
1st Alley North 27th-28th Street	
3rd Alley North 28th-29th Street	
1st Alley North 29th-30th Street	
4th Alley North 30th-31st Street	
3rd Alley North 31st-32nd Street	

Evaluation and Selection Process

Two bids were received from Planned and Engineered Construction, Inc. (PEC) and Insituform Technologies and opened on July 25, 2018. The two bids were, \$378,950.00, and \$434,121.00, with PEC providing the low bid.

Conclusion

City staff recommends awarding the construction contract to PEC in the amount of \$378,950.00. PEC

has successfully completed numerous sewer rehabilitation projects in Great Falls and around the region.

Fiscal Impact:

The attached bid tabulation summarizes the two bids that were received. Funding for this project will be from the Storm Drain Capital Funds.

Alternatives:

The City Commission could vote to deny award of the construction contract to the low bidder and instead award the contract to the other bidder; re-bid the project; or cancel the project.

ATTACHMENTS:

- Bid Tab OF 1674.8

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

BID TABULATION SUMMARY
 Sanitary Sewer Trenchless Phase 21
 O.F. 1674.8

Project Number _____
 Bids Taken at Civic Center
 Date: July 25, 2018
 Tabulated By: _____

	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	P.E.C	X		X		X	X	\$378,950.00
2	Insituform Technologies	X		X		X	X	\$434,121.00
3								
4								
5								
6								
7								
8								
9								
10	Engineer's Estimate							\$444,925.00



Item: Professional Services Contract: Central Montana Agriculture and Technology Park (CMATP) TIF Phase III Storm Drain, O.F. 1658.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider and Approve Contract

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (award/not award) a contract in the amount of \$123,806.00 to Thomas Dean & Hoskins, Inc., for the CMATP Storm Drain Improvements Design, Phase 3, and authorize the City Manager to execute the construction contract documents."

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

Staff Recommendation:

City staff recommends approving the professional services agreement for completion of the master plans and final engineering design for the storm drainage network.

Summary:

The City proposes to retain Thomas Dean & Hoskins, Inc. (TD&H) to complete the master plan and final design for the storm drainage network across the CMATP.

Background:

The sanitary sewer utility and street installations for the area were completed under Phases 1 and 2 in 2014. The storm drainage network is the last remaining major utility to be installed. The storm drainage system will serve the entire Central Montana Agri-Tech Park (CMATP) development and properties east of Black Eagle Road. TD&H completed the preliminary storm drainage design in November of 2016, including conceptual storm drain sizing, the topographical survey of the corridor, and the easement documentation.

Workload Impacts:

For this phase of the project, the design will be finalized and construction documents with cost estimates will be completed. Easements and permits for the proposed alignment will be finalized and acquired. The storm drain system design easements and construction documents will be finalized by TD&H. City Engineering Division will perform administrative duties and coordinate the consultant's activities.

Fiscal Impact:

100% of the costs for engineering design and administration will be provided by tax increment funds.

Alternatives:

The City Commission could vote to deny award of the professional services contract or cancel the project.

ATTACHMENTS:

- Professional Services Agreement
- Proposed Scope of Services
- Proposed Cost Estimate

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into by and between the **CITY OF GREAT FALLS, MONTANA**, a municipal corporation organized and existing under the laws of the State of Montana, P.O. Box 5021, Great Falls, Montana 59403-5021, hereinafter referred to as “City,” and **Thomas Dean & Hoskins, Inc (TD&H Engineering), 1800 River Drive North, Great Falls, MT 59401**, hereinafter referred to as “Consultant.”

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

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

2. **Term of Agreement:** This Agreement is effective upon the date of its execution through **December 30, 2020**. Both parties reserve the right to cancel this Agreement by providing a written thirty (30) day notice to the other party. The parties may extend this agreement in writing prior to its termination.

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

4. **Payment:** City agrees to pay Consultant **One Hundred Twenty-Three Thousand Eight Hundred Six Dollars (\$123,806.00)** per **Lump Sum** for services performed pursuant to the Scope of Services. Any alteration or deviation from the described work that involves extra costs will be performed by Consultant after written request by the City, and will become an extra charge over and above the contract amount. The parties must agree upon any extra charges in writing.

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

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

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

6. Indemnification: To the fullest extent permitted by law, Consultant shall fully indemnify, defend, and save City, its agents, representatives, employees, and officers harmless from and against any and all claims, actions, costs, fees, losses, liabilities or damages of whatever kind or nature arising from or related to Consultant’s performance of this Agreement and Consultant’s work on the Project or work of any subcontractor or supplier to Consultant.

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

Insurance Coverage at least in the following amounts is required:

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

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

Additional Insured Endorsement Example:

POLICY NUMBER:

COMMERCIAL GENERAL LIABILITY
CG 20 26 07 04

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – DESIGNATED
PERSON OR ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s)
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

- A. In the performance of your ongoing operations; or
- B. In connection with your premises owned by or rented to you.

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

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

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

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

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

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

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

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

16. **Binding:** This Agreement and all of the covenants hereof shall inure to the benefit and be binding upon the City of Great Falls and the Contractor respectively and their partners, successors, assigns and legal representatives. Neither the City nor the Contractor shall have the right to assign, transfer or sublet their interest or obligations hereunder without written consent of the other party.

17. **Amendments:** Any amendment or modification of this Agreement or any provisions herein shall be made in writing and executed in the same manner as this original document and shall after execution become a part of the Agreement.

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

CITY OF GREAT FALLS, MONTANA

CONSULTANT

By _____
Gregory T. Doyon, City Manager

By _____

Date _____

Print Name _____

Title _____

Date _____

ATTEST:

(Seal of the City)

Lisa Kunz, City Clerk

* APPROVED AS TO FORM:

By _____
Sara R. Sexe, City Attorney

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

EXHIBIT “A”
City of Great Falls CMATP Storm Drain Phase 3
O.F. 1658.1
Scope of Services

General:

The purpose of the project is to implement recommendations for a new storm drain for the Central Montana Agricultural and Technology Park (CMATP) as recommended in the 2016 CMATP TIF Storm Drain Phase 3 Preliminary Storm Drain Report. A new storm drain interceptor will be designed for traditional open trench pipe installation beginning east of Highway 87 and ending east of Black Eagle Road. One bored and jacked railroad crossing will be designed under a rail line owned and operated by Malteurop. The railroad crossing will be designed in accordance with BNSF requirements. The new storm drain will be located in Cascade County right-of-way across Black Eagle Road; the remainder of the storm drain will be located in private property. The design will also include provisions for crossing a shallow, 10-inch high pressure gas main. Work which has already been completed or is in progress under a separate contract includes conceptual storm drain sizing, the topographical survey of the corridor, and the easement documentation. The principal field investigation and analysis tasks are described in the following discussion.

Design Criteria and Analysis:

The CMATP design will address recommendations in the November 2016 Preliminary Storm Drain Report and will conform to the requirements in the City’s Storm Drainage Design Manual. The 2016 study provided recommended pipe sizes throughout the alignment; however, the City has requested that the storm drain design and analysis be revised in an attempt to reduce the storm drain diameters. The SSA stormwater model will be modified for two scenarios: (1) Size the storm drain to convey existing condition hydrology; and (2) Size the storm drain for fully developed conditions with parallel mains. The existing condition hydrology was not analyzed previously; therefore, the proposed scope and fee accounts for developing an existing conditions SSA model. The revised storm drain sizing will be documented in a Final Storm Drain Report.

The new CMATP storm drain will discharge to an existing drainage. As a result, the work includes analysis and design of energy dissipation and erosion protection at the storm drain outlet. Minor structural engineering and analysis is anticipated for the design of a cutoff wall and energy dissipation structure. The stormwater will also be required to meet the City’s MS4 requirements, inclusive of engineered treatment at the outlet.

Geotechnical Investigation:

A geotechnical investigation will be completed along the storm drain alignment to establish subsurface conditions associated with trench excavation and provide a basis for the erosion protection analysis at the storm drain outlet. Additionally, a geotechnical investigation is considered mandatory for design of the large bore and jack crossing in order to meet all BNSF requirements. The following is a description of the geotechnical investigation activities:

The geotechnical investigation will include seven conventional soil borings along the project alignment to provide the subsurface data required for bidding the various project components and assessing the corrosion and scour properties required to complete the final design. The

following table summarizes the preliminary boring locations and depths anticipated for this project based on the preliminary storm drain alignment.

Station	Planned Depth
2+50	20 ft
10+75	20 ft
19+25	20 ft
27+50	40 ft
29+50	40 ft
36+25	20 ft
43+00	20 ft

The depths provided are intended to extend approximately five to ten feet below the plan invert elevation to evaluate subsurface conditions along the alignment. The borings will be completed with conventional truck-mounted, hollowstem auger drilling equipment and samples will be obtained in accordance with ASTM D1586 at a maximum five-foot interval. A limited laboratory testing program consisting of visual classifications, moisture contents, gradations, and Atterberg Limits will verify field classifications and provide required data to design an energy dissipation structure at station 42+54. In addition, chemical testing to evaluate the soil pH, resistivity, and sulfate concentrations will be performed along the alignment to assess the corrosion potential of buried steel and concrete pipe systems. We do not anticipate the need for any additional field or laboratory testing beyond the aforementioned scope; however, should additional testing be warranted, the Owner shall be notified and approval received prior to proceeding with the additional work.

Results of the field and laboratory studies and engineering analyses, along with recommendations, will be summarized in a geotechnical engineering report. The report will include descriptions of the soils encountered, copies of the boring logs and laboratory test reports, and assessment of the potential impacts of the conditions encountered on the proposed construction. Corrosion potential of the pipe systems, ease of excavation, and drilling conditions at the jack-and-bore site will be addressed

The geotechnical investigation and report, as outlined above, includes all expenses associated with subcontractor fees, field engineering, laboratory testing, and preparation of the final report.

Exclusions:

The following are not included in the scope and fee: easement negotiations; permit and license fees; regulatory review fees; analysis of private stormwater control facilities (Malteurop's Malt Plant pond); design of improvements to Stock Pond storage, spillway, or energy dissipation; environmental assessments; BNSF pipeline crossing permit application; and Montana State Revolving Fund applications. Permit and license fees shall be paid directly by the City and unexpected field work, technical analysis, design or construction administration services will be negotiated as necessary.

Schedule:

Preliminary design is anticipated to begin in July of 2018 and bidding is expected during February or March of 2019. Contract award and construction would follow in late spring/early summer of 2019 with an anticipated duration of 2 months.

Fee and Tasks:

Preliminary Design, Final Design, Bidding Phase, and Construction Phase service fee estimates are based on hourly rates, estimated labor hours and expenses. Although no specific tasks have been identified as miscellaneous services, a contingency budget is included to account for unforeseen activities. Miscellaneous engineering services shall only be as directed and authorized by the Owner. A Fee Estimate with projected labor hours for each staff classification expected to work on the project along with TD&H Engineering's 2018 Rate Schedule are included as Exhibit B and Exhibit C. Figure 1 illustrates the project corridor for reference.

Contract is expected to be fixed fee; fee is based on the detailed summary of labor and expenses in Exhibit B.

The following is a summary of specific tasks by project phase:

Task 1.00 – Study and Report

- 1.01 Geotechnical Investigation

Task 2.00 – Preliminary Design

- 2.01 Facilitate progress meetings & project management
- 2.02 Collect and review existing information – Utility plans, previous project documents, etc.
- 2.03 On-site for hydrovac utility investigation
- 2.04 Preliminary County coordination
- 2.05 Preliminary Malteurop coordination
- 2.06 Preliminary Northwestern Energy coordination
- 2.07 Erosion protection and energy dissipation analysis
- 2.08 Black Eagle Road culvert analysis and inlet sizing
- 2.09 Existing conditions hydrology and storm drain sizing
- 2.10 Revise developed conditions storm drain sizing
- 2.11 MS4 treatment alternatives
- 2.12 Final Storm Drain Design Report with updated budgetary cost estimates (document tasks 2.07 through 2.11)
- 2.13 Preliminary Design Review Meeting

Task 3.00 – Final Design

- 3.01 Facilitate progress meetings & project management
- 3.02 Update base drawings
- 3.03 Prepare and submit Cascade County right-of-way permit
- 3.04 Design MS4 Treatment
- 3.05 90% Construction drawings (two phases)
- 3.06 90% Technical specifications and bid documents (two phases)
- 3.07 Provide 90% documents to City for comment and review (two phases)
- 3.08 90% Design Review Meeting
- 3.09 Final construction drawings, bid documents, and technical specifications (two phases)
- 3.10 Quantity take off and construction cost estimate (two phases)
- 3.11 Final quality control review (two phases)

Task 4.00 – Bidding (Two Phases)

- 4.01 Printing bid sets
- 4.02 Respond to bidder questions and issue Addenda
- 4.03 Attend pre-bid conference
- 4.04 Attend bid opening
- 4.05 Review bids and provide award recommendation
- 4.06 Prepare Executed Documents

Task 5.00 – Construction Administration (Two Phases)

- 5.01 Attend pre-construction conference
- 5.02 Address RFI's
- 5.03 Prepare As-Constructed Plans including 22x34 mylars and electronic files

Task 6.00 – Miscellaneous Services

- 6.01 Miscellaneous engineering services related to tasks not addressed in Tasks 1.0 through 5.0. Miscellaneous engineering services shall only be as directed and authorized by the Owner.

**Exhibit "B" TD&H Engineering Fee Estimate
CMATP Storm Drain Phase 3, O.F. 1658.1
City of Great Falls**

6/26/2018
CEVJ

SUMMARY	
Study and Report	\$ 12,000.00
Preliminary Design	\$ 22,982.70
Final Design (two phases)	\$ 63,011.50
Bidding (two phases)	\$ 8,094.00
Construction Administration (two phases)	\$ 12,717.50
Miscellaneous Services	\$ 5,000.00
TOTAL	\$ 123,805.70

Task No.	Task	P	E6	E4	E3	E2	AM	CD2	CD3	CR1	E4	CD2	E4	E4	E1	AA	Labor Cost per Task	Mileage (miles)	Computer Usage (CAD) (hours)	Computer Usage (Non-CAD) (hours)	Subcontractors/ Direct Expenses (e.g. printing or Materials Testing)	Reimbursables Cost per Task	Total Cost per Task				
1.00	Study and Report																										
1.01	Geotechnical Investigation																	20	2	15	1	\$ 4,139.00	30	20	\$ 7,780.00	\$ 7,861.00	\$ 12,000.00
	Total																	20	2	15	1				\$ 7,780.00	\$ 7,861.00	\$ 12,000.00
	Rate	\$ 180.00	\$ 164.00	\$ 125.00	\$ 104.00	\$ 94.00	\$ 81.00	\$ 80.00	\$ 95.00	\$ 69.00	\$ 125.00	\$ 80.00	\$ 125.00	\$ 125.00	\$ 89.00	\$ 54.00		\$ 0.70	\$ 10.00	\$ 3.00	N/A						
	Labor Cost																\$ 2,500.00	\$ 250.00	\$ 1,335.00	\$ 54.00		\$ 4,139.00	\$ 21.00	\$ 60.00	\$ 7,780.00	\$ 7,861.00	\$ 12,000.00

Task No.	Task	P	E6	E4	E3	E2	AM	CD2	CD3	CR1	E4	CD2	E4	E4	E1	AA	Labor Cost per Task	Mileage (miles)	Computer Usage (CAD) (hours)	Computer Usage (Non-CAD) (hours)	Subcontractors/ Direct Expenses (e.g. printing or Materials Testing)	Reimbursables Cost per Task	Total Cost per Task			
2.00	Preliminary Design																									
2.01	Facilitate progress meetings & project management		2		16													\$ 1,992.00	10		9		\$ 34.00	\$ 2,026.00		
2.02	Collect and review existing information - utility plans, previous project documents, etc.				4	8												\$ 1,168.00			6		\$ 18.00	\$ 1,186.00		
2.03	On-site for hydrovac utility investigation					2												\$ 188.00	6		1		\$ 7.20	\$ 195.20		
2.04	Preliminary County coordination		1		4													\$ 580.00			3		\$ 9.00	\$ 589.00		
2.05	Preliminary Malteurop coordination		1		4													\$ 580.00			3		\$ 9.00	\$ 589.00		
2.06	Preliminary Northwestern Energy coordination		1		4	4												\$ 540.00			3		\$ 9.00	\$ 549.00		
2.07	Erosion protection and energy dissipation analysis			4	8													\$ 1,332.00			6		\$ 18.00	\$ 1,350.00		
2.08	Black Eagle Road culvert analysis and inlet sizing		1		4	2												\$ 768.00			4		\$ 12.00	\$ 780.00		
2.09	Existing conditions hydrology and storm drain sizing		1		8	24												\$ 3,252.00			17		\$ 51.00	\$ 3,303.00		
2.10	Revise developed conditions storm drain sizing		1		4	16												\$ 2,084.00			11		\$ 33.00	\$ 2,117.00		
2.11	MS4 treatment alternatives		1		4	8												\$ 1,332.00			7		\$ 21.00	\$ 1,353.00		
2.12	Final Storm Drain Report with updated budgetary cost estimates (document tasks 2.07 through 2.11)		4		16	32	4	24	2									\$ 7,762.00		26	28	\$ 100.00	\$ 444.00	\$ 8,206.00		
2.13	Preliminary Design Review Meeting	1	1		2	1	1	1	2									\$ 727.00	5		3		\$ 12.50	\$ 739.50		
	Total	1	14	4	74	97	5	24	2										21	26	101		\$ 100.00	\$ 677.70	\$ 22,982.70	
	Rate	\$ 180.00	\$ 164.00	\$ 125.00	\$ 104.00	\$ 94.00	\$ 81.00	\$ 80.00	\$ 95.00	\$ 69.00	\$ 125.00	\$ 80.00	\$ 125.00	\$ 125.00	\$ 89.00	\$ 54.00		\$ 0.70	\$ 10.00	\$ 3.00	N/A					
	Labor Cost	\$ 180.00	\$ 2,296.00	\$ 500.00	\$ 7,696.00	\$ 9,118.00	\$ 405.00	\$ 1,920.00	\$ 190.00									\$ 22,305.00	\$ 14.70	\$ 260.00	\$ 303.00	\$ 100.00		\$ 677.70	\$ 22,982.70	

Task No.	Task	P	E6	E4	E3	E2	AM	CD2	CD3	CR1	E4	CD2	E4	E4	E1	AA	Labor Cost per Task	Mileage (miles)	Computer Usage (CAD) (hours)	Computer Usage (Non-CAD) (hours)	Subcontractors/ Direct Expenses (e.g. printing or Materials Testing)	Reimbursables Cost per Task	Total Cost per Task			
3.00	Final Design																									
3.01	Facilitate progress meetings & project management		8		40		4											\$ 5,796.00	10		26		\$ 85.00	\$ 5,881.00		
3.02	Update base drawings							8										\$ 640.00		8			\$ 80.00	\$ 720.00		
3.03	Prepare and submit Cascade County right-of-way permit		1		2	4	2											\$ 910.00			5		\$ 15.00	\$ 925.00		
3.04	Design MS4 Treatment		2		40			24										\$ 6,408.00		24	21		\$ 303.00	\$ 6,711.00		
3.05	Prepare 90% Construction Drawings (two phases)		6	6	32			100	4		16	20						\$ 17,042.00		104	40		\$ 1,160.00	\$ 18,202.00		
3.06	Prepare 90% technical specifications and bid documents (two phases)		8		60		12											\$ 8,524.00			40		\$ 120.00	\$ 8,644.00		
3.07	Provide 90% documents to City for comment and review (two phases)				4		2											\$ 578.00			3	\$ 100.00	\$ 109.00	\$ 687.00		
3.08	90% Design Review Meeting	1	1		2													\$ 552.00	5		2		\$ 9.50	\$ 561.50		
3.09	Final construction drawings, bid documents, and technical specifications (two phases)		4		32		8	80	4		4	12						\$ 12,872.00		84	30	\$ 50.00	\$ 980.00	\$ 13,852.00		
3.10	Quantity Take Off and Construction Cost Estimate (two phases)		2		24	8												\$ 4,128.00			21		\$ 63.00	\$ 4,191.00		
3.11	Final quality control review (two phases)	4	8		4		2											\$ 2,610.00			9		\$ 27.00	\$ 2,637.00		
	Total	5	40	6	240	12	30	212	8	8	20	32							15	220	197		\$ 150.00	\$ 2,951.50	\$ 63,011.50	
	Rate	\$ 180.00	\$ 164.00	\$ 125.00	\$ 104.00	\$ 94.00	\$ 81.00	\$ 80.00	\$ 95.00	\$ 69.00	\$ 125.00	\$ 80.00	\$ 125.00	\$ 125.00	\$ 89.00	\$ 54.00		\$ 0.70	\$ 10.00	\$ 3.00	N/A					
	Cost	\$ 900.00	\$ 6,560.00	\$ 750.00	\$ 24,960.00	\$ 1,128.00	\$ 2,430.00	\$ 16,960.00	\$ 760.00	\$ 552.00	\$ 2,500.00	\$ 2,560.00						\$ 60,060.00	\$ 10.50	\$ 2,200.00	\$ 591.00	\$ 150.00	\$ 2,951.50	\$ 63,011.50		

**Exhibit "B" TD&H Engineering Fee Estimate
CMATP Storm Drain Phase 3, O.F. 1658.1
City of Great Falls**

6/26/2018

Task No.	Task	P	E6	E4	E3	E2	AM	CD2	CD3	CR1	E4	CD2	E4	E4	E1	AA	Labor Cost per Task	Mileage (miles)	Computer Usage (CAD) (hours)	Computer Usage (Non-CAD) (hours)	Subcontractors/ Direct Expenses (e.g. printing or Materials Testing)	Reimbursables Cost per Task	Total Cost per Task
4.00	Bidding (Two Phases)	Principal (Wade)	Engineer VI (Dustin)	Engineer IV (Mike)	Engineer III (Camille)	Engineer II (Nicole)	Production (Cindy)	CAD Designer II (Morris)	CAD / Production Manager (Curt)	Construction Representative I (Taylor)	Structural Engineer IV (Scott)	Structural CAD Designer II (Ruth)	Geotechnical Engineer IV (Craig)	Geotechnical Engineer IV (Peter)	Geotechnical Engineer I (Bill)	Administrative Assistant (Mellissa)							
4.01	Printing bid sets		1		2		6	2									\$ 1,018.00		2	5	\$ 500.00	\$ 535.00	\$ 1,553.00
4.02	Respond to bidder questions and issue Addenda		2		16	2	4										\$ 2,504.00			12		\$ 36.00	\$ 2,540.00
4.03	Attend pre-bid conference		4		4		1										\$ 1,153.00	5		5		\$ 18.50	\$ 1,171.50
4.04	Attend bid opening				4		1										\$ 497.00	5		3		\$ 12.50	\$ 509.50
4.05	Review bids and provide award recommendation	1	2		8		1										\$ 1,421.00			6		\$ 18.00	\$ 1,439.00
4.06	Prepare Executed Documents		1		6		1										\$ 869.00			4		\$ 12.00	\$ 881.00
	Total	1	10		40	2	14	2										10	2	35	N/A		
	Rate	\$ 180.00	\$ 164.00	\$ 125.00	\$ 104.00	\$ 94.00	\$ 81.00	\$ 80.00	\$ 95.00	\$ 69.00	\$ 125.00	\$ 80.00	\$ 125.00	\$ 125.00	\$ 89.00	\$ 54.00							
	Cost	\$ 180.00	\$ 1,640.00		\$ 4,160.00	\$ 188.00	\$ 1,134.00	\$ 160.00									\$ 7,462.00	\$ 7.00	\$ 20.00	\$ 105.00	\$ 500.00	\$ 632.00	\$ 8,094.00

Task No.	Task	P	E6	E4	E3	E2	AM	CD2	CD3	CR1	E4	CD2	E4	E4	E1	AA	Labor Cost per Task	Mileage (miles)	Computer Usage (CAD) (hours)	Computer Usage (Non-CAD) (hours)	Subcontractors/ Direct Expenses (e.g. printing or Materials Testing)	Reimbursables Cost per Task	Total Cost per Task
5.00	Construction Administration (Two Phases)	Principal (Wade)	Engineer VI (Dustin)	Engineer IV (Mike)	Engineer III (Camille)	Engineer II (Nicole)	Production (Cindy)	CAD Designer II (Morris)	CAD / Production Manager (Curt)	Construction Representative I (Taylor)	Structural Engineer IV (Scott)	Structural CAD Designer II (Ruth)	Geotechnical Engineer IV (Craig)	Geotechnical Engineer IV (Peter)	Geotechnical Engineer I (Bill)	Administrative Assistant (Mellissa)							
5.01	Attend pre-construction conference				4		1										\$ 497.00	5		3		\$ 12.50	\$ 509.50
5.02	Address RFIs, provide technical assistance as needed		8		20		4	24									\$ 5,636.00		24	16		\$ 288.00	\$ 5,924.00
5.03	Prepare As-Constructed drawings including 22x34 mylars and electronic files		2		12		2	32	8			8					\$ 5,698.00		40	12	\$ 150.00	\$ 586.00	\$ 6,284.00
	Total		10		36		7	56	8			8						5	64	31	N/A		
	Rate	\$ 180.00	\$ 164.00	\$ 125.00	\$ 104.00	\$ 94.00	\$ 81.00	\$ 80.00	\$ 95.00	\$ 69.00	\$ 125.00	\$ 80.00	\$ 125.00	\$ 125.00	\$ 89.00	\$ 54.00							
	Cost	\$ 180.00	\$ 1,640.00		\$ 3,744.00		\$ 567.00	\$ 4,480.00	\$ 760.00			\$ 640.00					\$ 11,831.00	\$ 3.50	\$ 640.00	\$ 93.00	\$ 150.00	\$ 886.50	\$ 12,717.50



Item: Water Meter Equipment Purchases for Fiscal Year 2019

From: Utilities Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Purchases

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (approve/deny) the purchases of water meter equipment for the 2019 Fiscal Year from Ferguson Enterprises, Inc. in an amount not to exceed \$240,000."

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

Staff Recommendation:

Approve purchases

Background:

Significant Impacts

There are approximately 22,000 water meters within the City Water Distribution System. We have replaced the majority of our smaller meters that were not compatible with our radio read system. We are now working on replacing our larger meters (2" to 8") and installing MXUs (radio read equipment) on the remaining meters. The radio read system makes reading meters safer and more efficient. Currently, there are approximately 6,500 radio reads installed in the city.

Purpose

To approve the purchases of water meter equipment for FY 2019.

Project Work Scope

In Fiscal Year 2018, staff purchased \$230,000 worth of radio read equipment, new meters, meter parts and installation equipment from Ferguson Enterprises, Inc. On March 1, 2017, Ferguson Enterprises, Inc. replaced Dana Kepner Co. as the distributor for Sensus meter equipment.

In Fiscal Year 2019, staff proposes to purchase radio read equipment, new meters, meter parts and installation equipment from Ferguson Enterprises, Inc. totaling approximately \$240,000.

Our plan for the upcoming 3 to 5 years is to replace the approximately one hundred 2" and larger meters in our system that we are unable to read remotely. To read each meter, the employee must enter every property and read the numbers off the meter. This is very time consuming for the City staff and inconvenient for the property owners. We also have approximately 15,000 MXUs to install, which will take 15 to 20 years to accomplish.

Another issue that we will be facing in the future is the EPA has changed the definition of "Lead Free" from 8.0% to .25% of lead in brass. The majority of our meters are brass, which means when we have problems (stuck, broken, etc.) with the existing meters, we cannot rebuild them. We will have to install a new .25% "Lead Free" meter or an "I-Perl" meter (composite/plastic material).

Evaluation and Selection Process

Ferguson Enterprises, Inc. is the sole source distributor for compatible parts and equipment for the City's metering system. Due to compatibility issues with different equipment, supplies, and suppliers, staff proposes to continue to purchase equipment from Ferguson.

Fiscal Impact:

Water meter equipment and supply purchases are budgeted on a yearly basis by the Public Works Water Distribution Division.

Alternatives:

The City Commission could vote to deny purchases.



Item: Resolution 10243 to Levy and Assess Street Maintenance District

From: Judy Burg, Taxes and Assessments

Initiated By: Annual Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission Conduct Public Hearing and Adopt Resolution 10243

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

"I move the City Commission (adopt/deny) Resolution 10243."

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

Staff Recommendation:

Staff recommends the City Commission adopt Resolution 10243.

Background:

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

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

After calculating all factors pertinent to the operation of the Street Maintenance District, an assessment

amount for the next fiscal year is calculated, proposed, and presented to the City Commissioners for approval. No recommendation for an increase is proposed for Fiscal Year 2019. The last street maintenance increase of 10% was approved in Fiscal Year 2016.

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

ASSESSMENT OPTION

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

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

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

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

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

Inter-local Agreement: An "inter-local contracted maintenance" category that designates properties owned by other governments or their agencies adjacent to City streets that are maintained by the other governments or their agencies. This category's assessment includes a 7.5% administrative fee as well as the annual contracted cost of maintenance. The maintenance cost portion is agreed upon by the City and the contracting entity.

Fiscal Impact:

Adoption of Resolution 10243 will allow the City to fund the cost of work, improvements, and maintenance in the street maintenance district.

For Fiscal Year 2019, the street maintenance assessment will remain the same as Fiscal Year 2018. This equates to an assessment factor of \$0.014702 per square foot, for a total of \$4,583,265, and will result in an annual assessment of \$110.27 for an average size lot of 7,500 square feet (7,500 sq. ft. x 0.014702 factor = \$110.27).

Alternatives:

The City Commission could choose to deny Resolution 10243 to Levy and Assess Street Maintenance; however, the reduction in services to the community could be detrimental to the safety and welfare of the general public.

Concurrences:

Public Works staff is responsible for the operation expenses of the Street Department. Fiscal Services staff is responsible for assessing and collecting the street maintenance revenues necessary to carry out the operations.

ATTACHMENTS:

- Resolution 10243 - Revised after posting

RESOLUTION NO. 10243

A RESOLUTION LEVYING AND ASSESSING THE COST OF STREET MAINTENANCE FOR STREETS AND ALLEYS IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019

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

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

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

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

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

WHEREAS, on July 17, 2018, the City Commission adopted Resolution 10240, Annual Budget Resolution, in which the estimated assessment for such maintenance not offset by other revenues within the Street Maintenance District was reflected as FOUR MILLION FIVE HUNDRED EIGHTY-THREE THOUSAND TWO HUNDRED SIXTY-FIVE DOLLARS (\$4,583,265); and

WHEREAS, in accordance with § 7-12-4426, MCA, notice was published setting forth that Resolution No. 10243 Levying and Assessing the Cost of Street Maintenance for Streets and Alleys in the City of Great Falls, Montana, would be brought before the Great Falls City Commission for public hearing on August 7, 2018.

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

Section 1 – Maintenance Costs Assessed

The costs of maintenance, not offset by other revenues, in the Street Maintenance District, totaling FOUR MILLION FIVE HUNDRED EIGHTY-THREE THOUSAND TWO HUNDRED SIXTY-FIVE DOLLARS (\$4,583,265) be levied and assessed upon the property in said district for the fiscal year ending June 30, 2019. The description of each lot or parcel of land within the Street Maintenance District and the respective assessments are set forth in the records of the Finance Department of the City of Great Falls, Montana, and by this reference incorporated herein as if fully set forth.

Section 2 – Maintenance Assessment Method

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

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

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

Section 3 – Assessments Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2018 and May 31, 2019.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 7th day of August, 2018.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney



Item: Resolution 10244 to Levy and Assess Properties within Special Improvement Lighting Districts

From: Judy Burg, Taxes and Assessments

Initiated By: Annual Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission Conduct Public Hearing and Adopt Resolution 10244

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

"I move the City Commission (adopt/deny) Resolution 10244."

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

Staff Recommendation:

Staff recommends the City Commission adopt Resolution 10244 to levy and assess properties within the Special Improvement Lighting Districts.

Background:

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

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

Fiscal Impact:

Adoption of Resolution 10244 will allow the City to fund the operational and maintenance costs required in the Special Improvement Lighting Districts for the fiscal year.

ASSESSMENT ANTICIPATED

The anticipated assessment amount for the Special Improvement Lighting District funds for the next fiscal year is \$1,164,252. After review of the budget and the estimated assessment for Fiscal Year 2018/2019, the total assessment amount reflects a 0% increase from the prior fiscal year as the cash balances for the various lighting districts are more than adequate to cover the operational costs for the districts.

<u>BUDGETED</u>	<u>FISCAL YEAR</u>
<u>TOTAL ASSESSMENT</u>	
\$1,547,428	2014/2015 (26 Districts)
\$1,428,082	2015/2016 (26 Districts)
\$1,175,344	2016/2017 (27 Districts)
\$1,159,589	2017/2018 (27 Districts)
\$1,164,252	2018/2019 (27 Districts)

Fiscal Year 2018/2019 assessment per district is indicated on the SLD Maintenance Budget and Assessment Worksheet attached as Exhibit "A" and made a part of Resolution 10244.

Alternatives:

The City Commission could choose to deny the adoption of Resolution 10244; however, the reduction in services to the community could be detrimental to the safety and welfare of the general public.

Concurrences:

Fiscal Services staff is responsible for the operation expenses, along with assessing and collecting the revenues; Public Works is responsible for the maintenance of all City-owned lighting districts.

ATTACHMENTS:

- Resolution 10244
- SLD Budget & Assessment Worksheet - Exhibit "A"
- Special Lighting District Boundary Map

RESOLUTION NO. 10244

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING SPECIAL IMPROVEMENT LIGHTING DISTRICTS (SLD'S) NUMBERED 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1303, 1304, 1305, 1306, 1308, 1309 AND 1310 IN THE CITY OF GREAT FALLS, MONTANA, FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019

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

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

WHEREAS, on July 17, 2018, the City Commission adopted Resolution 10240, Annual Budget Resolution. The budgeted amounts for maintenance of the City's lighting systems were reviewed and adjusted. The newly adjusted assessment amount totals ONE MILLION ONE HUNDRED SIXTY-FOUR THOUSAND TWO HUNDRED FIFTY-TWO DOLLARS (\$1,164,252); and

WHEREAS, in accordance with § 7-1-4127, MCA, notice was published setting forth that Resolution No. 10244 Levying and Assessing the Cost of Maintaining Special Improvement Lighting Districts (SLD's) Nos. 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1303, 1304, 1305, 1306, 1308, 1309 and 1310 in the City of Great Falls, Montana, would be brought before the Great Falls City Commission for public hearing on August 7, 2018.

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

Section 1 – Maintenance Costs Assessed

The cost of maintenance for said lighting systems in the above-captioned SLD's totaling \$1,164,252 be levied and assessed upon the properties in said SLD's.

Section 2 – Assessment Method

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

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

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2018 and May 31, 2019.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 7th day of August, 2018.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

**SPECIAL IMPROVEMENT LIGHTING DISTRICTS MAINTENANCE BUDGET & ASSESSMENT WORKSHEET
RESOLUTION 10244 - EXHIBIT "A"**

FY 2019															
DISTRICT	DISTRICT TYPE	FUND	REQUESTED EXPENSES									2019 ENDING CASH	2018 ASSESSMENT	2019 ASSESSMENT	DIFF (+/-)
			XXXX.00.104	XXXX.00.104	XXXX.00.104	XXXX.00.104	XXXX.31.536	XXXX.31.536	XXXX.31.536	REQUESTED TOTAL EXPENSES					
			43420	45120	48692	48652	42390	43690	48636						
2019 PROJECTED BEGINNING CASH	2% REQUESTED UTILITY EXPENSE	OTHER MISC EXPENSES	MAPPING SERVICE	FISCAL SERVICE CHARGE	PUBLIC WORKS SUPPLIES & MATERIALS	PUBLIC WORKS OUTSIDE CONTRACTOR	PUBLIC WORKS INTERNAL MAINTENANCE								
18 STREET	8402	1,855	2,724	-	-	232	-	-	-	2,956	1,782	2,883	2,883	-	
650 PERIOD	8403	43,106	5,491	-	-	467	1,455	1,455	1,455	10,323	42,212	9,429	9,429	-	
651 STREET	8404	3,743	2,244	-	-	191	-	-	-	2,435	2,446	1,138	1,138	-	
912 STREET	8405	14,072	14,131	-	-	1,201	-	-	-	15,332	12,208	13,468	12,208	(1,260)	
973 STREET	8406	24,389	52	-	-	4	-	-	-	56	24,387	55	55	-	
1067A ALLEY	8407	5,614	4,995	-	-	425	-	-	-	5,420	4,954	4,760	4,760	-	
1105 STREET	8408	3,090	3,957	-	-	336	-	-	-	4,293	2,507	3,710	3,710	-	
1230 STREET	8409	488	195	-	-	17	-	-	-	211	461	185	185	-	
1255 STREET	8410	1,043	390	-	-	33	-	-	-	423	992	371	371	-	
1261 PERIOD	8411	10,635	4,601	286	-	391	1,220	1,220	1,220	8,937	9,851	8,153	8,153	-	
1269 PERIOD	8412	88,080	14,704	780	-	1,250	3,897	3,897	3,897	28,427	85,588	25,935	25,935	-	
1270 PERIOD	8413	18,011	6,217	234	-	528	1,648	1,648	1,648	11,923	16,505	10,417	10,417	-	
1289 STREET	8414	13,138	13,839	-	-	1,176	-	-	-	15,016	10,797	12,674	10,797	(1,877)	
1290 STREET	8415	1,711	1,148	-	-	98	-	-	-	1,245	1,559	1,093	1,093	-	
1294 SLDA	8416	88,687	141,649	-	831	12,041	-	200	-	154,721	69,777	135,811	139,611	3,800	
1298 SLDI	8417	43,490	20,921	-	712	1,778	-	-	-	23,412	30,263	10,185	10,185	-	
1295 SLDC	8418	68,098	58,617	-	831	4,983	-	-	-	64,431	60,217	56,550	56,550	-	
1296 SLDR	8419	1,302,040	924,426	-	2,789	78,584	-	10,313	-	1,016,113	1,127,870	841,943	841,943	-	
1297 SLDT	8420	27,448	29,757	-	772	2,530	-	-	-	33,059	8,887	14,498	18,498	4,000	
1302 ML3	8430	20,075	735	-	-	63	195	195	195	1,383	19,249	557	557	-	
1304 EC1	8432	8,963	1,946	-	-	165	516	516	516	3,659	7,009	1,705	1,705	-	
1306 ML4	8434	5,945	292	-	-	25	77	77	77	548	5,768	371	371	-	
1308 ECII & III	8436	10,247	1,320	-	-	112	350	350	350	2,482	8,898	1,133	1,133	-	
1310 ML5	8438	8,761	973	-	-	83	258	258	258	1,830	7,767	835	835	-	
1303 Stone Meadow 1	8440	13,052	518	-	-	44	137	137	137	974	12,524	446	446	-	
1305 Water Tower	8442	11,369	390	-	-	33	103	103	103	733	10,971	334	334	-	
1309 Stone Meadow 2	8444	1,900	541	-	-	46	143	143	143	1,016	1,833	950	950	-	
ALL DIST	Fund 217	8401	46,625	-	-	-	-	-	-	-	-	-	-	-	
			1,885,676	1,256,774	1,300	5,935	106,837	10,000	20,513	10,000	1,411,358	1,587,282	1,159,589	1,164,252	4,663

City-Owned Lighting Districts

% of Increase

0%

FISCAL YEAR 2017/2018

STREET DEPARTMENT

SINGLE UNDERGROUND STEEL

SINGLE OVERHEAD STEEL

DEDICATED WOOD

DISTRIBUTION WOOD POLE

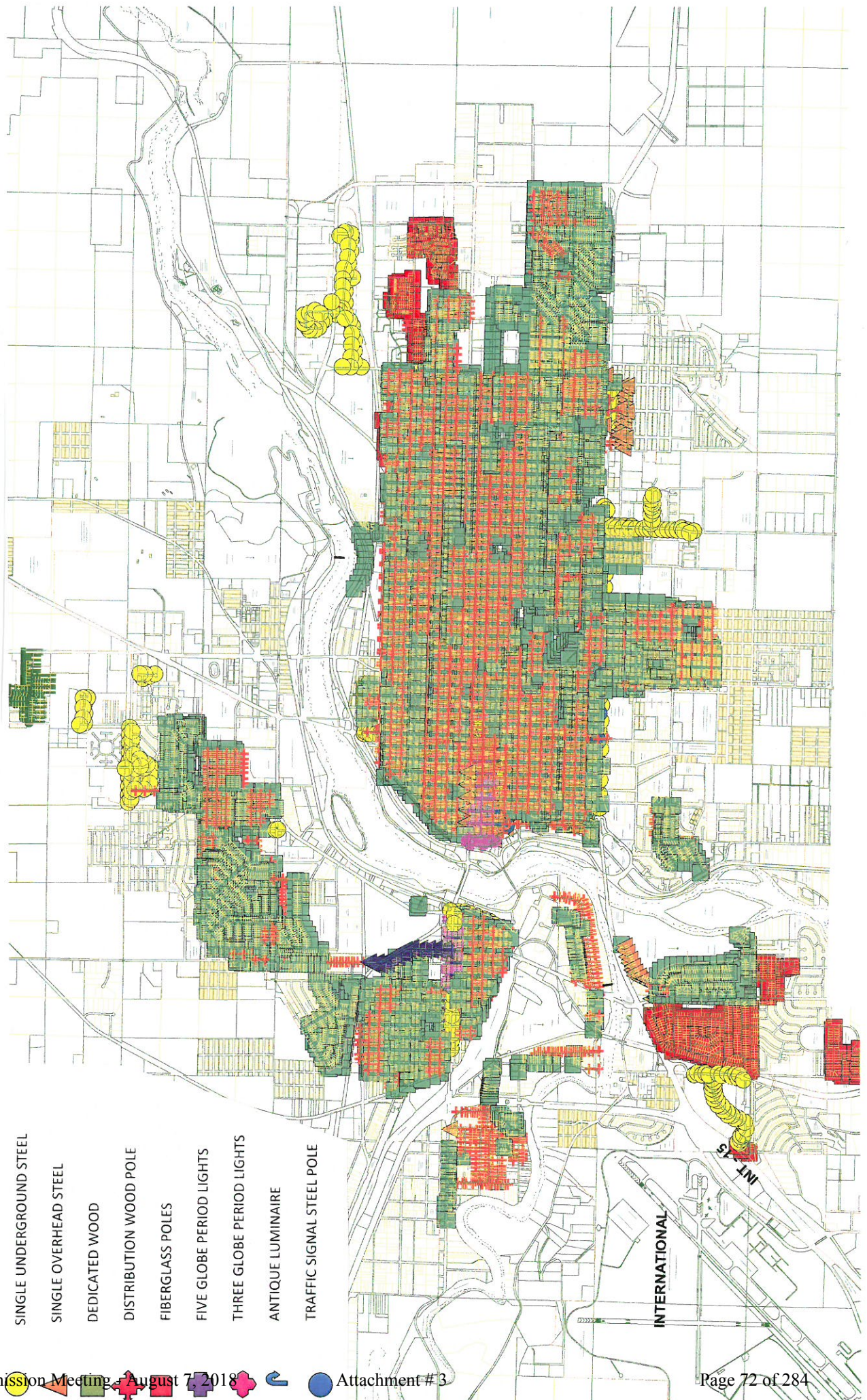
FIBERGLASS POLES

FIVE GLOBE PERIOD LIGHTS

THREE GLOBE PERIOD LIGHTS

ANTIQUE LUMINAIRE

TRAFFIC SIGNAL STEEL POLE



A MORE DETAILED AND LARGER VERSION OF THIS MAP IS AVAILABLE IN THE OFFICE OF FISCAL SERVICES



Item: Resolution 10245 to Levy and Assess Special Improvement General Boulevard Maintenance District No. 3570

From: Judy Burg, Taxes and Assessments

Initiated By: Annual Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission Conduct Public Hearing and Adopt Resolution 10245

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

"I move the City Commission (adopt/deny) Resolution 10245."

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

Staff Recommendation:

Staff recommends the City Commission adopt Resolution 10245.

Background:

The Park and Recreation Department, Natural Resources - Boulevard Division is responsible for the care and maintenance of over 13,331 street trees located within the General Boulevard District. Services provided within the District are pruning, removal, planting, leaf pickup, and streetscape design.

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

After calculating all factors pertinent to the operation of the Natural Resources - Boulevard Division, an

assessment amount for the next fiscal year is calculated, proposed and presented to the City Commission for approval. An increase of 3% has been proposed for Fiscal Year 2019 to help meet increases in operational costs for additional tree planting and watering. The last General Boulevard maintenance increase of 7% was approved in Fiscal Year 2018.

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

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

Fiscal Impact:

Adoption of Resolution 10245 will allow the City to finance the costs of work, improvements, and maintenance conducted each year in the Special Improvement General Boulevard Maintenance District.

ASSESSMENT ANTICIPATED

The anticipated assessment amount for the General Boulevard Maintenance District for the next fiscal year is the amount reflected in the Fiscal Year 2019 Budget. This equates to an assessment of \$0.010892 per square foot, for a total of \$386,564 and will result in an assessment of \$81.69 for an average size lot of 7,500 square feet (7,500 sq. ft. x 0.010892 factor = \$81.69.) This is a yearly increase of \$2.38 for a average lot size of 7,500 square feet.

Alternatives:

The City Commission could choose to deny Resolution 10245 to Levy and Assess General Boulevard Maintenance; however, the reduction in services to trim, prune, spray, and maintain the trees, within the district, would be detrimental to the overall shelter and beauty provided by the street trees to the community.

Concurrences:

Park and Recreation staff is responsible for the operation expenses of the Boulevard District fund. Fiscal Services staff is responsible for assessing and collecting the revenues necessary to carry out the operations. The City Commissioners have received information regarding the condition of the Boulevard District and the Natural Resources Fund operations during the annual budget process.

ATTACHMENTS:

- Resolution 10245 - Revised after original posting
- Map of General Boulevard District

RESOLUTION NO. 10245

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING BOULEVARDS IN THE GENERAL BOULEVARD DISTRICT NO. 3570 OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019

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

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

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

WHEREAS, on July 17, 2018, the City Commission adopted Resolution 10240, Annual Budget Resolution, in which the estimated assessment for such maintenance within the General Boulevard Maintenance District No. 3570 was reflected as THREE HUNDRED EIGHTY-SIX THOUSAND FIVE HUNDRED AND SIXTY-FOUR DOLLARS (\$386,564); and

WHEREAS, in accordance with § 7-1-4127, MCA, notice was published setting forth that Resolution No. 10245 Levying and Assessing the Cost of Maintaining Boulevards in the General Boulevard Maintenance District No. 3570 would be brought before the Great Falls City Commission for public hearing on August 7, 2018.

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

Section 1 – Maintenance Costs Assessed

The cost of maintaining boulevards in General Boulevard Maintenance District No. 3570, totaling \$386,564, be levied and assessed upon the properties in said district for the fiscal year ending June 30, 2019.

Section 2 – Maintenance Assessment Method

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

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2018 and May 31, 2019.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 7th day of August, 2018.

Bob Kelly, Mayor

ATTEST:

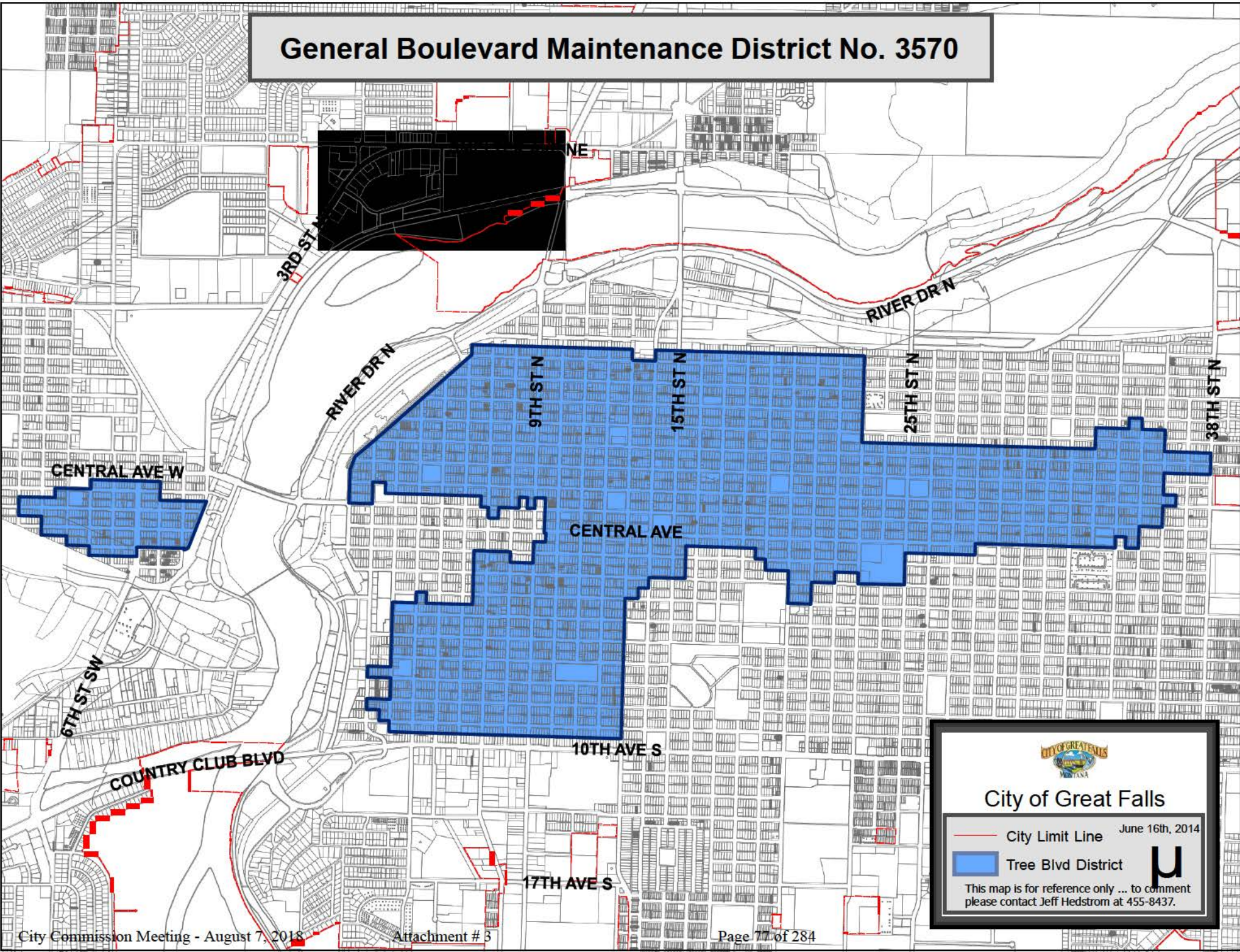
Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

General Boulevard Maintenance District No. 3570




City of Great Falls
June 16th, 2014

— City Limit Line
■ Tree Blvd District

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





Item: Resolution 10246 to Levy and Assess Special Improvement Portage Meadows Maintenance District No. 1195

From: Judy Burg, Taxes and Assessments

Initiated By: Annual Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission Conduct Public Hearing and Adopt Resolution 10246

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

"I move the City Commission (adopt/deny) Resolution 10246."

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

Staff Recommendation:

Staff recommends the City Commission adopt Resolution 10246.

Background:

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

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

After calculating all factors pertinent to the operation of the Natural Resources - Boulevard Division, an assessment amount for the next fiscal year is calculated, proposed, and presented to the City Commissioners for approval. An increase of 7% has been proposed for Fiscal Year 2019 to help with increased operations and capital improvements to the irrigation system. The last Portage Meadows Maintenance District increase of 24% was approved in Fiscal Year 2015.

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

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

Fiscal Impact:

Adoption of Resolution 10246 will allow the City to finance the cost of repairs and maintenance required each year in the Special Improvement Portage Meadows Maintenance District.

ASSESSMENT ANTICIPATED

The anticipated assessment amount for Portage Meadows Boulevard Maintenance for the next fiscal year is the amount reflected in the Fiscal Year 2019 Budget. This equates to an assessment factor of \$0.073832 per square foot, for a total of \$62,145 and will result in an annual assessment of \$332.32 for an average lot of 4,501 square feet (4,501 sq. ft. x 0.073832 factor = \$332.32.) This is a yearly increase of \$21.74 for an average size lot of 4,501 square feet.

Alternatives:

The City Commission could choose to deny Resolution 10246 to Levy and Assess Portage Meadows Boulevard Maintenance District; however, the City agreed to provide the services when the land was donated to the City.

Concurrences:

Park and Recreation staff is responsible for the operation expenses of the Portage Meadows District Fund. Fiscal Services staff is responsible for assessing and collecting the revenues necessary to carry out the operations.

ATTACHMENTS:

- Resolution 10246
- Map of Portage Meadows Maintenance District No. 1195

RESOLUTION NO. 10246

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING THE GREEN BELT PARK OF PORTAGE MEADOWS ADDITION IN THE CITY OF GREAT FALLS ON ALL REAL ESTATE IN SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 1195 FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019

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

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

WHEREAS, on July 17, 2018, the City Commission adopted Resolution 10240, Annual Budget Resolution, in which the estimated costs for the assessment of such maintenance within Special Improvement Maintenance District No. 1195 was reflected as SIXTY-TWO THOUSAND ONE HUNDRED FORTY-FIVE DOLLARS (\$62,145); and

WHEREAS, in accordance with § 7-1-4127, MCA, notice was published setting forth that Resolution No. 10246 Levying and Assessing the Cost of Maintaining the Green Belt Park of Portage Meadows Addition in the City of Great Falls on all Real Estate in Special Improvement Maintenance District No. 1195 would be brought before the Great Falls City Commission for public hearing on August 7, 2018.

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

Section 1 – Maintenance Costs Assessed

The cost of care and maintenance in Special Improvement Maintenance District No. 1195, totaling \$62,145, be levied and assessed upon the properties in said district for the fiscal year ending June 30, 2019.

Section 2 – Maintenance Assessment Method

There are 186 properties contained within the boundaries of Portage Meadows Special Improvement Maintenance District No. 1195. The costs per property and the property list for Portage Meadows Special Improvement Maintenance District No. 1195 are set forth in the records of the City Clerk of the City of Great Falls. Said property is generally identified as each lot or parcel of land within Portage Meadows Additions #1, #2, and #3, excluding Blocks 4, 5, and 6 of Portage Meadows #1 Addition.

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

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

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2018 and May 31, 2019.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 7th day of August, 2018.

Bob Kelly, Mayor

ATTEST:

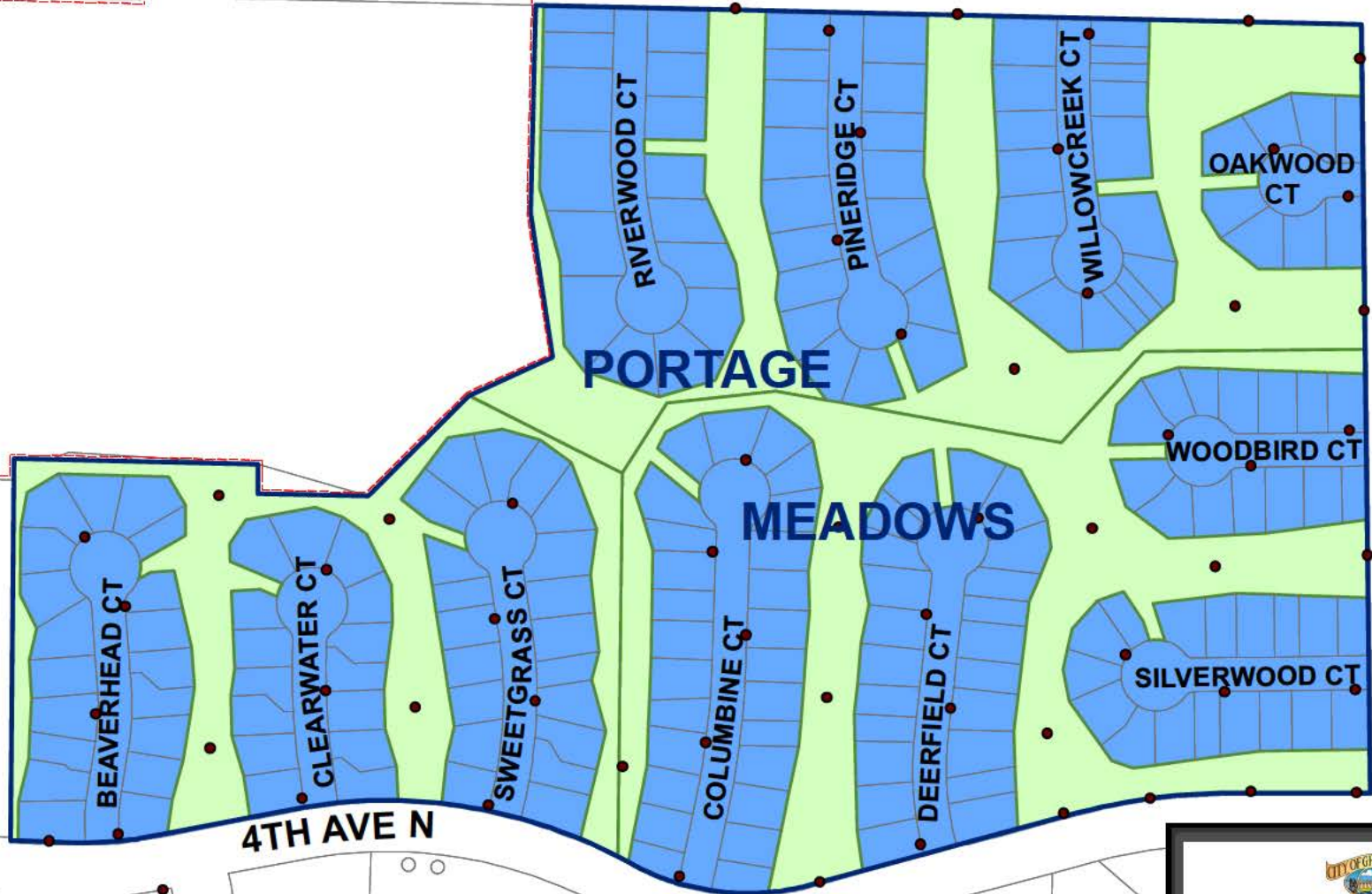
Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

Portage Meadows Maintenance District No. 1195



46TH ST N

4TH AVE N

52TH ST N


City of Great Falls
June 12 h, 2014

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



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



Item: Resolution 10252- Amending Building Permit Fees

From: Craig Raymond, Director, Planning and Community Development Department

Initiated By: Planning and Community Development Department

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

Action Requested: City Commission (adopt/deny) Resolution 10252

Public Hearing:

1. Mayor Conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (adopt/deny) Resolution 10252 to amend building permit fees per Exhibit A- Permit Fee Schedule."

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

Staff Recommendation:

Staff recommends that the City Commission adopt Resolution 10252.

Summary:

As a result of improved economic conditions in Montana generally and Great Falls specifically, permit fee revenue has increased dramatically since 2011. Resolution 10252 reduces current building permit fees by 5% to balance permit fee revenue, fund balances and department budget needs. A notice of public hearing was published in the Great Falls Tribune on July 29th and August 5th, 2018.

Background:

In July 2011, the City Commission adopted Resolution 9933 increasing permit fees for building, electrical, mechanical, plumbing and other permit fees related to the Building Safety Division operations. In April 2014, the City Commission adopted Resolution 10064 further increasing related fees, as well as plan review fees. Administrative Rules of Montana (ARM) 24.301.203(5) limits the

Building Safety Reserve Fund to a maximum that which is necessary to support department operations for a period of twelve months. Currently, the fund balance for the Building Safety Division is approaching this maximum limit which necessitates the City Commission take action in order to keep the City in compliance with this rule. Staff recommends that the City Commission adopt Resolution 10252 decreasing all permit fees by 5%. Staff will monitor whether further reductions are necessary in the future depending on construction and permitting activity, permit revenue and departmental budget needs.

Fiscal Impact:

Reducing permit fees is anticipated to have a corresponding decrease in permit revenue however it is not known the final impact, due to unknown construction and permit activity levels for the coming fiscal year.

July 2016 - June 2017 - 3655 permits totaling \$1,284,117.06

July 2017 - June 2018 - 3432 permits totaling \$1,327,194.84

Alternatives:

The City Commission could deny Resolution 10252 which may put the City in jeopardy of sanctions from the State of Montana as a result of the annual agreed upon procedures audit.

Concurrences:

The City of Great Falls Finance Department as well as the City Manager's Office has been involved throughout the budget process and concurs with the adoption of Resolution 10252

ATTACHMENTS:

- Resolution 10252
- Exhibit A - Permit Fee Schedule

RESOLUTION NO. 10252

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO ESTABLISH RATES IN ACCORDANCE WITH TITLE 15 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), RELATING TO PERMIT FEES AND PLAN REVIEW FEES FOR BUILDING, PLUMBING, MECHANICAL, ELECTRICAL AND SIGN PERMITS IN THE CITY

WHEREAS, the City Commission adopted Resolution 10064 on April 1, 2014, establishing rates in accordance with Title 15 of the Official Code of the City of Great Falls relating to permit fees for building, plumbing, mechanical, electrical and sign permits in the City of Great Falls; and

WHEREAS, the City of Great Falls reviews plans and processes approximately 3,000 permits annually; and

WHEREAS, having considered the cost of service associated with promoting safe buildings for the citizens of Great Falls, it is necessary to adjust fees accordingly; and

WHEREAS, in accordance with ARM 24.301.203(5) the Building Safety Division reserve fund is limited to that which will support Department operations for a twelve month period; and

WHEREAS, the reserve fund of the Great Falls Building Safety Division is approaching its mandated cap.

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

1. That Resolution No. 10064 is hereby repealed.
2. That the Permit Fee schedule attached hereto as Exhibit "A" is hereby approved.
3. That this Resolution shall become effective upon adoption.
4. Plan review fees shall remain as established by this resolution unless specifically amended by the City Commission.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, August 7, 2018.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

EXHIBIT "A"

Building Permit Fees - Effective August 7, 2018						
Value		Permit	Value		Permit	
\$1	\$1,000	\$62.61	\$50,001	\$51,000	\$718.07	\$100,001 TO \$500,000:
\$1,001	\$2,000	\$74.90	\$51,001	\$52,000	\$725.67	\$1,091.02 FOR THE FIRST \$100,000
\$2,001	\$3,000	\$90.12	\$52,001	\$53,000	\$733.29	PLUS \$6.39 FOR EACH
\$3,001	\$4,000	\$105.34	\$53,001	\$54,000	\$740.91	ADDITIONAL \$1,000 OR
\$4,001	\$5,000	\$120.56	\$54,001	\$55,000	\$748.51	PORTION THEREOF
\$5,001	\$6,000	\$135.79	\$55,001	\$56,000	\$756.12	
\$6,001	\$7,000	\$151.01	\$56,001	\$57,000	\$763.72	
\$7,001	\$8,000	\$166.23	\$57,001	\$58,000	\$771.34	\$500,001 TO \$1,000,000:
\$8,001	\$9,000	\$181.45	\$58,001	\$59,000	\$778.96	\$3,646.14 FOR THE FIRST \$500,000
\$9,001	\$10,000	\$196.68	\$59,001	\$60,000	\$786.57	PLUS \$5.04 FOR EACH
\$10,001	\$11,000	\$211.90	\$60,001	\$61,000	\$794.18	ADDITIONAL \$1,000 OR
\$11,001	\$12,000	\$227.13	\$61,001	\$62,000	\$801.79	PORTION THEREOF
\$12,001	\$13,000	\$242.35	\$62,001	\$63,000	\$ 809.40	
\$13,001	\$14,000	\$257.57	\$63,001	\$64,000	\$817.02	
\$14,001	\$15,000	\$272.80	\$64,001	\$65,000	\$824.63	\$1,000,000 AND UP:
\$15,001	\$16,000	\$288.02	\$65,001	\$66,000	\$832.24	\$6,161.34 FOR THE FIRST \$1,000,000
\$16,001	\$17,000	\$303.24	\$66,001	\$67,000	\$839.85	PLUS \$3.81 FOR EACH
\$17,001	\$18,000	\$318.46	\$67,001	\$68,000	\$847.46	ADDITIONAL \$1,000 OR
\$18,001	\$19,000	\$333.68	\$68,001	\$69,000	\$855.08	PORTION THEREOF
\$19,001	\$20,000	\$348.91	\$69,001	\$70,000	\$862.68	
\$20,001	\$21,000	\$364.13	\$70,001	\$71,001	\$870.30	RESIDENTIAL PLAN REVIEW =
\$21,001	\$22,000	\$379.35	\$71,001	\$72,000	\$877.90	50% OF PERMIT FEE
\$22,001	\$23,000	\$394.57	\$72,001	\$73,000	\$885.51	
\$23,001	\$24,000	\$409.80	\$73,001	\$74,000	\$893.12	
\$24,001	\$25,000	\$425.03	\$74,001	\$75,000	\$900.74	COMMERCIAL PLAN REVIEW =
\$25,001	\$26,000	\$436.45	\$75,001	\$76,000	\$908.36	65% OF PERMIT FEE
\$26,001	\$27,000	\$447.85	\$76,001	\$77,000	\$915.96	
\$27,001	\$28,000	\$459.28	\$77,001	\$78,000	\$923.58	
\$28,001	\$29,000	\$470.69	\$78,001	\$79,000	\$ 931.19	
\$29,001	\$30,000	\$482.11	\$79,001	\$80,000	\$938.80	
\$30,001	\$31,000	\$493.53	\$80,001	\$81,000	\$946.41	
\$31,001	\$32,000	\$504.94	\$81,001	\$82,000	\$954.02	
\$32,001	\$33,000	\$516.36	\$82,001	\$83,000	\$961.63	
\$33,001	\$34,000	\$527.77	\$83,001	\$84,000	\$969.25	
\$34,001	\$35,000	\$539.20	\$84,001	\$85,000	\$976.85	
\$35,001	\$36,000	\$550.62	\$85,001	\$86,000	\$984.47	
\$36,001	\$37,000	\$562.02	\$86,001	\$87,000	\$992.07	
\$37,001	\$38,000	\$573.45	\$87,001	\$88,000	\$999.69	
\$38,001	\$39,000	\$584.86	\$88,001	\$89,000	\$1,007.30	
\$39,001	\$40,000	\$596.28	\$89,001	\$90,000	\$1,014.91	
\$40,001	\$41,000	\$607.71	\$90,001	\$91,000	\$1,022.53	
\$41,001	\$42,000	\$619.12	\$91,001	\$92,000	\$1,030.13	
\$42,001	\$43,000	\$630.57	\$92,001	\$93,000	\$1,037.75	
\$43,001	\$44,000	\$641.95	\$93,001	\$94,000	\$1,045.36	
\$44,001	\$45,000	\$653.37	\$94,001	\$95,000	\$1,052.97	
\$45,001	\$46,000	\$664.79	\$95,001	\$96,000	\$1,060.58	
\$46,001	\$47,000	\$676.19	\$96,001	\$97,000	\$1,068.19	
\$47,001	\$48,000	\$687.62	\$97,001	\$98,000	\$1,075.80	
\$48,001	\$49,000	\$699.03	\$98,001	\$99,000	\$1,083.42	
\$49,001	\$50,000	\$710.45	\$99,001	\$100,000	\$1,091.02	

Permit Issuance	
1. For the issuance of each mechanical permit.....	\$34.39
Unit Fee Schedule	
<i>(Note: The following do not include permit-issuing fee.)</i>	
1. Furnaces	
For the installation or relocation of each forced-air of gravity-type furnace or burner, including ducts And vents attached to such appliance, up to and including 100,000 Btu/h (29.3kW).....	19.04
For the installation or relocation of each forced-air or gravity-type furnace or burner, including Ducts and vents attached to such appliance over 100,000 Btu/h (29.3 kW).....	22.72
For the installation or relocation of each floor furnace, including vent.....	19.04
For the installation or relocation of each suspended heater, recessed wall heater or floor-mounted unit heater	19.04
2. Gas Piping Systems	
For each outlet.....	7.00
3. Mobile/Manufactured Home hookup	19.04
4. Appliance Vents	
For the installation, relocation, or replacement of each appliance vent installed and not included in an appliance permit.....	10.07
5. Repairs of Additions	
For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption or evaporative cooling system, including installation of controls regulated by the Mechanical Code.....	17.68
6. Boilers, Compressors and Absorption Systems	
For the installation or relocation of each boiler or compressor to and including three horsepower (10.6kW), or each absorption system to and including 100,000 Btu/h (29.3kW).....	19.04
For the installation or relocation of each boiler or compressor over three horsepower (10.6 kW) To and including 15 horsepower (52.7kW), or each absorption system over 100,000 Btu/h (29.3kW) to and including 500,000 Btu/h (146.6kW).....	34.15
For the installation or relocation of relocation of each boiler or compressor over 15 horsepower (52.7kW) to and including 1,000,000 Btu/h (293.1kW).....	46.78
For the installation or relocation of each boiler or compressor over 30 horsepower (105.5 kW) To and including 50 horsepower (176 kW), or each absorption system over 1,000,000 Btu/h (293.1 kW) to and including 1,750,000 Btu/h (512.9kW).....	68.26
For the installation or relocation of each boiler or compressor over 50 horsepower (176 kW), or each absorption system over 1,750,000 Btu/h (512.9kW).....	113.81
7. Air Handlers	
For each air-handling unit to and including 10,000 cubic feet per minute (cfm) (4719L/s), including ducts attached thereto.....	13.87
Note: This fee shall not apply to an air-handling unit which is a portion of a factory-assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in the Mechanical Code.	
For each air-handling unit over 10,000 cfm. (4719L/s).....	22.72
8. Evaporative Coolers	
For each evaporative cooler other than portable type.....	13.87
9. Ventilation and Exhaust	
For each ventilation fan connected to a single duct.....	10.07
For each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit.....	13.87
For the installation of each Type I commercial kitchen hood.....	62.61
For the installation of each Type II commercial kitchen hood.....	13.87
10. Incinerators	
For the installation or relocation of each domestic-type incinerator.....	22.72
For the installation or relocation of each commercial or industrial-type incinerator.....	91.10
11. Miscellaneous	
For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other Appliance categories, or for which no other fee is listed.....	13.87
Other Inspection and Fees:	
1. Inspections outside of normal business hours, per hour (minimum charge—two hours).....	Actual cost of jurisdiction
2. ** Re inspection fee may be assessed for each inspection of re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Minimum charge – one-half hour.....	62.62/hr
3. Inspections for which no fee is specifically indicated, per hour (minimum charge—one-half hour).....	62.62/hr
4. Additional plan review required by changes, additions, or revisions to plans for which an initial review has been completed (minimum charge—one-half hour).....	62.62/hr

**This provision is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

MEDICAL GAS PERMIT FEES

EFFECTIVE August 7, 2018

For each medical gas piping system serving **one to five inlet(s)/outlet(s)**
for a specific gas:

Oxygen.....1-5 outlet.....	\$63.24	_____	\$_____
Nitrous Oxide.....1-5 outlet.....	\$63.24	_____	\$_____
Nitrogen.....1-5 outlet.....	\$63.24	_____	\$_____
Medical Air.....1-5 outlet.....	\$63.24	_____	\$_____
Vacuum.....1-5 inlet.....	\$63.24	_____	\$_____

For each additional medical gas inlet(s)/outlet(s).....\$ 6.39 _____ \$_____

Permit issuance fee.....\$ 34.39

Permit Issuance

1. For the issuance of each plumbing permit.....	\$34.39
--	---------

Unit Fee Schedule

(Note: The following do not include permit-issuing fee.)

1. Fixtures and Vents	
For each plumbing fixture or trap or set of fixtures on one trap	12.65
For repair of alteration of drainage or vent piping, each fixture.....	7.61
2. Water Service	
For repair, replacement or new (1 only).....	27.87
Utility stubs---2 or more water services ----12.65 ea. plus 34.39 per trip.....	
If included in plumbing/gas permit	12.65
For each industrial waste pretreatment interceptor including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps.....	25.29
Rainwater systems—per drain (inside building).....	12.65
3. Water Piping and Water Heaters	
For installation, alteration, or repair of water piping or water-treating equipment or both, each.....	7.61
For each water heater.	16.46
4. Lawn Sprinklers, Vacuum Breakers and Backflow Protection Devices	
For each lawn sprinkler system on any one meter, including backflow protection devices therefore.....	19.04
For atmospheric-type vacuum breakers or backflow protection devices not included in Item 1:	
1 to 5 devices.....	16.46
Over 5 devices, each.....	4.42
For each backflow protective device other than atmospheric-type vacuum breakers:	
2 inches (50.8mm) and smaller.....	15.23
Over 2 inches.....	30.35
5. Swimming Pools	
For each swimming pool or spa:	
Public pool.....	112.57
Public spa.....	75.86
Private pool.....	75.86
Private spa.....	37.94
6. Miscellaneous	
For each appliance or piece of equipment regulated by the Plumbing Code but not classed in other appliance categories, or which no other fee is listed.....	12.65

Other Inspections and Fees:

1. Inspections outside of normal business hours, per hour (minimum charge—two hours)	Actual cost to jurisdiction
2. ** Re-inspection fees may be assessed for each inspection or re-inspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. Minimum charge – ½ hour.....	62.62/hr
3. Inspections for which no fee is specifically indicated, per hour (minimum charge—1/2 hour).....	62.62/hr
4. Additional plan review required by changes, additions, or revisions to plans for which an initial review has been completed (minimum charge—1/2 hour).....	62.62/hr

**This provision is not to be interpreted as requiring re-inspection fee the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection.

ELECTRIC PERMIT FEES EFFECTIVE AUGUST 7, 2018

Table No. 3-B

For issuing each permit.....\$ **34.39**

Temporary Power Service: For temporary service pole or pedestal including all pole or pedestal-mounted receptacle outlets and appurtenances, each.....\$ **34.39**

System Fee Schedule

(Note: the following do not include permit issuing fee).

New Residential Buildings

The following fees shall include all wiring and electrical equipment in or on each building, or other electrical equipment on the same premises constructed at the same time.

1. ***Residential**: new construction and extensive remodeling based on square foot area. Included shall be all finished and unfinished rooms, including basements and residential garages. Multifamily dwellings or apartments, up to and including four units within a single structure, come under this section and each unit shall be counted as an individual residence.
 - a. 0 – 750 sq. ft.....\$ **51.81**
 - 751 – 4,000 sq. ft.....\$ **51.81 plus \$.10 sq. ft. over 750 sq ft.**
 - over 4,000 sq. ft.....\$ **273.17 plus \$.08 per sq. ft. over 4000 sq. ft.**
2. Mobile or Manufactured Homes: each connection or reconnection.....\$ **27.87**
3. Water pumps: any type
 - a. up to 25 h.p.....\$ **30.32**
 - b. over 25 h.p.....\$ **29.46 plus \$.10 per h.p. over 25 h.p.**
4. Private Swimming Pools & Hot Tubs: for new private, residential, in-ground, swimming pools & hot tubs for single-family, multi-family occupancies including a complete system of necessary branch circuit wiring, bonding, grounding, underwater lighting, water pumping and other similar electrical equipment directly related to the operation of a swimming pool or hot tub, each.....\$ **27.87**
5. Carnivals, Fairs, Outdoor Concerts and Similar Amusement Establishments and Other Public Assemblies of a Temporary Nature: Carnivals, circuses, or other traveling shows or exhibitions utilizing transportable type rides, booths, displays and attractions.

The electrical inspection fee for each temporary installation shall be **\$65.81** for the entirety of the temporary installation, provided that such inspection can be completed within one hour. If additional inspection time is required, it will be charged at the rate of **\$32.92** for each additional 30 minutes or fractional parts thereof.

6. All Other: fees listed in this section shall apply to any and all electrical installations not specifically mentioned elsewhere in this rule. The wiring cost shall be the cost to the owner of all labor charges and all wiring materials and equipment installed as part of the wiring system. For uniformity of fee, when labor is performed by the owner, such labor cost shall be based at actual cost. The value of factory installed wiring, switches, and controls on equipment shall be included in wiring costs. Value of motors and appliances need not be included. Multifamily dwellings or apartments with five or more dwellings come under this schedule. Mobile Home Parks – distribution wiring including pedestal or service is under this schedule. This does not include or permit the connection of the mobile home. Recreational Vehicle Parks – service conductors distribution and lot supply to individual units come under this schedule plus **\$6.99** per lot.

<u>Total Job Cost</u>	<u>Inspection Fee</u>
\$ 0 - \$ 1,000	\$ 62.01
\$ 1,001 - \$5,000	\$136.52
\$ 5,001 - \$10,000	\$260.51
\$10,001 - \$50,000	\$341.42 for first \$10,000 plus ½ of 1% of balance
More than \$50,000	\$617.03 for first \$50,000 plus ¼ of 1% of balance

7. Residential Appliances: For fixed residential appliances or receptacle outlets for same, including wall-mounted electric ovens; counter-mounted cooking tops; electric ranges, self-contained room, console, or through-wall air conditions; space heaters; food waste grinders; dishwashers; washing machines; water heaters; clothes dryers; or other motor-operated appliances not exceeding one horsepower (HP) in rating, each.....\$ **21.49**

Note: for other types of air conditioners and other motor driven appliances having larger electrical ratings, see Power Apparatus.

8. **Nonresidential Appliances:** For residential appliances and self-contained factory-wired, nonresidential appliances not exceeding one horsepower (HP), kilowatt (KW), or kilovolt-ampere (KVA), in rating including medical and dental devices; food, beverage, and ice cream cabinets; illuminated show cases; drinking fountains; vending machines; laundry machines; or other similar types of equipment, each.....**\$21.49**

Note: for other types of air conditioners and other motor-driven appliances have larger electrical ratings, see Power Apparatus.

9. **Power Apparatus:** For motors, generators, transformers, rectifiers, synchronous converters, capacitors, industrial heating, air conditioners and heat pumps, cooking or baking equipment and other apparatus, as follows:

Rating in horsepower (HP), kilowatts (KW), kilovolt-amperes (KVA), or kilovolt-amperes reactive (KVAR):

Up to and including 10, each.....	\$21.49
Over 10 and not over 50, each.....	30.32
Over 50 and not over 100, each.....	62.01
Over 100, each.....	92.88

Note: a. For equipment or appliances having more than one motor, transformer, heater, etc., the sum of the combined ratings may be used.

b. These fees include all switches, circuit breakers, contractors, thermostats, relays and other directly related control equipment.

10. **Services:** For services of six hundred volts or less and not over two hundred amperes in rating, each.....**\$39.17**
 For services of six hundred volts or less and over two hundred amperes to one thousand amperes in rating, each.....**\$75.86**
 For services over six hundred volts or over one thousand amperes in rating, each.....**\$152.97**

Note: This fee is not applicable when a fee is paid for one or more services, outlets, fixtures, appliances, power apparatus, bus ways, signs or other equipment.

11. **Option to Permitting Commercial Work under \$300.00 Per Job Cost.** As an option to individual permits for work \$300.00 or under, total electrical job cost, a licensed electrical contractor may purchase an annual permit to cover all jobs of this description for the calendar year. The cost of this permit shall be**\$409.67**

Other Inspections and Fees:

12. Inspections outside of normal business hours (minimum charge – two hours)**Actual Cost to the Jurisdiction**
13. ****Reinspections:** A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made (minimum charge – one half hour).....**\$62.62/hr**
14. Inspections for which no fee is specifically indicated.....(minimum charge – one half hour).....**\$62.62hr**
15. Additional plan review required by changes, additions or revisions to approve plans (minimum charge - one half hour).....**\$62.62/hr**

* Includes a maximum of three (3) inspections.

** This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Title 17 - LAND DEVELOPMENT CODE

Chapter 60 SIGN CODE

SIGN FEES

Sign Electrician/Journeyman Certificate (annual).....	\$ 15.00
Sign Electrician Certificate - Class A License.....	\$150.00
Sign Examination Application Fee.....	\$ 50.00
Sign Permit Fees 0 – 24 Sq. Ft.....	\$ 38.78
25 Sq. Ft. or more is \$38.78 plus.....	\$ 1.62 sq ft
Reface Sign Permit/Inspection: existing permitted sign flat fee.....	\$ 65.90
Sign Electrical Inspection Fee	\$ 38.78
Bench Signs/Transit Shelter (annual).....	\$ 77.55
Bench Signs – One Time Design Review Fee.....	\$ 32.31
A-Type Sandwich Board Signs (annual).....	\$ 64.62
On-Premise Temporary Sign – 60 day permit.....	\$ 32.31
Annual permit.....	\$129.24
Central Avenue Banner/BNSF Underpasses – 30 Day Maximum.....	\$ 64.62

HOUSE MOVING (8/7/18)

Can be issued only to licensed house mover.

Application signed by appropriate utilities and departments.

Fee:

Structures less than 14' wide less than 22' length less than 14' high - \$33.35

Structures 14' to 26' wide 22' to 35' length 14' to 20' high - \$66.57

Structures 26' wide & over 36' length & over 20' high - \$133.11

If any one measurement of the building exceeds maximum given in any one fee schedule, the fee shall be determined by the next larger schedule.

If structure is relocated within city limits, building permit must be obtained for the foundation.

If structure is to be moved out of City limits, a demolition permit is required for removal of old foundation. Inspections are required and utilities must be shut off at original site.

Copy to contractor

Copy in Today's slot.

Copy in property file.



Item: Public Hearing - Resolution 10253 to annex Sky-line Addition Lots 1A, 2A, 3-5. and 6A; Tract 2 of Certificate of Survey #5150; and the adjoining right-of-way of Skyline Dr NW, Ordinance 3191 to establish R-2 Single-family Medium Density zoning for the subject properties located in the SW1/4 NW1/4 Section 35, Township 21 North, Range 3 East, PMM, Cascade County, Montana.

From: Erin Borland, Planner II, Planning and Community Development

Initiated By: The property owners of 304, 308, 312, 314, 404, and 408 Skyline Drive NW and Dave Juelfs

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

Action Requested: City Commission (adopt/deny) Resolution 10253, (adopt/deny) Ordinance 3191, approve the Improvement Agreements, and the Findings of Fact.

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents.
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 10253 to annex Sky-line Addition Lots 1A, 2A, 3-5 and 6A; Tract 2 of Certificate of Survey #5150; and the adjoining right-of-way of Skyline Drive NW, (approve/deny) the Improvement Agreements pertaining to the subject properties and the accompanying Finding of Fact.

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

and;

II. "I move that the City Commission (adopt/deny) Ordinance 3191 and the accompanying Finding of Fact."

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

Staff Recommendation:

Staff recommends approval of the proposed annexation and the establishment of the R-2 Single-family medium density zoning for the subject properties, subject to the stated conditions.

Conditions of Approval for Annexation:

1. General Code Compliance. Development of the Subject Properties shall be consistent with the conditions in this report, and all codes and ordinances of the City of Great Falls, the State of Montana, and all other applicable regulatory agencies.

2. Annexation Improvement Agreement. Each applicant shall execute and abide by the terms and conditions of their Annexation Improvement Agreement for the Subject Properties. Said Annexation Improvement Agreements must be signed by the applicant and will be recorded by the City. All applicable fees shall be paid.

At the conclusion of a public hearing held on June 12, 2018, the Zoning Commission recommended the City Commission approve the establishment of R-2 Single-family medium density zoning for the subject properties.

Summary:

There are currently six residential properties located on the south side of Skyline Drive NW that are legally described as Sky-line Addition Lots 1A, 2A, 3-5, and 6A. These six lots have been connected to a 2" water line that provided the properties with City water even though the properties are located in the County. This service line had multiple failures in the past and was made of a material that is no longer used by the City of Great Falls. The line was allowed to be repaired one last time in 2013. At that time, the property owners were informed that the City would not repair the noncomplying line in the future.

At the beginning of 2017, the Public Works Department noticed that the water line was leaking significantly, and the City reached out to the property owners to start the conversation about annexation and installation of separate service lines. The City met with the owners to explain the process and the costs involved with the improvements. Staff informed the property owners that it would be more feasible financially for all the property owners to petition to annex at the same time. At that time, a seventh property owner to the north of Skyline Drive NW was informed of the annexation and decided to petition to annex a vacant parcel of land in order to build a new single-family home.

Public Notice for the City Commission Public Hearing was published in the *Great Falls Tribune* on July 22, 2018. To date, Staff has received numerous phone calls requesting general information regarding the annexation/zoning petition.

Background:**Annexation Request:**

The subject properties proposed for annexation are legally described as Sky-line Addition Lots 1A, 2A, 3-5 and 6A; Tract 2 of Certificate of Survey #5150, and the adjoining right-of-way of Skyline Drive NW. For reference, the amended plats of Sky-Line Addition and the Certificate of Survey have been attached. As stated previously, the property owners on the south side of the street have petitioned to annex into the City in order to receive water service to their existing homes, while the owner north of the street requires annexation because of his desire for new water and sewer service accompanying the construction of a new home.

The basis for decision on annexation is listed in Official Code of the City of Great Falls §17.16.7.050 of the Land Development Code. The recommendation of the Planning Advisory Board and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact - Annexation.

Establishment of Zoning:

The subject properties of the annexation all have single-family residences that are proposed to have R-2 Single-family medium density zoning. Although the lots are larger than normal, this zoning category was selected because it best fits existing residential areas of the City located to the east and south of the annexation area.

The basis for decision on zoning map amendments is listed in OCCGF §17.16.40.030. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact Zoning Map Amendment.

Improvements:

Roadways - At the proposed annexation location, Skyline Drive NW is currently in the County and not built to City standards. If the petition to annex the seven properties and the adjoining right-of-way is approved, the property owners are required to pay the fee specified in the attached Annexation Improvement Agreements in order to bring the road up to current City Standards. For the south side of the street, improvements to be constructed by the City will include a boulevard style sidewalk, a new driveway connection, fire hydrants, and relocating of mailboxes. Because the property to the north is a vacant parcel and the property owner is proposing new development, the fee associated with the roadway improvements will only cover the construction of the roadway. All other improvements, including the sidewalk and driveway connection, are the responsibility of the property owner at the time of construction of the single-family home.

Water Service - The six properties to the south of Skyline Drive NW have now implemented connections to the existing water main located in Skyline Drive, per a previous written agreement with the City of Great Falls Public Works Department that was executed in August 2017. The property to the north will be required to connect to the existing water main located in Skyline Drive NW as part of the development of the property.

Sewer Service - Due to the unique situation of this annexation of the six properties to the south of Skyline Drive NW, the City will allow the existing drainfield or septic tanks that serve the properties to remain until they fail. At the time of failure, the property owners are required to abandon the drainfield or septic tank per the abandonment procedure of the Cascade City-County Health Department and comply with sanitary treatment requirements of the City. The property owners will connect to the existing 8-inch diameter sewer main on City property to the South of the Subject Property. The owner of lot 2A has already voluntarily connected to the sewer service per agreement with the City of Great Falls Public Works Department. The property to the north is required to extend a new sewer main within the Skyline Drive right-of-way consistent with City standards. Said sewer main shall be extended to the western property line and constructed in accordance with City standards.

Neighborhood Council Input:

The subject properties are located adjacent to Neighborhood Council #3. Information was sent out to the Council's representatives on May 25, 2018. To date there has only been one inquiry regarding the request.

Fiscal Impact:

Services will be provided by the City, and the cost of infrastructure improvements will be borne by the property owners per the agreed upon terms of the Annexation Improvement Agreements. The annexation will extend the City limits to include seven more properties, which will increase the City's tax base and increase revenue. More specifically, the owners are contributing to City upgrades of Skyline Drive and will be responsible for the cost of future sewer connections.

Alternatives:

If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute. If the City Commission chooses to deny the request, it must set forth separate findings of fact in support of such denial.

If there is a denial, the affected property owners will be required to disconnect from the City water main, as set forth in the August 2017 Letter Agreement.

Concurrences:

Representatives from the City's Public Works and Engineering Departments have been extensively involved throughout the review and approval process for this project. Both departments concur with the proposed annexation as well as how infrastructure requirements have been addressed.

ATTACHMENTS:

- ▢ Resolution 10253
- ▢ Resolution 10253 - Exhibit A
- ▢ Findings of Fact - Annexation
- ▢ Ordinance 3191
- ▢ Findings of Fact - Zoning Map Amendment
- ▢ Aerial Map
- ▢ Zoning Map
- ▢ Certificate of Survey 5150
- ▢ Sky-Line Addition Plat
- ▢ Sky-Line Addition, Block 1, Lot 1&2
- ▢ Improvement Agreement - Lot 1A
- ▢ Improvement Agreement - Lot 2A
- ▢ Improvement Agreement - Lot 3
- ▢ Improvement Agreement - Lot 4
- ▢ Improvement Agreement - Lot 5
- ▢ Improvement Agreement - Lot 6A
- ▢ Improvement Agreement - Tract 2

RESOLUTION 10253

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF THE CITY OF GREAT FALLS TO INCLUDE SKY-LINE ADDITION LOTS 1A, 2A, 3-5, AND 6A; TRACT 2 OF CERTIFICATE OF SURVEY #5150, AND THE ADJOINING RIGHT-OF-WAY OF SKYLINE DRIVE NW, LOCATED IN THE SW1/4 NW1/4 SECTION 35, TOWNSHIP 21 NORTH, RANGE 3 EAST, PMM, CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISION OF SECTION 7-2-4601, MONTANA CODE ANNOTATED.

* * * * *

WHEREAS, the City of Great Falls is a city incorporated under the laws of the State of Montana, and having a population of more than ten thousand (10,000) is a city of the first class; and

WHEREAS, there is contiguous to said City, but without the boundaries thereof, a certain tract of land situated in the County of Cascade, State of Montana, and described as follows:

Sky-line Addition Lots 1A, 2A, 3-5 and 6A; Tract 2 of Certificate of Survey #5150; and the adjoining right-of-way of Skyline Drive NW located in the SW1/4 NW1/4 Section 35, Township 21 North, Range 3 East, PMM, Cascade County, Montana;

all as shown on the map attached hereto marked Attachment "A", and by this reference made a part hereof; and

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may

be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and

WHEREAS, the owners of the hereinabove described properties have submitted a petition to have the subject property annexed to the City of Great Falls; and

WHEREAS, the City Commission finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said territory into the City of Great Falls; and

WHEREAS, all of the proceedings herein have been conducted in strict compliance with and in conformity to the laws of the Montana Code Annotated, Title 7, Chapter 2, Part 46, Annexation by Petition, and all conditions, acts, and actions required to be performed precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed.

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

That the boundaries of the City of Great Falls, Montana, be, and the same are hereby extended so as to embrace and include within the corporate limits of said city, all of the land hereinabove described, included as: "Sky-line Addition Lots 1A, 2A, 3-5 and 6A; Tract 2 of Certificate of Survey #5150; and the adjoining right-of-way of Skyline Drive NW located in the SW1/4 NW1/4 Section 35, Township 21 North, Range 3 East, PMM, Cascade County, Montana," as shown on attached Attachment "A."

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

That the Cascade County Clerk and Recorder is hereby authorized and directed to change the appropriate boundaries of the City of Great Falls, Montana, to include said tract of land; and

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 7th day of August, 2018.

Bob Kelly, Mayor

ATTEST:

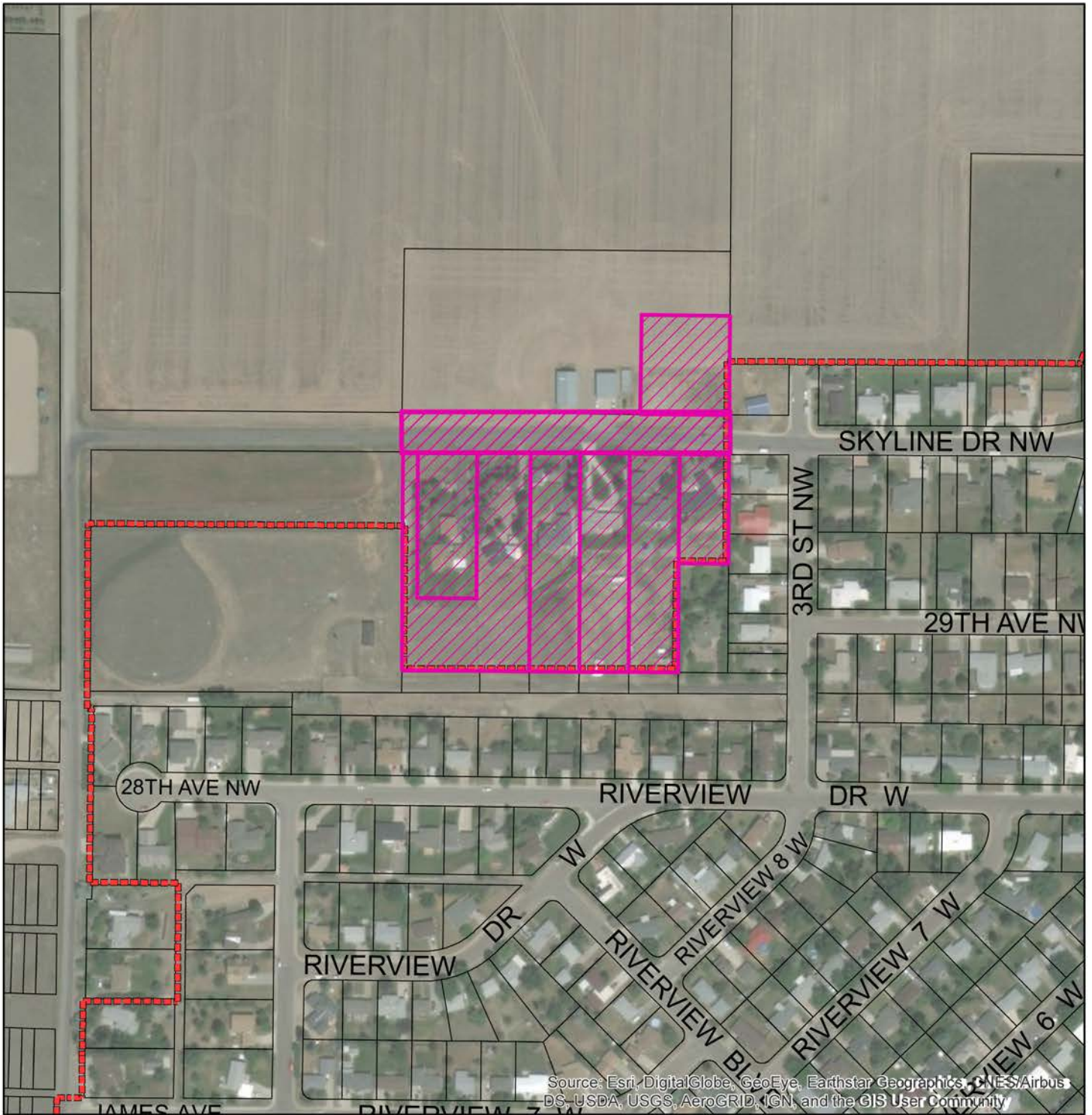
Darcy Dea, Deputy City Clerk



(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

Exhibit A



-  Subject Properties
-  Tracts of Land



FINDINGS OF FACT – ANNEXATION

Sky-line Addition Lots 1A, 2A 3-5 and 6A; Tract 2 of Certificate of Survey #5150; and, the adjoining right-of-way of Skyline Dr NW located in the SW1/4 NW1/4 Section 35, T21N, R3E PMM, Cascade County, Montana.

PRIMARY REVIEW CRITERIA:

The basis for decision on annexation is listed in Official Code of the City of Great Falls §17.16.7.050 of the Land Development Code. The recommendation of the Planning Advisory Board and the decision of City Commission shall at a minimum consider the following criteria:

1. The subject property is contiguous to the existing City limits.

The subject properties are contiguous to the existing City limits, with previously annexed property being present to the south and east of the proposed annexation area.

2. The proposed annexation is consistent with the City's growth policy.

The proposed annexation is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. Additionally the annexation specifically supports the following policies:

Soc1.4.12 When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.

Phy4.2.5 Promote orderly development and the rational extension of infrastructure and City services.

Phy4.3.2 Plan for the provision of appropriate infrastructure improvements, where needed, to support development.

3. The proposed annexation is consistent with applicable neighborhood plans, if any.

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject properties are located in Neighborhood Council #3. Information was sent out to the Council's representatives on May 25, 2018. No comments have been received.

4. The proposed annexation is consistent with other planning documents adopted by the City Commission, including a river corridor plan, transportation plan, and sub-area plans.

The subject property does not lie within any adopted plan or sub-area planning areas. The proposed improvements for Skyline Drive are consistent with City transportation planning documents.

5. The City has, or will have, the capacity to provide public services to the subject property.

The subject properties to the south of Skyline Dr NW have connected to the existing water main located in Skyline Drive NW per a previous August 2017 written agreement with the City of Great Falls Public Works Department. These properties currently operate with an existing drainfield or septic tank. At the request of the residents, the City will allow the existing

drainfield or septic tanks to remain until they fail. At such time, they will be required to connect to the existing sewer main to the south of the property. The property to the north of Skyline Dr NW will connect to the existing water main and will be required to extend the sewer main in Skyline Dr NW. The City Public Works Department has verified that the capacity is adequate to provide these services.

6. The subject property has been or will be improved to City standards.

The adjoining right-of-way of Skyline Dr NW is proposed to be annexed with this petition. The City is requiring the road to be upgraded to City standards, and the subject properties will pay a contribution to this improvement project as outlined in the property owner Annexation Improvement Agreement. The City will contract for the road project and absorb costs as well. The individual properties don't all comply with City zoning standards, but previous development activities were regulated under Cascade County zoning jurisdiction.

7. The owner(s) of the subject property will bear all of the cost of improving the property to City standards and or/ the owner(s) has signed an agreement waiving the right of protest to the creation of a special improvement district created to pay, in whole or in part, any necessary improvement.

An Improvement Agreement for each property has been drafted outlining the responsibilities and proportionate shares of costs for various improvements. Several Agreements have been attached to the report. These Agreements all address special improvement districts.

8. The subject property has been or will be surveyed and officially recorded with the County Clerk and Recorder.

The subject properties have been surveyed and recorded prior to this petition. The Certificate of Survey and the various amended plats of Sky-line Addition are on file with the County Clerk and Recorder.

9. The City will provide both water and sewer service to each of the uses in the subject property that may require potable water and waste water treatment and disposal.

Public improvements for City water and City sewer services have been addressed in the attached Improvement Agreements.

10. The subject property is not located in an area the City Commission has designated as unsuitable for annexation.

The subject property is not located in an area the City Commission has designated as unsuitable for annexation.

11. The subject property is not located in another city or town. (See: 7-2-4608 (1), MCA)

The subject property is not located in another city or town.

12. The subject property is not used in whole or in part for agriculture, mining, smelting, refining, transportation, or any other industrial or manufacturing purpose or any purpose incidental thereto. (See: 7-2-4608 (2), MCA)

The subject property is not used for the uses listed above. The properties to the south of Skyline Dr NW are existing residences, and the property to the north is vacant land that is proposed for a new single-family residence.

ORDINANCE 3191

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS ASSIGNING A ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO THE PROPERTIES LEGALLY DESCRIBED AS: SKY-LINE ADDITION LOTS 1A, 2A, 3-5 AND 6A; TRACT 2 OF CERTIFICATE OF SURVEY #5150; AND THE ADJOINING RIGHT-OF-WAY OF SKYLINE DR NW LOCATED IN THE SW1/4 NW1/4 OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 4 EAST, P.M.M. MT, CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Bishop Living Trust, Robert and Barbara Butcher, Bill and Heide Steele, Dave Juelfs, Brian and Pauline Burks, David and Sherrie Stanton, and Lyle Stanton are the owners of record and have petitioned the City of Great Falls to annex the subject properties, consisting of ±6.944 acres, as legally described above; and,

WHEREAS, Bishop Living Trust, Robert and Barbara Butcher, Bill and Heide Steele, Dave Juelfs, Brian and Pauline Burks, David and Sherrie Stanton, and Lyle Stanton have petitioned said properties to be assigned a City zoning classification of R-2 Single-family medium density district, upon annexation to City; and,

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 7th day of August, 2018, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that said zoning designation be made; and,

WHEREAS, the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls, Section 17.16.40.030; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on June 12, 2018, to consider said zoning and at the conclusion of said hearing passed a motion recommending the City Commission zone the property legally described as Sky-line Addition Lots 1A, 2A, 3-5 and 6A; Tract 2 of Certificate of Survey #5150; and, the adjoining right-of-way of Skyline Dr NW; located in the SW1/4 NW1/4 of Section 35 Township 21 North, Range 3 East, P.M. MT, Cascade County, Montana to R-2 Single-family medium density district.

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

Section 1. It is determined that the herein requested zoning assignment will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Land Development Code of the City of Great Falls.

Section 2. That the property legally described as: Sky-line Addition Lots 1A, 2A, 3-5 and 6A; Tract 2 of Certificate of Survey #5150; and, the adjoining right-of-way of Skyline Dr NW; located in the SW1/4 NW1/4 of Section 35 Township 21 North, Range 3 East, P.M. MT, Cascade County, Montana, be designated as R-2 Single-family medium density district.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading July 3, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading August 7, 2018.

Bob Kelly, Mayor

ATTEST:

Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

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

I, Darcy Dea, Deputy City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3191 on the Great Falls Civic Center posting board and the Great Falls City website.

Darcy Dea, Deputy City Clerk

(CITY SEAL)

FINDINGS OF FACT – ZONING MAP AMENDMENT

Sky-line Addition Lots 1A, 2A 3-5 and 6A; Tract 2 of Certificate of Survey #5150; and, the adjoining right-of-way of Skyline Dr NW located in the SW1/4 NW1/4 Section 35, T21N, R3E PMM, Cascade County, Montana.

PRIMARY REVIEW CRITERIA:

The basis for decision on zoning map amendments is listed in Official Code of the City of Great Falls §17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

1. The amendment is consistent with and furthers the intent of the City's growth policy.

The proposed zoning assignment of R-2 Single-family medium density is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. Additionally the policies that this establishment of zoning is consistent with include:

Social - Housing

Soc1.4.12 When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.

Physical - Land Use

Phy4.2.5 Promote orderly development and the rational extension of infrastructure and City services.

Phy4.3.2 Plan for the provision of appropriate infrastructure improvements, where needed, to support development.

The Growth Policy identifies that Great Falls embodies balanced, compatible growth; the approval of the annexation with the establishment of R-2 zoning will create balanced growth that is compatible with the adjacent properties as well as carry out the vision of the adjacent zoning districts surrounding the property.

2. The amendment is consistent with and furthers adopted neighborhood plans, if any.

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #3. Information was sent out to the Council's representatives on May 25, 2018. No concerns about the R-2 zoning assignment have expressed.

3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.

The subject property does not lie within any adopted planning or sub-area planning areas.

4. The code with the amendment is internally consistent.

The proposed establishment of zoning not in conflict with any portion of the existing City Code

and will be consistent with the adjacent existing zoning. The existing single-family homes as well as the proposed single-family home will fit in with the context of the neighborhood based on the surrounding single family homes adjacent to the property. The proposal will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor substantially diminish and impair property values in the neighborhood.

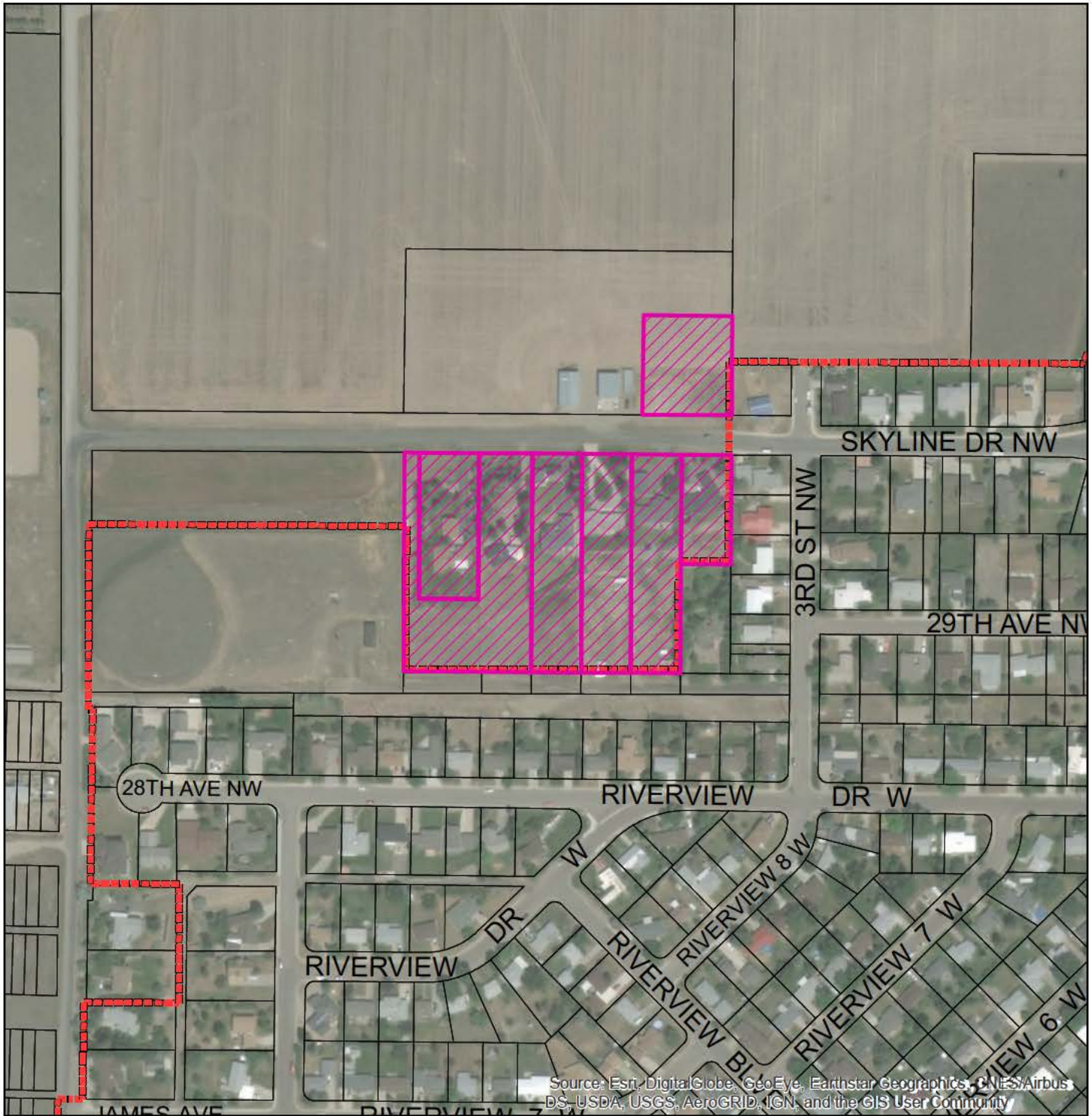
5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.



There are no existing public health, safety, or welfare issues that have been identified for these properties. The long-standing water service issue has been addressed with connections to the water main. Sewer service will be phased in as existing drainfields no longer become viable. The zoning assignment has no impact on these issues.

6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

The City has the financial and staffing capability to enforce the amendment if it is approved. A small number of lots are largely built-out are affected by the new zoning designation.

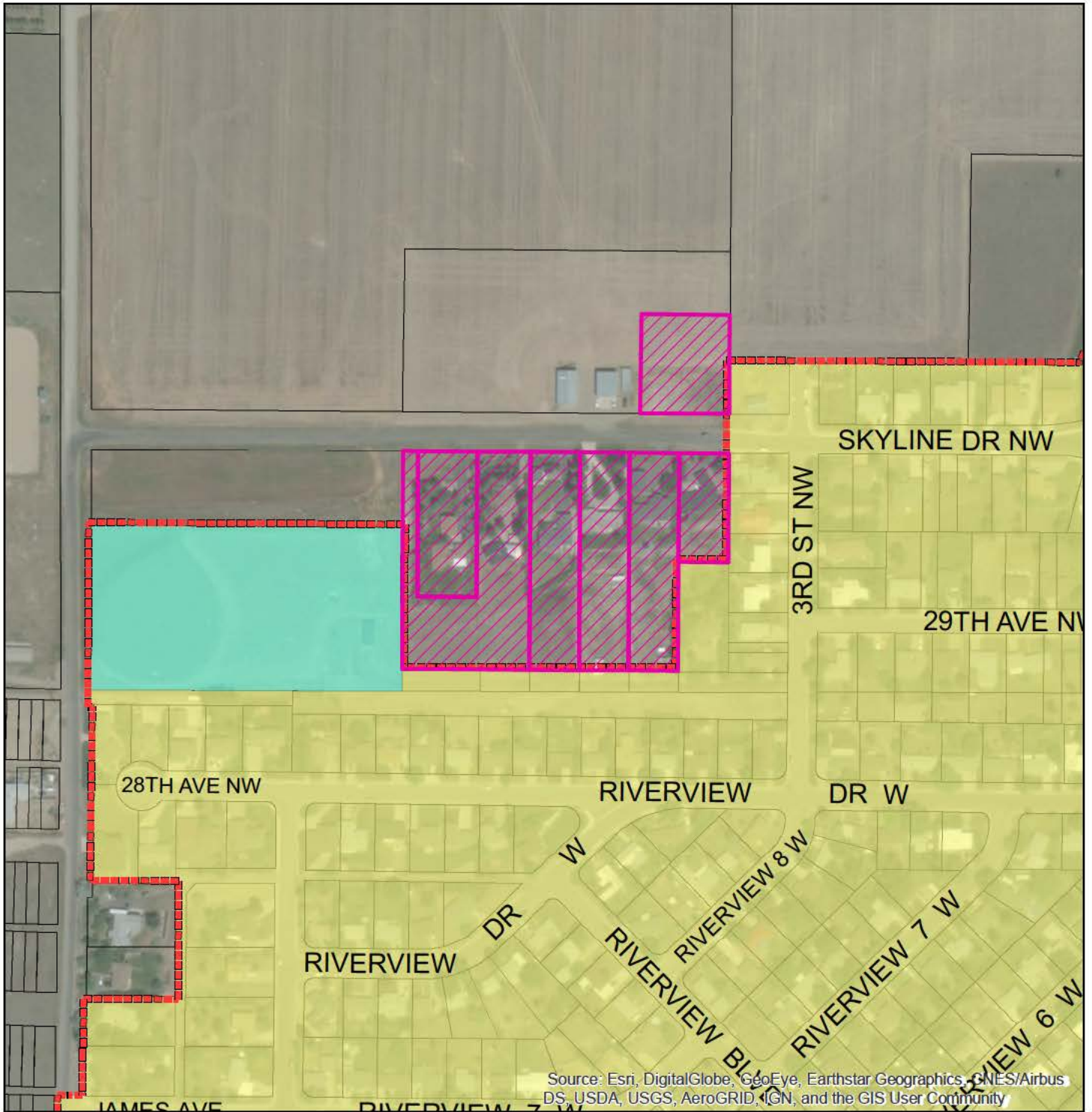
AERIAL MAP







-  Subject Properties
-  Tracts of Land



ZONING MAP



-  Subject Properties
-  R-2 Single-family Medium Density
-  PLI Public Lands and Institutional
-  Tracts of Land



CERTIFICATE OF SURVEY #5150

BEING A DIVISION OF LAND FOR CONVEYANCE TO IMMEDIATE FAMILY MEMBER

Affecting portions of the SW1/4NW1/4 Section 35, T21N, R3E, P.M.M., Cascade County Montana

PURPOSE OF SURVEY:

SURVEY BEING COMMISSIONED BY DAVID M. JUELFS, OWNER OF RECORD. The purpose of this survey is to provide a permanent record in the Office of the Clerk and Recorder, Cascade County, Montana showing the controlling evidence used to subdivide a tract of land for transfer to an immediate family member (his son: KYLE D. JUELFS). Pursuant to Montana Code Annotated 76-3-207(1)(b).

ESTATE OF THELMA I. HARMS

S88°46'28"W 660.00'(M&R)

PARCEL DESCRIPTIONS

TRACT 1 (Being retained by Father, David M. Juelfs): A tract of land lying in the Southwest Quarter of the Northwest Quarter(SW4NW4) Section 35, T21N, R3E, Principal Meridian Montana, Cascade County, Montana, more particularly described as follows:

Commencing at the Southeast corner of Tract 2, Certificate of Survey #5011, a found 1" pipe of record; thence S88°46'28"W along the northerly Right of Way of Skyline Drive NW a distance of 180.00 feet to the True Point of Beginning; thence N00°48'35"W a distance of 200.00 feet; thence N88°46'27"E a distance of 180.00 feet to a point on the west boundary of Tract 1, C.O.S. #1725; thence N01°00'59"W along the west line of said Tract 1, C.O.S.#1725 a distance of 130.00 feet to an existing monument at the southeast corner of Tract 1 C.O.S.#5011; thence S88°46'28"W along the south line of Tract 1 C.O.S.#5011 a distance of 660.00 feet; thence S00°53'35"E a distance of 330.00 feet to a point on the northerly right-of-way Skyline Drive NW; thence N88°46'26"E along the northerly right-of-way Skyline Drive NW a distance of 480.00 feet to the Point of Beginning.

Containing 4.176 Acres: all lying within Cascade County Montana. Subject to any easements of record.

TRACT 2 (Being conveyed to Son, Kyle D. Juelfs): A tract of land lying in the Southwest Quarter of the Northwest Quarter(SW4NW4) Section 35, T21N, R3E, Principal Meridian Montana, Cascade County, Montana, more particularly described as follows:

Beginning at the Southeast corner of Tract 2, Certificate of Survey #5011, a found 1" pipe of record; thence S88°46'28"W along the northerly Right of Way of Skyline Drive NW a distance of 180.00 feet; thence N00°48'35"W a distance of 200.00 feet; thence N88°46'27"E a distance of 180.00 feet to a point on the west boundary of Tract 1, C.O.S. #1725; thence S01°00'59"E along the west line of said Tract 1, C.O.S.#1725 a distance of 101.75 feet to an existing monument at the northwest corner of Horizon Heights Addition; thence S00°35'58"E along the west line of Lot 1, Block 7 Horizon Heights Addition a distance of 98.25 feet to a point on the northerly right-of-way Skyline Drive NW also being the Point of Beginning.

Containing 36,000.0 Square Feet or 0.826 Acres: all lying within Cascade County Montana. Subject to any easements of record.

NOTES & LEGEND

The Basis of Bearings for this survey is the line from the W1/4 Corner Section 35 to the NW Corner Section 35 as monumented and shown on Certificate of Survey No. 5011. Said line bears N01°31'15"W per Geodetic calculations as shown on survey work performed by Stephen Bobb in adjoining Sec. 34.

Easements of sight and record not shown hereon may exist.

Fence lines, roadways and utilities may exist on the subject property. Be advised that not all improvements are shown.

- ⊗ Indicates a 2" alum. cap inscribed 'Kendall'; found this survey. See COS#5011
- Indicates a 5/8" diameter rebar, 24" in length, with 2" aluminum cap, inscribed with "KENDALL 18576-S", set this survey.
- Indicates Survey Monument found this survey. As described hereon.
- (R) Indicates Record Bearing and Distance.
- (M) Indicates Bearings and Distances Measured this Survey

CERTIFICATE OF OWNER

I, DAVID M. JUELFS, owner of record, do certify that I have caused to be surveyed and created these two (2) tracts of land in the Southwest Quarter of the Northwest Quarter(SW4NW4) of Section 35, T21N, R3E, P.M.M., Cascade County, Montana as shown hereon. I attest that the purpose of this subdivision of land is to transfer the parcel shown and described as Tract 2 on this Certificate of Survey to KYLE D. JUELFS, my Son. Furthermore, I certify that I am entitled to use this exemption in that I am in compliance with all conditions imposed on the use of said exemption; therefore, this division of land should be exempt from review as a subdivision pursuant to Section 76-3-207(1)(b), Montana Code Annotated - divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to a member of the landowner's immediate family.

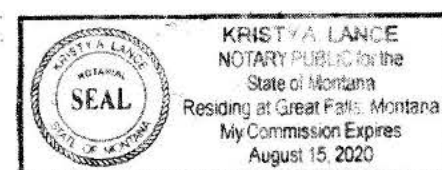
FURTHERMORE, I certify that this division of land is for the purpose of a Family Conveyance and that the parcels being created are each exempt from review by the Department of Environmental Quality. TRACT 1 of this Certificate of Survey has a Certificate of Sanitary Acceptance. TRACT 2 of this Certificate of Survey is exempt pursuant to obtaining and filing with the Office of the Clerk and Recorder a Municipal Facilities Exclusion (MFE) prior to the filing of this survey. Pursuant to M.C.A. 76-4-125(1)(d) "divisions located within jurisdictional areas that have adopted growth policies pursuant to Chapter 1 or within first-class or second-class municipalities for which the governing body certifies, pursuant to 76-4-127, that adequate storm water drainage and adequate municipal facilities will be provided."

Dated this 5 day of April, 2018

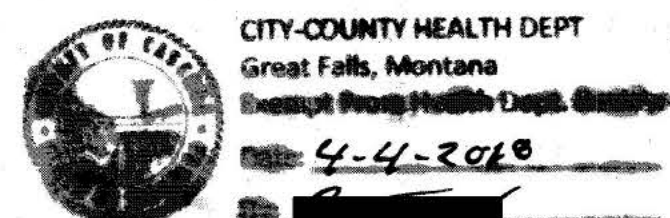
SIGNED: [Signature]
DAVID M. JUELFS, Owner of Record

State of Montana)
County of Cascade)

Subscribed and sworn to, before me, on this 5 day of April, 2018 SIGNATURE: [Signature]
Notary Public for State of Montana



My Commission Expires: August 15, 2020



EXAMINED FOR COMPLIANCE WITH
SUBDIVISION & PLATTING ACT
TREASURER'S STAMP YES_X_NO____
DATE 4-4-2018
BY _____
CASCADE COUNTY PLANNING BOARD

CERTIFICATE OF COUNTY TREASURER

I, Jamie Bailey, Cascade County Treasurer, hereby certify pursuant to Section 76-3-207(3), M.C.A. that all real property taxes assessed and levied on the land described herein have been paid.

Dated this 9th Day of April, 2018

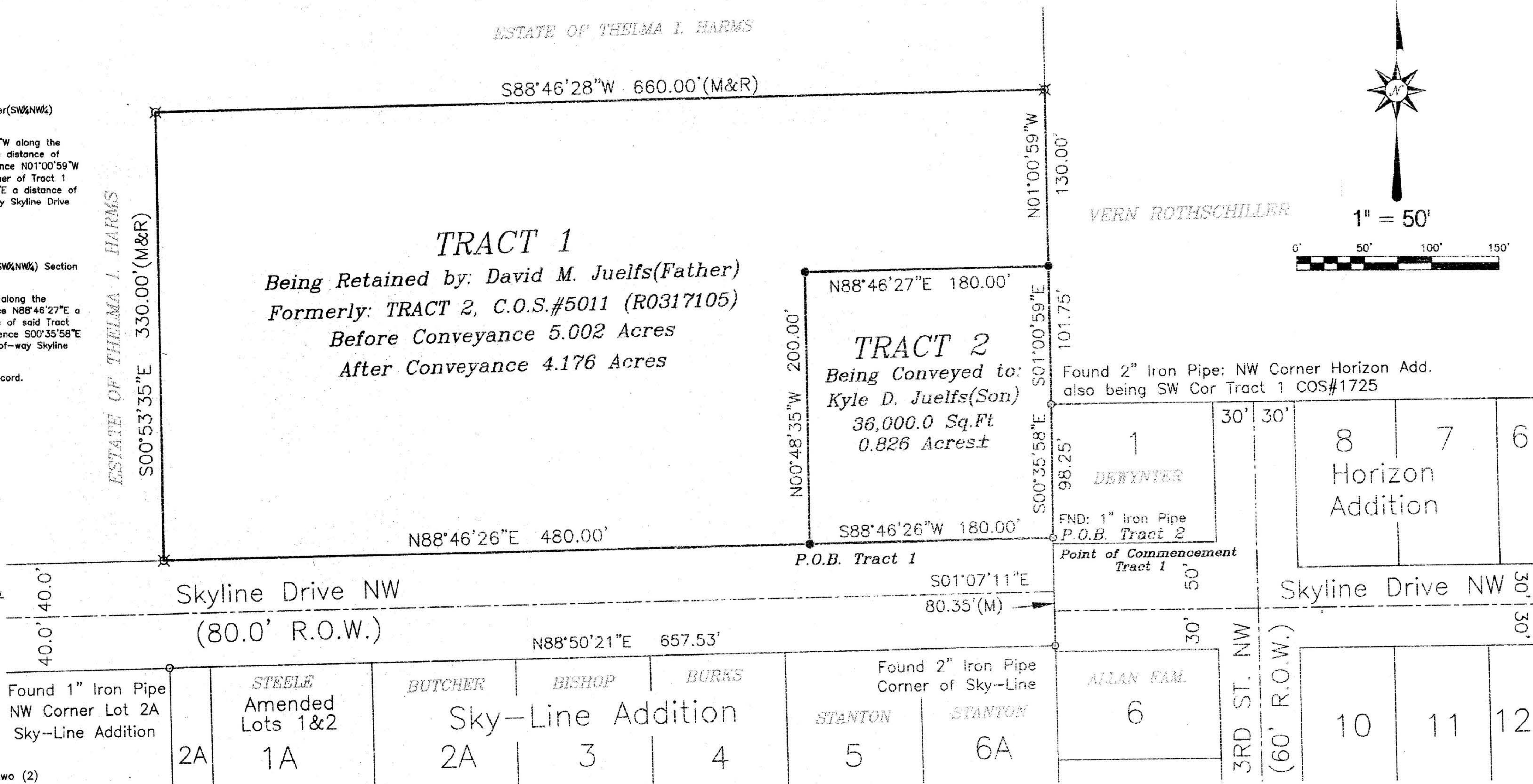
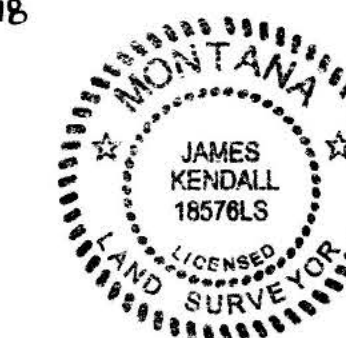


[Signature]
Jamie Bailey, Treasurer
Cascade County, Montana
Page Smith, Deputy

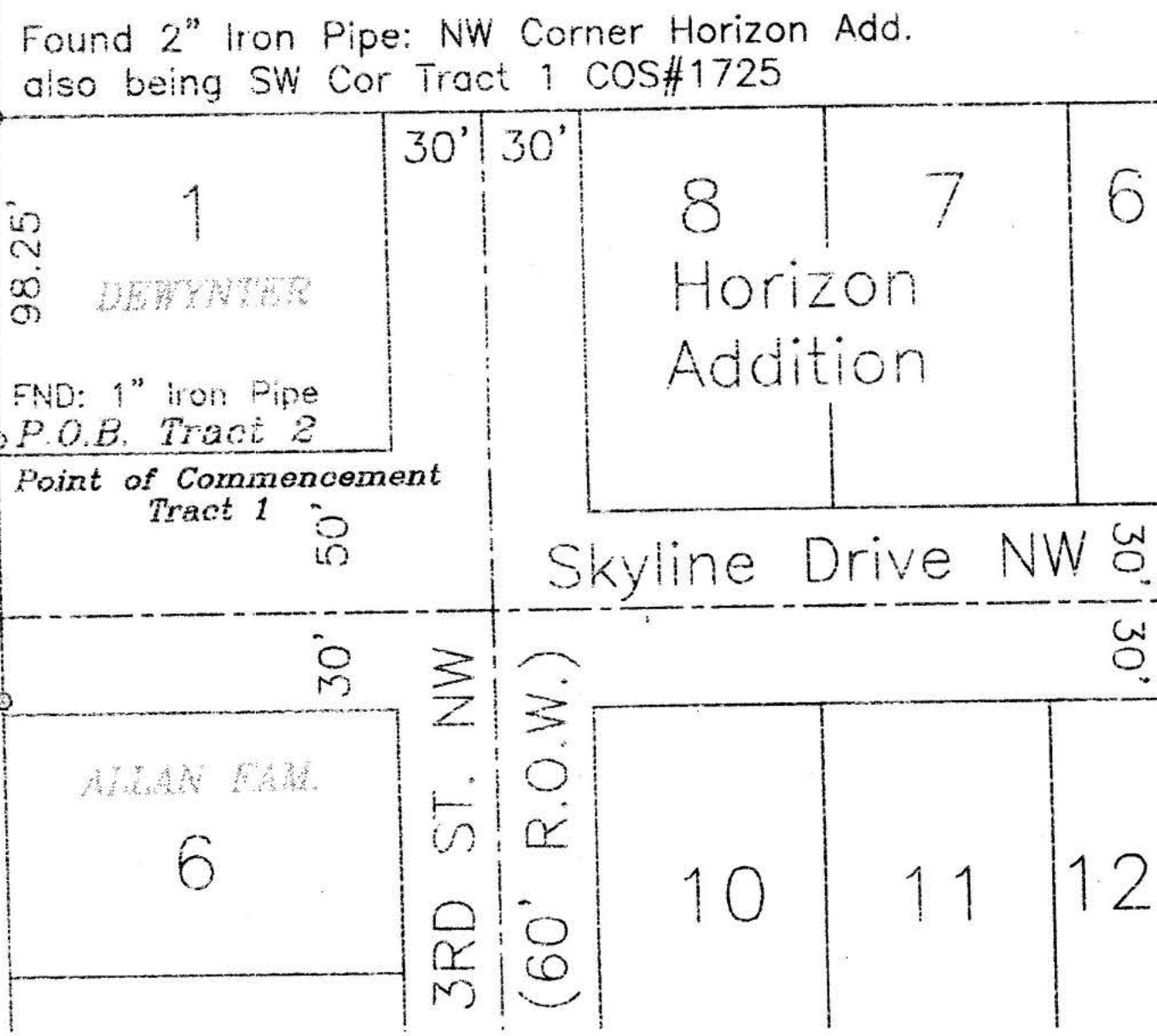
CERTIFICATE OF SURVEYOR

I, James S. Kendall, a Registered Professional Land Surveyor, Montana License Number 18576-LS, do hereby certify that I have performed the survey shown and described hereon; that survey was completed and all monuments established during March/April 2018; and that survey is true and complete as shown.

James Scott Kendall, PLS MT Registration No. 18576LS



Found 1" Iron Pipe NW Corner Lot 2A Sky-Line Addition	STEELE Amended Lots 1&2	BUTCHER	BISHOP	BURKS	Found 2" Iron Pipe Corner of Sky-Line	STANTON	STANTON
2A	1A	2A	3	4	5	6A	



S-0005150 CS

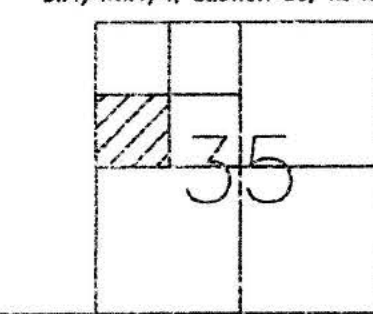
Total Pages: 2 of 23 File Number: 09/09/2018 03:14:33 PM
Cascade County, Montana - Clerk & Recorder

KENDALL LAND SURVEYING, INC.
GREAT FALLS, MONTANA 59405
406-217-7707

SCALE: 1" = 50'
DRAWN BY: JSK
DATE: 19MARCH2018

Misc - R0353512
HL - F0014264
QC - R0353513-14

SW1/4NW1/4, SECTION 35, T21N, R3E



AMENDED PLAT OF 2017-21

LOTS 1 AND 2, BLOCK 1, OF THE SKY-LINE ADDITION TO GREAT FALLS, IN THE SW1/4 NW1/4 OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA

CERTIFICATE OF OWNER:

WE, THE UNDERSIGNED OWNERS OF THE SUBJECT PROPERTIES SHOWN HEREON, CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED THE FOLLOWING DESCRIBED REAL PROPERTY TO WIT:

BEING ALL OF LOTS 1 AND 2, BLOCK 1, SKY-LINE ADDITION TO GREAT FALLS IN THE SW1/4 NW1/4 OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 3 EAST, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LEGAL DESCRIPTION:

LOT 1A

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., WHICH IS A FOUND 2 INCH ALUMINUM CAP; THENCE ALONG THE EAST-WEST MIDSECTION LINE OF SECTION 35, N89°17'57"E A DISTANCE OF 657.15 FEET TO THE SOUTHWEST CORNER OF BLOCK 1, SKY-LINE ADDITION; THENCE DEPARTING SAID EAST-WEST MIDSECTION LINE AND ALONG THE WEST LINE OF SAID SKY-LINE ADDITION, N00°58'59"W A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF 29TH AVE. NW; THENCE N00°58'59"W A DISTANCE OF 443.79 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF SKYLINE DRIVE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY, N89°18'01"E A DISTANCE OF 30.00 FEET TO AN ANGLE POINT; SAID POINT IS ALSO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE DEPARTING THE SOUTH RIGHT-OF-WAY OF SKYLINE DRIVE, S00°58'59"E A DISTANCE OF 293.79 FEET TO AN ANGLE POINT; THENCE N89°17'57"E A DISTANCE OF 119.12 FEET TO AN ANGLE POINT; THENCE N00°48'44"W A DISTANCE OF 293.78 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF SKYLINE DRIVE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY, S89°18'01"W A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.806 ACRES;

EXEMPTION FROM REVIEW BY THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
LOT 1A IS EXEMPT FROM REVIEW BY THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY PURSUANT TO A.R.M. 17.36.605(2)(c)(i)(ii)(iii), (c) a parcel that will be affected by a proposed boundary line adjustment, if the parcel has existing facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal that were not subject to review, and have not been reviewed, under Title 76, chapter 4, part 1, M.C.A. and if (i) no facilities, other than those in existence prior to the boundary line adjustment, or those that were previously approved as replacements for the existing facilities, will be constructed on the parcel; (ii) existing facilities on the parcel complied with state and local laws and regulations, including permit requirements, which were applicable at the time of installation; and (iii) the local health officer determines that existing facilities are adequate for the existing use. As a condition of the exemption, the local health officer may require evidence that:

(A) existing septic tanks have been pumped within the previous three years; (B) the parcel includes acreage or features sufficient to accommodate a replacement drainfield; (C) existing wells are adequate for the proposed uses; and (D) adequate storm drainage and solid waste disposal are provided.
NOTE THE LOCAL HEALTH OFFICER HAS DEEMED THE EXISTING SYSTEM AS SUFFICIENT, HOWEVER, IN THE EVENT OF A SEPTIC SYSTEM FAILURE THE LOT OWNER WILL BE RESPONSIBLE FOR COSTS ASSOCIATED WITH CONNECTING A NEW SERVICE LINE TO EXISTING CITY UTILITIES, AS A REPLACEMENT ON-SITE SEPTIC SYSTEM IS NOT PERMISSIBLE; AND;

LOT 2A

COMMENCING AT THE WEST QUARTER CORNER OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., WHICH IS A FOUND 2 INCH ALUMINUM CAP; THENCE ALONG THE EAST-WEST MIDSECTION LINE OF SECTION 35, N89°17'57"E A DISTANCE OF 657.15 FEET TO THE SOUTHWEST CORNER OF BLOCK 1, SKY-LINE ADDITION; THENCE DEPARTING SAID EAST-WEST MIDSECTION LINE AND ALONG THE WEST LINE OF SAID SKY-LINE ADDITION, N00°58'59"W A DISTANCE OF 40.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF 29TH AVE. NW; SAID POINT IS THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE CONTINUING ALONG THE WEST LINE OF SAID SKY-LINE ADDITION, THENCE N00°58'59"W A DISTANCE OF 443.79 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF SKYLINE DRIVE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY, N89°18'01"E A DISTANCE OF 30.00 FEET TO AN ANGLE POINT; THENCE DEPARTING THE SOUTH RIGHT-OF-WAY OF SKYLINE DRIVE, S00°58'59"E A DISTANCE OF 293.79 FEET TO AN ANGLE POINT; THENCE N89°17'57"E A DISTANCE OF 119.12 FEET TO AN ANGLE POINT; THENCE N00°48'44"W A DISTANCE OF 293.78 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY OF SKYLINE DRIVE; THENCE ALONG SAID SOUTH RIGHT-OF-WAY, S89°18'01"W A DISTANCE OF 120.00 FEET TO AN ANGLE POINT; THENCE N00°48'44"W A DISTANCE OF 293.78 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF 29TH AVE. NW; THENCE ALONG SAID NORTH RIGHT-OF-WAY, S89°17'57"W A DISTANCE OF 256.25 FEET TO THE POINT OF BEGINNING, CONTAINING 1.812 ACRES.

EXEMPTION FROM REVIEW BY THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY
LOT 2A IS EXEMPT FROM REVIEW BY THE MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY PURSUANT TO A.R.M. 17.36.605(2)(c)(i)(ii)(iii), (c) a parcel that will be affected by a proposed boundary line adjustment, if the parcel has existing facilities for water supply, wastewater disposal, storm drainage, or solid waste disposal that were not subject to review, and have not been reviewed, under Title 76, chapter 4, part 1, M.C.A. and if (i) no facilities, other than those in existence prior to the boundary line adjustment, or those that were previously approved as replacements for the existing facilities, will be constructed on the parcel; (ii) existing facilities on the parcel complied with state and local laws and regulations, including permit requirements, which were applicable at the time of installation; and (iii) the local health officer determines that existing facilities are adequate for the existing use. As a condition of the exemption, the local health officer may require evidence that:

(A) existing septic tanks have been pumped within the previous three years; (B) the parcel includes acreage or features sufficient to accommodate a replacement drainfield; (C) existing wells are adequate for the proposed uses; and (D) adequate storm drainage and solid waste disposal are provided.
NOTE THE LOCAL HEALTH OFFICER HAS DEEMED THE EXISTING ON-SITE SEPTIC SYSTEM AS SUFFICIENT, HOWEVER, IN THE EVENT OF A SEPTIC SYSTEM FAILURE THE LOT OWNER WILL BE RESPONSIBLE FOR COSTS ASSOCIATED WITH CONNECTING A NEW SERVICE LINE TO EXISTING CITY UTILITIES, AS A REPLACEMENT ON-SITE SEPTIC SYSTEM IS NOT PERMISSIBLE; AND;

THE ABOVE DESCRIBED LOTS ARE TO BE KNOWN AND DESIGNATED AS THE AMENDED SUBDIVISION PLAT OF LOTS 1 AND 2, BLOCK 1, SKY-LINE ADDITION IN THE SW1/4 NW1/4 OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA;

PURPOSE:

WE FURTHER CERTIFY THAT THE PURPOSE OF THIS SURVEY IS TO RELOCATE THE COMMON BOUNDARY BETWEEN TWO ADJOINING LOTS IN A PLATTED SUBDIVISION.

EXEMPTION FROM REVIEW BY CASCADE COUNTY
THIS DIVISION IS EXEMPT FROM REVIEW AS A SUBDIVISION PURSUANT TO SECTION M.C.A. 76-3-207(1)(d), "for five or fewer lots within a platted subdivision, the relocation of common boundaries."

RESERVATION OF TEMPORARY SANITARY SEWER EASEMENT:

THERE IS HEREBY RESERVED A TEMPORARY, NONEXCLUSIVE, SANITARY SEWER EASEMENT OVER, ON, UPON, UNDER, AND ACROSS THE AREA DEPICTED ON THE ACCOMPANYING MAP FOR PERPETUAL MAINTENANCE OF AN EXISTING ON-SITE SANITARY SEWER TREATMENT SYSTEM (DRAINFIELD). IN THE EVENT THE EXISTING ON-SITE TREATMENT SYSTEM (DRAINFIELD) WERE TO FAIL, THE ON-SITE TREATMENT SYSTEM IS TO BE REMOVED OR ABANDONED AND THE RESIDENCE SHALL CONNECT TO THE EXISTING CITY OF GREAT FALLS SANITARY SEWER MAIN ALONG THE WEST PROPERTY LINE OF LOT 2A. SAID EASEMENT SHALL RUN WITH THE LAND AND BENEFIT LOT 1A, THEIR HEIRS, SUCCESSORS, AND ASSIGNS, AND BURDEN LOT 2A, THEIR HEIRS, SUCCESSORS, AND ASSIGNS, UNTIL SUCH TIME AS REMOVAL OR ABANDONMENT OF THE DRAINFIELD, AND;

RESERVATION OF SANITARY SEWER EASEMENT:

THERE IS HEREBY EXPRESSLY RESERVED A PERPETUAL, NONEXCLUSIVE SANITARY SEWER EASEMENT OVER, ON, UPON, UNDER, AND ACROSS THE AREA DEPICTED ON THE ACCOMPANYING MAP FOR THE CONTINUED USE, OPERATION, PERPETUAL MAINTENANCE, REMOVAL OR REPLACEMENT OF A WATER SERVICE LINE. SAID EASEMENT SHALL RUN WITH THE LAND AND BENEFIT LOT 1A, THEIR HEIRS, SUCCESSORS, AND ASSIGNS, AND BURDEN LOT 2A, THEIR HEIRS, SUCCESSORS, AND ASSIGNS, UNTIL SUCH TIME THE WATER SERVICE LINE IS RELOCATED, ABANDONED, OR REMOVED, AND;

RESERVATION OF TEMPORARY WATER SERVICE EASEMENT:

THERE IS HEREBY EXPRESSLY RESERVED A PERPETUAL, NONEXCLUSIVE WATER SERVICE EASEMENT OVER, ON, UPON, UNDER, AND ACROSS THE AREA DEPICTED ON THE ACCOMPANYING MAP FOR THE CONTINUED USE, OPERATION, PERPETUAL MAINTENANCE, REMOVAL OR REPLACEMENT OF A WATER SERVICE LINE. SAID EASEMENT SHALL RUN WITH THE LAND AND BENEFIT LOT 1A, THEIR HEIRS, SUCCESSORS, AND ASSIGNS, AND BURDEN LOT 2A, THEIR HEIRS, SUCCESSORS, AND ASSIGNS, UNTIL SUCH TIME THE WATER SERVICE LINE IS RELOCATED, ABANDONED, OR REMOVED, AND;

RESERVATION OF WATER SERVICE EASEMENT:

THERE IS HEREBY EXPRESSLY RESERVED A PERPETUAL, NONEXCLUSIVE WATER SERVICE EASEMENT OVER, ON, UPON, UNDER, AND ACROSS THE AREA DEPICTED ON THE ACCOMPANYING MAP FOR THE INSTALLATION, OPERATION, PERPETUAL MAINTENANCE, REMOVAL AND REPLACEMENT OF A WATER SERVICE LINE. SAID EASEMENT SHALL FOREVER RUN WITH THE LAND AND BENEFIT LOT 1A, THEIR HEIRS, SUCCESSORS, AND ASSIGNS, AND BURDEN LOT 2A, THEIR HEIRS, SUCCESSORS, AND ASSIGNS.

ROBERT A. BUTCHER
BARBARA A. BUTCHER
WILLIAM G. STEELE
HEIDI B. STEELE

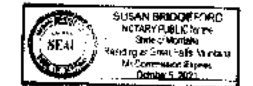
10-11-17
10-11-17
10/11/17
08/11/17
DATE
DATE
DATE
DATE

STATE OF MONTANA) ACKNOWLEDGED

COUNTY OF Cascade

ON THIS 11th DAY OF Oct 2017, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF MONTANA, DID PERSONALLY APPEAR, ROBERT A. AND BARBARA A. BUTCHER, KNOWN TO BE THE PERSONS THAT EXECUTED THE FOREGOING INSTRUMENT. IN WITNESS 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: SUSAN BRIDGEFORD
RESIDING AT: GREAT FALLS
MY COMMISSION EXPIRES: 10/15/2021

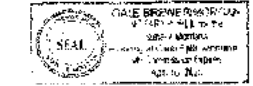


STATE OF MONTANA) ACKNOWLEDGED

COUNTY OF Cascade

ON THIS 10th DAY OF October 2017, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF MONTANA, DID PERSONALLY APPEAR, WILLIAM G. AND HEIDI B. STEELE, KNOWN TO BE THE PERSONS THAT EXECUTED THE FOREGOING INSTRUMENT. IN WITNESS 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: GALE BREWER MORGAN
RESIDING AT: Great Falls
MY COMMISSION EXPIRES: 4-10-2020



CERTIFICATE OF SURVEYOR:

I, MARK LEO, PROFESSIONAL ENGINEER AND LAND SURVEYOR, MONTANA REGISTRATION NUMBER 12920 ES, DO HEREBY CERTIFY THAT DURING THE MONTHS OF JULY-AUGUST 2017, THAT I PERFORMED, OR IT WAS PERFORMED UNDER MY DIRECT SUPERVISION, THE SURVEY THAT THE ACCOMPANYING MAP REPRESENTS AND THAT THIS SURVEY IS IN ACCORDANCE WITH THE PROVISIONS SET FORTH IN 76-3-402 AND 403, M.C.A., AND THAT THE MONUMENTS FOUND AND SET ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN HEREON.

DATED THIS 15th DAY OF SEPTEMBER 2017.



MARK LEO, PROFESSIONAL ENGINEER AND LAND SURVEYOR, MT REGISTRATION NUMBER 12920 ES

CERTIFICATE OF COUNTY TREASURER:

I, JAMIE BAILEY, COUNTY TREASURER OF CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS COVERING THE AREAS INCLUDED ON THE ACCOMPANYING AMENDED PLAT AND FIND THAT ALL REAL PROPERTY TAXES AND SPECIAL ASSESSMENTS LEVIED ON THE LAND BEING AGGREGATED HAVE BEEN PAID.

JAMIE BAILEY, CASCADE COUNTY TREASURER

9-5-2017
DATE

DEPUTY TREASURER

9-5-2017
DATE



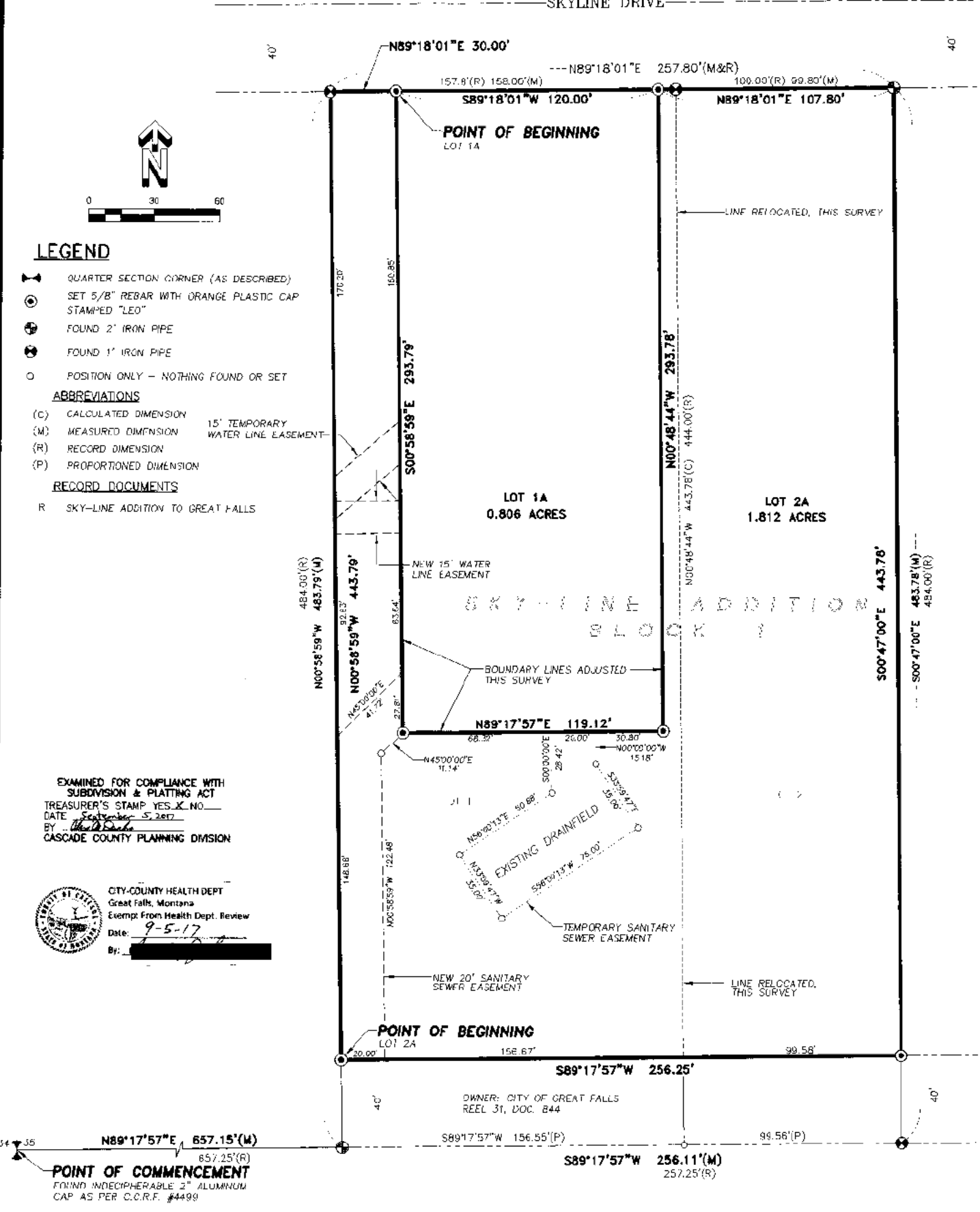
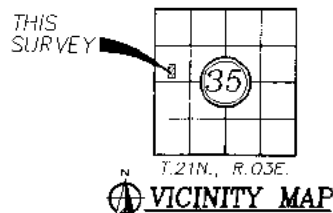
R-0346175

P-2017-000027 PL



CITY-COUNTY HEALTH DEPT
Great Falls, Montana
Exempt From Health Dept. Review
Date: 9-5-17

SHEET TITLE: SKYLINE AMENDED PLAT			
JOB NO: 17BQ	DRAWING NAME: 17BQ-BASE	SHEET 1 OF 1	
FILE NO:	DRAWN BY: CRB	DATE: 8/31/17	
BIG SKY CIVIL & ENVIRONMENTAL, INC			
1324 13th Ave. SW P.O. BOX 3625 GREAT FALLS, MT 59403 (406)727-2185 OFFICE (406)727-3656 FAX www.bigskycivil.com			



LEGEND

- QUARTER SECTION CORNER (AS DESCRIBED)
- SET 5/8" REBAR WITH ORANGE PLASTIC CAP STAMPED "LED"
- FOUND 2" IRON PIPE
- FOUND 1" IRON PIPE
- POSITION ONLY - NOTHING FOUND OR SET

ABBREVIATIONS

- (C) CALCULATED DIMENSION
- (M) MEASURED DIMENSION
- (R) RECORD DIMENSION
- (P) PROPORTIONED DIMENSION

RECORD DOCUMENTS

- R SKY-LINE ADDITION TO GREAT FALLS

EXAMINED FOR COMPLIANCE WITH SUBDIVISION & PLATTING ACT
TREASURER'S STAMP YES_XL NO
DATE: September 5, 2017
BY: [Signature]

CITY-COUNTY HEALTH DEPT
Great Falls, Montana
Exempt From Health Dept. Review
Date: 9-5-17
BY: [Signature]

BASIS OF BEARINGS
THE BEARING SOURCE FOR THIS SURVEY IS BASED ON GPS OBSERVATIONS OF RECORD POSITIONS OF EXISTING MONUMENTS TO BEST FIT THE VARIOUS BEARING SOURCES. REFERENCE BEARINGS ARE SHOWN ON THE ACCOMPANYING MAP.
NOTE: THE INTENT OF THIS SURVEY WAS NOT TO SHOW ALL EASEMENTS. EASEMENTS OF RECORD MAY EXIST AND MAY NOT BE SHOWN.

ANNEXATION IMPROVEMENT AGREEMENT

**SKYLINE ADDITION, BLOCK 1, LOT 1A
LOCATED IN THE SW ¼ NW ¼ OF SECTION 35, TOWNSHIP 21 N,
RANGE 3 E, P.M.M., CASCADE COUNTY, MONTANA**

The following is a binding Agreement dated this _____ day of _____, 2018, between the William G. & Heide B Steele, of 408 Skyline Drive NW, Great Falls, MT 59404, hereinafter referred to as "Owner," and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for annexation of a tract of land described as Skyline Addition, Block 1, Lot 1A located in the SW ¼ NW ¼ of Section 35, Township 21 North, Range 3 East, P.M.M. Cascade, County, Montana, hereinafter referred to as "Subject Property". Owner of the aforementioned Subject Property agrees to and is bound by the provisions of this Agreement, and by signing this Agreement therefore agrees to terms herein applicable to the Subject Property.

1. Supporting Documents.

A. Legal documents, including but not limited to any easements, articles of incorporation, bylaws, covenants, and declarations establishing the responsibilities of Owner recorded in the Clerk and Recorder's Office of Cascade County, Montana.

2. City Fees and Charges.

A. Owner shall pay the following fees as provided by City policy and resolution:	
a. Storm Drain Fee (\$250/acre x 0.8 acres)	\$200.00
b. Recording fees for Annexation Agreement and Resolution (\$11 per page x 3 pages)	\$33.00

Total Fees paid by applicant to City: \$233.00

Fees paid by applicant are in addition to the \$500 application fee for Annexation and \$2,000 for Zoning Map Amendment, which have been split between the seven property owners and have been paid prior to this Annexation Agreement.

B. The total fees summarized in Section A above shall be paid to the City no later than thirty (30) calendar days after City Commission action to annex the Subject Property into the City.

- C. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with Subject Property shall not constitute a waiver by the City.

3. Public Improvements

A. Street Improvements

1. The Owner hereby agrees to pay a lump sum contribution of \$18,000.00 towards the reconstruction of Skyline Drive to City standards to be undertaken by the City of Great Falls Public Works Department. The reconstruction will include street widening and paving, curb and gutter, mailbox relocation, driveway connection within the public right-of-way, sidewalk, and fire hydrant installation.
2. The amount due in Section 3.A.1 above shall be paid within 30 days of the award of the bid by the City of Great Falls for the reconstruction of Skyline Drive.

B. Water Improvements

1. To serve the Subject Property, the Owner has connected to the existing water main located in Skyline Drive, per a previous written agreement with the City of Great Falls Public Works Department that was received August 2017, and Owner owes no reimbursement for the main.

C. Sewer Improvements

1. At the time of the failure of the existing drainfield or septic tank, the Owner is required to abandon the drainfield or septic tank per the Cascade County Health Department and City of Great Falls requirements. Per the Amended Plat of Lots 1 and 2, of the Skyline Addition the existing drainfield is located in a temporary easement on Lot 2A.
2. The Owner hereby agrees, when the existing drainfield or septic tank fails, to connect to the existing 8-inch diameter sewer main on City property to the South of the Subject Property which will require an easement from the City. This connection will require no fee reimbursement to the City. The sewer connection fee and inspection fee in effect at the time the connection is made shall be paid by the Owner. The easement will meet all City requirements. Per the Amended Plat of Lots 1 and 2, of the Skyline Addition, the drainfield serving Lot 1A is located within a drainfield easement on Lot 2A.
3. Should the Subject Property connect to a sewer main within the Skyline Drive right-of-way, the owner shall be responsible for extending the main and shall pay any applicable reimbursement fees.

4. At any time after the recording of this Agreement, the Owner is allowed to connect to City sewer and abandon their existing drainfield or septic tank.

4. Site Conditions.

The Owner warrants that it has conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements upon the Subject Property and its development for the approved use. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits upon the Subject Property will properly account for all such conditions. The Owner holds the City harmless for natural conditions and for any faults in their own assessment of those conditions.

5. Maintenance Districts.

Owner hereby agrees to waive its right to protest and appeal the lawful creation by City of maintenance districts for any proper purpose including but not limited to fire hydrant, lighting and street maintenance, and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to the Subject Parcel. This includes existing districts which may be extended or expanded to include the Subject Parcel.

6. Public Roadway Lighting.

Owner hereby agrees to continue to participate in the lighting district for public roadway lighting facilities that service the Subject Property. A lighting district to serve the properties on Skyline Dr NW will be established.

7. Warranty, Ownership and Inspection of Public Improvements.

Installation of any public improvement required for the Subject Property shall be subject to the City's inspection policy in place at the time of installation.

8. City Acceptance and Zoning.

In consideration of the terms of this Agreement, the City hereby accepts a tract of land described as Skyline Addition, Block 1, Lot 1A located in the SW ¼ NW ¼ of Section 35, Township 21 North, Range 3 East, P.M.M. Cascade, County, Montana for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned zoning classification of R-2 Single-family Medium Density.

9. Indemnification.

The Owner shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to that owner's property described herein. Upon the transfer of ownership of property, the prior owner's (whether it is the Owner that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred property is released as to that owner and the indemnity obligation runs to the

new owner of the property. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost is obligated to indemnify, and no owner of property is obligated to indemnify for adverse conditions on property owned by someone else. This indemnification by the owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

10. Binding Effect.

The provisions, covenants, and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA

A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of City)

APPROVED FOR LEGAL CONTENT*:

Sara R. Sexe, City Attorney

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

OWNERS

William G. Steele

Heide B. Steele

State of _____)

:ss.

County of _____)

On this _____ day of _____, in the year _____, before me, the undersigned, a Notary Public for the State of _____, personally appeared _____, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of _____

(NOTARIAL SEAL)

ANNEXATION IMPROVEMENT AGREEMENT

**SKYLINE ADDITION, BLOCK 1, LOT 2A
LOCATED IN THE SW ¼ NW ¼ OF SECTION 35, TOWNSHIP 21 N,
RANGE 3 E, P.M.M., CASCADE COUNTY, MONTANA**

The following is a binding Agreement dated this _____ day of _____, 2018, between the Robert A. & Barbara A Butcher, of 404 Skyline Drive NW, Great Falls, MT 59404, hereinafter referred to as "Owner," and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for annexation of a tract of land described as Skyline Addition, Block 1, Lot 2A located in the SW ¼ NW ¼ of Section 35, Township 21 North, Range 3 East, P.M.M. Cascade, County, Montana, hereinafter referred to as "Subject Property". Owner of the aforementioned Subject Property agrees to and is bound by the provisions of this Agreement, and by signing this Agreement therefore agrees to terms herein applicable to the Subject Property.

1. Supporting Documents.

A. Legal documents, including but not limited to any easements, articles of incorporation, bylaws, covenants, and declarations establishing the responsibilities of Owner recorded in the Clerk and Recorder's Office of Cascade County, Montana.

2. City Fees and Charges.

A. Owner shall pay the following fees as provided by City policy and resolution:

a. Storm Drain Fee (\$250/acre x 1.8 acres)	\$450.00
b. Recording fees for Annexation Agreement and Resolution (\$11 per page x 3 pages)	\$33.00

Total Fees paid by applicant to City: \$483.00

Fees paid by applicant are in addition to the \$500 application fee for Annexation and \$2,000 for Zoning Map Amendment, which have been split between the seven property owners and have been paid prior to this Annexation Agreement.

B. The total fees summarized in Section A above shall be paid to the City no later than thirty (30) calendar days after City Commission action to annex the Subject Property into the City.

- C. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with Subject Property shall not constitute a waiver by the City.

3. Public Improvements

A. Street Improvements

- 1. The Owner hereby agrees to pay a lump sum contribution of \$20,670.00 towards the reconstruction of Skyline Drive to City standards to be undertaken by the City of Great Falls Public Works Department. The reconstruction will include street widening and paving, curb and gutter, mailbox relocation, driveway connection within the public right-of-way, sidewalk, and fire hydrant installation.
- 2. The amount due in Section 3.A.1 above shall be paid within 30 days of the award of the bid by the City of Great Falls for the reconstruction of Skyline Drive.

B. Water Improvements

- 1. To serve the Subject Property, the Owner has connected to the existing City of Great Falls water main located to the South on City, per a previous written agreement with the City of Great Falls Public Works Department that was received August 2017, and Owner owes no reimbursement for the main.

C. Sewer Improvements

- 1. The Owner, prior to this agreement with approval of the City, has connected to the existing 8-inch diameter sewer main on City property to the South of the Subject Property which will require an easement from the City. This connection will require no reimbursement to the City. The easement will meet all City requirements.
- 2. The Owner is to verify that the abandonment the drainfield or septic tank was done per the Cascade County Health Department and City of Great Falls requirements.

4. Site Conditions.

The Owner warrants that it has conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements upon the Subject Property and its development for the approved use. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits upon the Subject Property will properly account for all such conditions. The Owner holds the City harmless for natural conditions and for any faults in their own assessment of those conditions.

5. Maintenance Districts.

Owner hereby agrees to waive its right to protest and appeal the lawful creation by City of maintenance districts for any proper purpose including but not limited to fire hydrant, lighting and street maintenance, and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to the Subject Parcel. This includes existing districts which may be extended or expanded to include the Subject Parcel.

6. Public Roadway Lighting.

Owner hereby agrees to continue to participate in the lighting district for public roadway lighting facilities that service the Subject Property. A lighting district to serve the properties on Skyline Dr NW will be established.

7. Warranty, Ownership and Inspection of Public Improvements.

Installation of any public improvement required for the Subject Property shall be subject to the City's inspection policy in place at the time of installation.

8. City Acceptance and Zoning.

In consideration of the terms of this Agreement, the City hereby accepts a tract of land described as Skyline Addition, Block 1, Lot 2A located in the SW ¼ NW ¼ of Section 35, Township 21 North, Range 3 East, P.M.M. Cascade, County, Montana for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned zoning classification of R-2 Single-family Medium Density.

9. Indemnification.

The Owner shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to that owner's property described herein. Upon the transfer of ownership of property, the prior owner's (whether it is the Owner that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred property is released as to that owner and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost is obligated to indemnify, and no owner of property is obligated to indemnify for adverse conditions on property owned by someone else. This indemnification by the owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

10. Binding Effect.

The provisions, covenants, and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the

parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA

A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of City)

APPROVED FOR LEGAL CONTENT*:

Sara R. Sexe, City Attorney

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

OWNER

Robert A. Butcher

Barbara A. Butcher

State of _____)

:ss.

County of _____)

On this _____ day of _____, in the year _____, before me, the undersigned, a Notary Public for the State of _____, personally appeared _____, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of _____

(NOTARIAL SEAL)

ANNEXATION IMPROVEMENT AGREEMENT

**SKYLINE ADDITION, BLOCK 1, LOT 3
LOCATED IN THE SW ¼ NW ¼ OF SECTION 35, TOWNSHIP 21 N,
RANGE 3 E, P.M.M., CASCADE COUNTY, MONTANA**

The following is a binding Agreement dated this _____ day of _____, 2018, between the Bishop Family Living Trust, of 314 Skyline Drive NW, Great Falls, MT 59404, hereinafter referred to as "Owner," and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for annexation of a tract of land described as Skyline Addition, Block 1, Lot 3 located in the SW ¼ NW ¼ of Section 35, Township 21 North, Range 3 East, P.M.M. Cascade, County, Montana, hereinafter referred to as "Subject Property". Owner of the aforementioned Subject Property agrees to and is bound by the provisions of this Agreement, and by signing this Agreement therefore agrees to terms herein applicable to the Subject Property.

1. Supporting Documents.

A. Legal documents, including but not limited to any easements, articles of incorporation, bylaws, covenants, and declarations establishing the responsibilities of Owner recorded in the Clerk and Recorder's Office of Cascade County, Montana.

2. City Fees and Charges.

A. Owner shall pay the following fees as provided by City policy and resolution:

- | | |
|---|----------|
| a. Storm Drain Fee (\$250/acre x 1.0 acres) | \$250.00 |
| b. Recording fees for Annexation Agreement and Resolution (\$11 per page x 3 pages) | \$33.00 |

Total Fees paid by applicant to City: \$283.00

Fees paid by applicant are in addition to the \$500 application fee for Annexation and \$2,000 for Zoning Map Amendment, which have been split between the seven property owners and have been paid prior to this Annexation Agreement.

B. The total fees summarized in Section A above shall be paid to the City no later than thirty (30) calendar days after City Commission action to annex the Subject Property into the City.

- C. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with Subject Property shall not constitute a waiver by the City.

3. Public Improvements

A. Street Improvements

1. The Owner hereby agrees to pay a lump sum contribution of \$15,000.00 towards the reconstruction of Skyline Drive to City standards to be undertaken by the City of Great Falls Public Works Department. The reconstruction will include street widening and paving, curb and gutter, mailbox relocation, driveway connection within the public right-of-way, sidewalk, and fire hydrant installation.
2. The amount due in Section 3.A.1 above shall be paid within 30 days of the award of the bid by the City of Great Falls for the reconstruction of Skyline Drive.

B. Water Improvements

1. To serve the Subject Property, the Owner has connected to the existing water main located in Skyline Drive, per a previous written agreement with the City of Great Falls Public Works Department that was received August 2017, and Owner owes no reimbursement for the main.

C. Sewer Improvements

1. At the time of the failure of the existing drainfield or septic tank, the Owner is required to abandon the drainfield or septic tank per the Cascade County Health Department and City of Great Falls requirements.
2. The Owner hereby agrees, when then existing drainfield or septic tank fails, to connect to the existing 8-inch diameter sewer main on City property to the South of the Subject Property which will require an easement from the adjoining property owner. This connection will require no reimbursement to the City. The sewer connection fee and inspection fee adopted at the time the connection shall be paid by the Owner. The easement will meet all City requirements.
3. Should the Subject Property connect to a sewer main within the Skyline Drive right-of-way, the owner shall be responsible for extending the main shall pay applicable reimbursements.
4. At any time after the recording of this Agreement, the Owner is allowed to connect to City sewer and abandon their existing drainfield or septic tank.

4. Site Conditions.

The Owner warrants that it has conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements upon the Subject Property and its development for the approved use. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits upon the Subject Property will properly account for all such conditions. The Owner holds the City harmless for natural conditions and for any faults in their own assessment of those conditions.

5. Maintenance Districts.

Owner hereby agrees to waive its right to protest and appeal the lawful creation by City of maintenance districts for any proper purpose including but not limited to fire hydrant, lighting and street maintenance, and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to the Subject Parcel. This includes existing districts which may be extended or expanded to include the Subject Parcel.

6. Public Roadway Lighting.

Owner hereby agrees to continue to participate in the lighting district for public roadway lighting facilities that service the Subject Property. A lighting district to serve the properties on Skyline Dr NW will be established.

7. Warranty, Ownership and Inspection of Public Improvements.

Installation of any public improvement required for the Subject Property shall be subject to the City's inspection policy in place at the time of installation.

8. City Acceptance and Zoning.

In consideration of the terms of this Agreement, the City hereby accepts a tract of land described as Skyline Addition, Block 1, Lot 3 located in the SW ¼ NW ¼ of Section 35, Township 21 North, Range 3 East, P.M.M. Cascade, County, Montana for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned zoning classification of R-2 Single-family Medium Density.

9. Indemnification.

The Owner shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to that owner's property described herein. Upon the transfer of ownership of property, the prior owner's (whether it is the Owner that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred property is released as to that owner and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost is obligated to indemnify, and no owner of property is obligated to indemnify for adverse conditions on property

owned by someone else. This indemnification by the owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

10. Binding Effect.

The provisions, covenants, and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA

A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of City)

APPROVED FOR LEGAL CONTENT*:

Sara R. Sexe, City Attorney

*By law, the City Attorney may only advise or approve contract or legal document language on behalf of the City of Great Falls, and not on behalf of other parties. Review and approval of this

document was conducted solely from the legal perspective, and for the benefit, of the City of Great Falls. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.

OWNER

Bishop Family Living Trust

State of _____)

:ss.

County of _____)

On this _____ day of _____, in the year _____, before me, the undersigned, a Notary Public for the State of _____, personally appeared _____, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of _____

(NOTARIAL SEAL)

ANNEXATION IMPROVEMENT AGREEMENT

**SKYLINE ADDITION, BLOCK 1, LOT 4
LOCATED IN THE SW ¼ NW ¼ OF SECTION 35, TOWNSHIP 21 N,
RANGE 3 E, P.M.M., CASCADE COUNTY, MONTANA**

The following is a binding Agreement dated this _____ day of _____, 2018, between Brian Burks and Pauline L. Burks, of 312 Skyline Drive NW, Great Falls, MT 59404, hereinafter referred to as "Owner," and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for annexation of a tract of land described as Skyline Addition, Block 1, Lot 4 located in the SW ¼ NW ¼ of Section 35, Township 21 North, Range 3 East, P.M.M. Cascade, County, Montana, hereinafter referred to as "Subject Property". Owner of the aforementioned Subject Property agrees to and is bound by the provisions of this Agreement, and by signing this Agreement therefore agrees to terms herein applicable to the Subject Property.

1. Supporting Documents.

A. Legal documents, including but not limited to any easements, articles of incorporation, bylaws, covenants, and declarations establishing the responsibilities of Owner recorded in the Clerk and Recorder's Office of Cascade County, Montana.

2. City Fees and Charges.

A. Owner shall pay the following fees as provided by City policy and resolution:

- | | |
|---|----------|
| a. Storm Drain Fee (\$250/acre x 1.0 acres) | \$250.00 |
| b. Recording fees for Annexation Agreement and Resolution (\$11 per page x 3 pages) | \$33.00 |

Total Fees paid by applicant to City: \$283.00

Fees paid by applicant are in addition to the \$500 application fee for Annexation and \$2,000 for Zoning Map Amendment, which have been split between the seven property owners and have been paid prior to this Annexation Agreement.

B. The total fees summarized in Section A above shall be paid to the City no later than thirty (30) calendar days after City Commission action to annex the Subject Property into the City.

- C. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with Subject Property shall not constitute a waiver by the City.

3. Public Improvements

A. Street Improvements

1. The Owner hereby agrees to pay a lump sum contribution of \$15,000.00 towards the reconstruction of Skyline Drive to City standards to be undertaken by the City of Great Falls Public Works Department. The reconstruction will include street widening and paving, curb and gutter, mailbox relocation, driveway connection within the public right-of-way, sidewalk, and fire hydrant installation.
2. The amount due in Section 3.A.1 above shall be paid within 30 days of the award of the bid by the City of Great Falls for the reconstruction of Skyline Drive.

B. Water Improvements

1. To serve the Subject Property, the Owner has connected to the existing water main located in Skyline Drive, per a previous written agreement with the City of Great Falls Public Works Department that was received August 2017, and Owner owes no reimbursement for the main.

C. Sewer Improvements

1. At the time of the failure of the existing drainfield or septic tank, the Owner is required to abandon the drainfield or septic tank per the Cascade County Health Department and City of Great Falls requirements.
2. The Owner hereby agrees, when then existing drainfield or septic tank fails, to connect to the existing 8-inch diameter sewer main on City property to the South of the Subject Property which will require an easement from the adjoining property owner. This connection will require no reimbursement to the City. The sewer connection fee and inspection fee adopted at the time the connection shall be paid by the Owner. The easement will meet all City requirements.
3. Should the Subject Property connect to a sewer main within the Skyline Drive right-of-way, the owner shall be responsible for extending the main shall pay applicable reimbursements.
4. At any time after the recording of this Agreement, the Owner is allowed to connect to City sewer and abandon their existing drainfield or septic tank.

4. Site Conditions.

The Owner warrants that it has conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements upon the Subject Property and its development for the approved use. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits upon the Subject Property will properly account for all such conditions. The Owner holds the City harmless for natural conditions and for any faults in their own assessment of those conditions.

5. Maintenance Districts.

Owner hereby agrees to waive its right to protest and appeal the lawful creation by City of maintenance districts for any proper purpose including but not limited to fire hydrant, lighting and street maintenance, and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to the Subject Parcel. This includes existing districts which may be extended or expanded to include the Subject Parcel.

6. Public Roadway Lighting.

Owner hereby agrees to continue to participate in the lighting district for public roadway lighting facilities that service the Subject Property. A lighting district to serve the properties on Skyline Dr NW will be established.

7. Warranty, Ownership and Inspection of Public Improvements.

Installation of any public improvement required for the Subject Property shall be subject to the City's inspection policy in place at the time of installation.

8. City Acceptance and Zoning.

In consideration of the terms of this Agreement, the City hereby accepts a tract of land described as Skyline Addition, Block 1, Lot 4 located in the SW ¼ NW ¼ of Section 35, Township 21 North, Range 3 East, P.M.M. Cascade, County, Montana for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned zoning classification of R-2 Single-family Medium Density.

9. Indemnification.

The Owner shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to that owner's property described herein. Upon the transfer of ownership of property, the prior owner's (whether it is the Owner that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred property is released as to that owner and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost is obligated to indemnify, and no owner of property is obligated to indemnify for adverse conditions on property

owned by someone else. This indemnification by the owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

10. Binding Effect.

The provisions, covenants, and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA

A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of City)

APPROVED FOR LEGAL CONTENT*:

Sara R. Sexe, City Attorney

*By law, the City Attorney may only advise or approve contract or legal document language on behalf of the City of Great Falls, and not on behalf of other parties. Review and approval of this

document was conducted solely from the legal perspective, and for the benefit, of the City of Great Falls. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.

OWNER

Brian Burks

Pauline L. Burks

State of _____)

:ss.

County of _____)

On this _____ day of _____, in the year _____, before me, the undersigned, a Notary Public for the State of _____, personally appeared _____, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of _____

(NOTARIAL SEAL)

ANNEXATION IMPROVEMENT AGREEMENT

**SKYLINE ADDITION, BLOCK 1, LOT 5
LOCATED IN THE SW ¼ NW ¼ OF SECTION 35, TOWNSHIP 21 N,
RANGE 3 E, P.M.M., CASCADE COUNTY, MONTANA**

The following is a binding Agreement dated this _____ day of _____, 2018, between David J. Stanton and Sherrie F. Stanton, of 308 Skyline Drive NW, Great Falls, MT 59404, hereinafter referred to as "Owner," and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for annexation of a tract of land described as Skyline Addition, Block 1, Lot 5 located in the SW ¼ NW ¼ of Section 35, Township 21 North, Range 3 East, P.M.M. Cascade, County, Montana, hereinafter referred to as "Subject Property". Owner of the aforementioned Subject Property agrees to and is bound by the provisions of this Agreement, and by signing this Agreement therefore agrees to terms herein applicable to the Subject Property.

1. Supporting Documents.

A. Legal documents, including but not limited to any easements, articles of incorporation, bylaws, covenants, and declarations establishing the responsibilities of Owner recorded in the Clerk and Recorder's Office of Cascade County, Montana.

2. City Fees and Charges.

A. Owner shall pay the following fees as provided by City policy and resolution:

- | | |
|---|----------|
| a. Storm Drain Fee (\$250/acre x 1.0 acres) | \$250.00 |
| b. Recording fees for Annexation Agreement and Resolution (\$11 per page x 3 pages) | \$33.00 |

Total Fees paid by applicant to City: \$283.00

Fees paid by applicant are in addition to the \$500 application fee for Annexation and \$2,000 for Zoning Map Amendment, which have been split between the seven property owners and have been paid prior to this Annexation Agreement.

B. The total fees summarized in Section A above shall be paid to the City no later than thirty (30) calendar days after City Commission action to annex the Subject Property into the City.

- C. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with Subject Property shall not constitute a waiver by the City.

3. Public Improvements

A. Street Improvements

1. The Owner hereby agrees to pay a lump sum contribution of \$15,000.00 towards the reconstruction of Skyline Drive to City standards to be undertaken by the City of Great Falls Public Works Department. The reconstruction will include street widening and paving, curb and gutter, mailbox relocation, driveway connection within the public right-of-way, sidewalk, and fire hydrant installation.
2. The amount due in Section 3.A.1 above shall be paid within 30 days of the award of the bid by the City of Great Falls for the reconstruction of Skyline Drive.

B. Water Improvements

1. To serve the Subject Property, the Owner has connected to the existing water main located in Skyline Drive, per a previous written agreement with the City of Great Falls Public Works Department that was received August 2017, and Owner owes no reimbursement for the main.

C. Sewer Improvements

1. At the time of the failure of the existing drainfield or septic tank, the Owner is required to abandon the drainfield or septic tank per the Cascade County Health Department and City of Great Falls requirements.
2. The Owner hereby agrees, when then existing drainfield or septic tank fails, to connect to the existing 8-inch diameter sewer main on City property to the South of the Subject Property which will require an easement from the adjoining property owner. This connection will require no reimbursement to the City. The sewer connection fee and inspection fee adopted at the time the connection shall be paid by the Owner. The easement will meet all City requirements.
3. Should the Subject Property connect to a sewer main within the Skyline Drive right-of-way, the owner shall be responsible for extending the main shall pay applicable reimbursements.
4. At any time after the recording of this Agreement, the Owner is allowed to connect to City sewer and abandon their existing drainfield or septic tank.

4. Site Conditions.

The Owner warrants that it has conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements upon the Subject Property and its development for the approved use. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits upon the Subject Property will properly account for all such conditions. The Owner holds the City harmless for natural conditions and for any faults in their own assessment of those conditions.

5. Maintenance Districts.

Owner hereby agrees to waive its right to protest and appeal the lawful creation by City of maintenance districts for any proper purpose including but not limited to fire hydrant, lighting and street maintenance, and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to the Subject Parcel. This includes existing districts which may be extended or expanded to include the Subject Parcel.

6. Public Roadway Lighting.

Owner hereby agrees to continue to participate in the lighting district for public roadway lighting facilities that service the Subject Property. A lighting district to serve the properties on Skyline Dr NW will be established.

7. Warranty, Ownership and Inspection of Public Improvements.

Installation of any public improvement required for the Subject Property shall be subject to the City's inspection policy in place at the time of installation.

8. City Acceptance and Zoning.

In consideration of the terms of this Agreement, the City hereby accepts a tract of land described as Skyline Addition, Block 1, Lot 5 located in the SW ¼ NW ¼ of Section 35, Township 21 North, Range 3 East, P.M.M. Cascade, County, Montana for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned zoning classification of R-2 Single-family Medium Density.

9. Indemnification.

The Owner shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to that owner's property described herein. Upon the transfer of ownership of property, the prior owner's (whether it is the Owner that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred property is released as to that owner and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost is obligated to indemnify, and no owner of property is obligated to indemnify for adverse conditions on property

owned by someone else. This indemnification by the owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

10. Binding Effect.

The provisions, covenants, and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA

A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of City)

APPROVED FOR LEGAL CONTENT*:

Sara R. Sexe, City Attorney

*By law, the City Attorney may only advise or approve contract or legal document language on behalf of the City of Great Falls, and not on behalf of other parties. Review and approval of this

document was conducted solely from the legal perspective, and for the benefit, of the City of Great Falls. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.

OWNER

David J. Stanton

Sherrie F. Stanton

State of _____)

:ss.

County of _____)

On this _____ day of _____, in the year _____, before me, the undersigned, a Notary Public for the State of _____, personally appeared _____, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of _____

(NOTARIAL SEAL)

ANNEXATION IMPROVEMENT AGREEMENT

**SKYLINE ADDITION, BLOCK 1, LOT 6A
LOCATED IN THE SW ¼ NW ¼ OF SECTION 35, TOWNSHIP 21 N,
RANGE 3 E, P.M.M., CASCADE COUNTY, MONTANA**

The following is a binding Agreement dated this _____ day of _____, 2018, between Lyle W. Stanton, of 304 Skyline Drive NW, Great Falls, MT 59404, hereinafter referred to as "Owner," and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for annexation of a tract of land described as Skyline Addition, Block 1, Lot 6A located in the SW ¼ NW ¼ of Section 35, Township 21 North, Range 3 East, P.M.M. Cascade, County, Montana, hereinafter referred to as "Subject Property". Owner of the aforementioned Subject Property agrees to and is bound by the provisions of this Agreement, and by signing this Agreement therefore agrees to terms herein applicable to the Subject Property.

1. Supporting Documents.

A. Legal documents, including but not limited to any easements, articles of incorporation, bylaws, covenants, and declarations establishing the responsibilities of Owner recorded in the Clerk and Recorder's Office of Cascade County, Montana.

2. City Fees and Charges.

A. Owner shall pay the following fees as provided by City policy and resolution:

a. Storm Drain Fee (\$250/acre x 0.50 acres)	\$125.00
b. Recording fees for Annexation Agreement and Resolution (\$11 per page x 3 pages)	\$33.00

Total Fees paid by applicant to City: \$158.00

Fees paid by applicant are in addition to the \$500 application fee for Annexation and \$2,000 for Zoning Map Amendment, which have been split between the seven property owners and have been paid prior to this Annexation Agreement.

B. The total fees summarized in Section A above shall be paid to the City no later than thirty (30) calendar days after City Commission action to annex the Subject Property into the City.

- C. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with Subject Property shall not constitute a waiver by the City.

3. Public Improvements

A. Street Improvements

1. The Owner hereby agrees to pay a lump sum contribution of \$15,000.00 towards the reconstruction of Skyline Drive to City standards to be undertaken by the City of Great Falls Public Works Department. The reconstruction will include street widening and paving, curb and gutter, mailbox relocation, driveway connection within the public right-of-way, sidewalk, and fire hydrant installation.
2. The amount due in Section 3.A.1 above shall be paid within 30 days of the award of the bid by the City of Great Falls for the reconstruction of Skyline Drive.

B. Water Improvements

1. To serve the Subject Property, the Owner has connected to the existing water main located in Skyline Drive, per a previous written agreement with the City of Great Falls Public Works Department that was received August 2017, and Owner owes no reimbursement for the main.

C. Sewer Improvements

1. At the time of the failure of the existing drainfield or septic tank, the Owner is required to abandon the drainfield or septic tank per the Cascade County Health Department and City of Great Falls requirements.
2. The Owner hereby agrees, when then existing drainfield or septic tank fails, to connect to the existing 8-inch diameter sewer main on City property to the South of the Subject Property which will require an easement from the adjoining property owner. This connection will require no reimbursement to the City. The sewer connection fee and inspection fee adopted at the time the connection shall be paid by the Owner. The easement will meet all City requirements.
3. Should the Subject Property connect to a sewer main within the Skyline Drive right-of-way, the owner shall be responsible for extending the main shall pay applicable reimbursements.
4. At any time after the recording of this Agreement, the Owner is allowed to connect to City sewer and abandon their existing drainfield or septic tank.

4. Site Conditions.

The Owner warrants that it has conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements upon the Subject Property and its development for the approved use. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits upon the Subject Property will properly account for all such conditions. The Owner holds the City harmless for natural conditions and for any faults in their own assessment of those conditions.

5. Maintenance Districts.

Owner hereby agrees to waive its right to protest and appeal the lawful creation by City of maintenance districts for any proper purpose including but not limited to fire hydrant, lighting and street maintenance, and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to the Subject Parcel. This includes existing districts which may be extended or expanded to include the Subject Parcel.

6. Public Roadway Lighting.

Owner hereby agrees to continue to participate in the lighting district for public roadway lighting facilities that service the Subject Property. A lighting district to serve the properties on Skyline Dr NW will be established.

7. Warranty, Ownership and Inspection of Public Improvements.

Installation of any public improvement required for the Subject Property shall be subject to the City's inspection policy in place at the time of installation.

8. City Acceptance and Zoning.

In consideration of the terms of this Agreement, the City hereby accepts a tract of land described as Skyline Addition, Block 1, Lot 6A located in the SW ¼ NW ¼ of Section 35, Township 21 North, Range 3 East, P.M.M. Cascade, County, Montana for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, with an assigned zoning classification of R-2 Single-family Medium Density.

9. Indemnification.

The Owner shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to that owner's property described herein. Upon the transfer of ownership of property, the prior owner's (whether it is the Owner that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred property is released as to that owner and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost is obligated to indemnify, and no owner of property is obligated to indemnify for adverse conditions on property

owned by someone else. This indemnification by the owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

10. Binding Effect.

The provisions, covenants, and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA

A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of City)

APPROVED FOR LEGAL CONTENT*:

Sara R. Sexe, City Attorney

*By law, the City Attorney may only advise or approve contract or legal document language on behalf of the City of Great Falls, and not on behalf of other parties. Review and approval of this

document was conducted solely from the legal perspective, and for the benefit, of the City of Great Falls. Other parties should not rely on this approval and should seek review and approval by their own respective counsel.

OWNER

Lyle W. Stanton

State of _____)

:ss.

County of _____)

On this _____ day of _____, in the year _____, before me, the undersigned, a Notary Public for the State of _____, personally appeared _____, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of _____

(NOTARIAL SEAL)

ANNEXATION IMPROVEMENT AGREEMENT

**TRACT 2 OF COS #5150
LOCATED IN THE SW ¼ NW ¼ OF SECTION 35, TOWNSHIP 21 N,
RANGE 3 E, P.M.M., CASCADE COUNTY, MONTANA**

The following is a binding Agreement dated this _____ day of _____, 2018, between the Kyle D. Juelfs, hereinafter referred to as "Owner," and the City of Great Falls, Montana, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for annexation of a tract of land described as Tract 2 of COS #5150 located in the SW ¼ NW ¼ of Section 35, Township 21 North, Range 3 East, P.M.M. Cascade, County, Montana, hereinafter referred to as "Subject Property". Owner of the aforementioned Subject Property agrees to and is bound by the provisions of this Agreement, and by signing this Agreement therefore agrees to terms herein applicable to the Subject Property.

1. Supporting Documents.

A. Legal documents, including but not limited to any easements, articles of incorporation, bylaws, covenants, and declarations establishing the responsibilities of Owner recorded in the Clerk and Recorder's Office of Cascade County, Montana.

2. City Fees and Charges.

A. Owner shall pay the following fees as provided by City policy and resolution:

- | | |
|---|----------|
| a. Storm Drain Fee (\$250/acre x 0.8 acres) | \$206.50 |
| b. Recording fees for Annexation Agreement and Resolution (\$11 per page x 3 pages) | \$33.00 |

Total Fees paid by applicant to City: \$239.50

Fees paid by applicant are in addition to the \$500 application fee for Annexation and \$2,000 for Zoning Map Amendment, which have been split between the seven property owners and have been paid prior to this Annexation Agreement.

B. The total fees summarized in Section A above shall be paid to the City no later than thirty (30) calendar days after City Commission action to annex the Subject Property into the City.

- C. The absence of any fee from this Agreement which is lawfully charged by the City in connection with construction activity associated with Subject Property shall not constitute a waiver of any such fee by the City.

3. Public Improvements

A. Street Improvements

1. The Owner hereby agrees to pay a lump sum contribution of \$27,000.00 toward the reconstruction of Skyline Drive to City standards to be undertaken by the City of Great Falls Public Works Department. The reconstruction will include street widening and paving, curb and gutter, and fire hydrant installation. Driveway connection within the public right-of-way and installation of boulevard style sidewalk shall be constructed by the Owner prior to certificate of occupancy.
2. The amount due in Section 3.A.1 above shall be paid by the Owner within 30 days of the award of the bid by the City of Great Falls for the reconstruction of Skyline Drive.

B. Water Improvements

1. To serve the Subject Property, the Owner shall connect to the existing water main located in Skyline Drive and Owner owes no reimbursement for the cost associated with the construction of the water main. Owner remains responsible for all costs associated with the private service line benefitting its property.

C. Sewer Improvements

1. The Owner hereby agrees, at its cost, to extend a new sewer main within the Skyline Drive right-of-way consistent with City standards and submitted plans approved by the City of Great Falls. Said sewer main shall be extended to the western property line and constructed in accordance with City standards and approved by the City engineering department.
2. The Owner is responsible for providing its final construction costs to the City for extending the new sewer main. The Owner shall be entitled to proportionate reimbursement for half of its actual cost of extending the sewer main, should an owner of a property adjacent to Skyline Drive connect a sewer service to the sewer main. The City will assist (the extent and nature of such assistance being solely determined by the City) in obtaining initial reimbursements due under this agreement from the adjacent property owners connecting to the sewer main; however Owner remains responsible for any legal enforcement of the terms of this agreement as against these adjacent property owners. Proportionate reimbursement will be based on the street frontage along Skyline Drive.

4. Site Conditions.

The Owner warrants that it has conducted site investigations sufficient to be aware of all natural conditions, including, but not limited to, flooding, slopes, and soils characteristics, that may affect the installation of improvements upon the Subject Property and its development for the approved use. The Owner further warrants that all plans submitted pursuant to this Agreement and all applications for building permits upon the Subject Property will properly account for all such conditions. The Owner holds the City harmless for natural conditions and for any faults in their own assessment of those conditions.

5. Maintenance Districts.

Owner hereby agrees to waive its right to protest and appeal the lawful creation by City of maintenance districts for any proper purpose including but not limited to fire hydrant, lighting and street maintenance, and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to the Subject Parcel. This includes existing districts which may be extended or expanded to include the Subject Parcel.

6. Public Roadway Lighting.

Owner hereby agrees to waive its right to protest and appeal any future special lighting district for public roadway lighting facilities that service the Subject Property, and further agrees to pay for its proportionate share of the costs associated with roadway lighting which services the Development Parcel that may be installed with or without a special lighting district.

7. Warranty, Ownership and Inspection of Public Improvements.

Installation of any public improvement by Owner which is required for the Subject Property shall be subject to the City's inspection policy in place at the time of installation. The City will conduct a limited review of plans and perform inspections for compliance with requirements set forth in this agreement and/or in applicable law. The Owner is exclusively responsible for ensuring that the design, construction drawings, completed construction, and record drawings comply with acceptable engineering practices, State requirements, and other applicable standards. The City's limited plans review and inspections are not substantive reviews of the plans and engineering. The City's approval of any plans or completed inspections is not an endorsement of the plan or approval or verification of the engineering data and plans. Neither the Owner, nor any third party may rely upon the City's limited review or approval.

8. City Acceptance and Zoning.

In consideration of the terms of this Agreement, the City hereby accepts a tract of land described as Tract 2 of COS #5150 located in the SW ¼ NW ¼ of Section 35, Township 21 North, Range 3 East, P.M.M. Cascade, County, Montana for incorporation by annexation

into the corporate limits of the City of Great Falls, Montana, with an assigned zoning classification of R-2 Single-family Medium Density.

9. Indemnification.

The Owner shall indemnify, hold harmless and defend the City of Great Falls, its officers, agents, servants and employees and assigns from and against all claims, debts, liabilities, fines, penalties, obligations and costs including reasonable attorney fees, that arise from, result from or relate to obligations relating to that owner’s property described herein. Upon the transfer of ownership of property, the prior owner’s (whether it is the Owner that signed this agreement or a subsequent owner) indemnity obligation herein for the transferred property is released as to that owner and the indemnity obligation runs to the new owner of the property. Only the owner of the parcel of property at the time the City incurs the claim, debt, liability, fine, penalty, obligation or cost is obligated to indemnify, and no owner of property is obligated to indemnify for adverse conditions on property owned by someone else. This indemnification by the owner of the property shall apply unless such damage or injury results from the gross negligence or willful misconduct of the City.

10. Binding Effect.

The provisions, covenants, and terms of this Agreement shall run with the land and bind the owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA

A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of City)

APPROVED FOR LEGAL CONTENT*:

Sara R. Sexe, City Attorney

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

OWNERS

Kyle D. Juelfs

State of _____)

:ss.

County of _____)

On this _____ day of _____, in the year _____, before me, the undersigned, a Notary Public for the State of _____, personally appeared _____, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of _____

(NOTARIAL SEAL)



Item: Public Hearing - Ordinance 3190 to rezone the property located in The Great Falls Water Power and Townsite Company's First Addition, Block 405, Lots 8-14 from PUD Planned Unit Development to R-3 Single-family high density

From: Erin Borland, Planner II, Planning and Community Development

Initiated By: NWGF Beargrass Village, LLC, Owner

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

Action Requested: City Commission adopt Ordinance 3190 and the Findings of Fact.

Public Hearing:

1. Mayor conducts public hearing, calling three times each for proponents and opponents.
2. Mayor closes public hearing and asks the will of the Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3190 and the Findings of Fact”

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

Staff Recommendation:

Staff recommends approval of the proposed rezoning request.

Summary:

On December 5, 2017, the City Commission approved the rezone of the subject property, located at the northwest corner of 3rd Avenue South and 14th Street South, from Single-family high density (R-3) to Planned Unit Development (PUD) in order to allow a pocket neighborhood to be developed. The applicant will not be proceeding with the pocket neighborhood and therefore seeks to rezone the property from the current PUD zoning back to R-3 Single-family high density zoning. The applicant is now proposing to build seven single family homes on the vacant property.

At the conclusion of a public hearing held on June 12 2018, the Zoning Commission recommended the City Commission approve the rezoning request from PUD to R-3 for the subject property.

Background:

The applicant had previously proposed to develop the first pocket neighborhood in Great Falls on a 1.21 acre parcel. The subject property was previously occupied by Kranz Floral, but it now sits vacant due to the closure of the business and subsequent demolition of the previous buildings. The usage of the PUD zoning was originally needed due to the uniqueness of the pocket neighborhood proposal featuring small lot sizes, shared parking, and common space.

Due to the costs of the pocket neighborhood project related to the types of soils and the required foundations, the applicant has now decided to build seven single family homes on the existing lots. Since the PUD zoning does not permit the current proposal for the property, the original R-3 zoning is needed for the homes to be constructed.

The basis for decision on zoning map amendments, i.e. rezoning or zone changes, is listed in OCCGF §17.16.40.030. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the criteria which are attached as Findings of Fact Zoning Map Amendment.

Neighborhood Council Input:

The subject property is located in Neighborhood Council #9. The Owner did present the pocket neighborhood proposal to Council #9. The neighborhood council members have been informed of the rezone back to R-3, and no concerns have been expressed.

Fiscal Impact:

Services will be provided by the City, and the cost of any infrastructure improvements will be borne by the Owner. The rezone request will provide for the development of seven single family homes on what currently is vacant land. This will increase the City's tax base and increase revenue.

Alternatives:

If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

Concurrences:

Because the proposal is simply a zoning change request associated with construction of homes on existing platted lots, no review from other City departments is needed at this time.

ATTACHMENTS:

- Ordinance 3190
- Basis of Decision
- Aerial Map
- Zoning Map

ORDINANCE 3190

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO REZONE THE PROPERTY LEGALLY DESCRIBED AS: THE GREAT FALLS WATER POWER AND TOWNSITE COMPANY'S FIRST ADDITION, BLOCK 405, LOTS 8-14 LOCATED IN THE NE1/4 OF SECTION 12, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M. CASCADE COUNTY, MONTANA, FROM PUD PLANNED UNIT DEVELOPMENT TO R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT

* * * * *

WHEREAS, the City Commission approved the rezone of the subject property, located at the northwest corner of 3rd Avenue South and 14th Street South from R-3 Single-family High Density to PUD Planned Unit Development by Ordinance 3176 in order to allow a pocket neighborhood to be developed.; and

WHEREAS, the property owner, NWGF Beargrass Village, LLC, has decided not to move forward with the project and has petitioned the City of Great Falls to rezone said properties to R-3 Single-family High Density by replacement of Ordinance 3176 with Ordinance 3190; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on June 12, 2018, to consider said rezoning from PUD Planned Unit Development district to R-3 Single-family High Density and, at the conclusion of said hearing, passed a motion recommending the City Commission rezone the property legally described as The Great Falls Water Power and Townsite Company's First Addition, Block 405, Lots 8-14, located in the NE 1/4 Section 12, Township 20 North, Range 3 East, P.M., City of Great Falls, Cascade County, Montana; and,

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 7th day of August, 2018, before final passage of said Ordinance herein; and

WHEREAS, following said public hearing, it was found and decided that the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls (OCCGF), Section 17.16.40.030, and that the said rezoning designation be made.

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

Section 1. It is determined that the herein requested rezoning meets the criteria and guidelines cited in Mont. Code Ann §76-2-304, and Section 17.16.40.030 of the OCCGF.

Section 2. That the property legally described as: The Great Falls Water Power and Townsite Company's First Addition, Block 405, Lots 8-14, located in the NE 1/4 Section 12, Township 20 North, Range 3 East, P.M., City of Great Falls, Cascade County, Montana, be rezoned to R-3 Single-family High Density district.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading July 3, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading August 7, 2018.

Bob Kelly, Mayor

ATTEST:

Darcy Dea, Deputy City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara Sexe, City Attorney

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

I, Darcy Dea, Deputy City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3190 on the Great Falls Civic Center posting board and the Great Falls City website.

Darcy Dea, Deputy City Clerk

(CITY SEAL)

FINDINGS OF FACT – ZONING MAP AMENDMENT

Amended Plat of The Great Falls Water Power and Townsite Company's First Addition, Block 405, Lots 8-14, located in the NE 1/4 of Section 12, Township 20 North, Range 3 East, PM, City of Great Falls, Cascade County, MT.

PRIMARY REVIEW CRITERIA:

The basis for decision on zoning map amendments is listed in Official Code of the City of Great Falls §17.16.40.030 of the Land Development Code. The recommendation of the Zoning Commission and the decision of City Commission shall at a minimum consider the following criteria:

1. The amendment is consistent with and furthers the intent of the City's growth policy.

The proposed rezone is consistent with the overall intent and purpose of the 2013 City Growth Policy Update. This project is strongly supported by the Social and Physical portions of the Growth Policy, specifically the goal and principle of enhancing the urban built environment by promoting infill and redevelopment in the City.

Additional policies that this rezone is consistent with include:

Social - Housing

- Soc1.4.1 Work with the private sector and non-profits to increase housing opportunities in the city.
- Soc1.4.2 Expand the supply of residential opportunities including single family homes, apartments, manufactured homes and assisted living facilities.
- Soc1.4.3 Encourage, promote and support adequate and affordable home ownership in the City.
- Soc1.4.13 Protect the character, livability and affordability of existing neighborhoods by ensuring that infill development is compatible with existing neighborhoods.

Environmental – Urban Form

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

Physical - Land Use

- Phy4.1.1 Promote and incentivize infill development that is compatible with the scale and character of established neighborhoods.
- Phy4.1.5 Encourage and incentivize the redevelopment or adaptive reuse of vacant or underutilized properties so as to maximize the City's existing infrastructure.

The Growth Policy identifies that Great Falls embodies balanced, compatible growth. The approval of the rezone request would create balanced infill development that is compatible with the adjacent properties as well as carry out the vision of the adjacent zoning districts surrounding the property.

2. The amendment is consistent with and furthers adopted neighborhood plans, if any.

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood

Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #9. The council has been informed of the rezone and no comments have been made at this time.

3. The amendment is consistent with other planning documents adopted by the City Commission, including the river corridor plan, transportation plan and sub-area plans.

There are no additional planning documents that are related to the proposed rezoning back to the original R-3 district.

4. The code with the amendment is internally consistent.

The proposed rezoning back to the original R-3 district is more consistent with City code than the original pocket neighborhood proposal. Staff anticipates that no variances will be needed to execute new single family home construction on the existing platted lots.

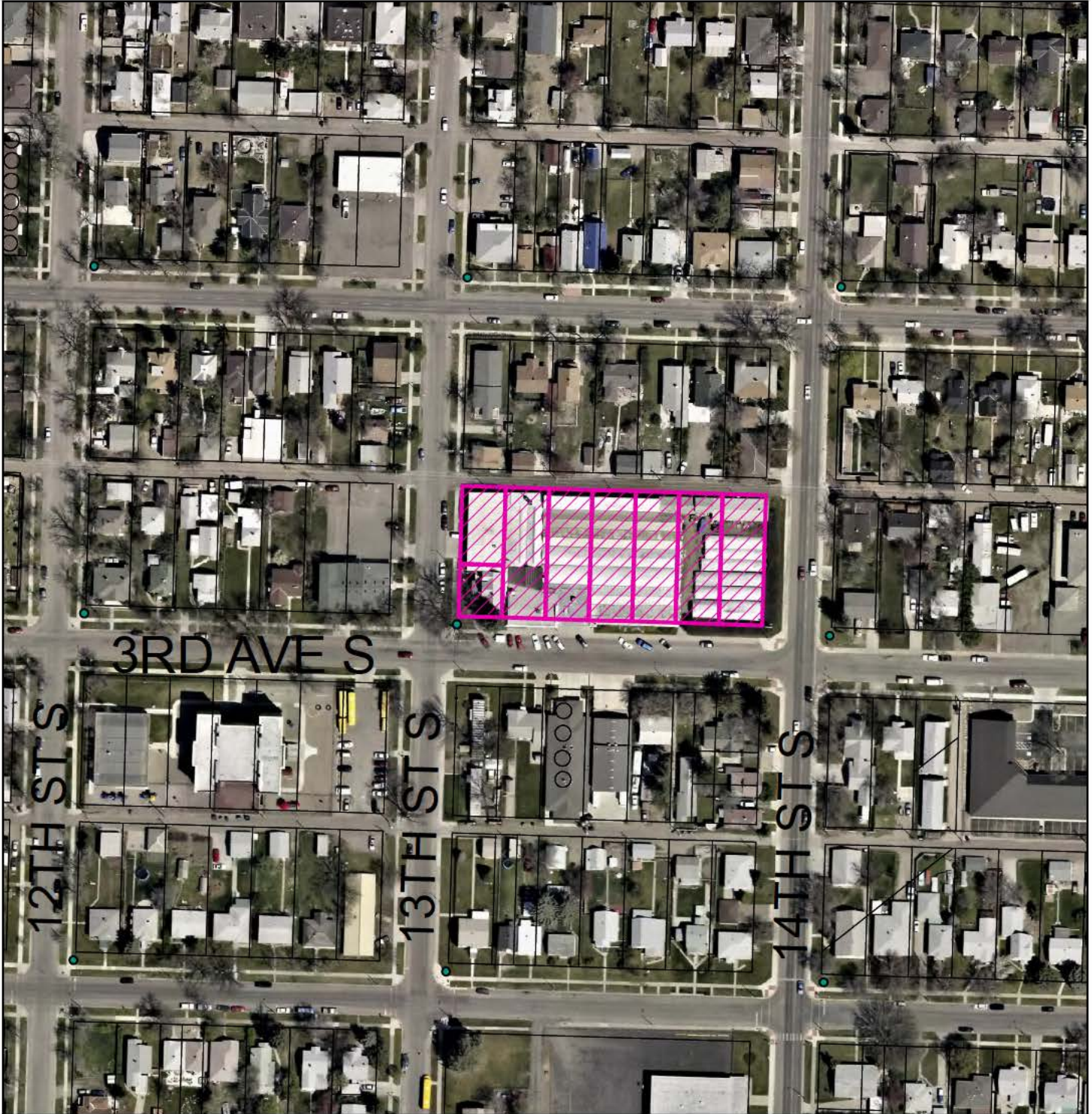
5. The amendment is the least restrictive approach to address issues of public health, safety, and welfare.

There are no existing public health, safety, or welfare issues that have been identified for this property. The proposed rezoning will allow for the entire block to be developed, which should only enhance the overall safety of the neighborhood area.

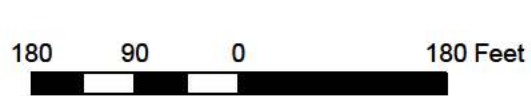
6. The City has or will have the financial and staffing capability to administer and enforce the amendment.

The City has the financial and staffing capability to enforce the amendment if it is approved. The properties will be developed in a manner consistent with the previous zoning and platting for this area.

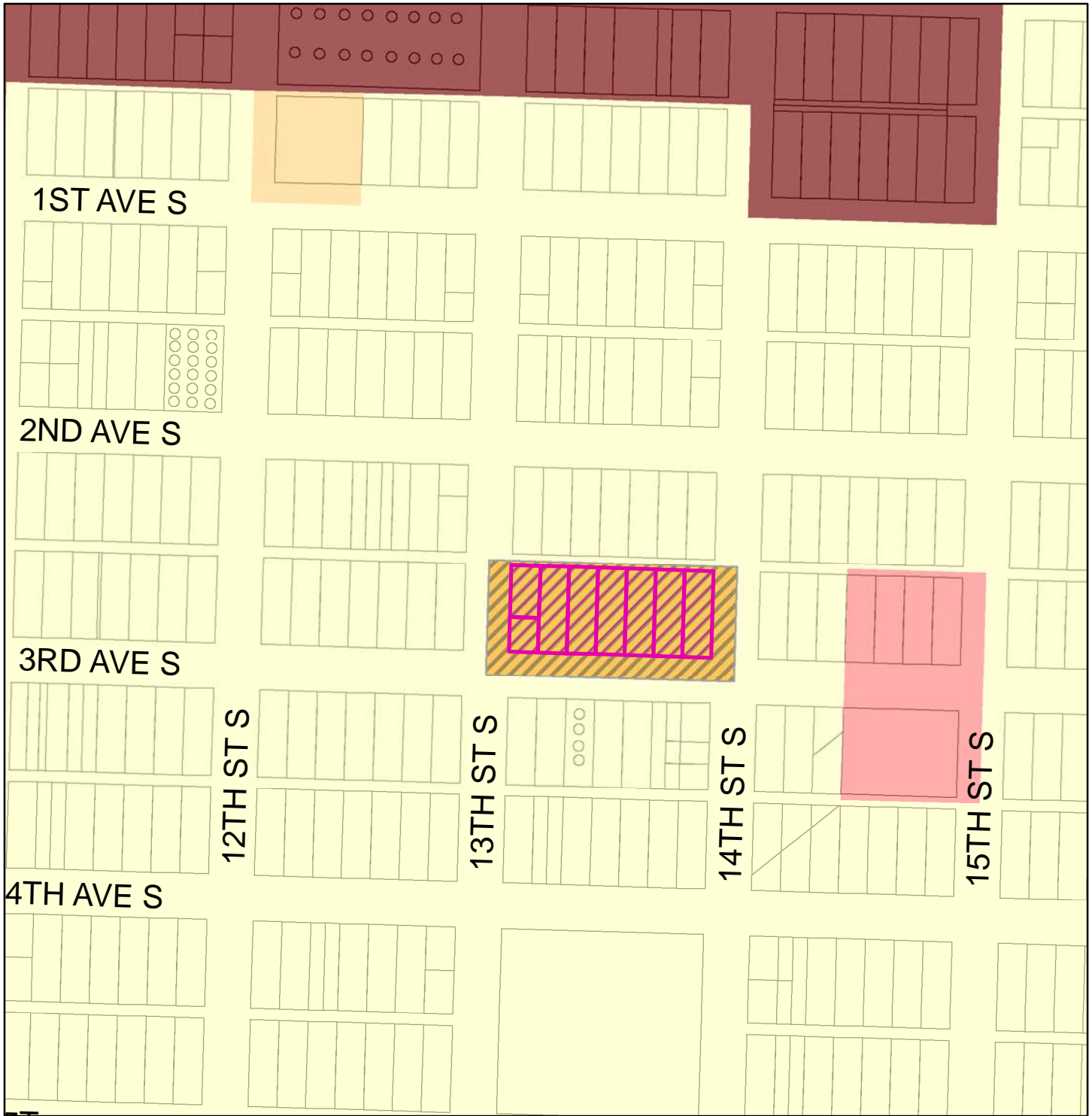
AERIAL MAP









-  Subject Properties
-  City Limits
-  Tracts of Land



ZONING MAP



-  Subject Properties
-  R-3 Single-family High Density
-  R-5 Multi-family Medium Density
-  PUD Planned Unit Development
-  C-1 Neighborhood Commercial
-  C-5 Central Business Periphery





Item: Set Public Hearing For Resolution 10247 to Levy and Assess the Great Falls Park District Number 1.

From: Judy Burg, Taxes and Assessments

Initiated By: Annual Assessment Process

Presented By: Melissa Kinzler, Finance Director

Action Requested: City Commission set Public Hearing Date for Resolution 10247 to Levy and Assess the Great Falls Park District Number 1.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (set/not set) a Public Hearing date on Resolution 10247 for September 4, 2018 to levy and assess the Great Falls Park District Number 1."

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 a public hearing date for September 4, 2018.

Background:

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

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

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

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

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

According to Mont. Code Ann. Sections 7-11-2021 and 1025, prior to annually levying assessments necessary to carry out the services to be performed in the District, each year the City Manager shall prepare, or cause to be prepared for Commission approval, a work plan, budget, and estimated expenses for the services to be performed in the District and the Commission shall specify the method of assessment for the lots and parcels of land located in the District, provide for any methods of financing such services, publish notice, and conduct a public hearing on such assessment before finally adopting a resolution levying assessments against the lots of parcels of land in the District. The Commission must annually adopt a resolution establishing the annual assessment for the District.

Fiscal Impact:

The cost of the proposed improvements for the Great Falls Park District Number 1 is \$1,500,000 annually for the first three years.

The annual assessment shall be based on the taxable value of each parcel within the District. This method of assessment shall be made pursuant to Mont. Code Ann. Section 7-11-1024(3)(iii) which states:

Each lot or parcel of land, including the improvements on the lot or parcel, may be assessed for that part of the cost of the special district that its taxable valuation bears to the total taxable valuation of the property of the District.

The estimated annual assessment for a \$100,000 market value property would be \$22.92.

Alternatives:

The City Commission could choose to not set the public hearing and thereby deny Resolution 10247 to Levy and Assess Great Falls Park District Number 1. However, the reduction in services and improvements to the park system including facilities and the urban forest, or maintenance will not improve and facilities will deteriorate or close.

Concurrences:

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

ATTACHMENTS:

- ▢ Resolution 10247
- ▢ Park District Boundaries Exhibit "A"
- ▢ Legal Notice Park District Assessment

RESOLUTION NO. 10247

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTENANCE IN THE GREAT FALLS PARK DISTRICT NUMBER 1 OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2018 AND ENDING JUNE 30, 2019

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

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

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

WHEREAS, on July 17, 2018, the City Commission adopted Resolution 10240, Annual Budget Resolution, in which the estimated assessment for such maintenance

within the District was reflected as ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000); and

WHEREAS, in accordance with Mont. Code Ann. §§ 7-11-1024 and 7-1-4127, notice was published setting forth that Resolution No. 10247 Levying and Assessing the Cost of the Great Falls Park District No. 1 would be brought before the Great Falls City Commission for public hearing on September 4, 2018; and

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

Section 1 – Maintenance Costs Assessed

The cost of maintenance in the Great Falls Park District No. 1, totaling \$1,500,000, be levied and assessed upon the properties in said district for the fiscal year ending June 30, 2019.

Section 2 – Maintenance Assessment Method

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

Section 3 – Assessment Due Date

Assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2018 and May 31, 2019.

Section 4 – Office of Record

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, this 4th day of September, 2018.

Bob Kelly, Mayor

ATTEST:

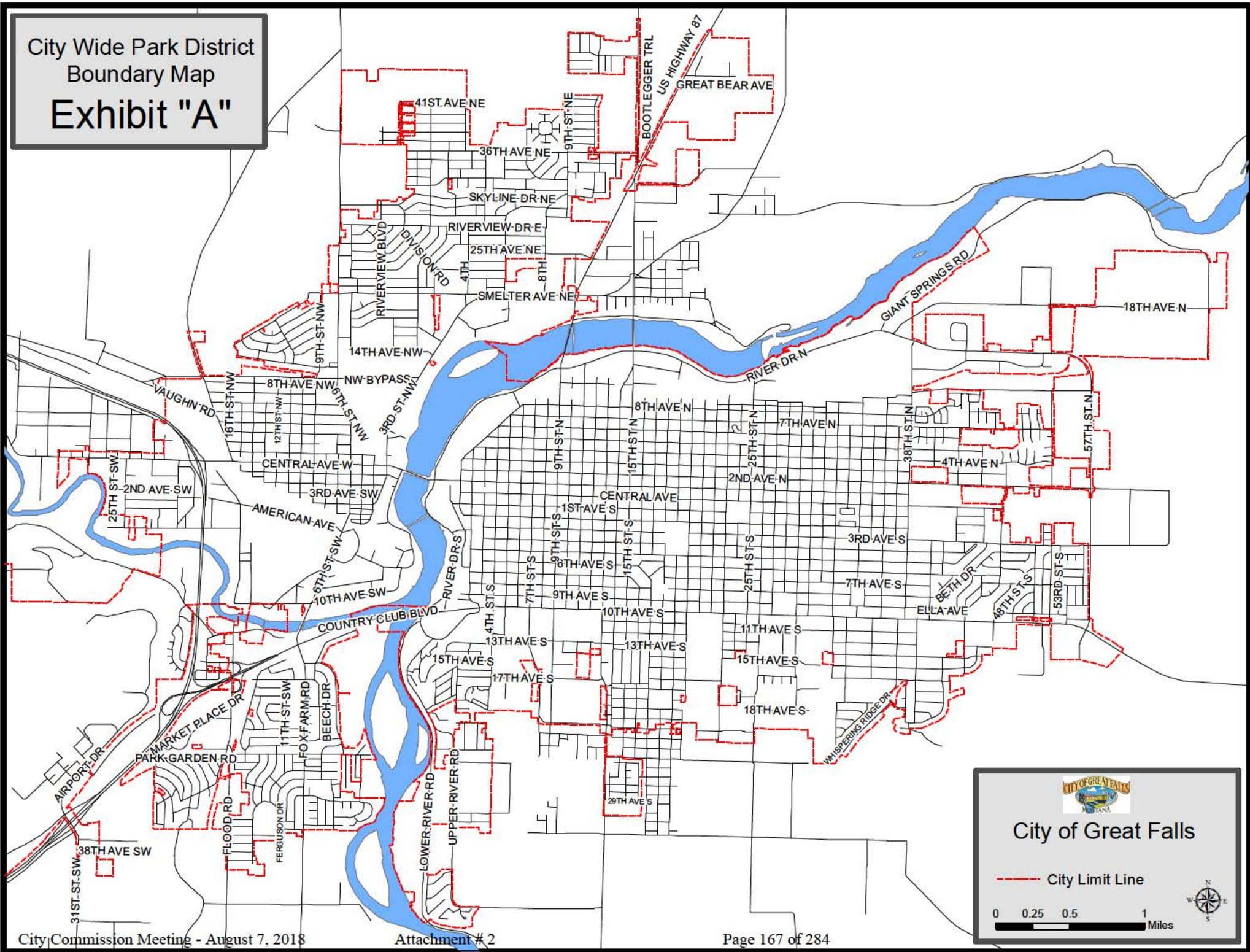

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney


City Wide Park District
Boundary Map
Exhibit "A"

City of Great Falls

--- City Limit Line

0 0.25 0.5 1 Miles



PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that Resolution 10247 – A Resolution Levying and Assessing the Cost of Great Falls Park District Number 1 in the City of Great Falls, Montana for the Fiscal Year Beginning July 1, 2018 and Ending June 30, 2019 – will be brought before the Great Falls City Commission for public hearing in the Commission Chambers, Civic Center Building, 2 Park Drive South, Great Falls, Montana on Tuesday, September 4, 2018, at 7:00 o'clock p.m. Any interested person may appear and speak for or against said Resolution 10247 or submit in writing any comments to the City Clerk prior to or during the Commission Meeting.

/s/ Lisa Kunz
City Clerk

DO NOT PUBLISH BELOW THIS LINE:
Publication Dates: August 10 & 17, 2018



Item: Ordinance 3180 - An Ordinance to establish PUD Planned Unit Development zoning upon annexation for the property legally described in Certificate of Survey #5162, for a project known as Wheat Ridge Estates, Phase I.

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

Initiated By: KYSO Corporation

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

Action Requested: City Commission accept Ordinance 3180 on first reading and set a public hearing for September 18, 2018.

Suggested Motion:

1. Commissioner moves:

"I move that the City Commission (accept/not accept) Ordinance 3180 on first reading and (set/not set) a public hearing for September 18, 2018."

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

Staff Recommendation:

Although City staff does not support the proposed annexation, establishment of PUD zoning, and the preliminary subdivision plat for the applicant's proposal, staff does support setting the public hearing for the proposal on September 18. At the end of its April 24, 2018 meeting, the Planning Advisory Board/Zoning Commission recommended that the City Commission approve the applicant's request despite a negative recommendation from City staff.

Summary:

The applicant, KYSO Corporation, is requesting annexation, zoning, and subdivision of a 21.10 acre parcel located south of the East Great Falls Retail Center anchored by the Walmart Superstore. The 21.10 acre parcel is one of three parcels that comprise 227.63 acres owned by the applicant. The applicant's 227.63 acres are bordered by the Walmart store and vacant commercially zoned property to the north, the KOA Campground and vacant property to the west, vacant property to the south, and vacant property to the east. The northeast portion of the 227.63 acres adjoining US Highway 89 and the Malmstrom Air Force Base contains a 10.21 acre Airfield Restrictive Easement not being disturbed for development. This decreases the total potential development area to 217.42 acres.

The 21.10 acre parcel and two other remaining tracts are located within the Cascade County Planning Jurisdiction. These tracts are zoned Agricultural, which restricts development to single family detached units or two-unit dwellings on parcels that must be at least 20 acres in size. Because the 21.10 acre parcel is contiguous to the City limits as a result of the East Great Falls Retail Center annexation, it is eligible to be considered for a developer-initiated annexation request.

The applicant has long had a vision of developing the entire 200+ acre area for a master planned community featuring different types of residential housing products, mixed use parcels immediately adjoining the East Great Falls Retail Center, a Town Center featuring some higher density housing and commercial services, and numerous pocket parks and linear greenways. Because of this concept, the applicant is requesting Planned Unit Development (PUD) zoning for the 21.10 acre tract to be annexed. The applicant's proposal for this tract also includes subdivision to create three mixed use lots. Although these lots would be zoned PUD, the development of the lots is proposed to be modeled almost precisely according to the standards and allowed uses of the City's M-1 Mixed-use zoning district. This district allows a range of residential housing types, some retail uses, office uses, institutional uses, and light manufacturing. The combined area of the mixed use lots is 1.82 acres.

The applicant also wishes to subdivide another portion of the 21.10 acres for 37 single family detached home lots. All of the proposed lots would be at least 11,500 square feet and most resemble development one would find in the City's R-2 Single-family medium density zoning district, which requires 11,000 square foot residential lots. The remaining development standards for this portion of the proposed PUD, such as lot width, building heights, setbacks, and lot coverage percentage, are requested to be a mix of standards found in the City's R-1, R-2, and R-3 zoning districts. Although the proposed use of the lots will be for single family detached homes, the applicant is requesting permitted uses consistent with the R-1 zoning district. The combined area of the residential lots is 12.50 acres, with the remaining acreage being devoted to streets (public and private) and greenspace.

The applicant's request for annexation, establishment of PUD zoning, and a Preliminary Plat to subdivide the mixed use and single family home lots requires consideration by both the Planning Advisory Board/Zoning Commission and City Commission. Staff analysis of applicable review issues is provided in the background section of the report.

Due to the policy issues created by the applicant's request, as well as the difference of opinion between the Planning Advisory Board/Zoning Commission and City staff, two meetings were needed to reach a recommendation. First, a public hearing was conducted by the Planning Advisory Board/Zoning Commission on March 27, 2018. After the close of the public hearing, the item was tabled for a later date because of the Planning Advisory Board/Zoning Commission members' desire to take additional time to evaluate a significant amount of new information which was presented by applicant at the March 27 meeting.

At the April 24 meeting of the Planning Advisory Board/Zoning Commission, both City staff and the applicant provided additional presentations and materials as follow-up to the previous month's public hearing. After hearing additional testimony, the Board overruled the staff's recommendation of denial and recommended to the City Commission that the requested annexation, establishment of PUD zoning, and subdivision be approved. The Board's recommendations on all three requests were not unanimous, with the votes being 6-3 in favor of annexation, 6-3 in favor of establishing PUD zoning, and 5-4 in favor of the preliminary subdivision plat. At the meeting, City staff assisted the Board in developing alternative findings of fact to support these recommendations. The alternative findings plus the staff's original findings of denial are being provided for the City Commission's review.

Background:

The applicant has been developing property within Great Falls for many years. Specifically, the applicant has developed the Berkner Heights residential subdivision as well as the East Ridge residential subdivision in the southeast portion of the community. The applicant has been interested in developing the larger 227.63 acre parcel since 2005. For various reasons, including City concerns about the potential impacts of development on Malmstrom Air Force Base, no development proposal has moved forward for public hearing review.

Annexation is discretionary, not mandatory. The City is not required to approve every application to annex property, but rather to evaluate requests for annexation on their individual merits as they relate to the City's interests - particularly the ability for the City to provide essential services. If a weighing of the merits does not support annexation, the City may disapprove the application pursuant to MCA §7-2-4601(3).

The City's evaluation of the applicant's annexation, zoning, and subdivision requests requires the City Commission to accept specific Findings of Fact for each request. In its own evaluation and development of proposed Findings of Fact, City staff discussed the proposed project with other City departments, outside legal counsel retained in existing litigation where the City is a defendant, as well as representatives from Malmstrom Air Force Base. These discussions revealed the presence of the following challenges:

Public Safety Service: Because the 21.10 acre parcel is only contiguous to the City limits on the parcel's north side and because the property is located at the southeast boundary of Great Falls, it presents challenges for police, fire, and emergency services. In the event of a fire or EMS call, the typical response to an incident on this parcel would come from City Fire Station #3 located at 3325 Central Avenue. According to Great Falls Fire Rescue (GFFR), the current average response time to provide service to the closest edge of the adjoining Walmart property is approximately six to seven minutes. A 4 minute response time is the industry standard for service according to the National Fire Protection Association. Please see a color-coded response time map provided by the Fire Department as an attachment to this report.

During the Planning Board hearing, the applicant argued that the GFFR response time map did not support Staff's indication that the emergency response time to the proposed development was six to seven minutes. Staff agrees that the map itself does not indicate a six to seven minute time. The response time map was illustrative based upon data from 2014-16, which was two to four years old. Around the time Walmart opened, GFFR performed a test run to determine the response time, and it took GFFR seven minutes and twenty seconds to respond to the store. Additionally, eight 2018 calls from the Walmart store, two of which were non-emergent, had an average response time of six and a half to seven minutes. The response time is the time en route to the time GFFR arrives on scene.

Finally, information provided in July 2018 to GFFR by the City's contracted private ambulance service provider, which referenced a nationwide paramedic shortage, adds to the City's concern regarding overstretching its emergency response capabilities.

While the attached map shows other areas already in the City that have equal or even longer response times, there are some other aspects about the parcel's locational context and proposed access design that

cause additional challenges. First, the submitted Phase I Subdivision Plan only shows a single public street access for the 37 single family lots and 3 mixed use lots using a proposed extension of 57th Street South. The 2012 International Fire Code (IFC), Appendix D, requires two separate and approved fire apparatus access roads when the number of dwelling units exceeds 30. The applicant has initiated the permit process with the Montana Department of Transportation to get an emergency access approach onto Highway 89. An exhibit showing the proposed approach location is included as an attachment to this report. The applicant has incorporated the emergency access into the proposed Phase I plan and committed to its construction.

The City-adopted 2012 International Fire Code (D.102.1) pertains to the applicant's proposed secondary access drive. This section reads:

D102.1 Access and Loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

The applicant's proposed emergency access drive utilizing a millings surface was evaluated by City Engineering and GFFR Staff. Both departments have indicated that the asphalt milling is not acceptable for a number of reasons, including, but not limited to:

1. An asphalt-milling surface will not provide a durable emergency access point, especially considering Great Falls' climate and ground conditions. Further, the applicant indicates that the access road would need to be seeded to prevent non-emergency use. This seeding requires water and maintenance for grass to become established, and such rooting will degrade the integrity of the milled surface;
2. An asphalt-milled surface requires significantly more maintenance than an asphalt surface; and
3. An asphalt-milled surface will not be as resistant to degradation after precipitation. Rain or snowfall will lower the ability of the roadway to bear the weight of at least a 75,000 pound fire engine.

Complicating the City service issue even further is the parcel's location in reference to properties to the west. The parcel borders a developed property, the KOA Campground. However, that property is not annexed into the City and is served by a private drive which does not connect to the applicant's parcel. The nearest existing east-west oriented public street to the west of the parcel (13th Avenue South) is over 1/2 mile from the applicant's property. The Annexation Improvement Agreement for the East Great Falls Retail Center (which includes the new Walmart) required dedication of a 60-foot wide right of way between the applicant's property and the Walmart property. If the applicant's property is annexed and future phases of the larger acreage are considered for development, the applicant should be required to construct a small portion of 13th Avenue South. However, the full construction of 13th Avenue South from 57th Street to another viable connection point into the City limits would require the cooperation of other private parties, over which the City has no control.

In summary, the City Fire and Engineering Departments have legitimate concerns over the functionality of the proposed secondary emergency access drive, and all staff are concerned about the difficulty in creating a viable public street connection into the City to provide much needed additional access.

The applicant correctly indicates that the City may levy impact fees under MCA §7-6-1601 *et seq.* to

address improvements to public safety service. While the City Staff agrees that the City Commission has the discretion to levy impact fees, the applicant's position does not consider three salient points:

1. The City Commission has been adverse to assess impact fees for the past thirty or so years;
2. Impact Fee levies are tools available when the City chooses to exercise its discretion if it determines that an annexation is in the City's best interests. Given the issues particular to this application, Staff does not recommend annexation here; and
3. Notwithstanding the analytical burden imposed in creating an impact fee service area report, under §7-6-1602(7)(e), impact fees are not permitted to include operational or maintenance expenses. In consideration of the already stretched public safety services, this would be an additional unfunded burden that the City is not equipped to undertake at this time.

Stormwater Management: The applicant has provided a preliminary stormwater drainage submission to the City for the entire master plan area. This plan proposes a series of detention ponds designed to hold the post-development rate of flow to slightly less than the pre-development flow rate currently occurring for the property. The applicant is proposing a fairly large detention pond that would temporarily remain in the County's jurisdiction and has been designed to capture and detain storm drainage from the proposed Phase I subdivision as well as future development phases 2-9 (almost the northern half of the entire property).

Much like with the public safety issue, the challenge for the City is the property's location. Phase I as well as the larger proposed master plan area is located at the top of a drainage basin that flows into an area known as "Gibson Flats." As discussed in great detail during Planning Board deliberations, the City is currently defending claims against itself where over \$2,000,000 in damages have been claimed by L. Johnson Corporation. These claims are based upon alleged damage to the Corporation's property resulting from drainage issues from prior developments in the Berkner Heights, Whispering Ridge, Charles Russell Addition, Christensen Addition, East Ridge Addition, and East Great Falls Retail Center Addition. The L. Johnson farm ground is directly south and west of the applicant's proposed development as can be seen in an attached map exhibit which was also displayed for the Planning Board.

Although the applicant's plan addresses reduction in stormwater flow rate, it does not mitigate for the increased total volume of water resulting from the conversion of farm ground to impervious surfaces. The plan also creates a concentration of the stormwater discharge point rather than dispersed points of natural flow. Finally, the applicant's plan also does not account for the potential of a resulting increase in groundwater flows. Even with the applicant's proposal to reduce flow rate, there is the likelihood of increased issues in the downstream area, potentially exacerbating an issue already in litigation.

This potential exacerbation is apparently evident to the Plaintiff in the L. Johnson litigation, as the lawyer representing the L. Johnson Corporation even attended the Planning Board meetings and has requested that the City provide informal discovery, copies of documents, and the recording of the March 27 meeting. Simply, if this annexation application is approved, the City anticipates that the Plaintiff will claim that there are increased damages in its case, potentially resulting from this development.

Staff has proposed the applicant's retention of stormwater through a lined pond system or diversion of the stormwater to the next drainage basin to the north, as alternatives to the detention plan offered by the applicant. However, the applicant contends that such alternatives adversely affect downstream water rights and that the City (not the applicant) would have to obtain permits for such water rights use with retention or diversion. If this application is approved and the land is annexed, the City will be faced

either with an exacerbation of an existing issue already in litigation or the potential of additional water rights litigation.

Staff believes that the stormwater issues alone are sufficient for the City to exercise its discretion to deny annexation of this property, in light of the unique characteristics of applicant's property.

Impacts Associated with Malmstrom Air Force Base: Once again, the property's location creates an annexation and development challenge because of its proximity to Malmstrom Air Force Base (MAFB). City staff members have talked to both representatives of MAFB, as well as Montana Air National Guard (MANG) about the potential development of the master plan area. Additionally, staff members have discussed the specific Phase I annexation and development proposal with Malmstrom representatives.

After MAFB had its historical flying mission officially realigned in 1995, regular discussions have occurred among the MAFB, City, and County officials over how to strike an appropriate balance between how to protect the existing and future operational capabilities of the Air Base, while still allowing for appropriate development on the east side of the community on lands proximate to the Base's runway.

Discussions on this issue gained focus during the planning and development of what is known as the Joint Land Use Study (JLUS). Resolution 9965 pertaining to this study was adopted by the City Commission on May 1, 2012. The last recital before the proclamation states, "Whereas, the City of Great Falls finds the recommendations contained in the JLUS may protect the mission and future missions of Malmstrom, encourage compatible land use around the base and help to sustain growth within the City and Cascade County." The City Commission accepted the report and indicated that it may be used as a resource in developing future land use decisions.

The JLUS identifies a significant portion of the larger master plan area within what is known as Accident Potential Zone I (APZ). Please see a map attachment developed by the City overlaying the Phase I project, larger parcel, and APZ. According to the map results, approximately 89 percent of the larger parcel is within the APZ. For the proposed 21.10 acre annexation and subdivision request, slightly less than 30 percent of the acreage is shown within the APZ.

The following excerpt from pages 3-8 of the JLUS provides some guidance regarding land use planning in areas proximate to the Air Base:

COMPATIBLE USES

Open Space – This use typically has few structures and excludes residential and other developed uses.

Agricultural – This use typically restricts the number of structures and allows for limited or very low density inhabitable structures and other developed uses.

Commercial – This use is compatible when not within a designated military safety zone and buildings and structures are below a specified building height.

Industrial – This type of use typically may be compatible because industrial uses have many of the same characteristics as military uses (e.g. noise, dust, steam, smoke, safety, etc.). Industrial uses located near military *housing*, however, can be incompatible but impacts may be mitigated depending on the specific use.

INCOMPATIBLE USES

Medium to High Density Residential – These uses are not compatible within close proximity to military facilities because high numbers of people are permanently congregated in small areas. In general, residential uses are discouraged near military facilities because of increased safety risks, noise exposure and the typical heights of high density buildings, which can interfere with low-level flights.

Schools, Childcare Centers, Assisted Living Complexes – These uses encourage the congregation of people and tend to be noise sensitive.

Public Institutions – These uses encourage the congregation of people and tend to be noise sensitive.

Office Buildings – These uses encourage the congregation of people.

The JLUS is a land use planning document that has not resulted in revisions to the City's Land Development Code or zoning maps. Staff is providing this summary to the City Commission because the document should be considered in the evaluation of the applicant's annexation request.

Currently, there are helicopter training sorties flying over the larger parcel area owned by the applicant. Staff has been advised that the MAFB and the MANG units are also collaborating to consider developing a future C-130 flying mission that would involve the construction of what is called an "Assault Landing Strip" that is proposed to be located just east of the current runway. The planning for this landing strip is in the Environmental Assessment process. Although staff acknowledges that the higher volume noise contours of the Environmental Assessment are not shown to encroach on the applicant's annexation area, staff remains concerned about the possibility of noise complaints and expected sound mitigation requests from future residents of the proposed development. Staff has advised the applicant on multiple occasions to proactively identify proper noise mitigation techniques into the construction design for both the mixed use buildings and residential dwellings. To date, the applicant has refused to cooperate on this issue in its petition for annexation. If the Commission overrules the staff recommendation and votes in favor the project, this mitigation should be considered as a condition of approval.

The applicant states that City staff is using the Joint Land Use Study (JLUS) as a regulatory document. However, this is not correct. Staff is referencing the JLUS for guidance to consider in evaluating this annexation request in the area evaluated by the JLUS. Simply because the JLUS was not adopted as a regulatory document, but one providing guidance (similar to the City's Growth Policy), does not mean that the JLUS should be ignored. The JLUS provides the City with guidance as to how its decisions may affect the long term viability and mission of MAFB.

The applicant further asserts that the use of the JLUS impacts its property rights. However, this position is misplaced. The analysis here is whether this specific annexation is in the City's interests. Annexation is a discretionary decision the City can make under applicable Montana law. A rejection of the annexation request would not impact the applicants' property rights, as the City has no jurisdiction over the property if annexation does not occur.

On this point, a document and public statement was provided by Cascade County Commissioner Joe Briggs at the March Planning Advisory Board/Zoning Commission meeting. He described the Application as an attempt to "circumvent the existing County Zoning," as the property is currently zoned in Cascade County for Agricultural uses and that zoning was established to avoid encroachment and potential disruption of the MAFB mission. If that were the case, the zoning action was taken by the governing body with the power to restrict the applicants' property, Cascade County.

Further, Lt. Col. Mignery, MAFB Base Engineer, provided City staff with a Bullet Background Paper On Encroachment Impacts from Development of Compatible Lands which is attached as Memo from MAFB. This includes the applicant's 21.10 acre property. A summary of points from the Bullet Background Paper includes:

1. Undeveloped lands southwest of Malmstrom AFB are currently compatible, however, the potential exists for residential and/or commercial development that could impact military operations;
2. Several assets would be impacted by the potential development area, including helicopter movement areas, Drop Zones and proposed Assault Landing Zone; and
3. Development could have an impact to Helicopter operations and C-130H operations.

The Bullet Background Paper also discusses that development could have the following negative impacts:

1. Light pollution effects on multiple arrival and departure flight tracks of the Helicopter operations,
2. Flights at 500 feet above ground and aircraft noise posing a nuisance to the proposed development,
3. That the location of the approach and departure zones for the active drop zones and proposed assault landing zones may be impacted by development.

Other Issues and Review Comments: During the City's review of the proposed annexation, PUD, and preliminary plat, the City has identified a short list of additional issues that should be discussed by the City Commission if it approves the proposal. These include:

1. Annexation Improvement Agreement - Because City staff and the applicant both prefer a City Commission decision on the annexation before working on a detailed Annexation Improvement Agreement, any decision to approve the project should be conditioned on the City and applicant developing a separate Improvement Agreement that would have to be approved by City Commission. The Improvement Agreement will address all required public improvements, any off-site improvements, and reimbursements owed to the owner or paid out by the owner for previously installed infrastructure.

2. Transportation Connectivity - If the entire master plan area is developed, more streets should be stubbed to perimeter property lines - particularly 57th Street South, 2) Additionally, the applicant should be required to construct 13th Avenue South to a public street connection within City limits as part of additional development of the master plan area.

3. Utilities - Significantly more detailed discussions are required between the applicant and Public Works concerning the design of sewer, water, and stormwater facilities.

Fiscal Impact:

The applicant contends that the proposed development of the 21.10 acres would have a positive fiscal impact to the City because of property taxes generated from the proposed single family and mixed use parcels which will be developed. Staff contends that such revenues are more than outweighed by the following negative factors:

- 1) the risk of added complication and damage claims related to the on-going Gibson Flats litigation;
- 2) potential for inadequate public safety response, poor roadway connectivity, and maintenance concerns associated with the proposed emergency response access drive; and
- 3) development impacts to both the current and potential long-term missions of Malmstrom Air Force Base and Montana Air National Guard, with such impacts being in conflict with the policy guidance of the JLUS.

Alternatives:

The City Commission could deny acceptance of Ordinance 3180 on first reading and not set the public hearing.

Concurrences:

The Fire Department, Public Works Department, Legal Department, and City Manager's Office have been consulted extensively on this petition and concur with the staff's recommendation against the applicant's request for annexation, PUD zoning, and subdivision based on negative impacts to public safety, downstream stormwater concerns, and the short and long-term impacts to Malmstrom Air Force Base.

ATTACHMENTS:

- ▢ Ordinance 3180
- ▢ Ordinance 3180 Attachment A
- ▢ Ordinance 3180 Attachment B
- ▢ Ordinance 3180 Attachment C
- ▢ Vicinity Map
- ▢ Existing Conditions
- ▢ Purpose and Intent Narrative
- ▢ Conceptual Site Plan
- ▢ Overall Site Plan
- ▢ COS #5162
- ▢ MAFB Accident Potential Zone Map
- ▢ Memo from MAFB
- ▢ Growth Policy
- ▢ PUD Lot Design
- ▢ Phase I Site Plan
- ▢ Drainage Map
- ▢ Fire Response Time
- ▢ Road Section
- ▢ Monument Examples
- ▢ PAB Minutes - 3-27-18
- ▢ Information Submitted at PAB Public Hearing 3-27-18
- ▢ PAB Minutes - 4-24-18
- ▢ Information Submitted at PAB 4-24-18
- ▢ Annexation Findings of Fact - Updated
- ▢ PUD Findings of Fact - Updated
- ▢ Subdivision Findings of Fact - Updated
- ▢ Alternative Findings - Annexation - Planning Board - Updated
- ▢ Alternative Findings - PUD - Planning Board - Updated
- ▢ Alternative Findings - Subdivision - Planning Board - Updated

ORDINANCE 3180

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT TO THE PROPERTY LEGALLY DESCRIBED AS: PARCEL 1 OF CERTIFICATE OF SURVEY #5162; A 21.10 ACRE TRACT LOCATED IN THE W1/2 OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M. MT, CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, KYSO CORPORATION is the owner of record and has petitioned the City of Great Falls to annex and subdivide the subject property, consisting of ±21.10 acres, as legally described above; and,

WHEREAS, KYSO CORPORATION has petitioned said property to be assigned a City zoning classification of PUD Planned Unit Development district, upon annexation to the City; and,

WHEREAS, notice of assigning said zoning classification to the subject property was published in the *Great Falls Tribune* advising that a public hearing on this zoning designation would be held on the 18th day of September, 2018, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that said zoning designation be made; and,

WHEREAS, the zoning map amendment on said property meets the Basis of Decision requirements in the Official Code of the City of Great Falls, Section 17.16.29.050; and,

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on April 24, 2018, to consider said zoning and at the conclusion of said hearing passed a motion recommending the City Commission zone the property legally described as Parcel 1 of Certificate of Survey #5162; A 21.10 Acre Tract located in the W1/2 of Section 15, Township 20 North, Range 4 East P.M. MT, Cascade County, Montana to PUD Planned Unit Development district.

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

Section 1. It is determined that the herein requested zoning assignment will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.29.50 of the Land Development Code of the City of Great Falls.

Section 2. That the property legally described as: Parcel 1 of Certificate of Survey #5162; A 21.10 Acre Tract located in the W1/2 of Section 15, Township 20 North, Range 4 East P.M.

MT, Cascade County, Montana be designated as PUD Planned Unit Development district, subject to the development standards attached hereto as Attachment A and the Allowable Land Uses attached hereto as Attachment B, and by this reference made a part hereof, as well as all other applicable regulatory codes and ordinances.

Section 3. Except for the development standards in Attachment A and Allowable Land Uses in Attachment B, where the OCCGF regulations apply to a specific zoning district, M-1 Mixed-use district regulations shall apply to the lots designated as “Mixed Use M-1” in the Phase I area of Attachment C and R-2 Single-family medium density district regulations shall apply to the lots designated as “Single Family Residential PUD” in the same attachment.

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

ACCEPTED by the City Commission of the City of Great Falls, Montana on first reading August 7, 2018.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading September 18, 2018.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3180 on the Great Falls Civic Center posting board and the Great Falls City website.

(CITY SEAL)

Lisa Kunz, City Clerk

Wheat Ridge Estates



PUD ZONING STANDARDS

Standard	SINGLE FAMILY PUD	M-1
Residential density	-	500 sf of lot area per dwelling unit
Minimum lot size for newly created lots	11,500	7,500
Minimum lot width for newly created lots	60	50
Lot proportions for newly created lots (maximum depth to width)	2.5:1 or <	N/A
Maximum building height of principal building	35 feet	35 Feet
Maximum building height of detached garage	24 feet but not higher than principal building	N/A
Maximum building height of other accessory structures and buildings	12 feet	24 feet but not higher than principal building
Minimum front yard setback	30 feet	NONE
Minimum rear yard set back	10 feet	10 feet
Accessory structures and buildings rear yard set back	2 feet	10 feet
Minimum side yard set back	10 feet	NONE
Maximum lot coverage of principal and accessory buildings	50%	CORNER LOT 70%, OTHER 65%

Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD
Agricultural Uses	
Agriculture, horticulture, nursery	P

Residential Uses	
Mobile home/park	-
Residence, single-family detached	P
Residence, zero lot line	-
Residence, two-family	-
Residence, multi-family	-
Residence, townhouse	-
Residence, manufactured/factory-built	P
Retirement home	-

Special Care Facilities	
Community residential facility, type I	P
Community residential facility, type II	C
Day care center	C
Emergency shelter	-
Family day care home	P
Group day care home	P
Nursing home	-

Overnight Accommodations	
Campground	-
Hotel/motel	-

Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

Food and Beverage Sales	
Micro-brewery	-
Restaurant	-
Tavern	-

General Sales	
Agriculture sales	-
Auction sales	-
Construction materials sales	-
Convenience sales	C
General sales	-
Manufactured housing sales	-
Off-site liquor sales	-
Secondhand sales	-
Shopping center	-

Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

General Services	
Administrative services	-
Commercial kennel	-
Financial services	-
Funeral home	-
General services	-
Professional services	-
Sexually-oriented business	-
Veterinary clinic, large animal	-
Veterinary clinic, small animal	-

Rental and General Repair	
Large equipment rental	-
Small equipment rental	-
General repair	-

Vehicle Trade and Service	
Vehicle fuel sales	-
Vehicle repair	-
Vehicle sales and rental	-
Vehicle services	-

Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

General Storage	
Agricultural commodity storage facility	-
Climate controlled indoor storage	-
Fuel tank farm	-
Mini-storage facility	-
Freight terminal	-
Warehouse	-

Indoor Recreation/Sports/Entertainment	
Casino, type I	-
Casino, type II	-
Indoor entertainment	-
Indoor sports and recreation	-

Outdoor Recreation/Sports/Entertainment	
Golf course/driving range	C
Miniature golf	-
Outdoor entertainment	-
Park	P
Recreational trail	P

Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

Community Services/Uses	
Administrative governmental center	-
Animal shelter	-
Cemetery	C
Civic use facility	C
Community center	C
Community cultural facility	C
Community garden	P
Public safety facility	C
Worship facility	C

Health Care	
Health care clinic	-
Health care facility	-
Health care sales and services	-

Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

Education	
Commercial education facility	-
Educational facility (K—12)	C
Educational facility (higher education)	-
Instructional facility	-

Solid Waste, Recycling and Composting	
Composting facility	-
Recycling center	-
Solid waste transfer station	-

Telecommunications	
Amateur radio station	P
Telecommunication facility	
Concealed facility	C
Unconcealed facility	-
Co-located facility	-

Wheat Ridge Estates



PRINCIPAL USES	
Use	PUD

Utilities	
Utility installation	C

Transportation	
Airport	-
Bus transit terminal	-
Heli-pad	-
Parking lot, principal use	-
Parking structure	-
Railroad yard	-
Taxi cab dispatch terminal	-

Contractor Yards	
Contractor yard, type I	C
Contractor yard, type II	-

Industrial/Manufacturing	
Artisan shop	-
Industrial, heavy	-
Industrial, light	-
Industrial park	-
Junkyard	-
Light manufacturing and assembly	-
Motor vehicle graveyard	-
Motor vehicle wrecking facility	-

Wheat Ridge Estates

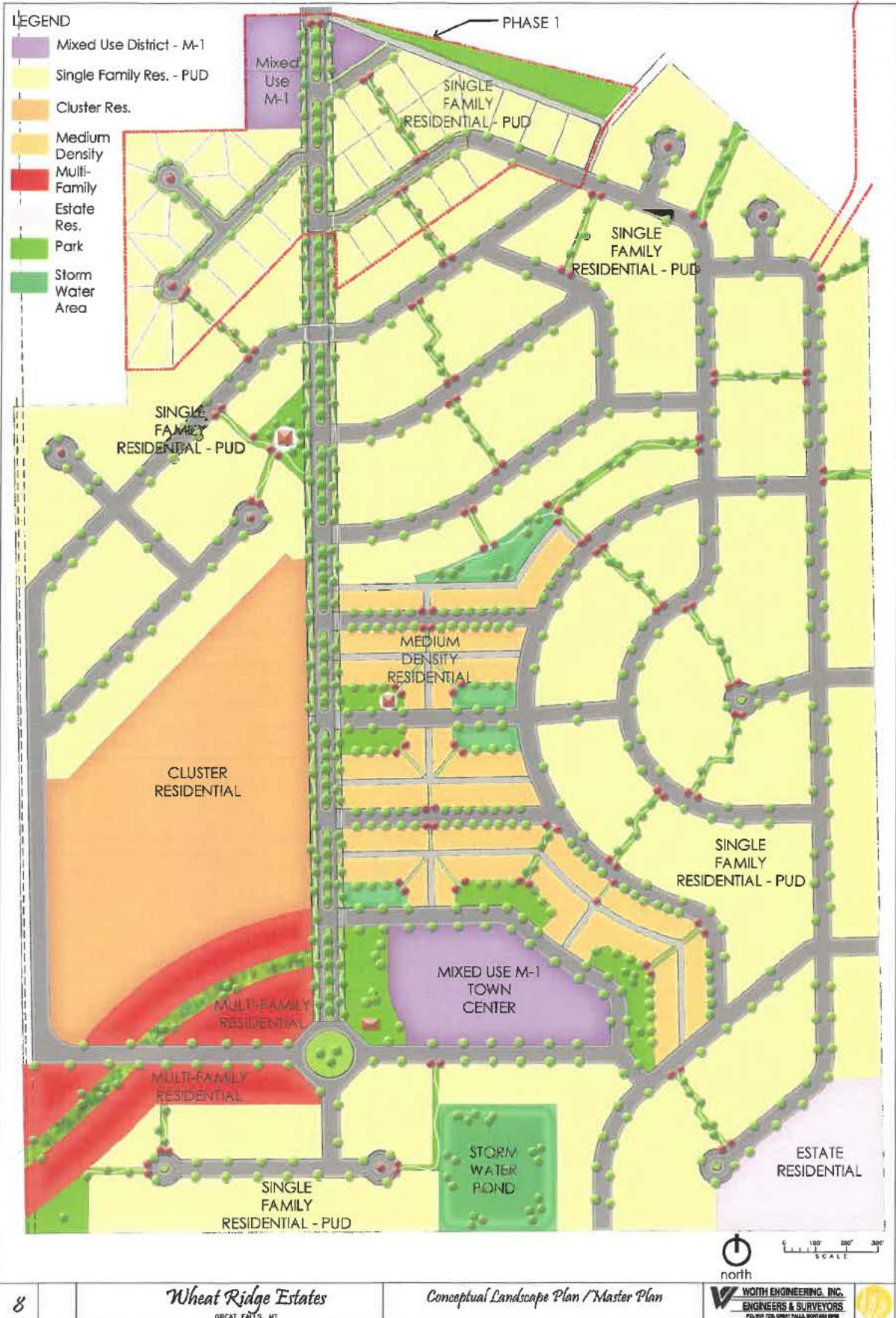


ACCESSORY USES	
Use	PUD
Accessory living space	P
Agriculture, livestock	P
ATM, exterior	-
Bed and breakfast	C
Fences	P
Gaming, accessory	-
Garage, private	P
Home occupation	P
Private stable/barn	P
Residence, accessory	-
Roadside farmer's market	P
Storage containers	-
Wind-powered electricity systems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

Wheat Ridge Estates



TEMPORARY USES	
Use	PUD
Garage sales	P
Itinerant outdoor sales	-
On-site construction office	P
On-site real estate sales office	P
Outdoor entertainment, temporary	-
Sidewalk café	-
Sidewalk food vendor	-

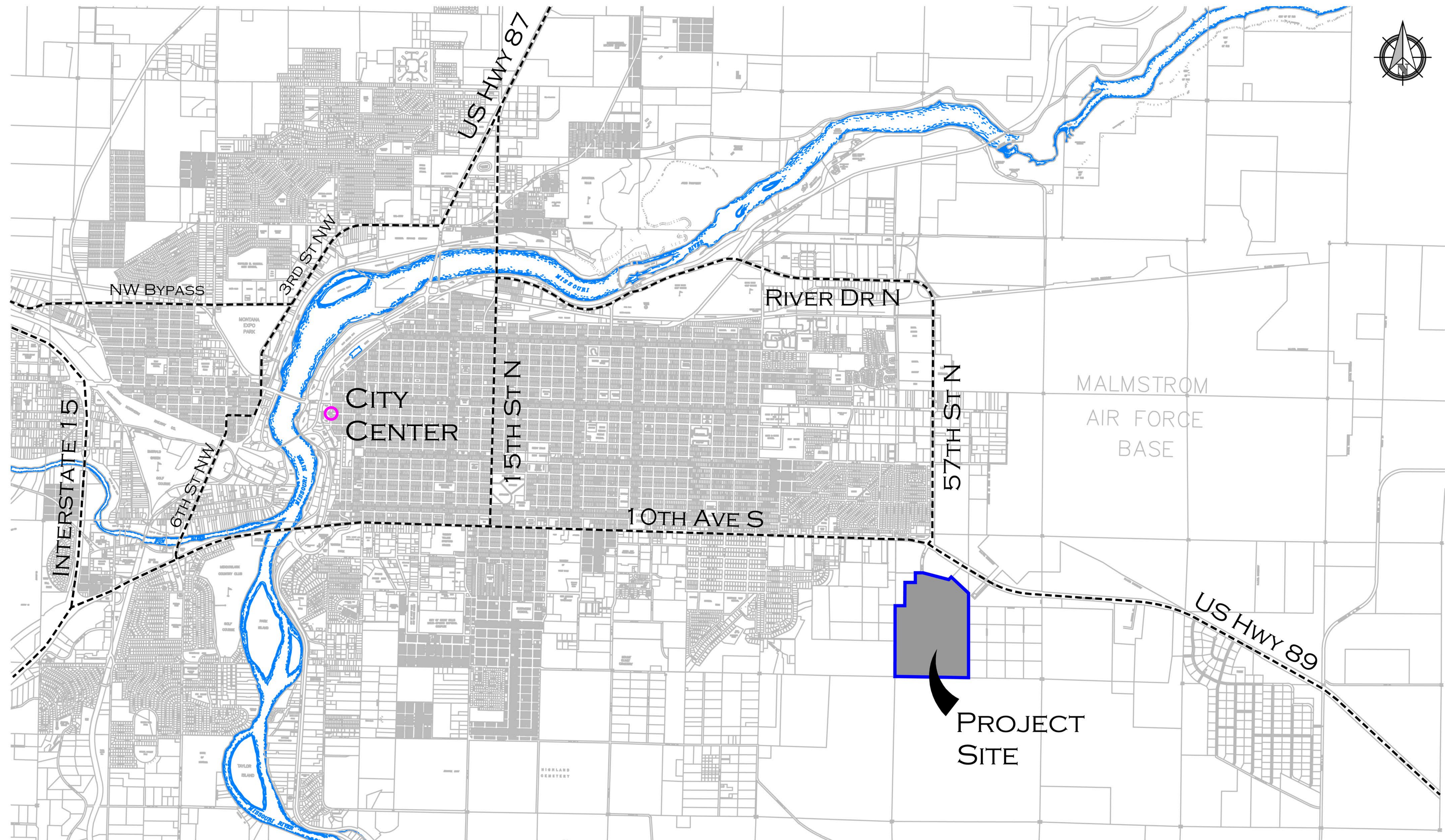




VICINITY / REGIONAL TRANSPORTATION MAP



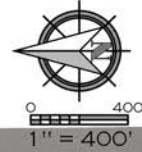
WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS



WHEAT RIDGE ESTATES - PH1
PLANNED UNIT DEVELOPMENT
GREAT FALLS, MT



EXISTING CONDITIONS



RICHARD N HIGGINS
PO BOX 322
ULM, MT 59485-0322
S15, T20 N, R04 E
IN SE/4 MKS 4, 5, 10-15
ACRES 83.42

EXISTING AIRFIELD
RESTRICTIVE
EASEMENT
10.21 ACRES

KYSO CORPORATION
2901 4TH AVE/N
GREAT FALLS, MT 59401-2913
GREAT FALLS RETAIL CENTER ADDITION,
BLOCK 002, LOT 001, ACRES 21.521

KYSO CORPORATION
2901 4TH AVE N
GREAT FALLS, MT 59401-2913
S15, T20 N, R04 E, IN W/2, MK 3

AREA TABLE

TOTAL = 227.63 ACRES

EXISTING AIRFIELD
RESTRICTIVE EASEMENT
= 10.21 ACRES

TOTAL = 217.42 ACRES

JOHNSON L INC
123 GIBSON FLATS RD
GREAT FALLS, MT 59405-8104
S22, T20 N, R04 E, ALL MK 3
ACRES: 640.00

WAL-MART REAL ESTATE BUSINESS TRUST
2001 SE 10TH ST
BENTONVILLE, AR 72712-6489
GREAT FALLS RETAIL CENTER ADDITION,
BLOCK 001, LOT 001, ACRES 26.224

KOA CAMPGROUND
EXPANSION

GREAT FALLS KOA CAMPGROUND LLC
1500 51ST ST S
GREAT FALLS, MT 59405-5625
S16, T20 N, R04 E, PARCEL A
COS #4836 IN W2 SEC 15 & E/2E2 SEC 16
& ALL OF THE NENESE OF
SEC 16, MK 2FF & 2F, ACRES 34.335

PATRICIA AREHART ETAL
405 HARBORVIEW DR
PROSPERITY, SC 29127-9715
S16, T20 N, R04 E, 3349, PARCEL 000
IN N2SW4, SE4SW4, S2SE4 MK 1 J L S 9.863L
ACRES: 140.657

LOREN D SMITH
1500 51ST ST S
GREAT FALLS, MT 59405-5626
S16, T20 N, R04 E, SENESE MK 2J
ACRES: 9.35



WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS

WHEAT RIDGE ESTATES - PH1
PLANNED UNIT DEVELOPMENT
GREAT FALLS, MT

We have annotated the City of Great Falls Development Application checklist, form date 5/1/14, to assist you and your staff in evaluating the submission. The following is intended to supplement the checklist annotation:

PURPOSE AND INTENT

a) Project Overview and Goals

The proposed residential and mixed-use community, offering homes within walking distance from newly developed commercial and retail locations, inviting trails and wide sidewalks, an overall park-like setting, and interconnecting streets that reach out to the community at large, sets the standard for communities to come in Great Falls. For these reasons, the applicant respectfully requests a PUD zoning to help further promote flexibility in development design and to permit planned diversification while at the same time creating a community rich with functional and beneficial open spaces, both natural and proposed.

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

The location of the development and the topography of the existing property drove the design and layout of the proposed development. A connected neighborhood / community was the primary design concept with a desire to provide diverse housing options in order to be inviting to all prospective home buyers / tenants. Lots with higher elevations and those along the perimeter were conceptually designed to be view lots to take advantage of the natural property to the south of the development. Moving towards the center of the community the density of the proposed development increases. It would include alley-loaded town house, a gated community, and a multifamily parcel surrounding a town center type of commercial area that would be the eventual focal point of the development for community events and activities.

As the development is constructed the focus of the design was to maintain a sense of continuity and accessibility for non-motorized traffic. The central parkway is the foundation of this and serves as the main corridor from the entrance to the community down to the town center.

Land Use Plan

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

The overall concept of the development was to include multiple land uses in order to provide more of a community feeling. In the conceptual layout of the site the largest use category will be residential (~197 acres) with varying densities represented. Commercial / Mixed Use areas (~7 acres) were included at the entrance to the development as well as in the middle of the project to serve as a focal point for activities.

b) Brief discussion of the Conceptual Site Plan

The main idea of the layout of the site was to extend 57th Street from the northern boundary all the way to the south to the Town Center area and that would serve to give access directly to the center of the site for non-residents while giving residents local access that was a step up from the standard roadway. Density of the residential areas starts out low along the north and east boundaries with the view lot concept and gradually increases towards the center of the site where the higher-density, alley-loaded townhome concept is introduced surrounding the Town Center areas.

Natural topography was followed as closely as possible and drainage pathways were analyzed and used as the basis of the layout of the pathway system throughout the site. Non-motorized access around the site as well as to the commercial area to the north of the development was a primary focus of the design not only to provide local residents with alternative transportation methods to and from the site but also to make the neighborhood accessible and inviting to visitors.

Site Conditions and Location

a) Acreage

The overall site proposed for the development contains 227.63 acres. The portion of the overall site that is proposed as Phase 1 is 20.98 acres.

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

The development is located to the south of the 57th Street and 10th Avenue South intersection which is a signalized intersection to accommodate the commercial developments that will be constructed on the lots on the adjacent properties to the north of the site.

c) Topography and natural features

The elevations on the site are highest on the north boundary and slope downward as you move to the south with some higher areas along the east side of the property. There are multiple drainage pathways on the site that convey storm water from the north and northeast areas in a south and southwesterly direction.

Zoning and Land Use Compatibility

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

The site proposed for development is currently used for agriculture and is located outside of the Great Falls city limits. The current zoning assigned to the lot is A which is the same as the zoning assigned to the adjacent lots to the southwest. The lots to the west are zoned MH.

b) Describe existing land uses on and adjacent to site

Properties to the east, south, and southwest have similar land uses to the subject property which is used as an agricultural field. The property to the west is a KOA Campground and the properties to the north are commercial properties that are in the process of being developed.

c) Describe existing and adjacent character

Development of the site will be a major transformation of the site from a bare land to a new and exciting neighborhood and community that will bring new life and energy to this side of town in addition to the new commercial developments that are proposed to be constructed to the north.

List of Uses

a) Permitted Uses

Land uses for this development will follow the proposed PUD zoning regulations

Development Standards

a) Density and number of dwelling units

Phase 1 of the development will contain 3 mixed use and 37 single-family residential parcels.

Future proposed phases will have low density single-family residential, pockets of medium to high density residential, mixed-use, commercial, multi-family, private community, and estate lot parcels. Based on preliminary master plan site layouts of the entire parcel there could ultimately be more than 500 lots created.

- b) Minimum lot width/depth
- c) Building setbacks/build to lines (See attached PUD Zoning Standards table for items b - h)
- d) Landscape setbacks
- e) Building separation
- f) Height

g) Lot coverage

- Assumed maximum building footprint of 50' x 50' = 2,500 sf
- Assumed a 25' wide driveway from setback to lot line = 500 sf
Total lot coverage area = 3,000 sf (used 3,500 sf in storm calcs)

h) Division of Uses

Design Guidelines

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

Signs

a) Location

An entry feature is proposed on the north end of the parkway and road signage will be placed at each intersection closely following standard City of Great Falls standards.

b) Size

Road signs will closely follow City standards for size.

Infrastructure

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

Road layout has been based on a master site plan that can be seen on the overall site layout plan. An overall pedestrian / bicycle trail system has been incorporated into the master plan which includes a dedicated bike lane on both sides of the entire length of the parkway from the north boundary to the Town Center.

Road layout was configured to follow the existing topography of the site while focusing the travel through the site to the town center on the south end of the site which is the main feature of the development.

b) Grading and Drainage

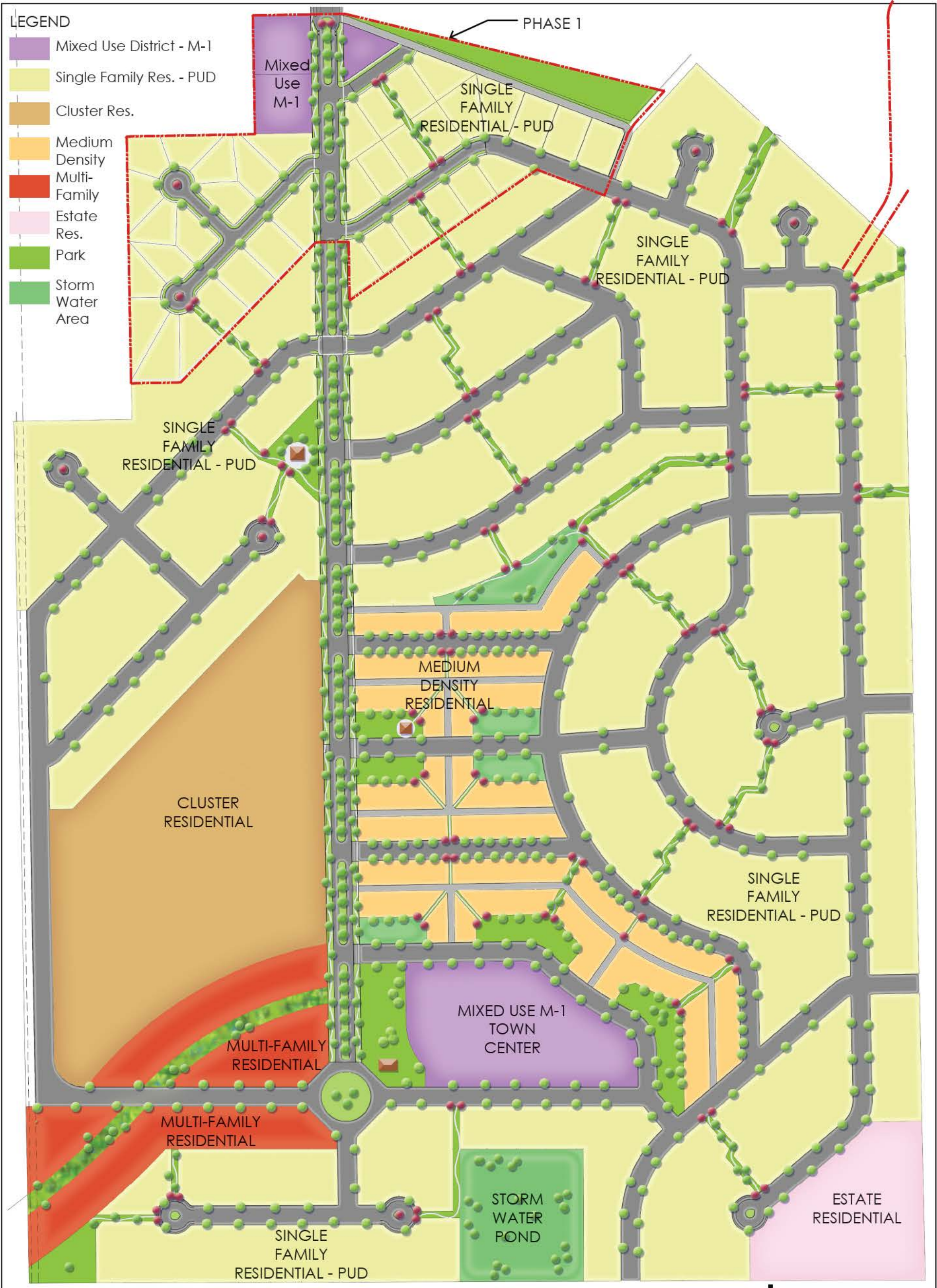
The Phase 1 site grading has been designed to closely follow existing topography where possible. The north end of the Parkway will be lowered from the existing grades to minimize the road grade and it will include drainage channels on both the east and west sides that will be the main collection method for runoff and will convey runoff to the south through a number of culverts and temporary swales to the proposed detention pond which has been designed to control flows from the first 9 preliminary phases.



WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS

**WHEAT RIDGE ESTATES - PH1
PLANNED UNIT DEVELOPMENT
GREAT FALLS, MT**





LEGEND

- Mixed Use District - M-1
- Single Family Res. - PUD
- Cluster Res.
- Medium Density
- Multi-Family
- Estate Res.
- Park
- Storm Water Area

PHASE 1

Mixed Use M-1

SINGLE FAMILY RESIDENTIAL - PUD

SINGLE FAMILY RESIDENTIAL - PUD

SINGLE FAMILY RESIDENTIAL - PUD

MEDIUM DENSITY RESIDENTIAL

CLUSTER RESIDENTIAL

SINGLE FAMILY RESIDENTIAL - PUD

MIXED USE M-1 TOWN CENTER

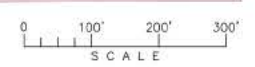
MULTI-FAMILY RESIDENTIAL

MULTI-FAMILY RESIDENTIAL

STORM WATER POND

SINGLE FAMILY RESIDENTIAL - PUD

ESTATE RESIDENTIAL



Wheat Ridge Estates

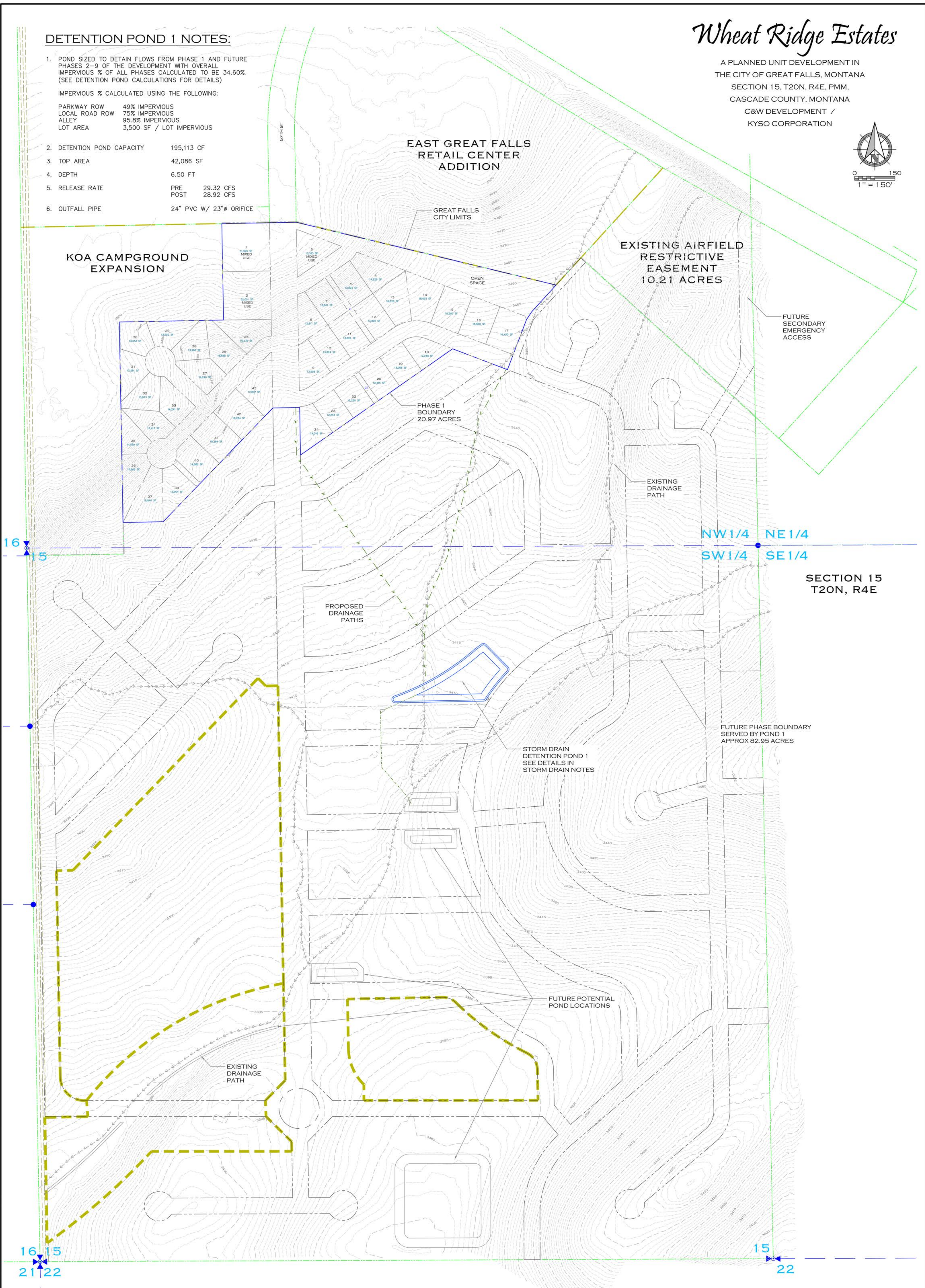
A PLANNED UNIT DEVELOPMENT IN
THE CITY OF GREAT FALLS, MONTANA
SECTION 15, T20N, R4E, PMM,
CASCADE COUNTY, MONTANA
C&W DEVELOPMENT /
KYSO CORPORATION



DETENTION POND 1 NOTES:

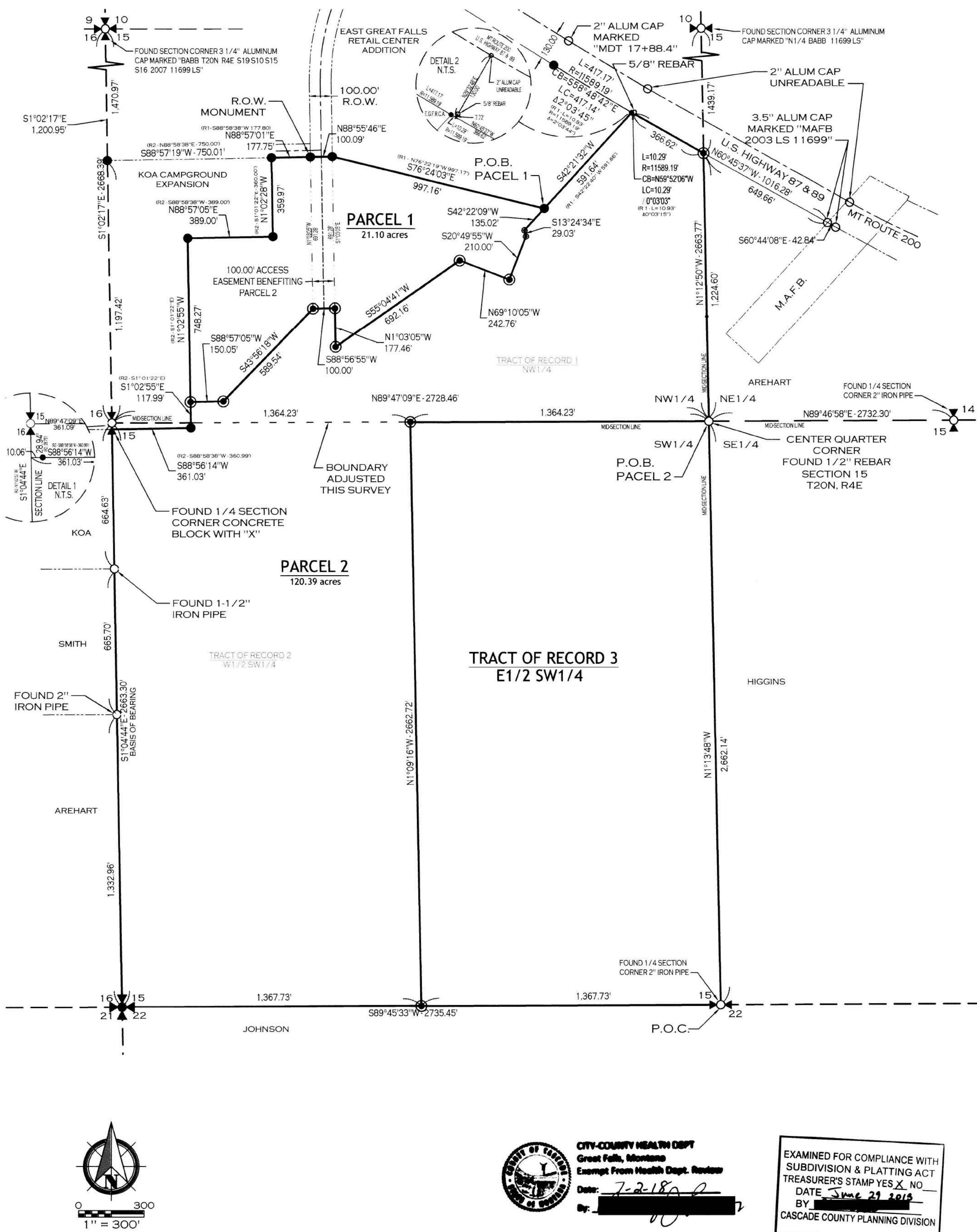
- POND SIZED TO DETAIN FLOWS FROM PHASE 1 AND FUTURE PHASES 2-9 OF THE DEVELOPMENT WITH OVERALL IMPERVIOUS % OF ALL PHASES CALCULATED TO BE 34.60% (SEE DETENTION POND CALCULATIONS FOR DETAILS)
IMPERVIOUS % CALCULATED USING THE FOLLOWING:

PARKWAY ROW	49% IMPERVIOUS
LOCAL ROAD ROW	75% IMPERVIOUS
ALLEY	95.8% IMPERVIOUS
LOT AREA	3,500 SF / LOT IMPERVIOUS
- DETENTION POND CAPACITY 195,113 CF
- TOP AREA 42,086 SF
- DEPTH 6.50 FT
- RELEASE RATE
PRE 29.32 CFS
POST 28.92 CFS
- OUTFALL PIPE 24" PVC W/ 23" Ø ORIFICE



CERTIFICATE OF SURVEY #5162

LOCATED IN THE W 1/2 SECTION 15, T.20N., R.4E., P.M., MT CASCADE COUNTY, MONTANA



LEGEND

POINT OF COMMENCEMENT	P.O.C.
POINT OF BEGINNING	P.O.B.
SECTION LINE	---
CURRENT SURVEY LINE	---
ADJACENT PROPERTY LINE	---
ROADWAY CENTERLINE	---
ACCESS EASEMENT	---

- FOUND MONUMENT AS NOTED
- SET A 5/8" REBAR W/ 2" ALUMINUM CAP - "WOITH ENGINEERING FLS 19235"
 - FOUND RED PLASTIC CAP BABB 11699 LS
 - FOUND QUARTER CORNER
 - FOUND SECTION CORNER
 - SET A 5/8" REBAR W/ 2" ALUMINUM CAP - "WOITH ENGINEERING T20N R4E S15 S16 S21 S22 FLS 19235"
 - RECORD PL 2007-0000024
 - RECORD CS 0004636

SURVEY NOTES

THE PURPOSE OF THIS SURVEY IS TO RELOCATE THE COMMON BOUNDARY BETWEEN TWO TRACTS OF RECORD.

THE BASIS OF BEARINGS FOR THIS SURVEY IS REFERENCED TO A DIRECT GPS MEASUREMENT FROM GEODETIC NORTH (USING WGS 84), RESULTING IN A BEARING OF S1°04'44" E BETWEEN THE MONUMENTED QUARTER SECTION CORNER COMMON SECTIONS 15 AND 16, TOWNSHIP 20 NORTH, RANGE 4 EAST AND THE MONUMENTED SECTION CORNER COMMON TO SECTIONS 15, 16, 21, 22, TOWNSHIP 20 NORTH, RANGE 4 EAST, AS SHOWN HEREON.

NO UNDERGROUND UTILITIES OR SUBSURFACE IMPROVEMENTS WERE MAPPED AS PART OF THIS SURVEY.

MULTIPLE FENCE LINES, UTILITIES, AND ROADWAYS EXIST, TAKE NOTE THAT THEY DO EXIST AND ARE NOT SHOWN HEREON.

EASEMENTS OF SIGHT AND RECORD NOT SHOWN HEREON MAY EXIST.

CERTIFICATE OF OWNER

THAT WE THE UNDERSIGNED OWNERS DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED THE FOREGOING TRACTS OF LAND AS SHOWN AND MORE PARTICULARLY DESCRIBED HEREON.

THAT SAID SURVEY HAS BEEN PERFORMED WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS AND PROPRIETORS OF SAID LANDS:

THAT WE, KYSO CORPORATION, CURRENTLY OWN TWO TRACTS OF RECORD, RECORDED AS FOLLOWS:

TRACT OF RECORD 1

PART OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWENTY (20) NORTH, RANGE FOUR (4) EAST, OF THE PRINCIPAL MERIDIAN OF MONTANA;

CONVEYED BY THAT DEED RECORDED ON PAGE 1160 OF BOOK 328 OF DEEDS, RECORDED IN THE OFFICE OF THE CLERK AND RECORDER, CASCADE COUNTY, MONTANA.

AND

TRACT OF RECORD 2

PART OF THE WEST ONE-HALF OF THE NORTHWEST ONE-QUARTER (W1/2NW1/4) OF SECTION FIFTEEN (15), TOWNSHIP TWENTY (20) NORTH, RANGE FOUR (4) EAST, OF THE PRINCIPAL MERIDIAN OF MONTANA;

CONVEYED BY THAT DEED RECORDED ON PAGE 1160 OF BOOK 328 OF DEEDS, RECORDED IN THE OFFICE OF THE CLERK AND RECORDER, CASCADE COUNTY, MONTANA.

THAT WE, THE UNDERSIGNED DO HEREBY CERTIFY THAT WE DESIRE THE COMMON LINE BETWEEN THE AFOREMENTIONED TRACTS OF RECORD TO BE RELOCATED IN ACCORDANCE WITH THIS MAP CREATING PARCEL 1 AND PARCEL 2 AS DEPICTED AND SECONDARILY DESCRIBED HEREON.

THAT PARCEL 1 AND PARCEL 2 ARE SUBJECT TO ANY OTHER EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHTS-OF-WAY, AND CONDITIONS OF SIGHT AND/OR RECORD INCLUDING, BUT NOT LIMITED TO THOSE SHOWN HEREON.

DESCRIPTION OF PARCEL 1

A PORTION OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, PRINCIPAL MERIDIAN OF MONTANA (P.M.M.T), CASCADE COUNTY, MONTANA, AS SHOWN HEREON.

SAID PARCEL 1 BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTION 15 AND 22 OF TOWNSHIP 20 NORTH, RANGE 4 EAST;

THENCE, N 1°13'48" W, 2662.14 FEET, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 15 TO A POINT, BEING THE CENTER ONE-QUARTER OF SAID SECTION;

THENCE, N 1°12'50" W, 1224.60 FEET, ALONG SAID MID-SECTION LINE TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF THAT STATE HIGHWAY COMMONLY KNOWN AS STATE HIGHWAY 200;

THENCE, N 60°45'37" W, 366.62 FEET, ALONG SAID RIGHT-OF-WAY TO A POINT;

THENCE, ALONG SAID RIGHT-OF-WAY FOLLOWING A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 10.29 FEET, A RADIUS OF 11598.19 FEET, A CHORD BEARING OF N 59°52'06" W, A LONG CHORD OF 10.29', AND A Δ OF 0° 03'03"; FOR A DISTANCE OF 10.29 FEET, TO A POINT OF INTERSECTION WITH THE EASTERLY BOUNDARY LINE OF THE EAST GREAT FALLS RETAIL CENTER ADDITION;

THENCE, S 42°21'32" W, 591.64 FEET, ALONG SAID BOUNDARY TO A POINT, SAID POINT BEING THE POINT OF BEGINNING;

THENCE, S 42°22'09" W, 135.02 FEET, TO A POINT;

THENCE, S 13°24'34" E, 29.03 FEET, TO A POINT;

THENCE, S 20°49'55" W, 210.00 FEET, TO A POINT;

THENCE, N 69°10'05" W, 242.76 FEET, TO A POINT;

THENCE, S 55°04'41" W, 692.16 FEET, TO A POINT;

THENCE, N 1°03'05" W, 177.46 FEET, TO A POINT;

THENCE, S 88°56'55" W, 100.00 FEET, TO A POINT;

THENCE, S 43°56'18" W, 589.54 FEET, TO A POINT;

THENCE, S 88°57'05" W, 150.05 FEET, TO A POINT OF INTERSECTION WITH THE BOUNDARY OF THE KOA CAMPGROUND EXPANSION;

THENCE, N 1°02'55" W, 748.27 FEET, ALONG SAID BOUNDARY TO A POINT;

THENCE, N 88°57'05" E, 389.00 FEET, ALONG SAID BOUNDARY TO A POINT;

THENCE, N 1°02'28" W, 359.97 FEET, ALONG SAID BOUNDARY TO A POINT OF INTERSECTION WITH THE SOUTHERLY BOUNDARY OF THE EAST GREAT FALLS RETAIL CENTER ADDITION;

THENCE, N 88°57'01" E, 177.75 FEET, ALONG SAID BOUNDARY TO THE SOUTHWESTERLY CORNER OF THAT ROAD COMMONLY KNOWN AS 57TH STREET SOUTH;

THENCE, N 88°55'46" E, 100.09 FEET, TO THE SOUTHEASTERLY CORNER OF THAT ROAD COMMONLY KNOWN AS 57TH STREET SOUTH;

THENCE, S 76°24'03" E, 997.16 FEET, ALONG SAID BOUNDARY TO THE POINT OF BEGINNING;

SAID PARCEL 1 ENCOMPASSES 21.10 ACRES.

DESCRIPTION OF PARCEL 2

A PORTION OF THE NORTHWEST ONE-QUARTER (NW 1/4) AND A PORTION OF THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER (W1/2SW1/4) OF SECTION 15, TOWNSHIP 20 NORTH, RANGE 4 EAST, PRINCIPAL MERIDIAN OF MONTANA (P.M.M.T), CASCADE COUNTY, MONTANA, AS SHOWN HEREON.

SAID PARCEL 2 BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT THE ONE-QUARTER SECTION CORNER COMMON TO SECTION 15 AND 22 OF TOWNSHIP 20 NORTH, RANGE 4 EAST;

THENCE, N 1°13'48" W, 2662.14 FEET, ALONG THE NORTH-SOUTH MID-SECTION LINE OF SAID SECTION 15 TO A POINT, BEING THE CENTER ONE-QUARTER OF SAID SECTION, SAID POINT BEING THE POINT OF BEGINNING;

THENCE, N 1°12'50" W, 1224.60 FEET, ALONG SAID MID-SECTION LINE TO A POINT OF INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF THAT STATE HIGHWAY COMMONLY KNOWN AS STATE HIGHWAY 200;

THENCE, N 60°45'37" W, 366.62 FEET, ALONG SAID RIGHT-OF-WAY TO A POINT;

THENCE, ALONG SAID RIGHT-OF-WAY FOLLOWING A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 10.29 FEET, A RADIUS OF 11598.19 FEET, A CHORD BEARING OF N 59°52'06" W, A LONG CHORD OF 10.29', AND A Δ OF 0° 03'03"; FOR A DISTANCE OF 10.29 FEET, TO A POINT OF INTERSECTION WITH THE EASTERLY BOUNDARY LINE OF THE EAST GREAT FALLS RETAIL CENTER ADDITION;

THENCE, S 42°21'32" W, 591.64 FEET, ALONG SAID BOUNDARY TO A POINT;

THENCE, S 42°22'09" W, 135.02 FEET, TO A POINT;

THENCE, S 13°24'34" E, 29.03 FEET, TO A POINT;

THENCE, S 20°49'55" W, 210.00 FEET, TO A POINT;

THENCE, N 69°10'05" W, 242.76 FEET, TO A POINT;

THENCE, S 55°04'41" W, 692.16 FEET, TO A POINT;

THENCE, N 1°03'05" W, 177.46 FEET, TO A POINT;

THENCE, S 88°56'55" W, 100.00 FEET, TO A POINT;

THENCE, S 43°56'18" W, 589.54 FEET, TO A POINT;

THENCE, S 88°57'05" W, 150.05 FEET, TO A POINT OF INTERSECTION WITH THE BOUNDARY OF THE KOA CAMPGROUND EXPANSION;

THENCE, S 1°02'55" E, 117.99 FEET, ALONG SAID BOUNDARY TO A POINT;

THENCE, N 88°56'14" W, 361.03 FEET, ALONG SAID BOUNDARY TO A POINT OF INTERSECTION WITH THE SECTION LINE COMMON TO SECTIONS 15 AND 16;

THENCE, S 01°04'44" E, 2663.30 FEET, ALONG SAID SECTION LINE TO A POINT, BEING THE SECTION CORNER COMMON TO SECTIONS 15, 16, 21 AND 22;

THENCE, S 89°45'33" W, 1367.73 FEET, ALONG THE SECTION LINE COMMON TO SECTIONS 15 AND 22 TO A POINT, BEING THE WEST ONE-SIXTEENTH CORNER COMMON TO SECTIONS 15 AND 22;

THENCE, N 01°09'16" W, 2662.72 FEET, TO A POINT, BEING THE SOUTHWEST ONE-SIXTEENTH CORNER OF SECTION 15;

THENCE, N 89°47'09" E, 1364.23 FEET, ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 15 TO THE POINT OF BEGINNING;

SAID PARCEL 2 ENCOMPASSES 120.39 ACRES.

WE HEREBY CERTIFY THAT THIS CERTIFICATE OF SURVEY IS EXEMPT FROM REVIEW AS A SUBDIVISION IN ACCORDANCE WITH MCA 76-3-207(1)(A): "DIVISIONS MADE OUTSIDE OF PLATTED SUBDIVISIONS FOR THE PURPOSE OF RELOCATING COMMON BOUNDARY LINES BETWEEN ADJOINING PROPERTIES."

WE FURTHER CERTIFY THAT THIS SURVEY IS EXCLUDED FROM REVIEW BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY IN THAT PARCEL 1 AND PARCEL 2 EACH CONTAIN MORE THAN 20 ACRES AND THUS DO NOT MEET THE DEFINITION OF A SUBDIVISION PURSUANT TO MCA 76-4-102(17): "SUBDIVISION" MEANS A DIVISION OF LAND OR LAND SO DIVIDED THAT CREATES ONE OR MORE PARCELS CONTAINING LESS THAN 20 ACRES, EXCLUSIVE OF PUBLIC ROADWAYS, IN ORDER THAT THE TITLE TO OR POSSESSION OF THE PARCELS MAY BE SOLD, RENTED, LEASED, OR OTHERWISE CONVEYED AND INCLUDES ANY RESUBDIVISION AND ANY CONDOMINIUM OR AREA, REGARDLESS OF SIZE, THAT PROVIDES PERMANENT MULTIPLE SPACE FOR RECREATIONAL CAMPING VEHICLES OR MOBILE HOMES."

DATED THE 29th DAY OF JUNE, 2018

KYSO CORPORATION
 [Redacted]
 DANA HEUSTIS, AUTHORIZED OFFICER

STATE OF MONTANA)
) SS
 COUNTY OF CASCADE)

ON THIS 29th DAY OF JUNE, 2018, BEFORE ME, A NOTARY PUBLIC, IN AND FOR THE STATE OF MONTANA, PERSONAL APPEARED DANA HEUSTIS, AN AUTHORIZED OFFICER OF KYSO CORPORATION, KNOWN TO ME TO BE THE PERSON WHO EXECUTED THE FOREGOING CERTIFICATE OF SURVEY AND HE ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME.

SEAL

NOTARY PUBLIC, STATE OF MONTANA

GEORGE A. CHORD
 NOTARY PUBLIC for the State of Montana
 Residing at Great Falls, Montana
 My Commission Expires November 30, 2021

CERTIFICATE OF SURVEYOR

I, MARK THEODOR LARSON, PROFESSIONAL LAND SURVEYOR, MONTANA LICENCE NO. 19235LS, DO HEREBY CERTIFY THAT IN MARCH, 2018 I SURVEYED THE TRACTS OF LAND LOCATED IN THE W1/2 OF SECTION 15, T20N, R4E, P.M.M.T, CASCADE COUNTY, MONTANA AS SHOWN AND DESCRIBED IN THIS CERTIFICATE OF SURVEY AND THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE PROVISIONS OF TITLE 76, CHAPTER 3, PART 4, MCA.

SEAL

MARK THEODOR LARSON, PLS
 MONTANA REG. NO. 19235

CERTIFICATE OF COUNTY TREASURER

I, JAMIE BAILEY, COUNTY TREASURER OF CASCADE COUNTY, MONTANA, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE RECORDS COVERING THE AREAS INCLUDED IN THE ACCOMPANYING CERTIFICATE OF SURVEY AND FIND THAT THE TAXES ON THE SAME HAVE BEEN PAID FOR THE LAST FIVE YEARS. DATED THIS 2nd DAY OF JULY, 2018.

JAMIE BAILEY, CASCADE COUNTY TREASURER
 [Redacted] Deputy

OFFICIAL SEAL
 CASCADE COUNTY, MONTANA

EXAMINED FOR COMPLIANCE WITH SUBDIVISION & PLATTING ACT
 TREASURER'S STAMP YES ___ NO ___
 DATE _____
 BY _____
 CASCADE COUNTY PLANNING DIVISION

1/4	SEC	TSP	
15	T20N	R4E	

WOITH ENGINEERING, INC.
 ENGINEERS & SURVEYORS
 P.O. BOX 7326, GREAT FALLS, MONTANA 59406

JOB NO: 1404
 F.B.NO: G.P.S.
 FILE: 1404-WRE-CCS
 DRAWN: D.W.G.C.
 DATE: 05-07-18

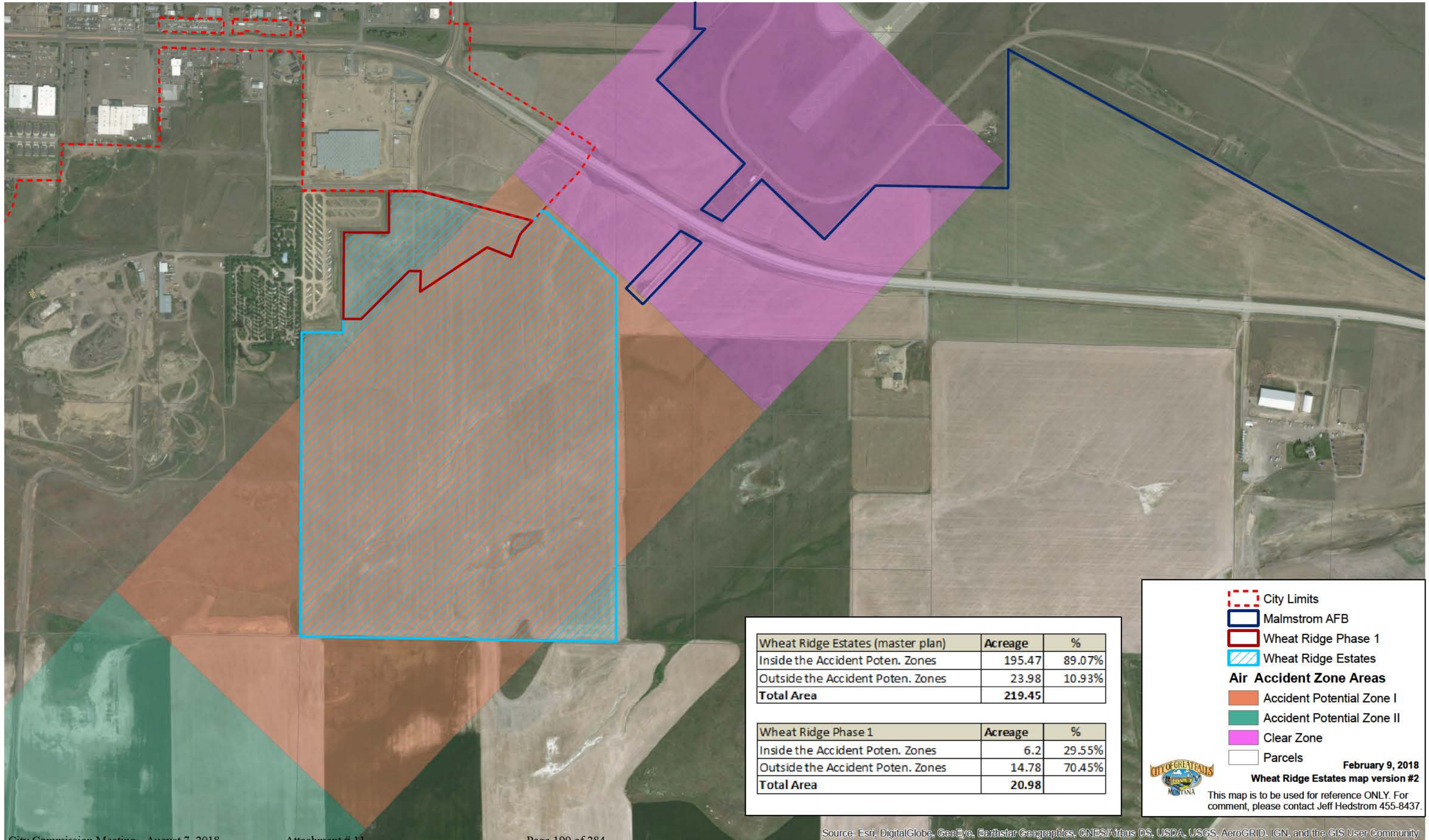
1

S-0005162 CS

Total Pages: 1 R 28.00 By: tmarc07/02/2018 10:37:38 AM
 Cascade County, 5162 FLS, 10000 - Clerk & Recorder

EXAMINED FOR COMPLIANCE WITH SUBDIVISION & PLATTING ACT
 TREASURER'S STAMP YES X NO ___
 DATE June 21 2018
 BY [Redacted]
 CASCADE COUNTY PLANNING DIVISION

Wheat Ridge Estates



Wheat Ridge Estates (master plan)	Acreage	%
Inside the Accident Poten. Zones	195.47	89.07%
Outside the Accident Poten. Zones	23.98	10.93%
Total Area	219.45	

Wheat Ridge Phase 1	Acreage	%
Inside the Accident Poten. Zones	6.2	29.55%
Outside the Accident Poten. Zones	14.78	70.45%
Total Area	20.98	

City Limits
 Malmstrom AFB
 Wheat Ridge Phase 1
 Wheat Ridge Estates

Air Accident Zone Areas

Accident Potential Zone I
 Accident Potential Zone II
 Clear Zone
 Parcels

February 9, 2018
Wheat Ridge Estates map version #2

This map is to be used for reference ONLY. For comment, please contact Jeff Hedstrom 455-8437.

BULLET BACKGROUND PAPER

ON

ENCROACHMENT IMPACTS FROM DEVELOPMENT OF COMPATIBLE LANDS

PURPOSE

To provide information on the impacts to military operations from the development of compatible lands southwest of Malmstrom AFB

BACKGROUND

- Undeveloped lands southwest of Malmstrom AFB are currently compatible, however, the potential exists for residential and/or commercial development that could impact military operations
- Assets impacted by potential development
 - 110-acre Helicopter Movement Area
 - 625-acre Drop Zone (DZ)
 - 4,800-ft long x 60-ft wide proposed Assault Landing Zone (ALZ)
- Usage or throughput of capabilities impacted
 - UH-1N Helicopter operations
 - 1,232 flight orders per year (FY16)
 - 1,696 sorties per year (FY16 – sorties include main base and missile field)
 - 42 functional check flights per year (FY16)
 - Flight Hour Program increased by 25% in FY18 (3,200-hrs to 4,000-hrs)
 - C-130H operations
 - 500 training bundle/sandbag drops per year
 - 500 heavy drops per year
 - 500 projected sorties per year, if the ALZ is constructed

DISCUSSION

- Development could impact multiple arrival and departure flight tracks of the UH-1N
 - Anticipated light pollution from development will impair the ability to monitor aircraft in formation during nighttime operations
 - UH-1Ns fly at 500-ft Above Ground Level (AGL) southwest of Malmstrom AFB
 - The area is not located within modeled noise contours ranging from 65 dB Day-Night average sound Level (DNL) to 80 dB DNL, however, aircraft noise will pose a nuisance to this area with nighttime events considered more annoying to residential areas
 - Development could lead to increased noise complaints and drive avoidance requirements and/or time of day restrictions

Mr. Chris Murphy/341 CES/CEIE/cjm/20 Feb 18

- The approach and departure zones to both the active DZ and the proposed ALZ could be impacted by development
 - C-130Hs currently execute 500 heavy drops and 500 training bundle/sandbag drops per year with 500 sorties per year projected for the ALZ
 - Other C-130 units could utilize the ALZ for training, if constructed
 - Development could lead to noise complaints and drive avoidance requirements and/or time of day restrictions

- There is planned construction of a new Weapons Storage Facility, located on the south side of Malmstrom AFB

RECOMMENDATION

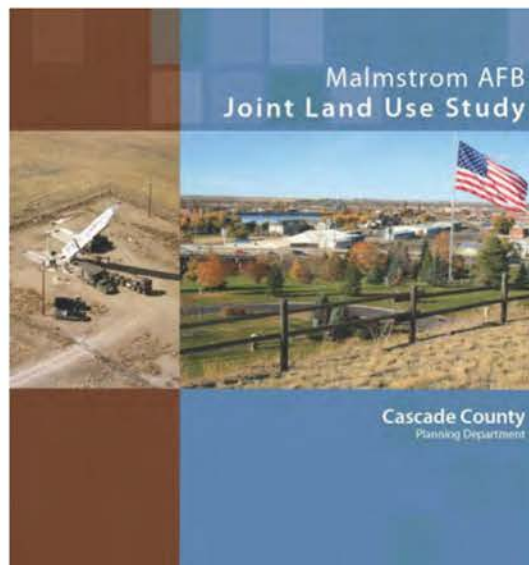
None, for information only.

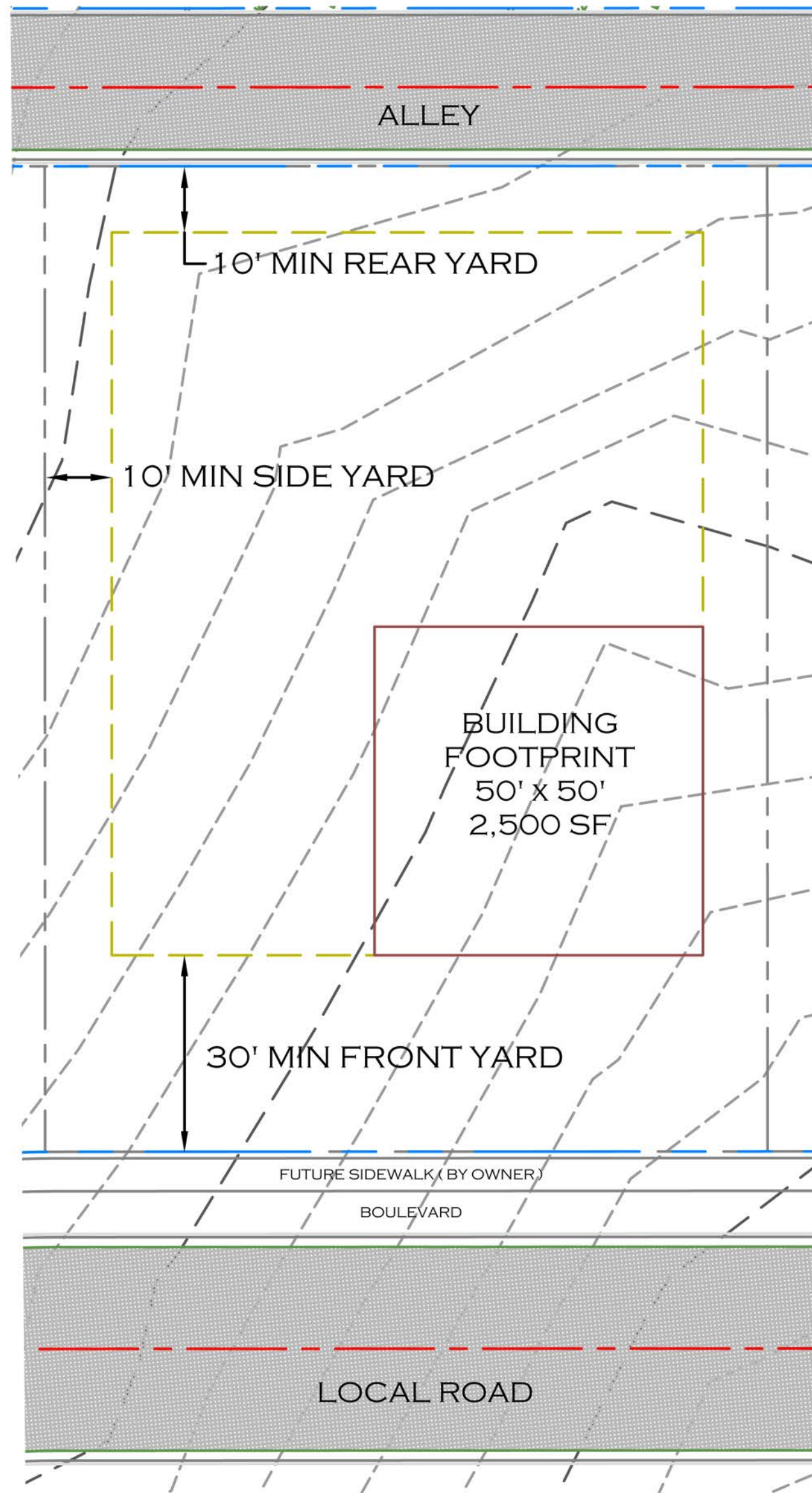
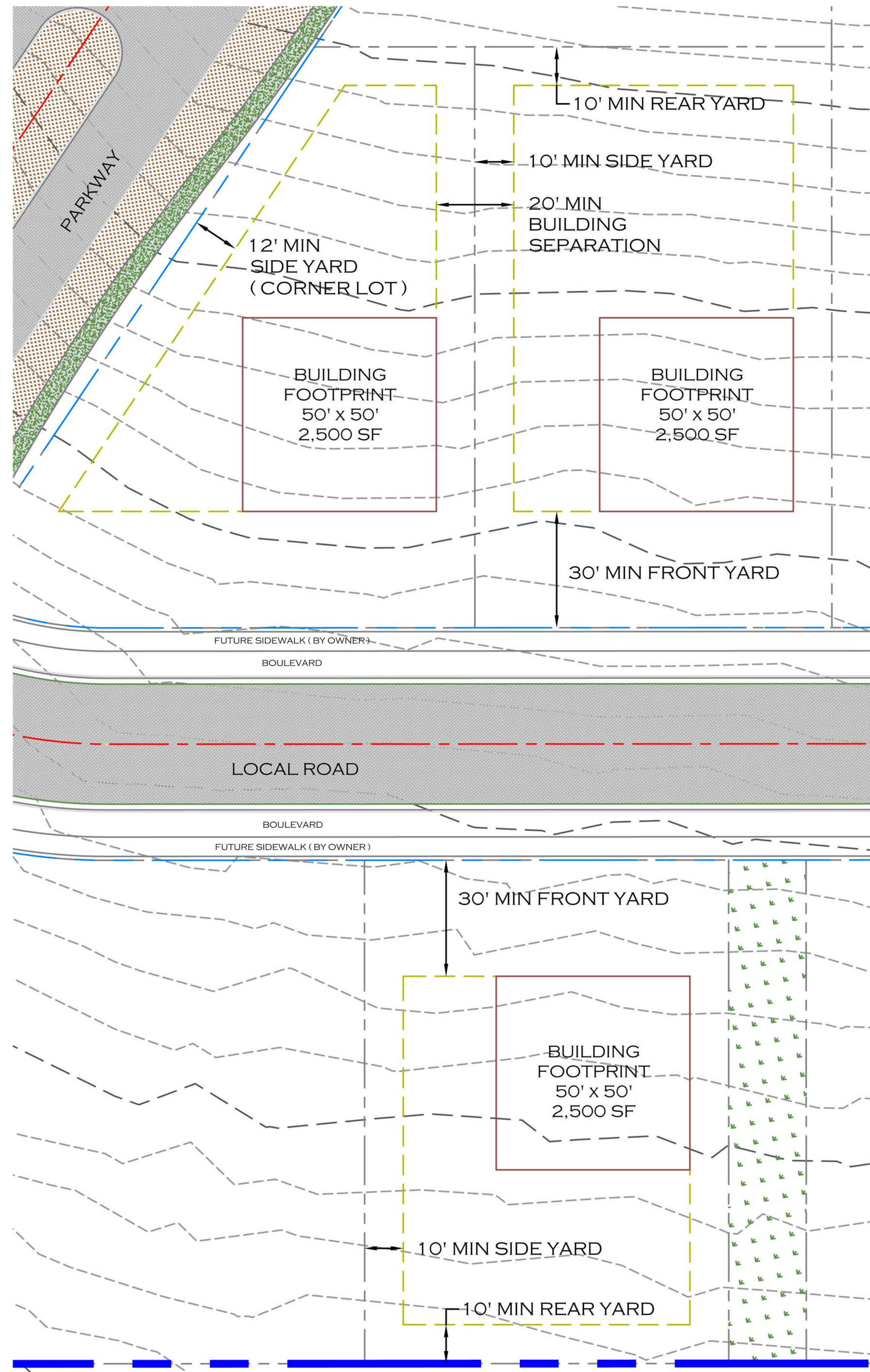
Support the Military Mission in Great Falls

ECO 3.1 Support, cooperate, expand and adjust, if necessary, to the current and future military mission in Great Falls.

Policies

- Eco3.1.1 Support, cooperate and maintain coordination with Malmstrom Air Force Base and the Montana National Guard (MANG).
- Eco3.1.2 Support the Malmstrom Air Force Base *Joint Land Use Study* (2012), also referred to as the JLUS study, and participate in the joint coordinating committee so as to implement the report’s recommendations.
- Eco3.1.3 Should there be a change in the mission and role of the military at Great Falls, follow the recommendations of the Office of Economic Adjustment (OEA) in responding to this condition so that the City is well positioned and prepared to respond to any change of status, be it new missions, adjustments, downsizing or closure.
- Eco3.1.4 Develop and maintain collaborative relationships with key stakeholders impacted by the military.
- Eco3.1.5 Educate the public regarding issues related to the military, and their contribution to the local economy, needs, and current status.
- Eco3.1.6 Continue to evaluate taking action to annex Malmstrom Air Force Base.
- Eco3.1.7 Encourage enhanced use leases, and other suitable public-private partnerships, where appropriate.
- Eco3.1.8 Increase the attractiveness of Great Falls as a destination location for retirees, including military veterans.





LOT DESIGN - SINGLE FAMILY (SF)

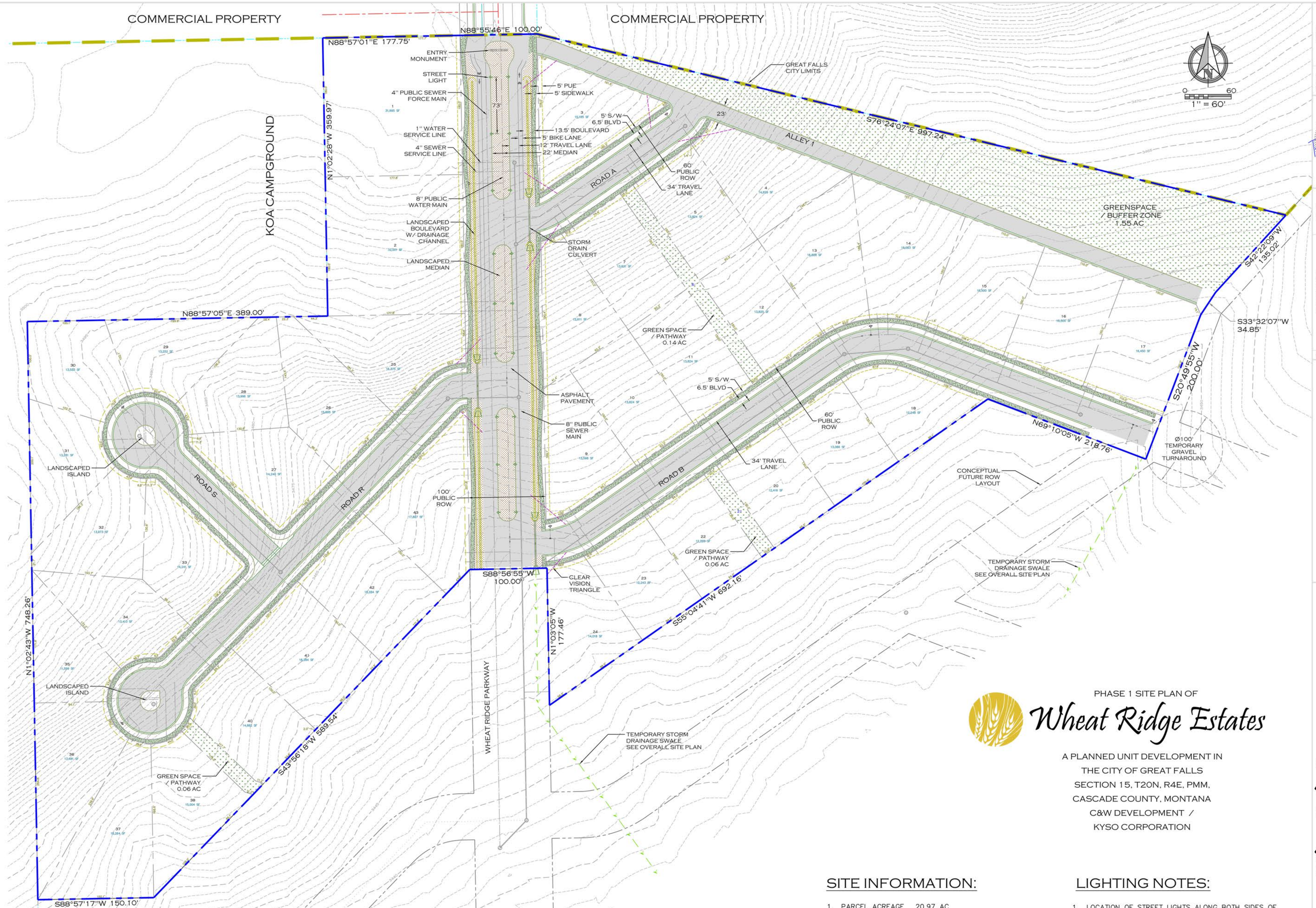
THE PHASE 1 SF HOMES WILL BE ONE OF A KIND DESIGNS BUILT BY LOCAL CUSTOM HOME BUILDERS. LOCATED ON THE NORTH END OF THE DEVELOPMENT ON THE HIGHER ELEVATIONS, THESE EXCLUSIVE HOMES WILL CONSIST OF VARIOUS ARCHITECTURE FROM CRAFTSMAN TO MODERN DESIGNED TO TAKE ADVANTAGE OF THE POTENTIAL VIEWS. THE PHASE 1 SF HOMES WILL BE THE LARGEST IN THE COMMUNITY.

DEPTH	130' MIN, 150' MAX
FRONT YARD SETBACK	30' MIN
SIDE YARD SETBACK	10' MIN
SIDE STREET SETBACK (CORNER LOTS)	12' MIN
REAR YARD SETBACK	10' MIN
PORCHES	MAY EXTEND INTO THE FRONT YARD SETBACK
GARAGE	ALL TYPES ALLOWED REAR (ALLEY), OR SIDE ENCOURAGED



WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS

WHEAT RIDGE ESTATES - PH1
PLANNED UNIT DEVELOPMENT
GREAT FALLS, MT



1404
 JOB #:
 FB: RCB
 DRAWN: RCB
 DESIGN: RCB
 QA: RCB
 DATE: 2/14/2018

MONTANA
 RYAN C. BUFFINGTON
 LICENSED PROFESSIONAL ENGINEER

DATE	DESCRIPTION

WOTH ENGINEERING, INC.
ENGINEERS & SURVEYORS
 GREAT FALLS • MISSOULA • WOTHENG.COM • 406-761-1955

PHASE 1 SITE PLAN OF
Wheat Ridge Estates

A PLANNED UNIT DEVELOPMENT IN
 THE CITY OF GREAT FALLS
 SECTION 15, T20N, R4E, PMM,
 CASCADE COUNTY, MONTANA
 C&W DEVELOPMENT /
 KYSO CORPORATION

SITE INFORMATION:

1. PARCEL ACREAGE	20.97 AC
2. ZONING	SR-1 (CASCADE COUNTY) R-2 (COGF)
3. LAND USE	EXISTING: AGRICULTURAL 20.97 AC PROPOSED: MIXED USE 1.82 AC, RESIDENTIAL 12.50 AC, PUBLIC ROW 4.52 AC, PRIVATE ROAD 0.52 AC, GREENSPACE 1.61 AC
6. EASEMENTS	5' PUBLIC UTILITY EASEMENT (PUE) - LOCATION FOR ALL DRY UTILITIES AND GAS MAINS

LIGHTING NOTES:

- LOCATION OF STREET LIGHTS ALONG BOTH SIDES OF PARKWAY AS SHOWN ON PLAN
- SPECIFICATIONS
 - TYPE: CREE XSP SERIES
 - SPACING: 73' OC, BOTH SIDES OF MEDIAN
 - HEIGHT: 25'
 - CRI: MIN 70
 - INITIAL LUMEN RATING: 3,784
 - TOTAL WATTAGE: 53

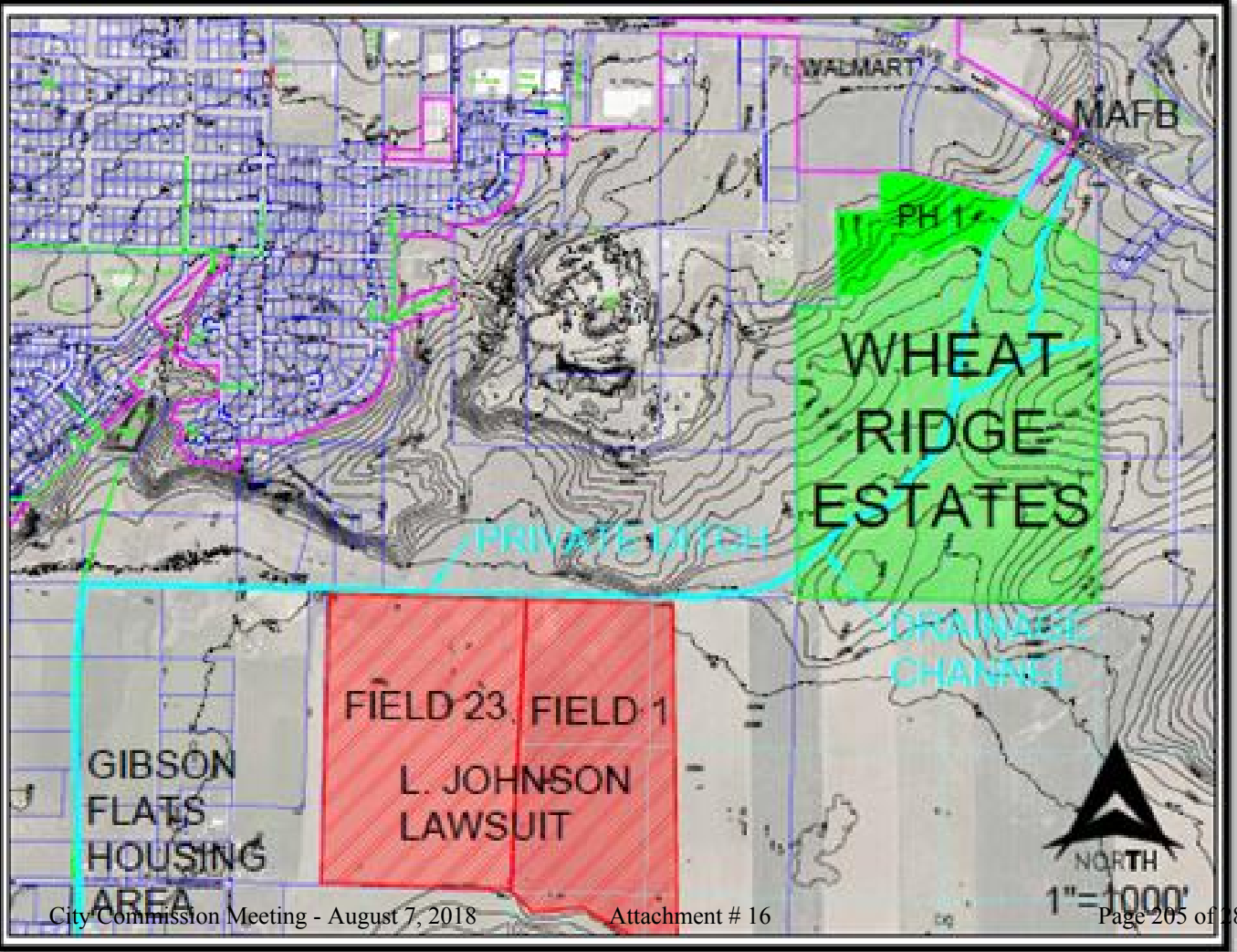
GENERAL NOTES:

- EXISTING UNDERGROUND INSTALLATIONS & PRIVATE UTILITIES SHOWN ARE INDICATED ACCORDING TO THE BEST INFORMATION AVAILABLE TO THE ENGINEER. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF SUCH INFORMATION. STATE LAW REQUIRES CONTRACTOR TO CALL ALL UTILITY COMPANIES BEFORE EXCAVATION FOR EXACT LOCATIONS.
- ALL ONSITE UTILITY IMPROVEMENTS SHALL CONFORM TO THE PLUMBING CODE (UPC) AND ALL ADMINISTRATIVE RULES OF MONTANA AND MODIFICATIONS TO THE UPC.
- ALL IMPROVEMENTS SHALL BE PERFORMED IN ACCORDANCE WITH MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS 6TH EDITION, APRIL, 2010, INCLUDING ALL ADDENDUMS, AND THE CITY OF GREAT FALLS STANDARDS.
- NO WORK SHALL BE CONDUCTED UNTIL THE PLANS HAVE BEEN APPROVED BY CITY OF GREAT FALLS AND THE CONTRACTOR HAS THE PERMITS IN HAND.
- UNLESS OTHERWISE SPECIFIED, ALL CONSTRUCTION LAYOUT AND STAKING SHALL BE PERFORMED UNDER THE RESPONSIBLE CHARGE OF A LAND SURVEYOR LICENSED IN THE STATE OF MONTANA AND BY A PARTY CHIEF OR ENGINEERING TECHNICIAN EXPERIENCED IN CONSTRUCTION LAYOUT AND STAKING TECHNIQUES AS ARE REQUIRED BY THE SPECIFIC TYPE OF WORK BEING PERFORMED.
- ALL EARTHWORK, TRENCHING, GRADING, FILLING, ETC., SHALL BE PERFORMED IN ACCORDANCE WITH GEOTECHNICAL INVESTIGATION REPORT RECOMMENDATIONS PREPARED FOR THIS PROJECT.

Wheat Ridge Estates
 GREAT FALLS, MONTANA



SITE PLAN - PHASE 1

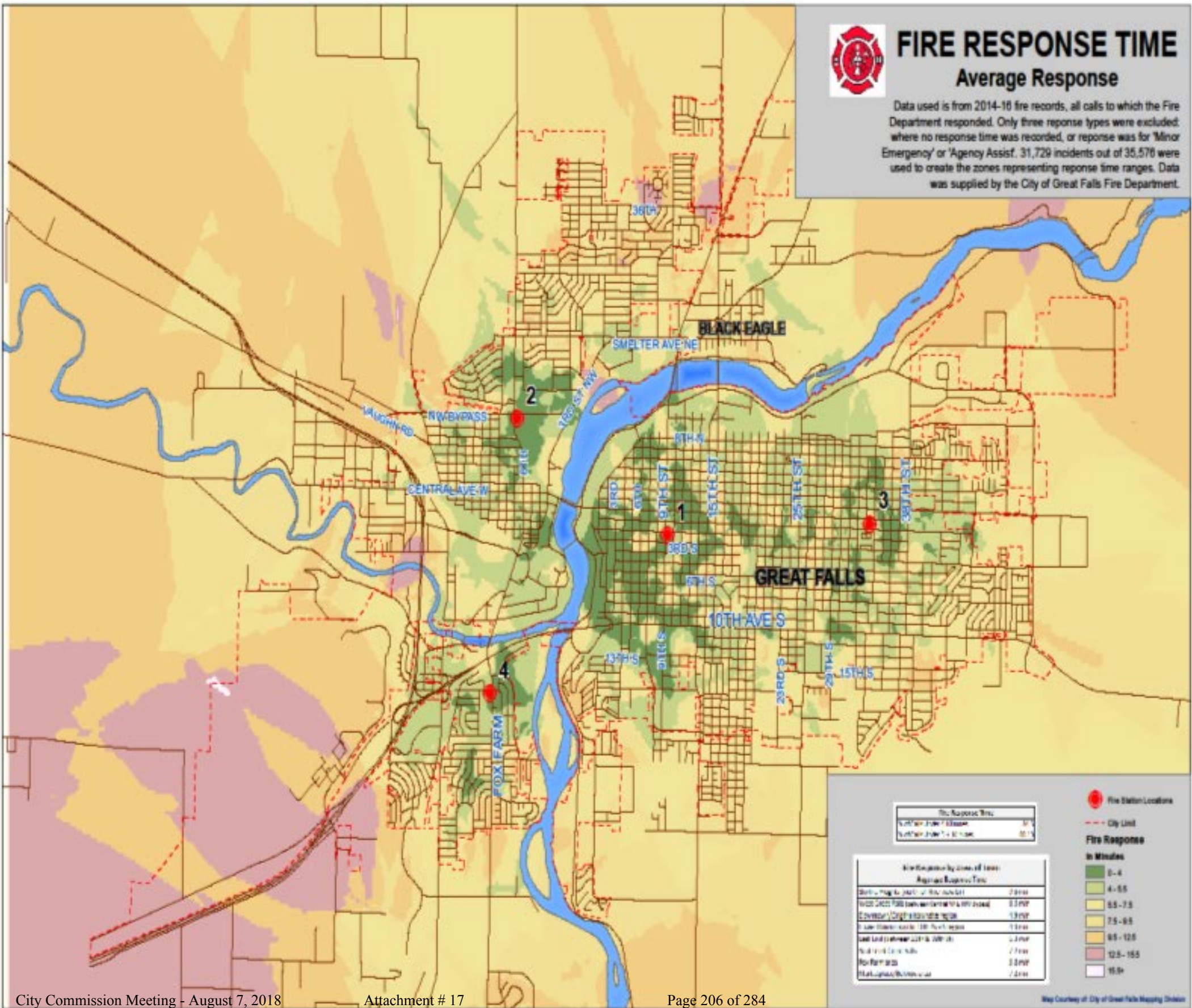




FIRE RESPONSE TIME

Average Response

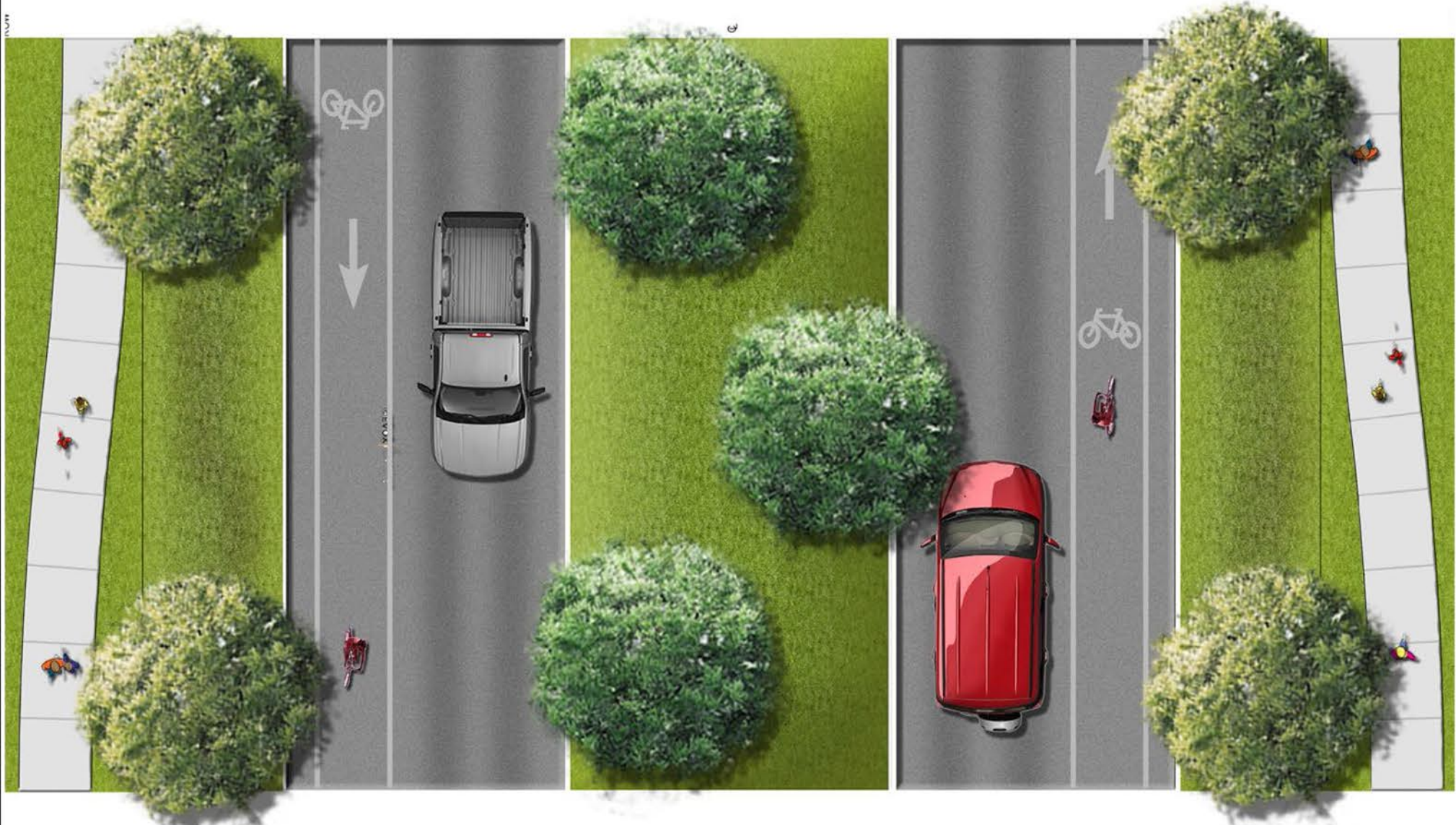
Data used is from 2014-16 fire records, all calls to which the Fire Department responded. Only three response types were excluded: where no response time was recorded, or response was for 'Minor Emergency' or 'Agency Assist'. 31,729 incidents out of 35,576 were used to create the zones representing response time ranges. Data was supplied by the City of Great Falls Fire Department.



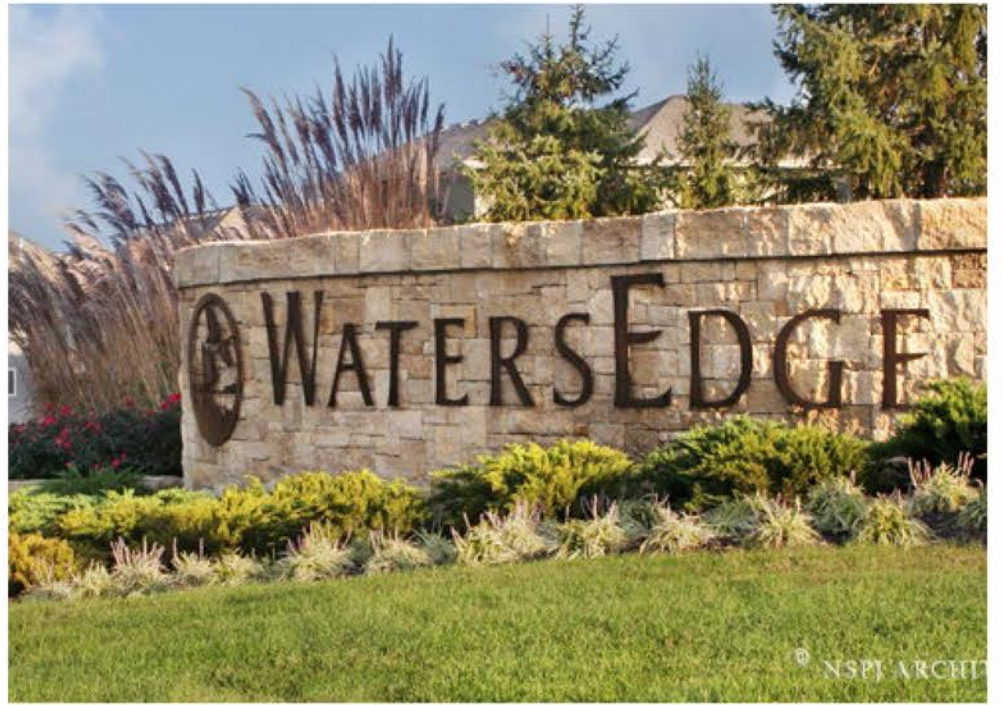
Fire Response Time	
North of 10th S	0-15
South of 10th S	0-15

Fire Response by zones of town	
Average Response Time	
Black Eagle, part of Black Eagle	7.0 min
Black Eagle, part of Black Eagle	8.3 min
Central City, part of Black Eagle	13.0 min
East of Black Eagle, part of Black Eagle	11.0 min
West of Black Eagle, part of Black Eagle	11.0 min
North of Black Eagle	7.0 min
South of Black Eagle	8.0 min
Black Eagle, part of Black Eagle	7.0 min

- Fire Station Locations
- - - City Limit
- Fire Response in Minutes**
- 0-4
- 4-6.5
- 6.5-7.5
- 7.5-8.5
- 8.5-12.5
- 12.5-15.5
- 15.5+



100'
Parkway Right-of-Way



**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
March 27, 2018**

CALL TO ORDER

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Vice Chair Mike Wedekind at 3:00 p.m. in the Commission Chambers of the Civic Center.

ROLL CALL & ATTENDANCE

Planning Board Members present:

Michael Wedekind, Vice Chair
Dave Bertelsen
Scot Davis
Anthony Houtz
Tory Mills
Charles Pankratz
Patrick Sullivan
Amanda Thompson

Planning Board Members absent:

Pete Fontana, Chair

Planning Staff Members present:

Thomas Micuda, Deputy Director P&CD
Erin Borland, Planner II
Connie Tryon, Sr. Admin Asst

Other Staff present:

Sara Sexe, City Attorney
Steve Hester, Fire Chief
Dave Dobbs, City Engineer
Jim Rearden, Director Public Works
Dirk Johnson, Fire Marshal

Mr. Micuda affirmed a quorum of the Board was present.

MINUTES

Vice Chair Mike Wedekind asked if there were any comments or corrections to the minutes of the meeting held on February 27, 2018. Seeing none, Mr. Davis moved to approve the minutes. Mr. Houtz seconded, and all being in favor, the minutes were approved.

BOARD ACTIONS REQUIRING PUBLIC HEARING

Annexation, Zoning, and Preliminary Plat for Wheat Ridge Estates Phase I

Tom Micuda, Deputy Director of PCD, said the subject property is a 20.98 acre parcel directly south of the East Great Falls Retail Center. The applicant, KYSO Corporation, is requesting annexation and an assignment of Planned Unit Development (PUD) zoning. Mr. Micuda explained the parcel is currently in County planning jurisdiction zoned Agricultural, and the proposed preliminary plat request is for a major subdivision to create three mixed use lots and 37 single family home lots, for a total of 40 lots. Mr. Micuda reviewed the Aerial Map and explained the 20.98 acre phase proposed is part of a much larger parcel of land that is about 227 acres. The property is contiguous to City limits on the north side of the parcel, with the majority of the parcel surrounded by County jurisdiction.

The applicant has an overall conceptual plan for the entire 227 acres, minus 10.21 acres, which is an Airfield Restrictive Easement that cannot be developed. The applicant proposes extending 57th Street South, incorporating linear greenways and pocket parks, having a series of detention ponds, and creating a gravel emergency access drive to Highway 89.

Mr. Micuda reviewed the transportation challenges associated with the project. Currently, the only proposed public access into the development is by 57th Street South, and a second public access is recommended by Public Works due to the size of the development. The emergency secondary gravel access proposed by the applicant for public safety is not consistent with Fire recommendations, and is not part of Phase I development. The nearest public street system is approximately ½ mile away.

Dave Dobbs, City Engineer, discussed the drainage challenges associated with the proposed project. He noted an area of land southwest of the subject property currently pending litigation with the City of Great Falls due to drainage issues onto nearby property, causing flooding and crop loss. He explained the current proposal for a detention pond will have potential impacts on the sensitive downstream system. The City's Engineering Department recommends retention or diversion, but the applicant is not in favor of either approach. In light of current pending litigation and the potential for further litigation no matter what stormwater management system is used, Mr. Dobbs said it is not in the City's best interest to annex this property into the City.

Stever Hester, Fire Chief, discussed the challenges associated with public safety and fire. He said the first major concern of this particular development is time and distance; fire station #3 is almost 3 miles from the development and would take over 7 minutes to get to. The national standard for response time is 4 minutes. He discussed the concerns of potential fires given the location, as well as access in and out of the development. He explained the proposed gravel access raises concerns about being able to support a 75,000 pound fire truck, especially in the spring time.

Mr. Micuda presented some major impacts of the development in relation to Malmstrom Air Force Base. Potentially residential and commercial development could impact current and proposed base operations. A memo provided from the base expressed concerns on light pollution, noise concerns, as well as the C130H missions. Finally Mr. Micuda explained the Accident Potential Zone, which is a zone that was identified by a significant study that occurred in association with the Joint Land Use Study (JLUS). The majority of the 227 acre property is directly in the Accident Potential Zone, which is a much bigger concern for residential and commercial development due to the potential for aircraft accidents.

Mr. Micuda explained staff is recommending denial of the proposed project due to the challenges of fire protection, stormwater impacts, access into the development, and conflicts with the Accident Potential Zone and Malmstrom Air Force Base.

PETITIONER'S PRESENTATION

Spencer Woith, 1725 41st St South, C&W Development, discussed stormdrain standards, and said they did go above and beyond City standards when creating the stormdrain plan; he also emphasized having to be careful of violating individual water rights. He reviewed the proposed lots and their view and size configuration. He also discussed the single entrance into the development, and the ability to create an entry feature for the development.

Dana Heustis, 2901 4th Avenue North, said he represents KYSO Corporation. He voiced his disagreement with staff's decision to recommend denial, and his disagreement with the Accidental Potential Zone prohibiting development. Mr. Heustis provided a written statement with exhibits detailing his concerns with staff's recommendation and supporting his right to develop. He also emphasized there is no current flying mission at the base, thus development should not be prohibited.

Abigail St. Lawrence, PO Box 2019, Helena, MT, attorney for C&W Development, outlined a memo she handed out to the Board in response to the staff report. She reviewed her disagreement with staff's concerns on fire response time, the access road, stormwater management, and Malmstrom Air Force Base.

PUBLIC QUESTION AND ANSWER SESSION

Terry Thompson, 401 13th Avenue South, asked if the Malmstrom or Black Eagle Fire Departments would respond to this subdivision in the event of a fire, whether or not the City has requested construction cease north of town due to the difficulty fighting the Vineyard Fire, and what the statistics were on noise complaints for residents in the flight path of commercial jets and C130s.

Mr. Pankratz asked if the City has adopted the 2012 International Fire Code, and Ms. Sexe responded yes.

Chief Hester responded to Ms. Thompson's question regarding who specifically would respond to the proposed subdivision in the event of a fire. It would be the City's responsibility to respond to a fire, but there are mutual aid agreements with other entities such as Malmstrom. However, the City still has to be on the scene first before requesting mutual aid help.

Mr. Micuda said construction has not ceased in the developments north of town due to the Vineyard Fire. As far as standard commercial air traffic complaints, Mr. Micuda said it may be appropriate to contact the airport regarding those complaints.

Mr. Pankratz confirmed that even with mutual aid agreements in the event of a fire, the response time remains the same because it is Great Falls' jurisdiction, so they must respond first. Mutual aid agreements do not speed up response time.

There was discussion on the capacity of fire services for a growing Great Falls.

Mr. Houtz asked for clarification on when the access road would be constructed. Mr. Woith said it is proposed for Phase I. Mr. Wedekind asked what the proposed surface would be, and Mr. Woith said ground asphalt.

Mr. Bertelsen asked for further clarification on the applicant's proposed stormwater plan, and whether it was designed to current standards. Mr. Dobbs explained the applicant's proposal and why the City cannot recommend their method due to the pending litigation with adjoining property, and the increased impacts on that property.

PUBLIC COMMENT

Eric Ray, 3401 1st Avenue South, expressed his support of the project and his disagreement in prohibiting development.

Terry Thompson, 401 13th Avenue South, expressed her support of the project and the owner's right to develop this property.

Jolene Schalper, 300 Central Avenue, expressed her support of the project and the need for housing in Great Falls.

Rick Higgins, Ulm, expressed his support for the project, and said he does not believe the negative possibilities outweigh the benefits of the project.

Kirk Timmer, 4104 15th Avenue South, expressed his support for the project, and emphasized the importance of the City working to help make it happen.

Lee Janetski, 83 Sun River Road, expressed his support for the project in order to start growing Great Falls again.

David Weissman, 100 1st Avenue North, expressed his opposition to the development, and emphasized that this development would ensure that Malmstrom will never be considered for future missions.

Joe Briggs, 5900 Western Drive, expressed his opposition to the project and emphasized the importance of the JLUS and the Accident Potential Zone.

Spencer Woith, 1725 41st Street South, said it has been 13 years since they have been trying to develop this property, and expressed the importance of this development and diversifying the economy for our community.

Laura Huestis, 2901 4th Avenue North, expressed her support for the project.

Mr. Sullivan asked what the general price point for each home would be. Mr. Woith said the first phase would be higher end homes, but as they progress through the development they will try to hit different price points.

Ms. Thompson asked if there were already interested parties in purchasing the lots in Phase I, and Mr. Woith said there are a number of people who have expressed interest.

Mr. Pankratz asked if retaining all of the stormwater was possible, and Mr. Woith said from an engineering standpoint, yes, but with a massive cost associated. From a legal standpoint, his concerns are with water rights. Mr. Wedekind asked if there was a way for the developer and City to compromise on the stormwater plan, and Mr. Woith said he believes there are some options. There was more discussion on stormwater ponds and the concerns with this development.

BOARD DISCUSSION AND ACTION

MOTION: That the Planning Advisory Board table the vote until April 24, 2018.

Made by: Mr. Houtz
Second: Mr. Sullivan

VOTE: Mr. Bertelsen voted in opposition, and the remaining 7 members voted in favor.
The motion carried.

COMMUNICATIONS

Next Meeting Agenda – Tuesday, April 10, 2018

- None

Petitions & Applications Received:

- 3125 8th Avenue North- CUP request for two-unit dwelling in single family zoning district

Mr. Micuda said the Rockcross Commons project, the Buffalo Crossing subdivision preliminary plat, and the Terrascapes CUP have all been approved by the City Commission.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

There being no further business, Vice Chair Mike Wedekind adjourned the meeting at 6:06 p.m.

CHAIRMAN

SECRETARY

FILE NAME: GFSTAFF REPORT

MY NAME IS DANA HUESTIS, MY ADDRESS IS 2901 FOURTH AVENUE NORTH, GREAT FALLS.

I REPRESENT MYSELF AND KYSO CORPORATION

KYSO CORPORATION IS THE PROPERTY OWNER FOR THE PROPOSED WHEAT RIDGE ESTATES, A 20.98 ACRE DEVELOPMENT.

THE CITY OF GREAT FALLS COMMUNITY PLANNING DEPARTMENT HAS DENIED OUR REQUEST FOR ANNEXATION AND ZONING.

THE STAFF REPORT STATES THAT "POTENTIAL CONFLICTS WITH MALMSTROM AIR FORCE BASE ARE ALSO A CAUSE OF CONCERN TO CITY STAFF."

PLEASE CONSIDER:

MALMSTROM'S RUNWAY WAS DEACTIVATED IN 1997, BY AN ACT OF CONGRESS, TWENTY YEARS AGO, AND THE AIR FORCE HAS NO PLANS TO REACTIVATE THE RUNWAY.

THE STAFF REPORT IS INACCURATE IN THAT IT STATES THAT THE AIR FORCE " IS WORKING TO DEVELOP AN ASSAULT LANDING ZONE ON BASE". THE ENVIRONMENTAL ASSESSMENT AND "FINDING OF NO SIGNIFICANT IMPACT (FONSI)' FOR THE ALZ HAVE FAILED AND THERE IS NO REPLACEMENT PROPOSED.

THE STAFF REPORT GOES ON TO CONTEND THAT THERE IS AN ACCIDENT POTENTIAL ZONE ON THIS 21 ACRE PARCEL. THE STAFF REPORT IS WRONG. MY PROPERTY HAS A CLEAR TITLE, THERE IS NO SUCH APZ THEREON. IF THERE WERE, IT WOULD BE A RECORDED EASEMENT OBTAINED IN A LEGAL PROCEEDING SUCH AS EMINENT DOMAIN.

EMINENT DOMAIN IS APPROPRIATE WHEN THE GOVERNMENT WISHES TO ACQUIRE PRIVATE PROPERTY FOR A PUBLIC USE!

THE STAFF WOULD TAKE THE WHEAT RIDGE PROPERTY FOR A FLYING MISSION "ACCIDENT POTENTIAL ZONE" WHEN THERE IS NO FLYING MISSION AFTER TWO DECADES OF BASE CLOSURE AND REALIGNMENT.

THE STAFF REPORT STATES THAT THE CITY COMMISSION IN 2012 ADOPTED THE JLUS STUDY.

THE CITY OF GREAT FALLS JOURNAL OF COMMISSION PROCEEDINGS DATED 5/01/2012 STATES THAT:

THE JLUS COMMITTEE WAS ONLY ADVISORY

THE RESOLUTION 9985 STATES THAT THE DOCUMENT IS TO BE USED AS REFERENCE MATERIAL.

THE DOCUMENT HAS NO REGULATORY AUTHORITY.

THE RESOLUTION IS NOT INCLUDED IN THE CITY'S GROWTH POLICY

THE DOCUMENT DOES NOT CALL FOR RE-ZONING.

MAYOR WINTERS SAID "THERE IS A FUTURE COURSE FOR MR. HUESTIS TO PROTECT HIS INTERESTS".

I AM PROTECTING MY INTERESTS NOW.

TO ILLUSTRATE THE WRONGFUL REACH OF THE JLUS, CONSIDER THAT IT INCLUDES 1033 ACRES OF ACCIDENT POTENTIAL ZONES AT EACH END OF THE CLOSED RUNWAY.

THE AIRFIELD AT MAFB WAS CLOSED BY AN ACT OF CONGRESS IN 1995.
IT CAN ONLY BE REOPENED BY AN ACT OF CONGRESS.

THE FEDERAL AVIATION ADMINISTRATION BY IT'S DIRECTIVE HAS RULED:

MALMSTROM IS A HELI PORT.

MALMSTROM HAS TWO HELIPADS, EACH 100' BY 100'.

MALMSTROM IS CLOSED TO ALL FIXED WING AIRCRAFT.

APPROACH AND DEPARTURE FOR HELICOPTERS IS 026 DEGREES, WHICH IS NORTHEAST OF THE HELIPORT NOT SOUTHWEST TOWARD WHEAT RIDGE DEVELOPMENT.

THERE IS NO MILITARY HELICOPTER TRAVEL OVER THE PROPOSED WHEAT RIDGE DEVELOPMENT.

MERCY HELICOPTER OVER FLIGHTS ARE WELCOME!

BOB CORWIN, C & W DEVELOPMENT AND I PRESENTED A LETTER OF CONTRACTURAL INTENT TO DEVELOP MY LAND INTO RESIDENTIAL LOTS ADDRESSED TO CITY PLANNING DEPARTMENT DATED NOVEMBER 10, 2005.
HERE WE ARE, 12 YEARS LATER, CONTINUOUSLY PETITIONING THE CITY OF GREAT FALLS FOR ANNEXATION AND ZONING APPROVAL.

WE RECEIVED A LETTER FROM THE PLANNING DIRECTOR DATED JANUARY 23, 2006 THAT MALMSTROM OFFICIALS HAVE

INDICATED THE ACCIDENT POTENTIAL ZONES ARE NO LONGER IN EFFECT BECAUSE THE RUNWAY IS CLOSED.

THE CITY STAFF REPORT CALLS FOR THE USE OF PRIVATE PROPERTY RIGHTS FOR A PUBLIC PURPOSE.
YOU WOULD TAKE THE WHEAT RIDGE PROPERTY FOR A FLYING MISSION "ACCIDENT POTENTIAL ZONE" WHEN THERE IS NO FLYING MISSION.

THAT IS TAKING PRIVATE PROPERTY FOR A PUBLIC PURPOSE. TO DO SO YOU MUST GO TO A PROPER COURT OF JURISDICTION AND OBTAIN A CERTIFICATE OF NECESSITY. THERE IS NO NECESSITY FOR SOME "FUTURE USE".
MY WHEAT RIDGE PROPERTY TITLE IS CLEAR OF ANY RECORDED RESTRICTIONS. THERE ARE NONE.
ARMED WITH YOUR NECESSITY ORDER, YOU THEN APPRAISE THE PRIVATE PROPERTY VALUE, THEN YOU PAY TO ACQUIRE SAME.

THERE IS NO PROVISION FOR YOU TO SIEZE THE PROPERTY.

CASCADE COUNTY IN 2008 ORDERED AN APPRAISAL FOR PRIVATE PROPERTY TO BE ACQUIRED FOR REAL PROPERTY RIGHTS INCOMPATIBLE WITH A "PROPOSED ACCIDENT POTENTIAL ZONE" SOUTH OF THE RUNWAY AT MALMSTROM,AFB
THE APPRAISAL ESTABLISHED A VALUE OF \$3,265,000.
THE PERMISSIVE BOND ISSUE ELECTION FAILED BY 20,000 VOTES TO 12,000 VOTES.
THE VOTERS REJECTED THE IDEA OF AN "ACCIDENT POTENTIAL ZONE."

THE GREAT FALLS TRIBUNE ON SUNDAY,SEPTEMBER 2017 FEATURED A PICTURE AND THE QUESTION"

"WILL MALMSTROM AIRSTRIP GROUND DEVELOPMENT?"

I PROPOSE A DIFFERENT QUESTION , " WILL YOU HERE TODAY SUPPORT THE PEOPLE OF GREAT FALLS WHO WANT A VIBRANT, ENERGETIC FUTURE FOR EAST GREAT FALS?"

FOR ALL THE RIGHT REASONS, I URGE YOU TO APPROVE WHEAT RIDGE ESTATES DEVELOPMENT.

THANK YOU FOR YOUR CONSIDERATION.

THIS TESTIMONY AT THIS PUBLIC HEARING INCLUDES SEVEN ATTACHMENTS WHICH DOCUMENT STATEMENTS HEREIN:

1. CERTIFIED LETTER TO MALMSTROM AFB, 4 MAY 2017, RE: ENVIRONMENTAL ASSESSMENT & FONSI FOR A C-130 ALZ AT MAFB.
2. FIGURE 8-4A, JLUS PROPOSED MILITARY RUNWAY APZ AREA, 1033 ACRES AT EACH END.
3. CITY OF GREAT FALLS JOURNAL OF COMMISSION PROCEEDINGS, MAY 1, 2012
4. FAA DIRECTIVE, 26 MAY 2016 RE: KGFA, MALMSTRON AFB HELIPORT
5. CORWIN / KYSO HUESTIS LETTER TO G.F. PLANNING DEPARTMENT, 10 NOV 2005
6. BEN RANGEL, PLANNING DIRECTOR, LETTER TO HUESTIS RE" "MAFB OFFICIALS HAVE INDICATED THE ZONES REFERENCED THEREIN ARE NO LONGER IN EFFECT BECAUSE THE RUNWAY IS CLOSED".
7. COUNTY TO PUT BASE RUNWAY ON THE BALLOT, G.F. TRIBUNE AUGUST 12, 2008

PLEASE INCLUDE THESE DOCUMENTS REFERENCED IN MY REMARKS IN THE MINUTES OF THIS PUBLIC HEARING IN THE SAME MANNER AS IF THEY WERE SPOKEN..

FILE NAME: C-130 ALZ

DELIVERED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED

2901 FOURTH AVENUE NORTH
GREAT FALLS, MT 59401
4 MAY 2017

MR. ROBERT BROWN
341 CES / CEIE
39 78TH STREET NORTH
MALMSTROM AIR FORCE BASE, MONTANA 59402

RE: ENVIRONMENTAL ASSESSMENT FOR THE PROPOSED CONSTRUCTION OF A C - 130 ASSAULT LANDING ZONE, MALMSTROM AFB, MONTANA
&
DRAFT FONSI

NOTICE; THIS IS A WRITTEN PROTEST AGAINST YOUR EA & FONSI DRAFTS.

MY NAME IS DANA HUESTIS, I REPRESENT MYSELF AND KYSO CORPORATION WHICH I OWN SOLELY

F. O. N. S. I.

FINDING OF NO SIGNIFICANT IMPACT.

THE UNITED STATES AIR FORCE HAS DETERMINED THAT IMPLEMENTATION OF THE PROPOSED ACTION WOULD HAVE NO SIGNIFICANT ADVERSE DIRECT, INDIRECT, OR CUMULATIVE EFFECTS ON THE QUALITY OF THE HUMAN OR NATURAL ENVIRONMENT.

IN FACT, THE "PROPOSED ACTION" IS UNKNOWING AND UNCARING AND UNRESPONSIVE TO ITS OBLIGATION TO PRESENT THE REQUISITE NEGATIVE IMPACTS ON THE QUALITY OF THE HUMAN AND NATURAL ENVIRONMENT, AS FOLLOWS:

THE MALMSTROM AFB AIRFIELD HAS BEEN CLOSED FOR 20 YEARS THE CLOSURE WAS APPROVED BY THE UNITED STATES CONGRESS COMPLYING WITH THE FEDERAL COMMISSION DETERMINATION TO DO SO..

THE FEDERAL AVIATION ADMINISTRATION HAS DECLARED THE MALMSTROM AFB AIRFIELD CLOSED TO ALL FIXED WING AIRCRAFT.

THE PROPOSED ALZ IS IN FACT A RUNWAY ACCORDING TO FIGURE 2.1, P.20 OF THE EA. P.77, STATES THE RUNWAY WILL BE 4,800 FEET..
THE PROPOSED ALZ SCALES NEARLY 6,000 FEET IN LENGTH ON FIGURE 2.1, P. 20
THE PROPOSED RUNWAY LAYS CLAIM TO THE "EXISTING TAXIWAYS" WHICH WILL BE RE-OPENED.
RE-OPENING THE TAXIWAYS FACILITATES REOPENING THE CLOSED FLIGHT LINE.

THE EA ON P. ES-1 STATES THAT THE CLEAR ZONES, TRANSITIONAL AREA, APPROACH ZONES AND OVERRUNS WILL BE RE-OPENED.
P. 75 SAYS EQUIPMENT AND MATERIAL STAGING WILL OCCUR ON THE BRACED RUNWAY.

INFORMATION PUBLISHED IN THE GREAT FALLS TRIBUNE ON 18 JULY 2014, DOCUMENTS THAT MANG'S C-130H MODELS NEED AVIONICS UPGRADES BY 2020 TO COMPLY WITH FEDERAL AVIATION ADMINISTRATION AND INTERNATIONAL CIVIL AVIATION ORGANIZATION COMMUNICATION, NAVIGATION & SURVEILLANCE/AIR TRAFFIC MANAGEMENT MANDATES".

"IF THE AVIONICS UPGRADES ARE NOT COMPLETED BY 2020, THE C-130 WILL NOT BE ABLE TO OPERATE IN SIGNIFICANT PORTIONS OF DOMESTIC AND INTERNATIONAL AIRSPACE, ACCORDING TO A LETTER TO CONGRESS FROM THE ADJUTANTS GENERAL ASSOCIATION OF THE UNITED STATES".
THE MONTANA ADJUTANT GENERAL SIGNED THE LETTER.

THE U.S. HOUSE OF REPRESENTATIVES PASSED A VERSION OF THE NATIONAL DEFENSE AUTHORIZATION ACT THAT PROHIBITS FUNDING FOR ANY NATIONAL GUARD UNITS FOR UPGRADING C-130H MODELS. "INSTEAD, THEY WOULD PREFER TO PURCHASE THE NEWER C-130J MODEL".

THEREFORE, FOR THE LAST THREE YEARS AT LEAST, AND FOR THE NEXT 3 YEARS TO 2020 WITHOUT FUNDING THAT HAS BEEN REFUSED, THE C-130H AIRPLANES WILL BE CONDUCTING LOW-LEVEL ASSAULT LANDINGS AND TAKE-OFFS, DAY AND NIGHT, WITH CONDEMNED AVIONICS

THE PROPOSED FONSI NOTICE INCLUDES AN INVITATION TO OTHER, OUTSIDE MONTANA, NATIONAL GUARD UNITS TO COME TO MALMSTROM AND USE THE RUNWAY. LEFT UNSAID, WHAT AIRCRAFT MIGHT THE OTHER NATIONAL GUARD UNITS BE FLYING? WHAT ARE THE IMPACTS OF INVITING THESE OTHER UNITS ON THE HUMAN AND NATURAL ENVIRONMENT HERE?

THE PROPOSED EA AND FONSI CONVENIENTLY IGNORES THE PRESENCE OF THE NUCLEAR WARHEAD ASSEMBLY AND STORAGE AREA ABSOLUTELY ADJACENT TO THE "ASSAULT LANDING ZONE". THE EA AND FONSI ARE UNKNOWING, UNCARING AND UNRESPONSIVE.. THE CONSEQUENCES OF THIS FATAL FLAW WOULD BE UNTHINKABLE. THE EA AND FONSI ARE SILENT. SHAME, REPEAT SHAME, ON THE AUTHORS AND PARTICIPANTS IN THIS SO-CALLED STUDY.

WITNESS THE MAFB DECISION TO ALLOW AN AERIAL ACROBATICS TEAM FROM CANADA TO FLY OVER THE CLOSED RUNWAY. ONE AIRCRAFT WENT OUT OF CONTROL AND CRASHED A SHORT DISTANCE FROM THE NUCLEAR AREA.

WITNESS THE NOVEMBER 4, 2008 BALLOT ISSUE PROPOSING TO ACQUIRE REAL PROPERTY RIGHTS IN ORDER TO LIMIT DEVELOPMENT INCOMPATIBLE WITH THE ACCIDENT POTENTIAL ZONE SOUTH OF THE (CLOSED) RUNWAY AT MALMSTROM AFB..
THE VOTERS RESPONDED NO BY A 20,000 TO 12,000 MARGIN. THE RUNWAY IS CLOSED AND NO SUBSEQUENT AIRCRAFT WILL OPERATE THERE THEY REASONED.
MY "ACCIDENT POTENTIAL ZONE" WAS APPRAISED AT THAT TIME FOR \$3,265,000. THE VOTE REINFORCES THE NEGATIVE INVERSE CONDEMNATION STANDING THAT ACCIDENT POTENTIAL ZONES ARE TAKINGS.

NOTICE THAT MY LAND HAS NO CLOUDS UPON THE TITLE. ANY ATTEMPT TO ACQUIRE MY PROPERTY RIGHTS FOR LESS THAN FULL HIGHEST AND BEST USE WILL BE ADJUDICATED. ANY ATTEMPT TO DENY MY PEACEFUL, QUIET USE OF MY PRIVATE PROPERTY WILL BE ADJUDICATED.

DURING THE 20 YEARS THAT THE MALMSTROM AIRFIELD HAS BEEN CLOSED BY MULTIPLE AUTHORITIES, THERE HAVE BEEN EFFORTS TO RESTRICT MY PRIVATE PROPERTY OWNERSHIP. MANY HAVE RISEN TO THE REQUISITE "RIPENESS", BUT HAVE BEEN ACCORDED PATIENCE.

THERE HAVE BEEN ACCUSATIONS OF ENCROACHMENT.
THERE HAVE BEEN ACCUSATIONS OF INCOMPATIBILITY.

THERE HAVE BEEN "STUDIES" SUCH AS AICUZ

THERE IS NOW THE STUDY KNOWN AS JLUS, JOINT LAND USE STUDY. THE WORD JOINT IS AN OXYMORON IMPLYING THAT THE MILITARY CAN USE MY PROPERTY... BUT THERE IS NO USE OR PUBLIC OBLIGATION REQUIREMENT TO COMPENSATE THE LANDOWNER FOR THE TAKING?

I BELIEVE THERE IS AN ASSAULT LANDING ZONE IN PLACE AT GREAT FALLS INTERNATIONAL AIRPORT. I BELIEVE THE FACILITY AT GFIAP HAS SUFFICIENT ACCIDENT POTENTIAL ZONES AND CLEAR ZONES AND AIR TRAFFIC CONTROL IN PLACE TO FULLY SUPPORT THEIR ALZ. THE ALZ AT GFIAP IS CRITICISED AFTER EXPENDING THE COSTS OF ESTABLISHING THE ALZ, AS HAVING TOO MUCH LIGHT AT NIGHT FOR THEIR PURPOSES.

WOULD APPROPRIATE EYEWEAR OR VIRTUAL REALITY CORRECT THIS PROBLEM? HOW ABOUT THE "HOOD" USED TO TRAIN PILOTS FOR IFR CONDITIONS? THERE IS AN AIR TRAFFIC CONTROL TOWER ADJACENT TO THE ALZ, COULD THE TOWER MODIFY THE ALZ LIGHTING FOR THE TIME TO APPROACH OR TAKEOFF? THE EA AND FONSI ARE SILENT EVEN ON THE EXISTENCE OF THE GFIAP ALZ. WHAT ABOUT THE WASTE OF TAXPAYER DOLLARS ?

THE EA AND FONSI ARE SILENT ABOUT "THE HUMAN ENVIRONMENT" OUTSIDE THE MALMSTROM FENCE, AND THE EXISTENCE OF THE EAST GREAT FALLS RETAIL CENTER. WAL-MART CORPORATION OPENED A BRAND NEW SUPERSTORE AT EGFC ON MARCH 15, 2017. THE STORE MERCHANDISES 200,000 S.F. THE STORE EMPLOYS OVER 350 EMPLOYEES AND PAYS TENS OF THOUSANDS OF DOLLARS IN ANNUAL PROPERTY TAXES WHICH FUND PUBLIC SERVICES IN GREAT FALLS.

THE EA AND FONSI ARE SILENT AS TO THE FOLLOW-ON RETAIL LAND ANNEXED AND ZONED GENERAL COMMERCIAL TO COMPLEMENT WAL-MART. THIS PROPERTY HAS BEEN COMPROMISED FOR RETAIL WITH THE ALZ ABSOLUTELY ADJACENT TO A RETAILERS INVESTMENT. NIGHT AND DAY, LOW ALTITUDE, NOISE ABOVE ANY REASONABLE LIMIT, ETC. I OWN THIS RETAIL PROPERTY ADJACENT TO THE NEW WAL-MART SUPERCENTER. I HAVE BEEN IMPACTED NOW BY THIS ALZ RUNWAY, I MUST TOTALLY DISCLOSE THIS TAKING OF THE PEACEFUL, QUIET POSSESSION OF MY INVESTMENT PROPERTY.

KYSO HAS PAID OVER \$10,000 PER YEAR IN PROPERTY TAX AND STREET ASSESSMENTS TOTALLING \$90,000.00 TO DATE FOR BLOCK 2, EGFC. THIS EA & FONSI NOW SAY THAT THIS LAND IS COMPROMISED BY THE ALZ!!!

I SWEAR THAT THE FIRST INKLING THAT THIS ALZ IS PROPOSED WAS WHEN I READ THE LEGAL NOTICE IN THE GREAT FALLS TRIBUNE ON 25 APRIL 2017. BE ADVISED THAT ON 13 APRIL 2017, I HANDCARRIED A CHECK FOR THOUSANDS OF DOLLARS TO CITY OF GREAT FALLS COMMUNITY DEVELOPMENT, GIVING THE CHECK TO THE DIRECTOR. THERE WAS ABSOLUTELY NO DISCLOSURE OF THE ALZ. THE PAYMENT WAS FOR THE ANNEXATION AND ZONING APPLICATION FROM KYSO CORPORATION AND C & W DEVELOPMENT CORPORATION FOR WHEAT RIDGE ESTATES RESIDENTIAL SUB-DIVISION. THERE HAS BEEN NO DISCLOSURE OF THE ALZ SCHEME. THIS IS BEYOND UNETHICAL!

OUR MARKETING OPPORTUNITY WINDOW BEGINS WITH THE GRAND OPENING OF WAL-MART. AGAIN TOTAL DISCLOSURE OF THE RESIDENTIAL PROPERTY RENDERS THE RESIDENTIAL PROPERTY COMPROMISED. THIS IS AN INVERSE PRE-MEDITATED TAKING OF OUR RESIDENTIAL BUSINESS.

WHEN WAL-MART MADE THEIR INVESTMENT DECISION TO LOCATE IN EGFC. THEY HAD A REASONABLE EXPECTATION THAT FOLLOW-ON RETAIL AND SURROUNDING RESIDENTIAL HOMES WOULD ENHANCE THEIR BUSINESS.

YOUR EA AND FONSI ARE SILENT AS TO THIS "IMPACT" UPON THE HUMAN (KYSO/HUESTIS, AND C & W/CORWIN AND WOITH) ENVIRONMENT AND ALL THE MANY OTHER SIMILARLY SITUATED PROPERTY OWNERS.

YOUR EA AND FONSI ARE PAINFULLY, NARROWLY FOCUSED UPON THE SO-CALLED MERITS OF THIS WRONG-HEADED, REDUNDANT SCHEME. THE EA AND FONSI ARE PERHAPS DIRECTED TO A DESIRED FINDING INSPITE OF THE REQUISITE "STUDY" DIRECTIVE. THERE ARE FEW IF ANY RELEVANT CITATIONS FOR OFF-BASE "HUMAN" HOPES AND DREAMS FOR THEIR LIFE'S WORK INVESTMENTS.

KYSO AND DANA HUESTIS, TOGETHER WITH C & W DEVELOPMENT CORP. AND ROBERT CORWIN AND SPENCER WOITH DEMAND HEREWITH THAT THIS EA AND FONSI CONDEMNATION MUST BE COMPENSATED ACCORDING TO EMINENT DOMAIN TAKING RULES AND REQUIREMENTS.

DISCLOSURE HAS PLACED KYSO CORPORATON INVESTMENT IN EGFC, BLOCK 2, \$6,158,295.00 AT RISK.
DISCLOSURE HAS PLACED KYSO CORPORATION PUBLIC IMPROVEMENTS OBLIGATION, \$862,190.40 REPAYMENT AT RISK.
DISCLOSURE AND CITY OF GREAT FALLS COMMUNITY DEVELOPMENT TAKING OF KYSO CORPORATION RESIDENTIAL PROPERTY VALUE, \$7,696,850.00 AT RISK.

REFER TO "EAST GREAT FALLS RETAIL CENTER DEVELOPMENT LAND, 21.54 ACRES, FOR SALE" DOCUMENT HEREWITH.

FOR DOCUMENTATION THAT THE AMOUNTS SHOWN ARE REASONABLE, REFER TO WAL-MART OUTPARCELS FOR SALE DOCUMENT HEREWITH, SHOWING 4.35 ACRES FOR \$2,375,000 OR \$12.54 / S.F.

FOR THE RECORD C & W DEVELOPMENT AND KYSO CORPORATION HAVE BEEN IN RESIDENTIAL DEVELOPMENT CONTRACT SINCE NOVEMBER 10, 2005. SEE NOTARIZED LETTER TO CITY PLANNING DEPARTMENT DOCUMENTATION.

FOR THE RECORD SEE CITY OF GREAT FALLS PLANNING DEPARTMENT LETTER DATED JANUARY 23, 2006, LAST SENTENCE "HOWEVER, MAFB OFFICIALS HAVE INDICATED THE ZONES REFERENCED THEREIN ARE NO LONGER IN EFFECT, BECAUSE THE RUNWAY IS CLOSED".

THIS DOCUMENTATION IS PROVIDED TO ESTABLISH OUR EXPECTATION THAT OUR PRIVATE PROPERTY WOULD BE ACCORDED PROPER DUE PROCESS. THIS EXPECTATION IS NOW DESTROYED.

SEE KYSO CORPORATION LETTER DATED 4 JANUARY 2013 DOCUMENTING DAY BY DAY THE ABUSE OF OF DUE PROCESS BY THE CITY OF GREAT FALLS AND OTHERS. THIS CALLS FOR CONDEMNATION PROCEEDINGS.

THIS EA AND FONSI WERE PREPARED ON BEHALF OF MALMSTROM AFB, MONTANA, PREPARED FOR U.S. ARMY CORPS OF ENGINEERS, MOBILE ALABAMA DISTRICT. MONTANA IS NOT EVEN IN THE JURISDICTION OF CORPS OF ENGINEERS, MOBILE DISTRICT. THE CONSULTANT IS BASED IN MOBILE, ALABAMA. A MONTANA BASED CONSULTANT PERHAPS WOULD HAVE A MORE APPROPRIATE DUTY OF HUMAN AND NATURAL ENVIRONMENT!

THE CITY OF GREAT FALLS, BY THE WRONGFUL ACTIONS OF ITS COMMUNITY DEVELOPMENT DEPARTMENT AND BY ITS JLUS STUDY GROUP PARTICIPATION, ADOPTION AND IMPLEMENTATION CREATING ACCIDENT POTENTIAL AND CLEAR ZONES UPON MY PRIVATE PROPERTY WITHOUT COMPENSATION, ARE JOINED IN THIS DEMAND LETTER FOR DUE PROCESS AND CONDEMNATION

HEREWITH IS A "MEMORANDUM" FROM THE CITY OF GREAT FALLS COMMUNITY DEVELOPMENT DEPARTMENT, DATED 27 APRIL 2017. THE DOCUMENT IS TITLED "WHEAT RIDGE ESTATES-PHASE 1, "COMPLETENESS" REVIEW OF SUBMITTED APPLICATION. IN THIS CONTEXT, "COMPLETENESS" MEANS IN ACCORDANCE WITH THE JLUS. PARA. 5c SAYS "...THE CITY ANTICIPATES NO JUSTIFICATION TO SUPPORT ANNEXATION OF THE PHASE 1 DEVELOPMENT AS WELL AS THE LARGER MASTER PLANNED AREA". THESE WORDS PLAINLY CONSTITUTE DENIAL OF OUR APPLICATION.

WE HAVE EXHAUSTED OUR ADMINISTRATIVE REMEDIES. OUR ACTION IS "RIPE!"

THE ENTIRE DOCUMENT IS INAPPROPRIATE, WITNESS THAT MY CHECK FOR THE ANNEXATION AND ZONING APPLICATION WAS DELIVERED ON 13 APRIL 2017 AND REJECTED 27 APRIL, KYSO CORPORATION PROPERLY SHOULD BE AN ADDRESSEE INASMUCH AS IT PAID FOR THE APPLICATION AND OWNS THE LAND.

PARAGRAPH 5, IMPACTS OF DEVELOPMENT TO MALMSTROM AFB
MY APPLICATION IS ADDRESSED TO THE COMMUNITY OF GREAT FALLS PETITIONING FOR ANNEXATION AND ZONING. SUCH A SUB-DIVISION CREATES RESIDENTIAL HOMESITES, JOBS AND TAX BASE., SAY 450 HOMESITES AT \$4,000 PROPERTY TAXATION IS \$1,800,000 PER YEAR.

THE MEMORANDUM BEGS THAT IN PARA. 4.2) THE CITY'S FIRE AND EMERGENCY RESPONSE IS ALREADY STRETCHED BEYOND RECOMMENDED LEVELS. THE DISAPPROVAL IS COUNTER INTUITIVE BECAUSE OUR INVESTMENT WOULD HELP, NOT HINDER, RESPONSE.

THE MEMORANDUM REQUIRES THE APPLICANTS TO PREPARE A NOISE STUDY FOR A NOISE SOURCE THAT IT DID NOT CREATE AND IS OPPOSED FOR SAFETY AND ALL REASONS HEREIN.

THE MEMORANDUM AT PARA. 5a, CITES THE JLUS STUDY AS ENCOURAGING COMPATIBLE LAND USE AROUND THE BASE AND HELP SUSTAIN GROWTH. PARA 5b APPARENTLY NOT AWARE THE THE MALMSTROM AFB AIRFIELD IS CLOSED BY BRAC. THE C STANDS FOR CLOSURE! THE F.A.A. HAS CLOSED AIRFIELD TO FIXED WING AIRCRAFT.

IF THE AUTHOR OF THE MEMORANDUM HAD EVEN A SHRED OF PRIVATE PROPERTY'S PLACE IN OUR COMMUNITY, THIS MEMORANDUM WOULD NEVER HAVE BEEN WRITTEN.

THE TWO WEEK TIME LAPSE BETWEEN MY PAYMENT AND THIS CONDEMNATION IS ARROGANT, UNKNOWING, UNCARING, AND UNRESPONSIVE..

THE EA AT P.24, SOCIOECONOMICS STATES NO APPRECIABLE EFFECTS! THE PARAGRAPH CONTINUES " THE TERM SOCIOECONOMICS DESCRIBES DEMOGRAPHICS ASSOCIATED WITH THE HUMAN ENVIRONMENT, SUCH AS EMPLOYMENT, INDUSTRY, INCOME, POPULATION, HOUSING AND SCHOOLS." THE UNACCEPTABLE IMPACTS DESCRIBED ABOVE CONDEMN THE EA ASSESSMENT. SHAME ON THE AUTHORS OF SUCH AN OUTRAGEOUS ASSERTION.

THE EA AT PAGE 38 DESCRIBES THE SAD STATE OF AFFAIRS AT WHITMORE RAVINE, REFERRING TO SOLUTIONS AGREED BY STAKEHOLDERS. THE SOLUTIONS ,IN PART, REFER TO CORRECTIONS THAT NEVER, REPEAT NEVER HAPPENED, SUCH AS PIPELINES AROUND THE ERODED PORTIONS OF THE WEST AND MIDDLE FORKS OF WHITMORE RAVINE. UNCONTROLLED RUNOFF FROM MAFB HAVE LEFT A SCAR UPON THE EARTH. HUNDREDS OF THOUSANDS OF TONS OF SEDIMENT HAVE BEEN DISCHARGED INTO THE MISSOURI RIVER OVER DECADES. SHAME! THE SEDIMENT STILL FLOWS INTO THE MISSOURI RIVER TO THIS DAY!

THE AUTHORS OF THIS EA AND FONSI HAVE NEVER CONTACTED THE ADJACENT PROPERTY OWNERS, THE NEIGHBORS, TO ASCERTAIN THE REALITY. APPARENTLY FROM ALABAMA ALL THAT IS SURVEYED IS BENIGN. NOT!!!

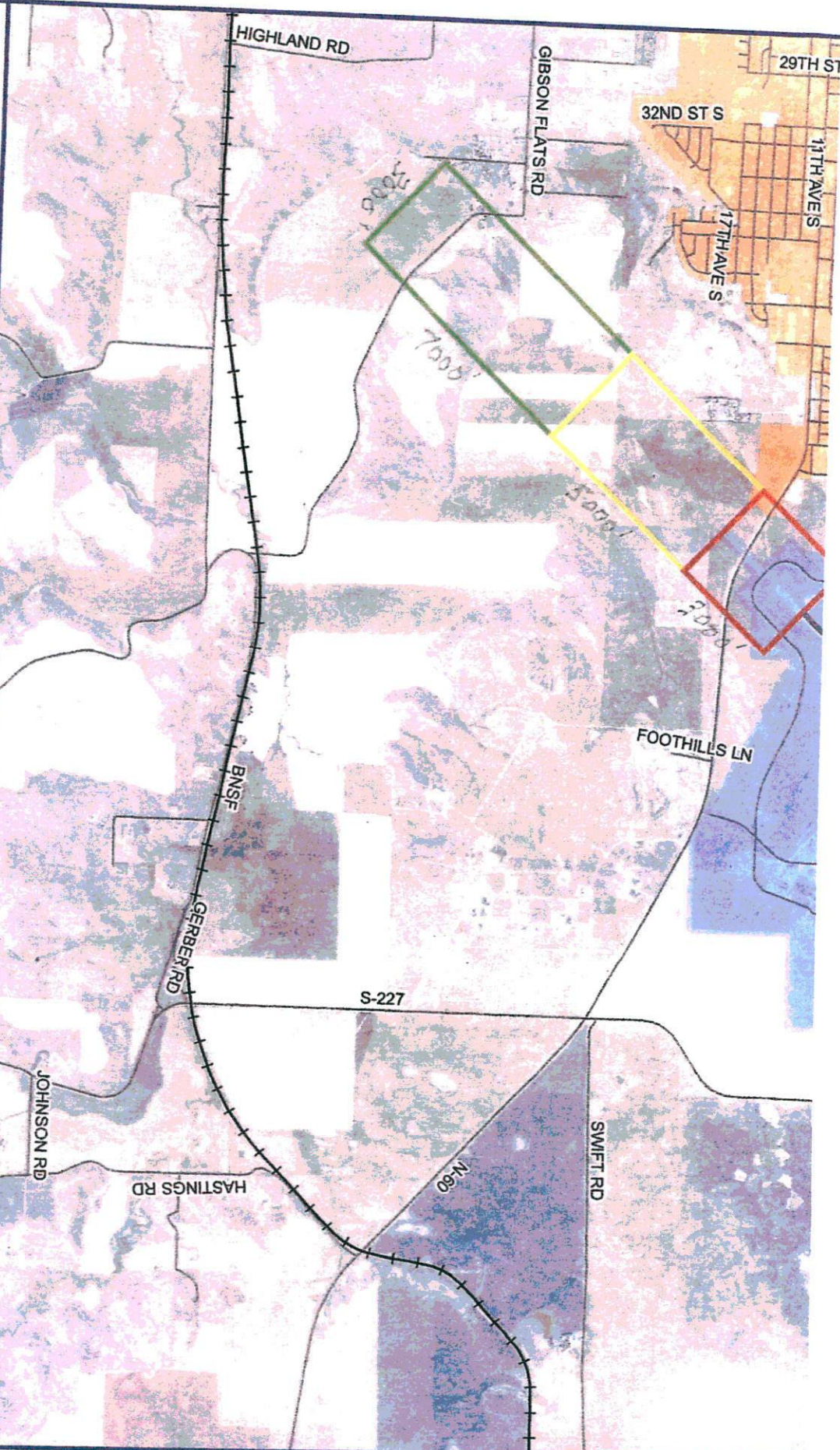
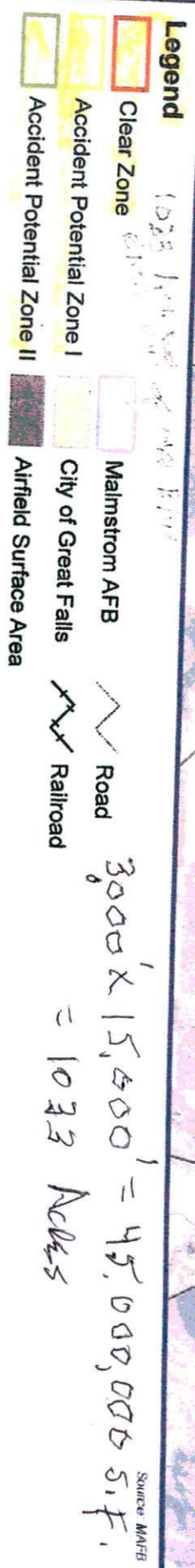
THIS NEEDS JUDICIAL REVIEW.

I RESERVE THE RIGHT TO REVISE AND EXTEND MY ANALYSIS, ESPEC IALLY AS THE 30 DAY ARBITRARY DEADLINE FOR COMMENT IS NOT SUFFICIENT FOR RESPONDING TO IS UNFORESEEN THREAT TO MY PRIVATE PROPERTY. THE LACK OF DISCLOSURE AS TO YOUR SECRET PREPARATION OF THIS STUDY DONE IN ALABAMA IS BEYOND UNETHICAL.

LEST YOU MISUNDERSAND MY DEVOTION TO THE MILITARY OF OUR NATION, I SERVED THREE YEARS AND FIVE MONTHS ACTIVE DUTY AS AN AIR FORCE CIVIL ENGINEER OFFICER. HOW ABOUT YOU, THE READER HEREOF?

SUBMITTED BY:

DANA HUESTIS, PRESIDENT
P. E. #2934



Military Runway Accident Potential Zones Conditional Development Area
 Figure 8-4A

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

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

6. **ORDINANCE 3088, ADOPTING THE GREAT FALLS DOWNTOWN URBAN RENEWAL PLAN, INCLUDING A TAX INCREMENT FINANCING PROVISION PURSUANT TO SECTIONS 7-15-42 AND 43, MCA.**

Planning and Community Development Director Mike Haynes reported Ordinance 3088 is a request to set a public hearing for May 15, 2012, to consider Ordinance 3088 that would adopt a Downtown Urban Renewal District, including a provision to establish a Downtown Tax Increment Financing (TIF) District. The Downtown Master Plan called for establishing a TIF District as the primary funding mechanism for targeted public improvements Downtown.

At their meeting of April 10, 2012, the Planning Advisory Board unanimously found the Downtown Urban Renewal Plan to be in conformance with the Growth Policy. On March 6, 2012, the City Commission approved Resolution 9961 that acknowledged the existence of conditions that discourage economic development Downtown and established boundaries of an Urban Renewal District.

Commissioner Jolley moved, seconded by Commissioner Jones, that the City Commission accept Ordinance 3088 on first reading and set a public hearing for May 15, 2012.

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

Mayor Winters questioned the signature on Resolution 9961. Commissioner Jones signed Resolution 9961 as Mayor Pro Tempore on March 6, 2012.

Mayor Winters asked if there were any inquiries from the public.

Mike Witsoe, 510 11th Street South, asked if 1st Avenue South will be turned into a two-way street.

Commissioner Bronson responded Ordinance 3088 has nothing to do with determination of the one-way.

There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

7. **RESOLUTION 9965, ACCEPT MALMSTROM AIR FORCE BASE JOINT LAND USE STUDY FINAL DOCUMENT.**

Planning and Community Development Director Mike Haynes reported the general purpose of JLUS studies are to promote cooperation between military installations and surrounding localities in order to strengthen military missions and provide for more compatible land uses and development near installations. The City Commission supported Cascade County seeking a grant through the U.S. Department of Defense, Office of Economic Adjustment (OEA) for the JLUS, and the City's participation in the JLUS process with Resolution 9799, adopted in late 2008. Cascade County did secure the OEA grant to fund the Malmstrom JLUS process, and in February 2010, Matrix Design Group was selected as project consultants and the JLUS process was initiated. A Policy Committee and a Technical Committee were established to guide and support the process, with members representing Cascade County and the other six counties in the Missile Complex area, the City of Great Falls, MAFB, landowners, and other interested parties. The JLUS process took two years to complete and resulted in the JLUS Final Report. On March 28, 2012, Cascade County Commissioners accepted the Final Report by adopting Resolution 12-23. Acceptance of the Final Report does not equate to regulation and does not impact private property rights of any landowners. It is expected that, if Resolution 9965 is adopted, next steps would be for Cascade County to establish a Coordinating Committee, including a representative from the City of Great Falls, to formalize cooperation between MAFB and local governments. At that time, discussions may be held to consider the range of possible implementation strategies. Should those strategies include any land use regulations, the respective jurisdictions would hold public hearings to consider those specific proposals.

Have any land use regs been adopted?

Commissioner Bronson moved, seconded by Commissioner Jolley, that the City Commission adopt Resolution 9965 accepting the Malmstrom Air Force Base Joint Land Use Study (JLUS) final document.

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

Commissioners Burow and Jones reserved comment after public discussion.

Mayor Winters asked if there were any inquiries from the public.

Steve Malicott, President/CEO of the Great Falls Area Chamber of Commerce, noted he was appointed to the Policy Committee on the issue. He noted the JLUS is designed to avoid encroachment issues. The Policy Committee requested a statement be included to approve the concept to protect MAFB and private property owners. He recommended acceptance of the JLUS.

Joe Briggs, Cascade County Commissioner, expressed support of Resolution 9965 to accept JLUS as a completed document for use as reference material. He noted the document has no regulatory authority. He believes acceptance of JLUS will send a strong message to the military that the Great Falls community desires to keep its military mission.

Dan Huestis, 2901 4th Avenue North, noted the JLUS will be incorporated into the City of Great Falls Growth Policy. He discussed three policy determinations recommended by JLUS. He requested JLUS not be adopted nor included in the City of Great Falls Growth Policy. He provided copies of maps of the Military Airport Overlay District; a map of MAFB and overlay zones showing accident potential zones; and a map of incompatible zoning around MAFB. The maps are included in the JLUS.

Mayor Winters asked Commissioner Briggs for comment.

Commissioner Briggs responded Resolution 9965 does not mention the Growth Policy. The overlay district is described by FAA and begins at 50 feet above the runway at angles. JLUS describes incompatible lands because of proximity to housing, but does not call for re-zoning.

Mayor Winters questioned the next step of the JLUS.

Commissioner Briggs responded the City Planning and Community Development Department will present recommendations to the Commission.

Mayor Winters questioned if Mr. Huestis can build houses on the property he referenced.

Commissioner Briggs responded the area is within the County and zoned agricultural which allows one house per 20 acres.

Commissioner Bronson commented that the agreement to enter into the JLUS process was because of concern for MAFB, MANG, and all military missions surrounding Cascade County. He believes it is prudent to develop information to determine potential impacts on those operations.

Mayor Winters asked what process Mr. Huestis can put in place to protect his property.

Commissioner Briggs responded the City Commission would have to hold a public hearing to change his zoning.

Commissioner Jones questioned if only one landowner was on the Policy Committee.

Commissioner Briggs responded all committee members were landowners, however, one position was included for a landowner in proximity to MAFB.

Commissioner Jones questioned the membership of the committee going forward.

Commissioner Briggs the committee will likely include one member each from the County and the City; a representative of the other six rural counties; and a representative of MAFB.

Commissioner Burow noted that Mr. Huestis indicated his request in 2008 to have his property annexed into the City has not happened pending the JLUS study. He expressed concern that accepting JLUS sends a message the City plans to use and follow the study.

Commissioner Briggs does not believe acceptance of the study as a reference document infers use. JLUS was designed so each entity can take what is valuable and present it through the public processes.

Mr. Haynes commented he was not aware of the annexation request in 2008 by Mr. Huestis.

Commissioner Jolley reported the annexation request was in 2005, and that Mr. Huestis provided her a copy of a letter inquiring about annexation along with other documents.

Commissioner Bronson noted documents referenced by two Commissioners that he had not received. He stated he did not know what was being referenced.

Mr. Huestis stated Commissioner Bronson did not return a phone call and that was why he did not receive the information.

Commissioner Bronson stated issues should be presented at public meetings so everyone can hear the response.

Mr. Huestis further discussed the JLUS study, implementation process, and zoning issues.

Ron Gessaman, 1006 36th Avenue NE, questioned if there will be public access to meetings of the proposed JLUS committee.

Commissioner Briggs responded the meetings would be advertised.

Mr. Gessaman asked for clarification that the committee is only an advisory committee to make recommendations.

Mayor Winters and Commissioner Bronson stated that is correct.

John Hubbard, 615 7th Avenue South, discussed the possibility of a land grab.

Mayor Winters commented he would have preferred language to show the JLUS is only a resource document.

Commissioner Bronson noted paragraph 1.5 on page 1-11, regarding the JLUS implementation, addresses that concern.

Commissioner Burow stated Resolution 9965 could be tabled for further study.

Commissioner Jones noted that he believed the document had been discussed well enough and that a vote could be taken.

Mayor Winters agreed because there is a future course for Mr. Huestis to follow to protect his interests.

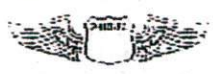
There being no one else to address the Commission, Mayor Winters called for the vote.

Motion carried 5-0.

CONSENT AGENDA

8. Minutes, April 17, 2012, Commission meeting.
9. Total expenditures of \$2,273,852 for the period of April 7-25, 2012, to include claims over \$5,000, in the amount of \$2,023,906.

A-4



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1532 users online

KGFA Malmstrom Air Force Base Heliport
Great Falls, Montana, USA



GOING TO GREAT FALLS?	<input type="checkbox"/> Reserve a Hotel Room
------------------------------	--

FAA INFORMATION EFFECTIVE 26 MAY 2016

Location

FAA Identifier: GFA
 Lat/Long: 47-30-16.8000N / 111-11-14.4000W
 47-30.280000N / 111-11.240000W
 47.5046667 / -111.1873333
 (estimated)
 Elevation: 3472 ft. / 1058 m (estimated)
 Variation: 17E (1985)
 From city: 3 miles E of GREAT FALLS, MT
 Time zone: UTC -6 (UTC -7 during Standard Time)
 Zip code: 59402




Upgrade Your Experience.

Heliport Operations

Heliport use: Private use. Permission required prior to landing
 Activation date: 03/1943
 Sectional chart: _____
 Control tower: no
 ARTCC: SALT LAKE CITY CENTER
 FSS: GREAT FALLS FLIGHT SERVICE STATION
 NOTAMs facility: GTF (NOTAM-D service available)
 Attendance:
 Segmented circle: no
 International operations: customs landing rights airport



Heliport Communications

CTAF: 271.9
 GREAT FALLS APPROACH: 128.6
 GREAT FALLS DEPARTURE: 128.6
 BLADE OPS: 271.9
 COMD POST: 311.0 321.0
 PMSV METRO: 239.8
 WX ASOS at GTF (8 nm W): PHONE 406-452-9844

- WX DSN 632-2710. FULL SVC AVBL 1200-2200Z++ MON-FRI. OT CTC DAVIS-MONTHAN AFB, 25TH OWS DSN 228-6588/6598/6599.

Road maps at: _____

Aerial photo

Nearby radio navigation aids

VOR radial/distance VOR name Freq Var
054/9.7 GREAT FALLS VORTAC 115.10 16E

NDB name Hdg/Dist Freq Var ID
029/11.2 371 13E ITU .. - . - .

Heliport Services

Airframe service: NONE
Powerplant service: NONE
Bottled oxygen: NONE

Runway Information

Helipad H1

Dimensions: 100 x 100 ft. / 30 x 30 m
Surface: asphalt
Traffic pattern: left left

Helipad H2

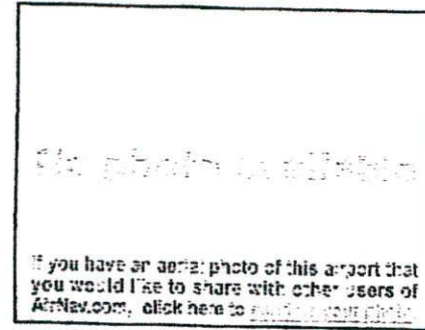
Dimensions: 100 x 100 ft. / 30 x 30 m
Surface: concrete
Traffic pattern: left left

Heliport Ownership and Management from official FAA records

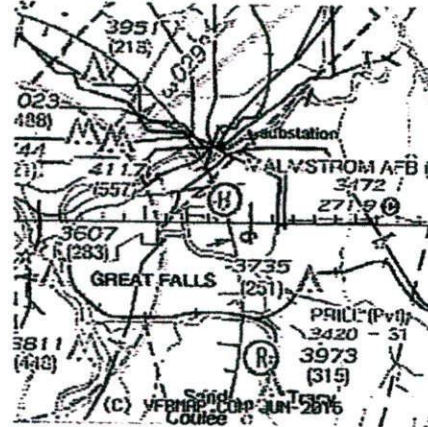
Ownership: U.S. Air Force
Owner: USAF
MALMSTROM AFB
GREAT FALLS, MT 59402
Manager: BASE OPERATIONS
MALMSTROM AFB
GREAT FALLS, MT 59402

Additional Remarks

- LGT - PERIMETER, LDG AND APCH LGT AVBL. LDG DRCT AND APCH LGT ORIENTED 026 DEG.
- FUEL - J8
- RSTD - R/W ACFT ON OFFL BUS ONLY, CLSD TO ALL F/W ACFT. PPR FR 40TH HELICOPTER FLT DSN 632-3250.
- CAUTION - 57 FT TWR LCTD .5 NM NE.
- TRAN ALERT - NO SVC AVBL. WO PRIOR COORD WITH COPTER MAINT DSN 632-6356.
- CTC 40TH HELICOPTER SQUADRON FOR OPR HR. SEE FLIP AP/1 SUPPLEMENTARY ARPT REMARK.
- ORANGE BARRIERS MARK BOUNDARIES OF HELIPORT.
- HELIPORT LTD TO TWO HELIPADS AND SLIDE AREA BETWEEN R AND Q. OTHER AREAS OF OLD AFLD LITTERED WITH OBST AND ACFT NOT AUTHORIZED FOR LDG OR DEP.



Sectional chart



Airport distance calculator

Flying to Malmstrom Air Force Base Heliport? Find the distance to fly.

From to KGFA

Sunrise and sunset

Times for 14-Jul-2016

	Local (UTC-6)	Zulu (UTC)
Morning civil twilight	05:05	11:05
Sunrise	05:44	11:44
Sunset	21:17	03:17
Evening civil twilight	21:56	03:56

Current date and time

Zulu (UTC) 14-Jul-2016 21:29:39
Local (UTC-6) 14-Jul-2016 15:29:39

METAR

KGFA 142058Z AUTO 35009G12KT 10SM FEW075 BKN095 23/05 A3018 RMK AO2 SLP216 T02250046 56003 TSNO \$

142053Z 36007KT 10SM SCT085 8nm W 24/04 A3018 RMK AO2 SLP203 T02390039 56003 \$

TAF

KGFA 141902Z 1419/1601 32012KT 9999 FEW055 SCT070 QNH3010INS BECMG 1423/1424 02008KT 9999 SCT070 QNH3010INS BECMG 1502/1503 06008KT 9999 FEW250 QNH2998INS BECMG 1519/1520 12010G15KT 9999 VCTS SCT065CB SCT100 BKN200

A-5

EXHIBIT I

November 10, 2005

C & W Development Inc.
1725 41st Street South
Great Falls, Mt. 59405

City Planning Department

I am writing this letter on behalf of C & W Development, Inc. This letter is a follow-up to our previous conversations, and its purpose is to officially inform you that it is our intention to annex a portion of the property on the East end of the City of Great Falls. It is our intention to master plan and develop the land into high end residential lots. **C & W Development is currently in contract with the land owner, Kysco Corporation, to purchase this land and is acting with their permission in this submittal.**

The subject property is the remainder of the West 1/2 of Section 15, excluding any portion lying North of U.S Highway 87 / 89, and excluding any portions that are currently deemed Commercial development. The subject property is approximately 242 acres. A more accurate legal description and Master Plan will follow shortly behind this letter.

Should you have any questions or concerns on this matter please feel free to contact me at (406) - 761- 1955.

Sincerely,

[Redacted Signature]

**Bob Corwin, President
C & W Development**

[Redacted Signature]

**Diana Huestis, President
Kysco Corporation**

T. J. ...
[Redacted]
NOTARY PUBLIC for the State of Montana
Residing at Great Falls, Montana
My Commission Expires 9-5-2006

RECEIVED
DEC. 2 2005
**GREAT FALLS CITY COUNTY
PLANNING BOARD OFFICE**

A-6



P. O. Box 5021, 59403-5021

Planning Department

January 23, 2006

Mr. Dan Huestis
1001 River Drive North
Great Falls, MT 59405

Dear Mr. Huestis:

The purpose of this letter is to clarify, for the record, the proximity of the proposed Wal-Mart site and adjoining commercial sites with the restrictive easements for Malmstrom Air Force Base.

Based on my understanding of the location of the restrictive easements, neither the proposed Wal-Mart site nor the two adjoining commercial sites are located within the restrictive easements acquired by the United States government in 1958.

The referenced easements encompass an area that is smaller in size than the boundaries of an area that has been referred to as a "Clear Zone." This latter clear zone was described in a 1994 Air Installation Compatible Use Zone (AICUZ) study, which was referenced and used at the time as a guide in making land use decisions in the vicinity of MAFB. However, MAFB officials have indicated the zones referenced therein are no longer in effect because the runway is closed.

Sincerely,

[Redacted signature]

Benjamin M. Rangel
Planning Director

BMR/bmr

off competition



Expo Park cutting event equine know-how /1M

GREAT FALLS TRIBUNE

MONTANA'S NEWSPAPER

Bush looks to exempt major facilities from Endangered Species Act /2A

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Phelps earns another gold: Olympics action /Sports

August 12, 2008

County to put base runway on ballot

Commissioners to ask voters for authority to issue bonds for land buy that could protect future missions

By KARL PUCKETT
Tribune Staff Writer

Cascade County commissioners are planning to give residents the chance to vote Nov. 4 on

bonds to finance the purchase of valuable land near a Malstrom Air Force Base runway that's being eyed for housing development.

Lance Olson said. The plan could be stopped if buyers are unwilling, or the price is too high, Olson said. He said county officials have been discussing the idea with affected developers and landowners.

The purpose of securing the land would be to keep it free of housing development, thereby improving the chances of the base winning a future flying mission.

country is a problem, and it limits the use of facilities," she said. The idea of buying the land split residents who testified on the idea in April. Some said the runway was hindering tax-generating development in the area. Commissioner Joe Briggs said he's expecting the bond issue to be "somewhere over \$6 million" but an exact number was not available. Mr. Briggs said

STORY CHAT

Comment on this article at www.greatfallstribune.com

COUNTY OFFICES CONTINUED

FOR GREAT FALLS TRANSIT DISTRICT SUPERVISOR VOTE FOR TWO (2)

- MARION S. SMITH
- CARL J. DONOVAN
- SALLY L. MACMILLAN
-
-

CONSTITUTIONAL AMENDMENTS, REFERENDUMS & INITIATIVES

INSTRUCTIONS TO VOTERS
 BLACKEN THE OVAL OPPOSITE THE WORD "FOR" IF YOU WISH TO VOTE IN FAVOR OF THE FOLLOWING AMENDMENT OR ISSUE OR BLACKEN THE OVAL OPPOSITE THE WORD "AGAINST" IF YOU WISH TO VOTE AGAINST THE AMENDMENT OR ISSUE.

CONSTITUTIONAL AMENDMENT NO. 44

AN AMENDMENT TO THE CONSTITUTION PROPOSED BY THE LEGISLATURE

AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE VIII, SECTION 13, OF THE MONTANA CONSTITUTION TO ALLOW UP TO 25 PERCENT OF CERTAIN PUBLIC FUNDS TO BE INVESTED IN PRIVATE CORPORATE CAPITAL STOCK; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

THE 2007 LEGISLATURE SUBMITTED THIS PROPOSAL FOR A VOTE. THIS MEASURE WOULD AMEND THE MONTANA CONSTITUTION TO ALLOW UP TO 25 PERCENT OF ALL STATE TRUST FUND ASSETS TO BE INVESTED IN PRIVATE CORPORATE CAPITAL STOCK. CURRENTLY, THE CONSTITUTION ALLOWS ONLY RETIREMENT FUNDS AND WORKERS' COMPENSATION INSURANCE FUNDS TO BE INVESTED IN PRIVATE CORPORATE CAPITAL STOCK.

IN THE SHORT TERM, IT IS EXPECTED THAT INCOME WILL BE REDUCED WHILE TRUST MONIES ARE TRANSFERRED FROM BONDS TO STOCKS. IN THE LONG TERM, IF HISTORICAL INVESTMENT PERFORMANCE CONTINUES, TRUST FUND INCOME MAY INCREASE BECAUSE AGGREGATE STOCK VALUES ARE EXPECTED TO APPRECIATE, WHILE BOND VALUES DO NOT.

- FOR ALLOWING UP TO 25% OF ALL PUBLIC FUNDS PRESENTLY RESTRICTED TO FIXED INCOME INVESTMENTS TO BE INVESTED IN PRIVATE CORPORATE CAPITAL STOCK

CONSTITUTIONAL AMENDMENTS, REFERENDUMS & INITIATIVES CONTINUED

LEGISLATIVE REFERENDUM NO. 118

AN ACT REFERRED BY THE LEGISLATURE

AN ACT SUBMITTING A 6-MILL LEVY FOR SUPPORT OF THE MONTANA UNIVERSITY SYSTEM TO THE ELECTORATE; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

THE 2007 LEGISLATURE SUBMITTED THIS PROPOSAL FOR A VOTE. THIS PROPOSAL ASKS MONTANA VOTERS TO CONTINUE THE 6-MILL LEVY TO SUPPORT THE UNIVERSITY SYSTEM. WITHOUT VOTER APPROVAL, THE CURRENT 6-MILL LEVY TO SUPPORT THE UNIVERSITY SYSTEM WILL EXPIRE IN JANUARY 2009. IF PASSED, THIS PROPOSAL WOULD BE EFFECTIVE ON JANUARY 1, 2009 AND TERMINATE JANUARY 1, 2019.

ACCORDING TO 2009 REVENUE ESTIMATES, THE PROJECTED ANNUAL REVENUE FROM THE 6-MILL LEVY IS \$12,505,000 FOR 2007 AND IS ESTIMATED TO GROW AT AN AVERAGE GROWTH RATE OF 3.36% EACH YEAR THROUGH TAX YEAR 2018.

- FOR IMPOSING A LEVY OF 6 MILLS FOR THE SUPPORT OF THE MONTANA UNIVERSITY SYSTEM.
- AGAINST IMPOSING A LEVY OF 6 MILLS FOR THE SUPPORT OF THE MONTANA UNIVERSITY SYSTEM.

INITIATIVE NO. 155

A LAW PROPOSED BY INITIATIVE PETITION

I-155 ESTABLISHES THE HEALTHY MONTANA KIDS PLAN TO EXPAND AND COORDINATE HEALTH COVERAGE FOR UNINSURED CHILDREN UNDER THE CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP), THE MONTANA MEDICAID PROGRAM, AND EMPLOYER-SPONSORED HEALTH INSURANCE. THE STATE HEALTH DEPARTMENT MAY: RAISE INCOME ELIGIBILITY LEVELS FOR CHILDREN UNDER CHIP AND MEDICAID; SIMPLIFY TRANSITIONS BETWEEN CHIP AND MEDICAID COVERAGE; PROVIDE ASSISTANCE FOR CHILDREN IN EMPLOYER-SPONSORED INSURANCE; AND WORK WITH HEALTH CARE PROVIDERS, SCHOOLS, ORGANIZATIONS, AND AGENCIES TO ENCOURAGE ENROLLMENT OF UNINSURED CHILDREN. FUNDING FOR I-155 WILL COME FROM A SHARE OF THE INSURANCE PREMIUM TAX AND FEDERAL MATCHING FUNDS.

I-155 COSTS AN ESTIMATED \$22 MILLION OF STATE FUNDS, PAID FROM THE TREASURY WITH A SHARE OF CURRENT REVENUES FROM THE INSURANCE PREMIUM TAX. ACTUAL EXPENDITURES WILL DEPEND ON OTHER FACTORS, INCLUDING THE AMOUNT OF FEDERAL MATCHING DOLLARS AND ENROLLMENT.

- FOR EXPANDING CHIP AND MEDICAID ELIGIBILITY FOR UNIN-

BALLOT ISSUES

CASCADE COUNTY GENERAL OBLIGATION BOND

BECAUSE THE BONDS WOULD BE PAYABLE FROM PROPERTY TAXES LEVIED ON ALL TAXABLE PROPERTY IN CASCADE COUNTY, BY VOTING "BONDS-YES" YOU ARE VOTING FOR A PROPERTY TAX INCREASE TO PAY PRINCIPAL OF AND INTEREST ON THE BONDS SO LONG AS THEY ARE OUTSTANDING. THE COUNTY ESTIMATES THAT THE ANNUAL INCREASE IN PROPERTY TAXES THAT WOULD RESULT FROM THE ISSUANCE DURING THE 20-YEAR TERM OF THE BONDS, WILL BE APPROXIMATELY \$362,220. THE ANNUAL TAX INCREASE ON A HOUSE VALUED AT \$100,000 WOULD BE \$9.11, AND THE ANNUAL TAX INCREASE ON A HOUSE VALUED AT \$200,000 WOULD BE \$18.23. THIS IS AN ESTIMATE ONLY AND WAS BASED ON MARKET CONDITIONS AT THE TIME THIS ELECTION WAS AUTHORIZED. THE INTEREST RATES BORNE BY THE BONDS WOULD BE DETERMINED AT THE TIME THE BONDS ARE SOLD; SUCH INTEREST RATES MAY BE HIGHER OR LOWER THAN THE ESTIMATED INTEREST RATE AND RESULTANT ESTIMATED ANNUAL DEBT SERVICE COST.

SHALL THE BOARD OF COUNTY COMMISSIONERS (THE "BOARD") OF CASCADE COUNTY, MONTANA BE AUTHORIZED TO SELL GENERAL OBLIGATION BONDS OF THE COUNTY IN THE AMOUNT OF THREE MILLION TWO HUNDRED SIXTY FIVE THOUSAND AND NO/100 DOLLARS (\$3,265,000) BEARING INTEREST AT A RATE TO BE DETERMINED BY THE BOARD OF COUNTY COMMISSIONERS, PAYABLE SEMIANNUALLY, DURING A PERIOD OF NOT MORE THAN 20 YEARS, AND REDEEMABLE ON ANY INTEREST PAYMENT DATE AFTER ONE-HALF THE TERM, FOR THE PURPOSE OF ACQUIRING REAL PROPERTY RIGHTS IN ORDER TO LIMIT DEVELOPMENT INCOMPATIBLE WITH THE ACCIDENT POTENTIAL ZONE SOUTH OF THE RUNWAY AT MALMSTROM AIR FORCE BASE, AND PAYING COSTS ASSOCIATED WITH THE SALE AND ISSUANCE OF THE BONDS?

- BONDS-YES 12,000 Votes
- BONDS-NO 20,000 Votes

END OF BALLOT



Abigail J. St. Lawrence
Attorney at Law

To: City of Great Falls, Planning Advisory Board/Zoning Commission
From: KYSO Corporation and C&W Development
Date: March 27, 2018
Re: Wheat Ridge Estates—Phase 1

The purpose of this memorandum is to provide a response to the Planning Advisory Board/Zoning Commission (hereinafter referred to as “Board/Commission”) Agenda Report prepared by Deputy Planning and Community Development Director Tom Micuda and to also provide additional information to the Board/Commission for use in making the determination on KYSO Corporation’s and C&W Development (hereinafter referred to as “KYSO” and “C&W,” respectively and “developer”) request for annexation of a 20.98-acre parcel located directly south of the East Great Falls Retail Center and legally described in draft Certificate of Survey, assignment of Planned Unit Development zoning upon annexation, and Preliminary Plat for a Major Subdivision for a project known as Wheat Ridge Estates, Phase I (hereinafter referred to as “Wheat Ridge” or “Subject Property”). The developer respectfully presents the following information for the Board/Commission’s consideration and requests that the Board/Commission reject staff recommendations. Further, the developer respectfully requests that the Board recommend that the City Commission adopt a resolution to annex the Subject Property based on revised Findings of Fact, that the Commission recommend the City Commission adopt the assignment of a zoning designation of Planned Unit Development upon the Subject Property based on revised Findings of Fact, and that the Board recommend the City Commission adopt the Preliminary Plat for Wheat Ridge based on revised Findings of Fact.

Response to Staff Report

The staff report presented to the Board/Commission focuses on three primary areas of identified concern as the basis for the staff recommendation to deny annexation, the PUD zoning request, and Preliminary Plat for Wheat Ridge: public safety service, stormwater management, and impacts associated with Malmstrom Air Force Base (hereinafter referred to as “MAFB”). Staff also identifies other issues and review comments that need to be addressed should the Board/Commission recommend in favor of the developer’s proposal. All three primary areas of concern as well as the additional issues and review comments are addressed below.

Public Safety Service

The public safety services analysis provided by staff is flawed in four fundamental ways. First, while staff emphasizes the industry standard of a four-minute response time, the fact is that according to the map of average response time within current Great Falls city limit based on data from 2014-2016, no ground adjacent to Wheat Ridge that is presently within city limits has a response time even close to four minutes. The staff report claims that response time to the adjoining Walmart property is six to seven minutes, but the accompanying map demonstrates

that this is not accurate. The fact is that Wheat Ridge is being held to a response time expectation that even adjacent land currently within city limits does not meet. Second, the staff report is inaccurate in its description both of what the developer was and remains willing to provide for fire access roads. The staff report states that the developer has not formally incorporated emergency access into the proposed Phase I plan and committed to construction. The developer is in the process of obtaining a permit from the Montana Department of Transportation ("MDT") for emergency access from Highway 89, which staff acknowledges and has been aware of since June 2017. Communication within the last month from Jon Burnett with MDT Planning has required that the emergency access be gated to ensure the public will not use the approach. An email from Mr. Burnett as of the morning of March 27th requires the access to also be seeded to prevent use by non-emergency vehicles. It is solely because the permit has not been finalized that such access is not yet formally incorporated into the proposed Phase I plan. However, the access is reflected on the northeast corner of the Phase I plan and is merely awaiting final approval from MDT. Upon approval, access will be constructed with crash gates so that such access is for emergency purposes only. The developer proposes that this access road be completed with asphalt millings or crushed asphalt surface, which is in compliance with D102.1 of the 2012 International Fire Code, as that code does not expressly require paving. However, MDT requirements may dictate further adjustments to the finished road surface. The access will be constructed as part of Phase I to MDT specifications.

Third, the staff report states that if Wheat Ridge is approved and additional future phases of the master plan are considered for annexation, "due consideration should be paid to constructing 13th Avenue South within [the 60-foot] dedicated right of way to facilitate not only emergency services, but general City service delivery and overall transportation connectivity for the entire master plan." Staff report, p. 12 (Mar. 27, 2018). When Walmart was constructed in the East Great Falls Retail Center, funds were paid into escrow for construction of 13th Avenue South within the dedicated right-of-way. Additionally, the developer understands and is willing to contribute their proportionate share of the constructions costs for the frontage of 13th Avenue South within Wheat Ridge. "Due consideration" has already been paid, and the City simply needs to utilize the funds already available and those funds the developer will pay for the construction of 13th Avenue South. Further, if and when additional future phases of the master plan are considered for annexation, should the need arise for further development of 13th Avenue South, that factor can be addressed at that time. The entire point of phased development is to allow for infrastructure and development to take place over time rather than all being required up-front. The staff report raising the issue of 13th Avenue South construction that may be necessary with future phases is unwarranted at this time.

Finally, the entire premise of the staff report analysis on the impact of Wheat Ridge on public safety services fails to take into consideration both what the developer has already offered in terms of additional public safety considerations as well as additional resources that will be available to the City. In its June 2017 communication with planning staff, the developer

indicated that under Mont. Code Ann. Title 7, Chp. 6, Part 16, the City is authorized to levy impact fees to fund additional services capacity required as a result of development, including public safety services, provided that the City follow statutorily proscribed procedure. The developer pointed out the fact that even if current public safety services capacity is insufficient, the City has the ability to levy fees to remedy that insufficiency. Indeed, the entire point of impact fees is to provide for additional service capacity as required by new development. In the summer of 2017, the developer even went so far as to offer up land for an additional fire station within Wheat Ridge to address public safety service capacity. Further, staff analysis wholly fails to take into account resources that will be made available to the City because of the added tax base, resulting in a severely skewed view of the post-development capacity to address public safety services. In the simplest terms, staff analysis only takes into consideration additional demands on public safety services as a result of Wheat Ridge, but does not account for added resources that will be at the City's disposal as a result of the development.

Stormwater Management

The preliminary stormwater drainage submission and preliminary SSA model verify release rates from the proposed pond design, which is designed to handle the first nine phases of Wheat Ridge, are well within allowable limits. In fact, the developer has taken on the financial burden of exceeding City standards in an effort to mitigate offsite issues for the City. The proposed design exceeds development requirements for rate of flow. The model detains the 100-year storm while releasing pre-development five-year flow rates, which exceeds current City design standards and ensures that downstream impacts are eliminated. Consequently, the staff report concerns regarding impacts on the "sensitive downstream system" are unwarranted.

Even if the staff report analysis regarding impacts on the downstream system were accurate, the approaches the staff report recommends—retention of Phase I stormwater in a lined pond or pumping it into the next drainage to the north—both present additional considerations for the City in terms of water rights. Retaining stormwater on site or essentially facilitating an inter-basin transfer could require water rights permitting. As the beneficial use of water is actually for the City, it is arguable that the City, not the developer, would need to obtain this permit.

Impacts Associated with MAFB

The staff report extensively cites to the Joint Land Use Study (hereinafter referred to as "JLUS"), particularly relying on that portion of the JLUS which identifies medium to high density residential development as incompatible with a future flying mission for MAFB. Although the staff report acknowledges that the JLUS has not resulted in revisions to the City's Land Development Code or zoning maps, the report still presents the JLUS as a document that should be considered in the Board/Commission making its determination on Wheat Ridge. This is absolutely inappropriate given the terms on which the City accepted the JLUS.

In the discussion of the resolution to accept the JLUS, the May 1, 2012 journal of commission proceedings reported as follows:

Acceptance of the Final Report does not equate to regulation and does not impact private property rights of any landowners. It is expected that, if Resolution 9965 is adopted, next steps would be for Cascade County to establish a Coordinating Committee, including a representative from the City of Great Falls, to formalize cooperation between MAFB and local governments. At that time, discussions may be held to consider the range of possible implementation strategies. Should those strategies include any land use regulations, the respective jurisdictions would hold public hearings to consider those specific proposals.

Journal of Commission Proceedings, 2012.63. Further, the JLUS itself notes that "the final document is **not** an adopted plan." JLUS. 1.5, page 1-11; *see also*, Journal of Commission Proceedings, 2012.65. To date, no public hearings have been held to adopt specific land use regulations resulting from the JLUS. Despite that fact, the staff report utilizes the JLUS as if it does set out specific regulations with which Wheat Ridge must comply in order to accommodate unknown future missions at MAFB. Given that any future missions are an unknown factor, it is impossible for Wheat Ridge to accommodate an unidentified potential future use. Absent specific land use regulations resulting from the JLUS, which are not in place, there is no basis on which to use the JLUS as a rationale for denying annexation, PUD approval, or preliminary plat.

Further, as cited above, in approving Resolution 9965 adopting the JLUS, the City Commission expressly stated that acceptance of the JLUS "does not impact private property rights of any landowners." Staff report reliance on the JLUS to recommend denial to the Board/Commission is in direct contravention to that statement. Specifically, the staff report recommends that the JLUS "should be considered in evaluation of [KYSO's] annexation request." Staff report at 30. The Board/Commission should reject staff's use of the JLUS in contravention of the express limiting terms of the City's acceptance of the JLUS.

The staff report also cites to a recent proposal to establish an assault landing strip for operation of C-130 aircraft and the impacts associated with such operation as incompatible with Wheat Ridge. This statement is in direct contravention to the April 2017 draft EA prepared for the assault landing strip. That document includes a finding of no significant impact ("FONSI"), which states in regard to land use that the proposed construction and operation of an assault landing zone for C-130 aircraft will have no impact on zoning in the surrounding area. *See*, FONSI-2. Further, the draft EA concluded that as to temporary construction noise,

Although the proposed construction would generate short-term noise, the residences nearest the Proposed Action area are approximately 2,800 feet to the northwest. Given the type of construction activities (sporadic during daytime hours, short-term, etc.) and the distance from the proposed construction to the closest residence (2,800 feet), no significant impacts to residences would occur.

Draft EA p. 72. In analyzing operational noise, the draft EA concluded that impacts above the current 65 day-night sound level ("DNL") would not extend beyond Malmstrom's boundaries. Specifically, "approximately 43 acres would be impacted above the 65 DNL as a result of the

ALZ [assault landing zone] operations with the exposure confined to the approach end of the airfield in a 180-degree, 600-foot radial contour line that does not extend beyond the boundaries of the airfield or Malmstrom AFB (Montana ANG, 2013)." Draft EA at 72. Finally, the draft EA concluded "the 65 dB contour is not expected to extend outside the Malmstrom AFB fenceline; noise is not expected to exceed ambient levels in the surrounding area." *Id.*

The staff report makes much of the fact that the developer has not identified noise mitigation techniques and recommends that the Board consider such mitigation as a condition of approval. Based on the above statements from the draft EA, it is quite clear that off-base noise impacts were not addressed because of the conclusion that the noise impacts did not extend beyond the MAFB fenceline. Given that conclusion, it would logically follow that there are no noise impacts to Wheat Ridge and, consequently no noise mitigation measures needed. The developer has repeatedly requested guidance on exactly what it should be mitigating for, given the conclusions of the draft EA that there are no off-base noise impacts. No such guidance has been forthcoming. Assuming the FONSI is correct, for the City to now use the proposed assault landing zone operation as rationale for essentially rejecting the PUD is not only contrary to the FONSI, but also contrary to prior City declarations and resolutions regarding the JLUS.

Other Issues and Review Comments

1. Annexation improvement agreement

The developer concurs with staff comments regarding an annexation improvement agreement, which the developer has previously requested.

2. Street naming

The developer consents to identifying the proposed street extension as "57th Street South" rather than "Wheat Ridge Parkway."

3. Median for proposed 57th Street extension

That City Parks and Recreation does not have staff capacity to maintain medians has already been accounted for in that the developer plans already require the Wheat Ridge homeowners' association to provide for median maintenance. The staff report also comments that the proposed drainage swales "are not desirable for street subgrade and road section integrity." However, biomembrane filtration swales are required for MS4 stormwater quality. Road section integrity will be designed and constructed to geotechnical requirements to maximize serviceability and durability .

4. Transportation connectivity

The staff report notes that if and when the entire master plan is developed, additional streets should be stubbed to perimeter property lines. As with staff report comments on construction of 13th Avenue South in future phases, this is a consideration that can be addressed during additional phase development. The staff report comment regarding making the emergency access drive a full access drive for increased resident connectivity is in excess of requirements.

Additionally, MDT has recently installed a control device for safety purposes. Finally, the staff report comment that the local street for the 19 lots east of 57th Street South should be connected to the alley running north of the proposed residential units is already accounted for in the master plan. Specifically, it is reflected in Phase 2, but the developer will construct it in Phase I.

5. Utilities

The staff report notes the need for continuing conversation between the developer and Public Works on the details of the proposed lift station and sewer force main construction. The developer remains willing to participate in said discussions. Additionally, the developer has relocated the proposed water line extension on 57th Street South outside of the proposed median as requested in the staff report. (see exhibit presented to Planning Board).

Fiscal Impact

The staff report statement on fiscal impact takes completely out of context the developer's statements on property tax benefits. The statements made by the developer's representative at the February 19 Neighborhood Council meeting were expressly couched in the disclaimer that they were a casual estimate only and that the \$1 million fiscal impact over time was a bare minimum only. For the staff report to insinuate that property tax benefits will be insufficient to meet added public service demands based on this preliminary and casual statement is inaccurate and unwarranted.



CASCADE COUNTY

Board of County Commissioners

325 2nd Avenue North

Great Falls, MT 59401

Tel. 406.454.6810

Fax 406.454.6945

commission@cascadecountymt.gov

www.cascadecountymt.gov

Testimony before the City of Great Falls Planning Advisory Board, Zoning Commission

03/27/2017 in the matter of the Annexation of a 20.98 acre parcel – Wheat Ridge Estates

Presented by Joe Briggs, Cascade County Commission and Chairman of the Malmstrom AFB JLUS

Members of the Board, let me begin by thanking you for your service on this body. I know from firsthand experience that service on a board dealing with land use and zoning can be particularly challenging. I am here today in my role as Chairman of the Malmstrom JLUS and as one of your three Cascade County Commissioners.

The issue before you today has much broader implications than the size of the parcel would indicate because it represents the first of several proposed actions within the Clear Zone and Accident potential zones of Malmstrom AFB.

The staff report that you have received is well researched and well written and contains much of the pertinent information from the JLUS regarding this proposed development. Accordingly, I will only highlight a couple of those points and provide a bit of background on the JLUS process.

The Joint Land Use Study is a cooperative venture between the City of Great Falls, Cascade County, Chouteau County, Fergus County, Judith Basin County, Lewis and Clark County, Teton County, Wheatland County, Malmstrom AFB and the Department of Defense. Although the formal portion of the study has been completed, the document and its findings are used routinely throughout the Malmstrom AFB complex to help guide compatible use and development of civilian facilities. **In short, the JLUS was crafted to allow the participating jurisdictions to make informed decisions regarding how their land use decisions might affect the long-term viability of the base and its mission.**

The staff report you have received correctly points out that the proposed development violates several of the JLUS recommendations as well creating encroachment within the Accident Potential Zones. The staff report also contains an excerpt from the Policies of the City of Great Falls (Eco 3.1.2) which calls for support and implementation of the recommendations contained in the JLUS.

It is likely that the developer will point out that there is no current flying mission using the runway and for that reason the restrictions currently in place should be ignored. However, the issues with this proposed site's proximity to Malmstrom are far deeper than just the presence or absence of a fixed wing mission landing on the currently unused runway.

There are currently C-130 missions being flown over Malmstrom by the Montana Air National Guard and these flights utilize the existing Accident Potential Zones to maximize public safety on their

approach to their designated drop zone on Malmstrom. There is a very active helicopter squadron routinely utilizing the unencumbered Accident Potential Zones for access to their facilities on Malmstrom.

Several years ago, Cascade County began to require all new subdivisions near Malmstrom to contain disclosure statements regarding the noise of both existing and potential military missions. Since that time, light pollution has become an increasing issue for the military so in addition to the other issues raised by the staff report, the construction of a high-density housing development near the base also presents a challenge to the existing as well as future missions.

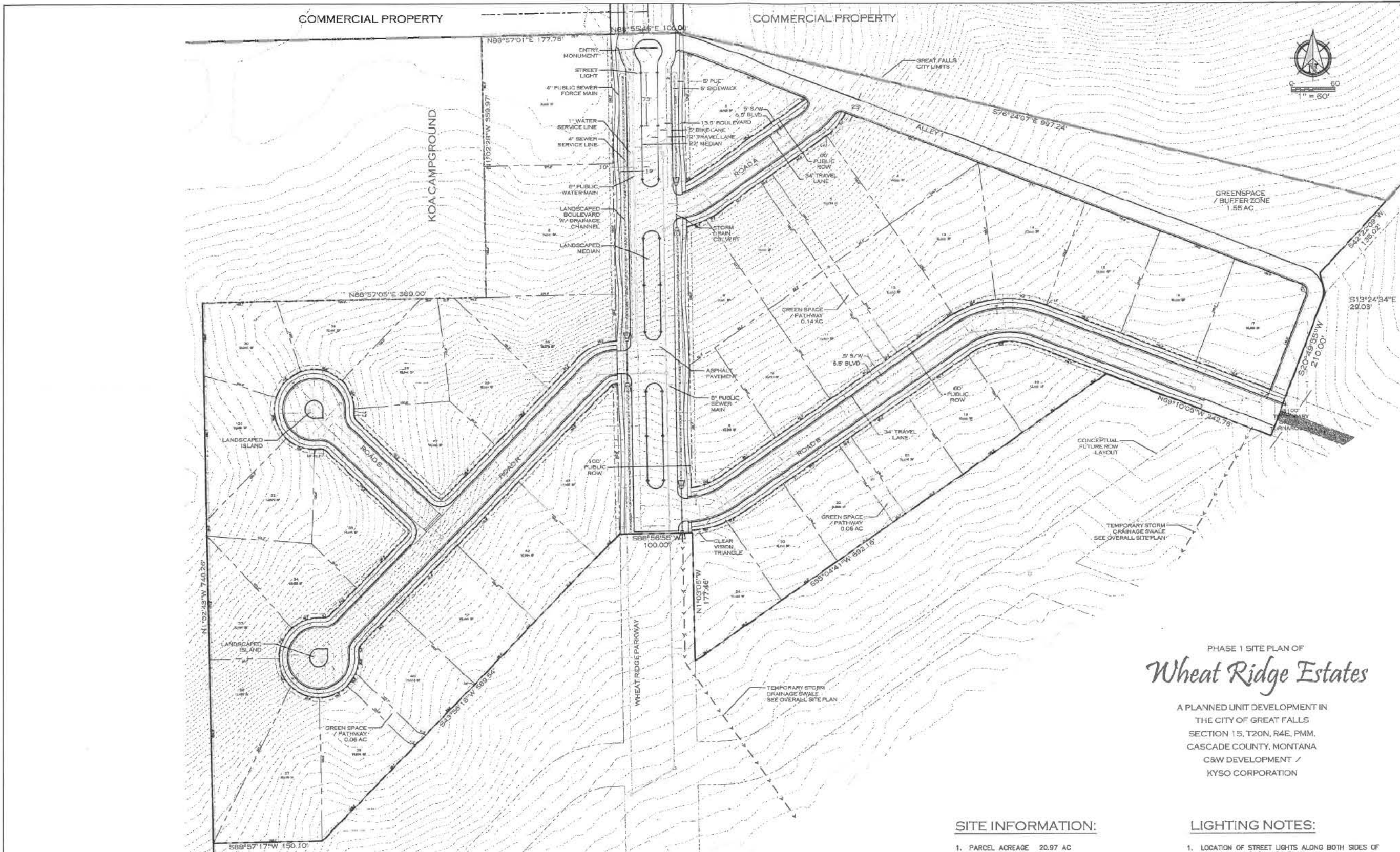
I would also note that in addition to a desire for city services, the applicant comes to you seeking annexation in order to circumvent the existing County Zoning. The existing county zoning allows only Agricultural uses and was established in order to avoid encroachment and possible disruption of the mission of Malmstrom AFB.

In conclusion let me reiterate that I believe the City's planning staff has provided you with a very good report outlining the logistical concerns of the city annexing these parcels. I would urge you to accept the findings of fact contained in the report and deny the proposed annexation.

Thank you again for your volunteer service and for your consideration of my concerns,

A black rectangular redaction box covers the signature of the sender. A blue ink scribble is visible above the box.

Cascade County Commission
Chairman of the Malmstrom JLUS



JOB #	1404
DATE	2/14/2018
DESIGNER	RYAN C. WILSON
PROJECT	WHEAT RIDGE ESTATES
CLIENT	KYSO CORPORATION

DATE	DESCRIPTION

W WOTH ENGINEERING, INC.
E ENGINEERS & SURVEYORS
 GREAT FALLS • BESSOLA • WOTHENGINE.COM • 406-761-1955
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PHASE I SITE PLAN OF
Wheat Ridge Estates

A PLANNED UNIT DEVELOPMENT IN
 THE CITY OF GREAT FALLS
 SECTION 15, T20N, R4E, PMM,
 CASCADE COUNTY, MONTANA
 C&W DEVELOPMENT /
 KYSO CORPORATION

Wheat Ridge Estates
 GREAT FALLS, MONTANA
 SITE PLAN - PHASE 1

GENERAL NOTES:

- EXISTING UNDERGROUND INSTALLATIONS & PRIVATE UTILITIES SHOWN ARE INDICATED ACCORDING TO THE BEST INFORMATION AVAILABLE TO THE ENGINEER. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF SUCH INFORMATION. STATE LAW REQUIRES CONTRACTOR TO CALL ALL UTILITY COMPANIES BEFORE EXCAVATION FOR EXACT LOCATIONS.
- ALL ONSITE UTILITY IMPROVEMENTS SHALL CONFORM TO THE PLUMBING CODE (UPC) AND ALL ADMINISTRATIVE RULES OF MONTANA AND MODIFICATIONS TO THE UPC.
- ALL IMPROVEMENTS SHALL BE PERFORMED IN ACCORDANCE WITH MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS 6TH EDITION, APRIL, 2010, INCLUDING ALL ADDENDUMS, AND THE CITY OF GREAT FALLS STANDARDS.
- NO WORK SHALL BE CONDUCTED UNTIL THE PLANS HAVE BEEN APPROVED BY CITY OF GREAT FALLS AND THE CONTRACTOR HAS THE PERMITS IN HAND.
- UNLESS OTHERWISE SPECIFIED, ALL CONSTRUCTION LAYOUT AND STAKING SHALL BE PERFORMED UNDER THE RESPONSIBLE CHARGE OF A LAND SURVEYOR LICENSED IN THE STATE OF MONTANA AND BY A PARTY CHIEF OR ENGINEERING TECHNICIAN EXPERIENCED IN CONSTRUCTION LAYOUT AND STAKING TECHNIQUES AS ARE REQUIRED BY THE SPECIFIC TYPE OF WORK BEING PERFORMED.
- ALL EARTHWORK, TRENCHING, GRADING, FILLING, ETC., SHALL BE PERFORMED IN ACCORDANCE WITH GEOTECHNICAL INVESTIGATION REPORT RECOMMENDATIONS PREPARED FOR THIS PROJECT.

SITE INFORMATION:

1. PARCEL ACREAGE	20.97 AC
2. ZONING	SR-1 (CASCADE COUNTY) R-2 (COGF)
3. LAND USE	EXISTING: AGRICULTURAL 20.98 AC PROPOSED: MIXED USE 1.82 AC, RESIDENTIAL 12.50 AC, PUBLIC ROW 4.52 AC, PRIVATE ROAD 0.52 AC, GREENSPACE 1.62 AC
6. EASEMENTS	5' PUBLIC UTILITY EASEMENT (PUE) - LOCATION FOR ALL DRY UTILITIES AND GAS MAINS

LIGHTING NOTES:

- LOCATION OF STREET LIGHTS ALONG BOTH SIDES OF PARKWAY AS SHOWN ON PLAN
- SPECIFICATIONS:
 - TYPE: CREE XSP SERIES
 - SPACING: 73' OC, BOTH SIDES OF MEDIAN
 - HEIGHT: 25'
 - CR: MIN 70
 - INITIAL LUMEN RATING: 3,784
 - TOTAL WATTAGE: 53

Wheat Ridge Estates Phase 1

FEBRUARY 2018

C&W DEVELOPMENT, INC.
1725 41ST ST S
GREAT FALLS, MT 59405
406-761-1955
FAX 406-761-1546

KYSO CORPORATION
2901 4TH AVE N
GREAT FALLS, MT 59401
406-453-2137



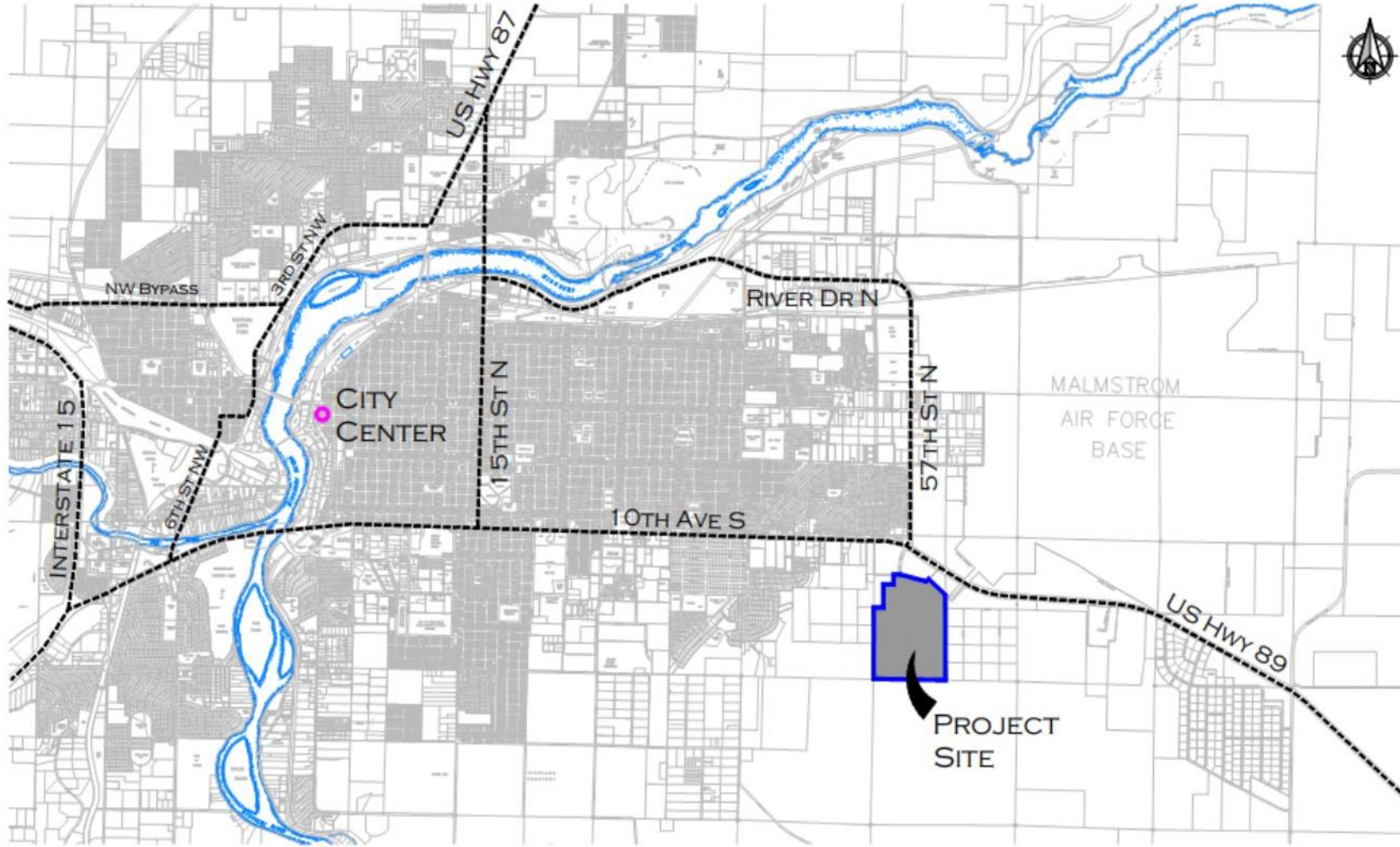
WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS

WHEAT RIDGE ESTATES - PH 1
PLANNED UNIT DEVELOPMENT
GREAT FALLS, MT

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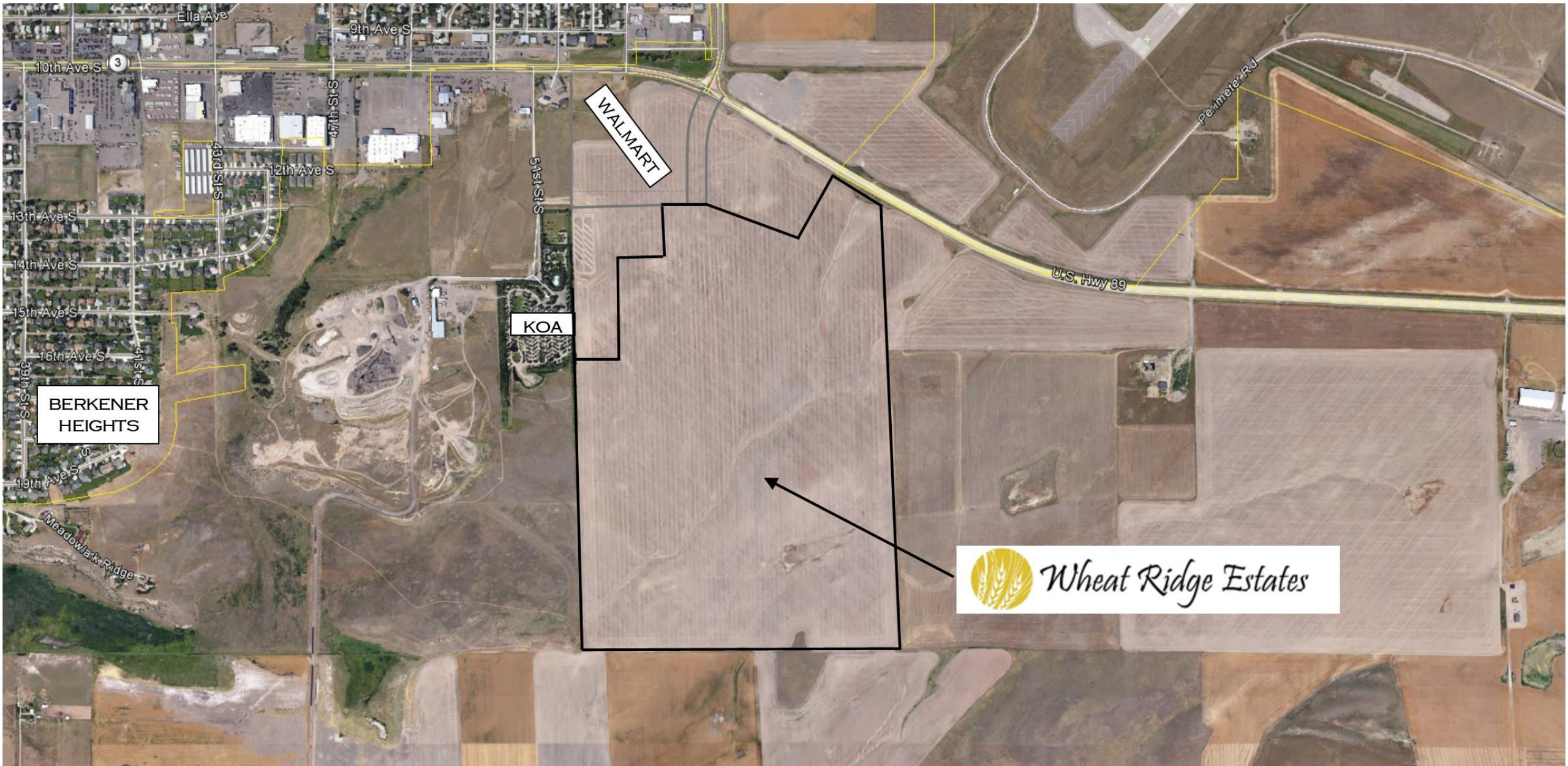
VICINITY / REGIONAL TRANSPORTATION MAP



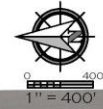
WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS

WHEAT RIDGE ESTATES - PH 1
 PLANNED UNIT DEVELOPMENT
 GREAT FALLS, MT

3

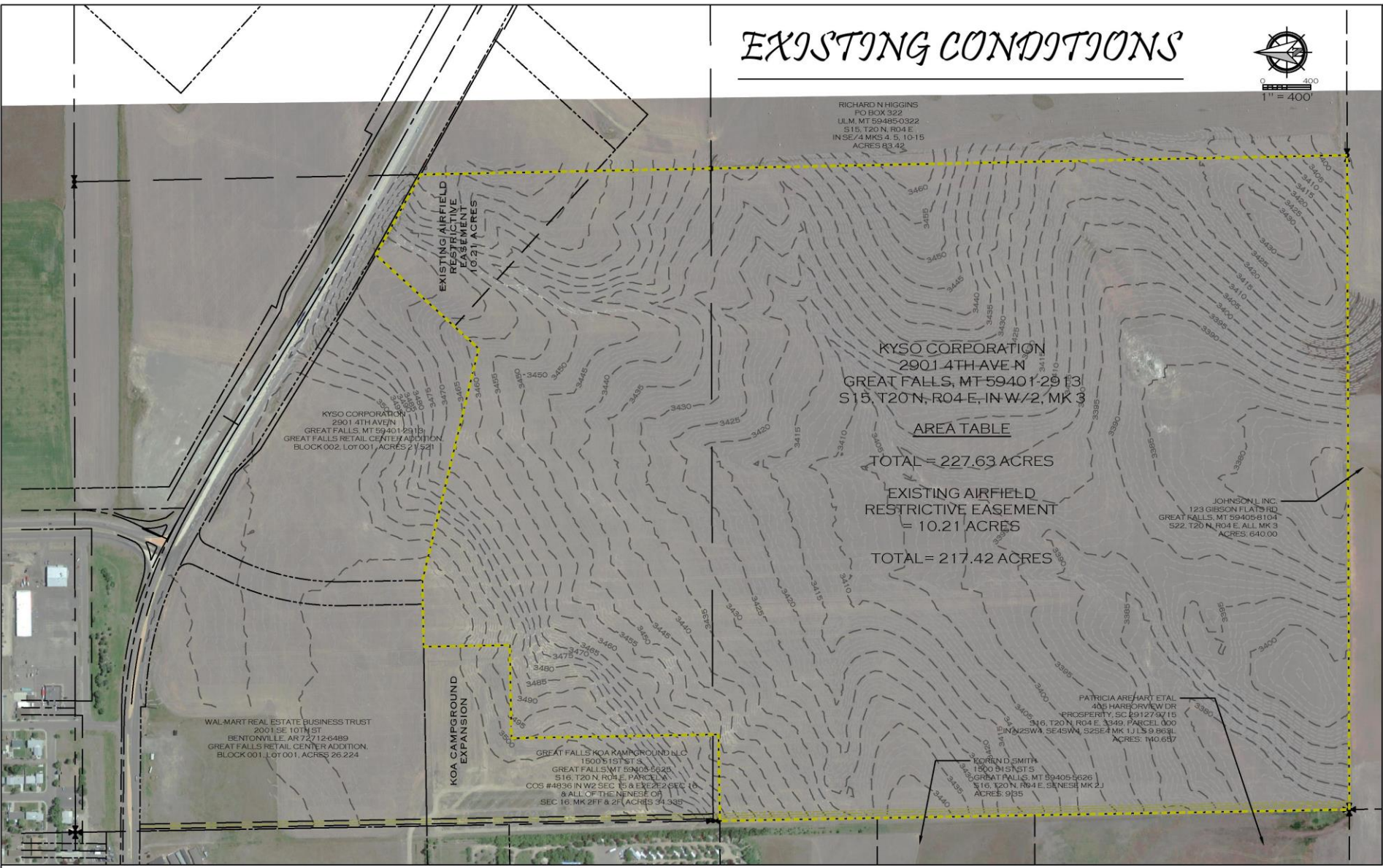


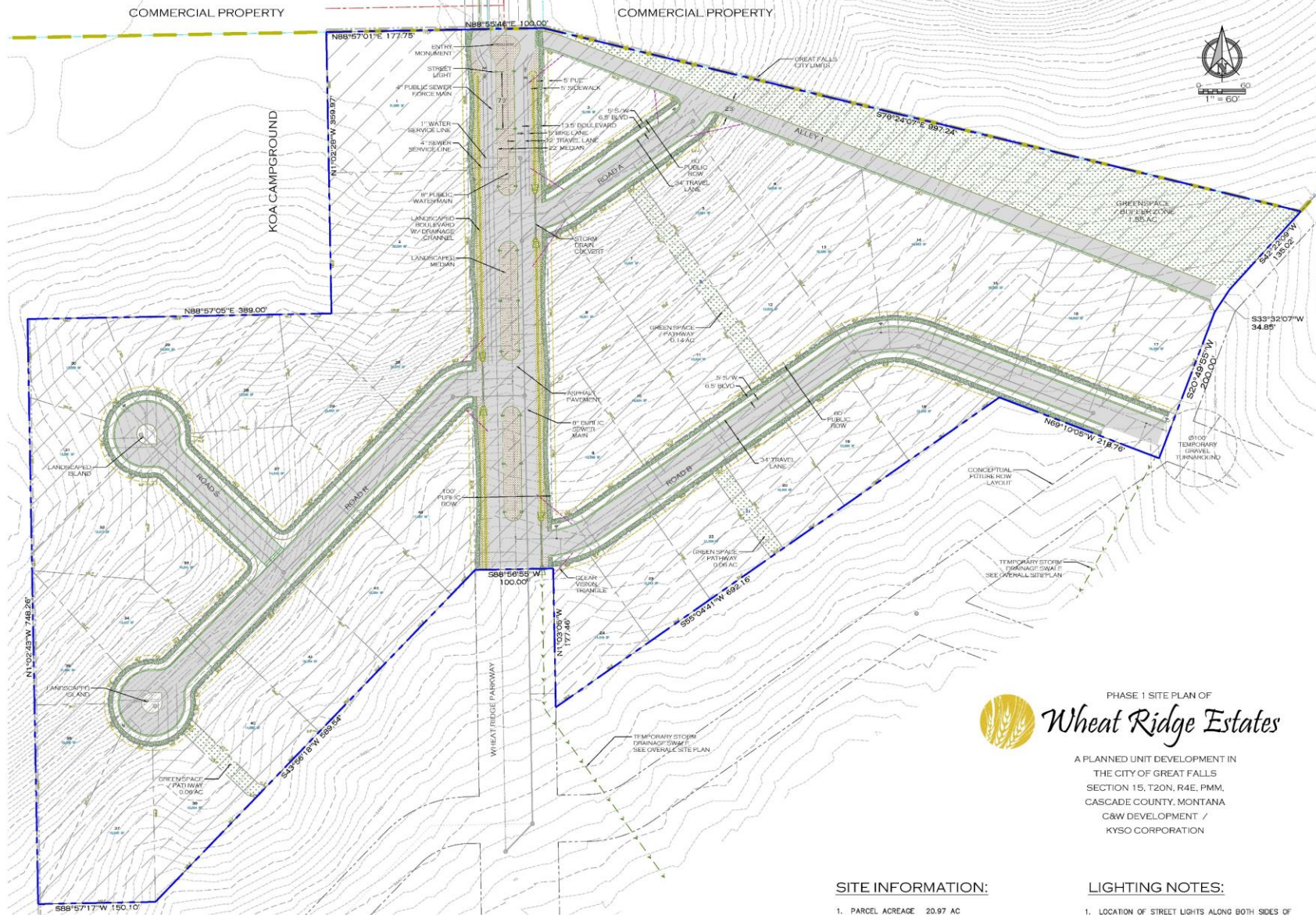
EXISTING CONDITIONS



WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS

WHEAT RIDGE ESTATES - PH 1
PLANNED UNIT DEVELOPMENT
GREAT FALLS, MT





DATE	2/11/2018
CA	
DCON	
DESIGN	
PREPARED BY	RYAN C. WOOD
PROF. NO.	000000000
STATE	MT
SCALE	1" = 60'
TITLE	PHASE 1 SITE PLAN
PROJECT	WHEAT RIDGE ESTATES
CLIENT	KYSO CORPORATION
LOCATION	SECTION 15, T20N, R4E, PMM, CASCADE COUNTY, MONTANA
DRAWN BY	RYAN C. WOOD
CHECKED BY	RYAN C. WOOD
DATE	2/11/2018

DATE

DESCRIPTION

A

WOITH ENGINEERING, INC.
ENGINEERS & SURVEYORS
 GREAT FALLS • MISSOULA • BUTTE/BOZEMAN • 406-791-1880

PHASE 1 SITE PLAN OF
Wheat Ridge Estates
 A PLANNED UNIT DEVELOPMENT IN
 THE CITY OF GREAT FALLS
 SECTION 15, T20N, R4E, PMM,
 CASCADE COUNTY, MONTANA
 C&W DEVELOPMENT /
 KYSO CORPORATION

GENERAL NOTES:

- EXISTING UNDERGROUND INSTALLATIONS & PRIVATE UTILITIES SHOWN ARE INDICATED ACCORDING TO THE BEST INFORMATION AVAILABLE TO THE ENGINEER. THE ENGINEER DOES NOT GUARANTEE THE ACCURACY OF SUCH INFORMATION. STATE LAW REQUIRES CONTRACTOR TO CALL ALL UTILITY COMPANIES BEFORE EXCAVATION FOR EXACT LOCATIONS.
- ALL ON-SITE UTILITY IMPROVEMENTS SHALL CONFORM TO THE PLUMBING CODE (UPC) AND ALL ADMINISTRATIVE RULES OF MONTANA AND MODIFICATIONS TO THE UPC.
- ALL IMPROVEMENTS SHALL BE PERFORMED IN ACCORDANCE WITH MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS 6TH EDITION, APRIL, 2010, INCLUDING ALL ADDENDUMS, AND THE CITY OF GREAT FALLS STANDARDS.
- NO WORK SHALL BE CONDUCTED UNTIL THE PLANS HAVE BEEN APPROVED BY CITY OF GREAT FALLS AND THE CONTRACTOR HAS THE PERMITS IN HAND.
- UNLESS OTHERWISE SPECIFIED, ALL CONSTRUCTION LAYOUT AND STAKING SHALL BE PERFORMED UNDER THE RESPONSIBLE CHARGE OF A LAND SURVEYOR LICENSED IN THE STATE OF MONTANA AND BY A PARTY CHIEF OR ENGINEERING TECHNICIAN EXPERIENCED IN CONSTRUCTION LAYOUT AND STAKING TECHNIQUES AS ARE REQUIRED BY THE SPECIFIC TYPE OF WORK BEING PERFORMED.
- ALL EARTHWORK, TRENCHING AND BACKFILL SHALL BE PERFORMED IN ACCORDANCE WITH GEOTECHNICAL INVESTIGATION REPORT RECOMMENDATIONS FOR THIS PROJECT.

SITE INFORMATION:

1. PARCEL ACREAGE	20.97 AC
2. ZONING	SR-1 (CASCADE COUNTY) R-2 (COOP)
3. LAND USE	EXISTING AGRICULTURAL 20.98 AC PROPOSED MIXED USE RESIDENTIAL PUBLIC ROW PRIVATE ROAD GREENSPACE 1.82 AC 12.50 AC 4.52 AC 0.52 AC 1.62 AC
4. EASEMENTS	5' PUBLIC UTILITY EASEMENT (PUE) - LOCATION FOR ALL DRY UTILITIES AND GAS MAINS

LIGHTING NOTES:

- LOCATION OF STREET LIGHTS ALONG BOTH SIDES OF PARKWAY AS SHOWN ON PLAN
- SPECIFICATIONS
 - TYPE OREE XSP SERIES
 - SPACING 73' OC, BOTH SIDES OF MEDIAN
 - HEIGHT 25'
 - CR MIN 70
 - INITIAL LUMEN RATING 3,784
 - TOTAL WATTAGE 53

Wheat Ridge Estates
 GREAT FALLS, MONTANA

SITE PLAN - PHASE 1

6

Wheat Ridge Estates

A PLANNED UNIT DEVELOPMENT IN THE CITY OF GREAT FALLS, MONTANA
SECTION 15, T20N, R4E, PMM,
CASCADE COUNTY, MONTANA
G&W DEVELOPMENT /
KYSO CORPORATION



DETENTION POND 1 NOTES:

1. POND SIZED TO DETAIN FLOW FROM PHASE 1 AND FUTURE PHASES 2-9 OF THE DEVELOPMENT WITH OVERALL IMPERVIOUS % OF ALL PHASES CALCULATED TO BE 34.60% (SEE DETENTION POND CALCULATIONS FOR DETAILS). IMPERVIOUS % CALCULATED USING THE FOLLOWING:

PARKWAY ROW	40% IMPERVIOUS
LOCAL ROAD ROW	75% IMPERVIOUS
ALLEY	95.0% IMPERVIOUS
LOT AREA	3,500 SF / LOT IMPERVIOUS
2. DETENTION POND CAPACITY: 195,113 CF
3. TOP AREA: 42,088 SF
4. DEPTH: 6.50 FT
5. RELEASE RATE:

PRE	29.32 CFS
POST	28.92 CFS
6. OUTFALL PIPE: 24" PVC W/ 23" Ø GRITICE

EAST GREAT FALLS RETAIL CENTER ADDITION

KOA CAMPGROUND EXPANSION

EXISTING AIRFIELD RESTRICTIVE EASEMENT 10.21 ACRES

FUTURE
SECONDARY
EMERGENCY
ACCESS

CREAT P.O. S
CITY LIMITS

13 Acre
BOUNDARY
2007 ACRES

EXISTING
DRAINAGE
DITCH

NW1/4 NE1/4
SW1/4 SE1/4

SECTION 15
T20N, R4E

PROPOSED
DRAINAGE
DITCH

DISCUSSION
ON THIS PLAN
REF "P" IN
SECTION 15

FUTURE
POTENTIAL
BOUNDARIES

EXISTING
DRAINAGE
DITCH

FUTURE
POTENTIAL
BOUNDARIES

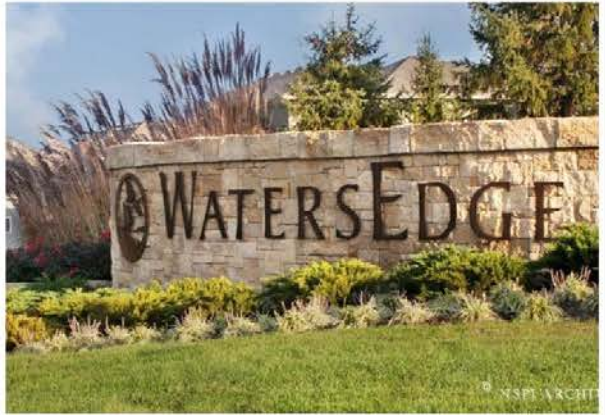
LEGEND

- Mixed Use
- Single Family Res.
- Cluster Res.
- Medium Density
- Multi-Family
- Estate Res.
- Park
- Storm Water Area





100'
Parkway Right-of-Way



**MINUTES OF THE MEETING
OF THE
GREAT FALLS PLANNING ADVISORY BOARD/ZONING COMMISSION
April 24, 2018**

CALL TO ORDER

The regular meeting of the Great Falls Planning Advisory Board/Zoning Commission was called to order by Chair Pete Fontana at 3:00 p.m. in the Commission Chambers of the Civic Center.

ROLL CALL & ATTENDANCE

Planning Board Members present:

Pete Fontana, Chair
Michael Wedekind, Vice Chair
Dave Bertelsen
Scot Davis
Anthony Houtz
Tory Mills
Charles Pankratz
Patrick Sullivan
Amanda Thompson

Planning Board Members absent:

None

Planning Staff Members present:

Craig Raymond, Director P&CD
Thomas Micuda, Deputy Director P&CD
Erin Borland, Planner II
Brad Eatherly, Planner I
Connie Tryon, Sr. Admin Asst

Other Staff present:

Sara Sexe, City Attorney
Steve Hester, Fire Chief
Dave Dobbs, City Engineer
Dirk Johnson, Fire Marshal

Mr. Raymond affirmed a quorum of the Board was present.

MINUTES

Chair Pete Fontana asked if there were any comments or corrections to the minutes of the meeting held on March 27, 2018. Seeing none, Mr. Sullivan moved to approve the minutes. Mr. Davis seconded, and all being in favor, the minutes were approved.

BOARD ACTIONS REQUIRING PUBLIC HEARING

CUP Request 3125 8th Avenue North

Brad Eatherly, Planner I, said the request is for a Conditional Use Permit (CUP) for a Residence, Two-Family land use in what is currently zoned R-3 Single-family high density. He reviewed the zoning map, site photos, and proposed site plan. The existing sidewalk will be required to be repaired during development.

Mr. Eatherly said the proposal is consistent with the City's Growth Policy, adequate utilities will be provided, and the conditional use will not impede upon normal and orderly development. City staff does recommend approval of the CUP, and Mr. Eatherly offered to answer any questions.

PETITIONER'S PRESENTATION

Tom Skovron, 112 Riverview Dr. East, said the house that was on the lot was razed and they are ready to move forward with something new.

PUBLIC QUESTION AND ANSWER SESSION

There were no questions from the Board or the public.

PUBLIC COMMENT

Harold Hamon, 3115 8th Ave North, spoke in favor of the proposed project.

BOARD DISCUSSION AND ACTION

MOTION: That the Zoning Commission recommends the City Commission approve the Conditional Use Permit subject to the applicant fulfilling the listed Conditions of Approval.

Made by: Mr. Sullivan
Second: Mr. Davis

VOTE: All in favor, the motion carried.

BOARD ACTIONS NOT REQUIRING PUBLIC HEARING

Wheat Ridge Estates

Tom Micuda, Deputy Director of P&CD, gave a brief background on the project and said the public hearing portion was completed at the March 27 meeting. He reviewed the order of procedure for

removing this item from tabled status, and said staff and the applicant will both give brief remarks, and then answer any questions from the Board.

Ms. Thompson disclosed that her mother-in-law did make public comment regarding the proposed project during the public hearing, but she had not discussed the project with her. She also disclosed that her employer owns land directly across from the proposed project.

MOTION: That the Planning Advisory Board remove the agenda item from the table for discussion purposes and further action.

Made by: Mr. Wedekind
Second: Mr. Houtz

VOTE: All in favor, the motion carried.

Mr. Micuda said new information was provided to the Board at the meeting on the 27th, and they were made available as part of this meeting's packet. After evaluation of all the additional information, the staff recommendation remains the same due to the unique location challenges of the proposed project. Mr. Micuda reiterated specific public safety issues including emergency response time, the emergency access road and durability concerns of the proposed surface, as well as the nearest public street access being over ½ mile away.

Pending litigation in the amount of \$2 million for alleged flooding damage to properties directly southwest of the proposed project is also a concern for City staff. The applicant is proposing stormwater detention at a rate above and beyond what is required; however, this controls rate, not volume of water being released.

The third major concern for staff is the location of the project being adjacent to Malmstrom Air Force Base. The Accident Potential Zone that was identified by the Joint Land Use Study (JLUS), the impact on current and future flying missions, as well as light and noise impacts from any residential or commercial development are additional reasons why staff feels the project should not move forward at this time due to potential impacts to the Air Base.

PETITIONER COMMENTS

Abigail St. Lawrence, representing KYSO Corporation, said in regards to emergency response time, staff is holding the proposed development to a standard that current development is not being held to. She also reviewed a geotechnical report evaluating the capacity of the proposed emergency access road surface that stated it is capable of holding 75,000 pounds. Ms. St. Lawrence discussed impact fees and the ability of the City to levy those fees to address public safety issues.

Ms. St. Lawrence stated that while she can appreciate the City's concern for litigation, the bottom line with the stormwater management issue is that the City is holding the developer liable for a liability that has not yet occurred. She discussed water rights in regards to staff's insistence on retention versus detention, and explained the developer cannot apply for a water right for a retention pond.

Ms. St. Lawrence discussed the issues with Malmstrom Air Force Base, and disputed staff's

position on the effect of development on current and future missions. She also touched on the edge development concern noted in the staff report and stated that in the approval of the east Walmart, the City anticipated growth in the direction of Wheat Ridge.

BOARD QUESTION AND ANSWER SESSION

Mr. Sullivan asked for clarification on whether this is truly the only direction the City can, and will, grow. Mr. Micuda said no.

Mr. Fontana inquired about funding for the 13^h Ave South connector and said Ms. St. Lawrence testified that there was money in escrow but the City refuted that. He asked if Walmart had paid upfront and was anticipating reimbursement by subsequent developers. Ms. St. Lawrence said they were mistaken about money being in escrow, but they are willing to pay their proportionate share. Mr. Fontana asked staff if Walmart paid up front. Mr. Micuda said the Improvement Agreement pertains to reimbursement of water lines, and there is no mention of street reimbursement. There was discussion on the dedicated right-of-way and the City's ability to fully connect the street.

Mr. Pankratz asked for clarification from Ms. St. Lawrence on what a particular handout that was just provided to Board members was supposed to show. She stated the southeast Great Falls Wastewater Master Plan before them was part of the approval of east Walmart, which proves the City's anticipation of further development in the direction of Wheat Ridge Estates. Mr. Pankratz asked staff if that was accurate. Mr. Dobbs, City Engineer, said a water main was upsized with the knowledge that there could be further potential development. He also stated this was before the litigation began in that area.

Mr. Pankratz inquired about anticipated groundwater flows in a residential development. Ms. St. Lawrence explained the effects of a change in agricultural use to a residential use. Spencer Woith, Woith Engineering, explained further about time of concentration and delays in stormwater.

Mr. Dobbs elaborated on the groundwater issues and said the applicant has not satisfactorily addressed the stormwater problems.

Mr. Fontana pointed out that the JLUS does not discuss low density residential development, and asked if the opinion was that residential development was okay, as long as it was not medium or high density. Mr. Micuda explained the concern is creating resident populations, but there is no definition in the JLUS on what density is acceptable.

Mr. Mills asked if there was an air tower control currently on Malmstrom, and whether flying missions could be done without one, and the answer was No to both.

Mr. Pankratz inquired further about existing water rights, and said he felt as though it would benefit the litigating property to retain the stormwater from Wheat Ridge. Ms. St. Lawrence said the concern with the retention proposal of City staff is that the water never reaches them because it evaporates, thus infringing upon water rights.

Mr. Fontana referred to comments submitted at the public hearing on March 27 by County Commissioner Briggs, that said the applicant is attempting to circumvent County zoning regulations, and asked Ms. St. Lawrence if this application had ever been in front of or denied by the County. She said No.

Mr. Sullivan asked there were crops on this parcel currently being agriculturally watered. Mr. Woith said there are no water rights associated with the property for specific irrigation of crops, other than natural rainfall. Mr. Sullivan also asked Mr. Woith to confirm this will not be a gated community, and Mr. Woith said no.

Mr. Fontana asked if citizens would be able to exit on the emergency access road if need be. Chief Hester said Yes, but because it exits onto a highway, MDT and the Highway Patrol would also be involved in that determination.

Mr. Houtz asked that Mr. Micuda review staff Findings of Fact regarding the annexation. Mr. Micuda reviewed the Findings of Fact as listed in the staff report, and expanded upon the reasoning for the recommendation for denial on each one.

Mr. Houtz asked Mr. Dobbs if the applicant was able to deal with the rate and the flow of the stormwater plan, would the City be more on board with the proposal. Mr. Dobbs said the proposed plan has the rate reduced, however, more gallons of water will flow downhill into the area of current litigation. Mr. Micuda said a City staff recommendation was provided for a stormwater plan of total retention, but the applicant had concerns with water rights.

There was discussion on staff's reasoning behind a negative recommendation, and Mr. Fontana said he felt the majority of the arguments were weak.

There was more discussion on stormwater challenges and the feasibility to detain the water and pump it elsewhere.

Mr. Wedekind asked Mr. Woith why they did not want to adhere to the City's recommendations on the stormwater plan. Mr. Woith said expense, as well it being a water rights issue. Mr. Wedekind asked if once the property is annexed, does the City then take on the responsibility of any legal issue that may arise, and Mr. Woith said potentially Yes.

Mr. Mills asked if there would be an analysis done after each phase of development on water rights affecting downstream. Mr. Woith said before every phase the same storm drain analysis is done.

Mr. Wedekind asked staff if the property is annexed, who owns any liability moving forward. Ms. Sexe said the City could be sued in the future by the downstream water users.

Mr. Sullivan asked Chief Hester if annexing this property would affect the City's ISO rating, and Chief Hester said No, mileage 5 miles away or greater affects the rating.

BOARD DISCUSSION AND ACTION

MOTION: That the Planning Advisory Board recommend the City Commission deny a resolution to annex the Subject Property, based on the accompanying Findings of Fact.

Made by: Mr. Bertelsen
Second: Mr. Sullivan

Loren Smith, 1500 51st Street South, noted that he has owned the KOA Campground adjacent to the project for many years. He expressed his support of the project and encouraged the Board to allow development of the proposed project.

Katie Hanning, 327 2nd Street South, said not every vacant piece of land can be built on. She expressed her support of the project, and her disappointment of fear of litigation being what she felt was the driving force behind the City's negative recommendation.

Lauren Smith, 51st Street South, explained the east Walmart development was developed with anticipation of future development in the surrounding areas.

Terry Thompson, 401 13th Avenue South, expressed her support of the project and disagreement with the staff recommendation that the project cannot develop due to Malmstrom Air Force Base. She stated her view that the development process in Great Falls is viewed negatively, and asked that the Board help shift that view and approve the project.

Mr. Bertelsen said the Planning Advisory Board has recommended approval of many projects involving surrounding developments, and does not believe that is viewed as negative by the community. Mr. Bertelsen likes the proposed project, but does not like the location and believes the proximity to the base and the Accident Potential Zone is a huge concern. This will send the wrong message to the Department of Defense.

Mr. Sullivan noted that the 2018 Department of Defense budget includes over 400 billion dollars in base infrastructure in the United States, and at this time it is unknown how much of those funds will be dedicated to Malmstrom Air Force Base.

Mr. Wedekind said he does feel the community expresses difficulty in developing within the City, but he agrees with Mr. Bertelsen in that the Board approves the majority of the projects presented to them. He also expressed his desire to protect the future of the base.

Mr. Davis said this is a very contentious issue, and said it should be considered that if there is no current mission on the base, there is no Accident Potential Zone. He also expressed his opinion that this is an opportunity that needs to be seriously considered.

Mr. Houtz added that he likes the development, but his concerns are the unknowns surrounding the way forward.

Ms. Thompson expressed her support of the project and views it as a way of positive growth.

Mr. Pankratz said there is a lot of room to find solutions to stormwater issues in regards to the entire 227 acre project. He said he does not believe development should be stopped in that area simply for the hope of a future possibility of a flying mission on the base, but expressed his appreciation for the military.

Mr. Mills said he agreed with Mr. Davis and Mr. Pankratz, and felt the first Phase is small enough to start and see where things develop from there.

Mr. Fontana stated he felt the staff reasons for recommendation for denial are a bit weak, and the developer should not be held hostage due to pending City litigation. He also said the JLUS is an advisory, aged document, and should not be used as guidance.

Mr. Houtz asked if the motion were to be changed to approve the annexation, would it include approval of the stormwater plan or secondary access point. Mr. Raymond said that would be more appropriate to address in the motion for Plat recommendation.

VOTE: Mr. Bertelsen, Mr. Sullivan, and Mr. Wedekind voted in favor of the motion. The remaining Board members voted in opposition. The motion failed 3-6.

There was procedural discussion, and Ms. Sexe suggested a recess in order to amend the Findings of Fact to reflect the Board's anticipated new motion to approve the project.

The Board took a 25 minute recess for staff and Mr. Davis to develop amended Findings of Fact.

MOTION: That the Planning Advisory Board recommend the City Commission adopt a resolution to annex the Subject Property, based on the accompanying Findings of Fact as determined by the Board (see attached amended Findings of Fact- Annexation). Mr. Davis read these findings into the record.

Made by: Mr. Davis
Second: Ms. Thompson

Ms. St. Lawrence stated she agreed with the amended Findings of Fact.

VOTE: Mr. Bertelsen, Mr. Sullivan, and Mr. Wedekind voted in opposition of the motion. The remaining Board members voted in favor. The motion carried 6-3.

MOTION: That the Zoning Commission recommend the City Commission adopt the assignment of a zoning designation of Planned Unit Development upon the Subject Property, based on the accompanying Findings of Fact (see attached amended Basis of Decision-PUD). Mr. Davis read these findings into the record.

Made by: Mr. Davis
Second: Ms. Thompson

Ms. St. Lawrence stated she agreed with the amended Findings.

VOTE: Mr. Bertelsen, Mr. Sullivan, and Mr. Wedekind voted in opposition of the motion. The remaining Board members voted in favor. The motion carried 6-3.

MOTION: That the Planning Advisory Board recommend the City Commission adopt the Preliminary Plat for Wheat Ridge Estates, Phase I, based on the accompanying Findings of Fact (see attached amended Finding of Fact- Montana Subdivision and Platting Act). Mr. Davis read these findings into the record

Made by: Mr. Davis
Second: Mr. Mills

Ms. St. Lawrence stated she agreed with the amended Findings.

Mr. Sullivan explained his reasons for siding with City staff in voting against the motions.

Mr. Houtz stated he would like to see more work done with stormwater and emergency access.

VOTE: Mr. Bertelsen, Mr. Houtz, Mr. Sullivan, and Mr. Wedekind voted in opposition of the motion. The remaining Board members voted in favor. The motion carried 5-4.

COMMUNICATIONS

Next Meeting Agenda – Tuesday, May 8, 2018

- PUD Amendment for Jewel Addition

Petitions & Applications Received:

- None

PUBLIC COMMENT

Dan Huestis, 2901 4th Avenue North, thanked the Board for their deliberate and thoughtful considerations.

ADJOURNMENT

There being no further business, Chair Pete Fontana adjourned the meeting at 6:03 p.m.

CHAIRMAN

SECRETARY



To: City of Great Falls, Planning Advisory Board/Zoning Commission
From: KYSO Corporation and C&W Development
Date: April 24, 2018
Re: Wheat Ridge Estates—Phase 1

The purpose of this memorandum is to provide additional response to the Planning Advisory Board/Zoning Commission (hereinafter referred to as “Board/Commission”) supplemental Agenda Report prepared by Deputy Planning and Community Development Director Tom Micuda and to also provide additional information to the Board/Commission for use in making the determination on KYSO Corporation’s and C&W Development (hereinafter referred to as “KYSO” and “C&W,” respectively and “Developer”) request for annexation of a 20.98-acre parcel located directly south of the East Great Falls Retail Center and legally described in draft Certificate of Survey, assignment of Planned Unit Development zoning upon annexation, and Preliminary Plat for a Major Subdivision for a project known as Wheat Ridge Estates, Phase I (hereinafter referred to as “Wheat Ridge” or “Subject Property”). The Developer respectfully presents the following information for the Board/Commission’s consideration and requests that the Board/Commission reject staff recommendations. Further, the developer respectfully requests that the Board recommend that the City Commission adopt a resolution to annex the Subject Property based on revised Findings of Fact, that the Commission recommend the City Commission adopt the assignment of a zoning designation of Planned Unit Development upon the Subject Property based on revised Findings of Fact, and that the Board recommend the City Commission adopt the Preliminary Plat for Wheat Ridge based on revised Findings of Fact.

Response to Staff Report

The Developer refers to its previous responses to the earlier Agenda Report, as much of that is still relevant. However, because the decision was tabled at the March 24, 2018 meeting, planning staff took the interim time period to prepare additional response to the Developer’s submittal to the Board/Commission in March. Unfortunately, planning staff has taken on an adversarial and advocacy role rather than merely advisory, so the Developer is compelled to respond. The additional Agenda Report continues to focus on three primary areas of identified concern as the basis for the staff recommendation to deny annexation, the PUD zoning request, and Preliminary Plat for Wheat Ridge: public safety service, stormwater management, and impacts associated with Malmstrom Air Force Base (hereinafter referred to as “MAFB”). All three primary areas of concern as well as the additional issues and review comments are addressed below.

Public Safety Service

The additional Agenda Report identifies that 2018 calls to the East Walmart store averaged a response time of six and a half to seven minutes, yet also continues to insist that response time to Wheat Ridge needs to be four minutes or less. The bottom line is that the Developer is being

held to a standard that current development cannot, does not, and is not required to meet without further explanation. This insistence is nothing short of arbitrary.

The additional Agenda Report also complains of the proposed asphalt-milled surface and seeding for the emergency access road, citing concerns that the road surface cannot support the 75,000 pounds required for the fire engine access. First, Cascade County subdivision standards allow for gravel roadways to provide all access, including emergency access. While the Developer acknowledges these are county, not city, standards, it is indicative of the capacity of the roadway. (See exhibit) Second, geotechnical review has verified that the proposed asphalt-milled surface is capable of supporting 75,000 pounds. (see exhibit). Specifically, Big Sky Subsurface determined, "Based on current information and presumptive subsurface conditions, the proposed emergency access road can likely be constructed with a crushed base course gravel surface of nine inches." (See April 24, 2018 memo, p. 4). Finally, the Montana Department of Transportation conditions for the approach permit obtained by the Developer require seeding of the disturbed areas within the right-of-way for the emergency approach. (see exhibit)

While the Developer appreciates the clarification on the City's arrangement with Walmart, the fact that the agreement was to pay for development subject to later reimbursement by subsequent developers rather than paid into escrow is irrelevant. As was stated in the Developer's March 27th submittal to the Board/Commission, the Developer understands and is willing to contribute their proportionate share of the constructions costs for the frontage of 13th Avenue South within Wheat Ridge, which is exactly what was anticipated by the City's arrangement with Walmart. Further, as was stated previously, if and when additional future phases of the master plan are considered for annexation, should the need arise for further development of 13th Avenue South, that factor can be addressed at that time. The entire point of phased development is to allow for infrastructure and development to take place over time rather than all being required up-front. The staff report raising the issue of 13th Avenue South construction that may be necessary with future phases is unwarranted at this time.

Finally, as to impact fees, the Developer understands and appreciates that the City is generally averse to impact fees. However, the fact is that it is within the City's purview to levy such fees to the extent allowed by law. And while it is also correct that impact fees are not permitted for ongoing operational and maintenance expenses, Mont. Code Ann. §7-6-1603(7)(b)(i) does allow for capital improvements, which is the primary complaint.

Stormwater Management

The supplemental Agenda Report essentially attempts to make the Developer responsible for the City's liability in existing litigation, liability which has yet to be determined and for which the City presumably has a legal defense. The fact is that the Developer is meeting and exceeding city design standards for release rates. That the city design standards have raised

liability concerns for the City does not negate the fact that the Developer is meeting and exceeding city standards.

Additionally, as was stated in the Developer's comments to the Board/Commission during the March 27th hearing, Planning staff insistence on retention would require the City to obtain a beneficial water use permit to retain and evaporate water. The beneficial use is not for the Developer's purposes, but for the City's purposes, so the Developer cannot apply for a water right for a retention pond. Additionally, by retaining water that would otherwise be conveyed downstream, the retention system has the potential to adversely impact other existing water rights, which the Montana Water Use Act does not permit.

All that said, the bottom line is the City is looking for solutions to a City-created issue on the Gibson Flats area. Currently, the Developer is charged \$250 per acre storm sewer fee as per existing city standard. The Developer would be willing to pay \$500 per acre with the additional \$250 designated specifically for funding a solution.

Impacts Associated with MAFB

The supplemental Agenda Report insists that the Joint Land Use Study (hereinafter referred to as "JLUS") is not being used as a regulatory document, but merely "as guidance to consider in evaluating this annexation request in the area evaluated by the JLUS." This is semantics; the ultimate effect of Planning staff's reliance on the JLUS is regulatory in nature, which is expressly prohibited in the terms on which the City accepted the JLUS. The Developer refers the Board/Commission back to the detailed comments provided previously at the March 27th hearing.

Additionally, while the supplemental Agenda Report cites to a Bullet Background Paper as rationale for finding impacts to MAFB operation as a result of Wheat Ridge development, the supplemental Agenda Report wholly ignores the fact that the April 2017 draft EA prepared for the assault landing strip included a finding of no significant impact ("FONSI"). In that draft EA, the FONSI stated in regard to land use that the proposed construction and operation of an assault landing zone for C-130 aircraft will have no impact on zoning in the surrounding area. See, FONSI-2. Assuming the FONSI is correct, for the City to now use the proposed assault landing zone operation and other unknown and non-existent potential future uses of MAFB (which would require congressional action in recommissioning the runway) as rationale for essentially rejecting the PUD is not only contrary to the FONSI, but also contrary to prior City declarations and resolutions regarding the JLUS.

Finally, the supplemental Agenda Report cites to assertions by County Commissioner Joe Briggs that the Developer is attempting to "circumvent the existing County Zoning." Setting aside the unwarranted casting of dispersions on the Developer's intent, county zoning has nothing to do with the decision before the Board/Commission. The question is whether the application is merited under City regulation.

Other Issues and Review Comments

In the March Agenda Report, planning staff identified five other issues, all of which the Developer addressed at the March 27th hearing, and none of which are mentioned again in the supplemental agenda report. The only remaining issue is fiscal impact. The supplemental Agenda Report states that future costs are “unknown” and “complex to analyze.” Based on this rationale, the Developer has no way of responding to fiscal impacts, as there is no known impact to respond to. To suggest denial of the application based on unknown impacts or analysis yet to be done is arbitrary at best.

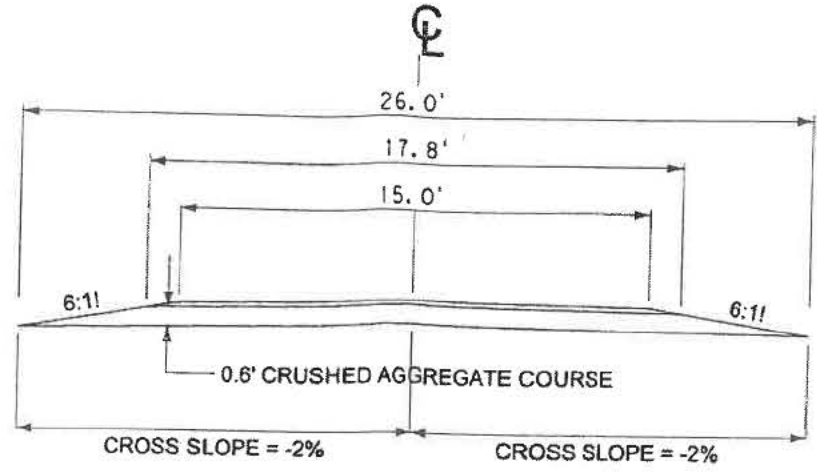
Finally, the supplemental Agenda Report comments on the costs of “edge development.” However, when the City issued the findings of fact for the East Walmart conditional use permit, it specifically anticipated development moving the direction of Wheat Ridge.

As a result of the proposed large format retail store undertaking its proportional share of the infrastructure extensions necessary to serve the subject property, it is reasonable to believe that a new surge of development and improvement of the surrounding properties could occur shortly thereafter.

There are four properties along the south side of 10th Avenue South which are immediately to the west of the subject property that are still located in the County. Extending infrastructure immediately in front of the properties may incentivize the owners to annex and develop. In addition, inquiries about development have been made for the property located immediately east across the 57th Street South right-of-way.

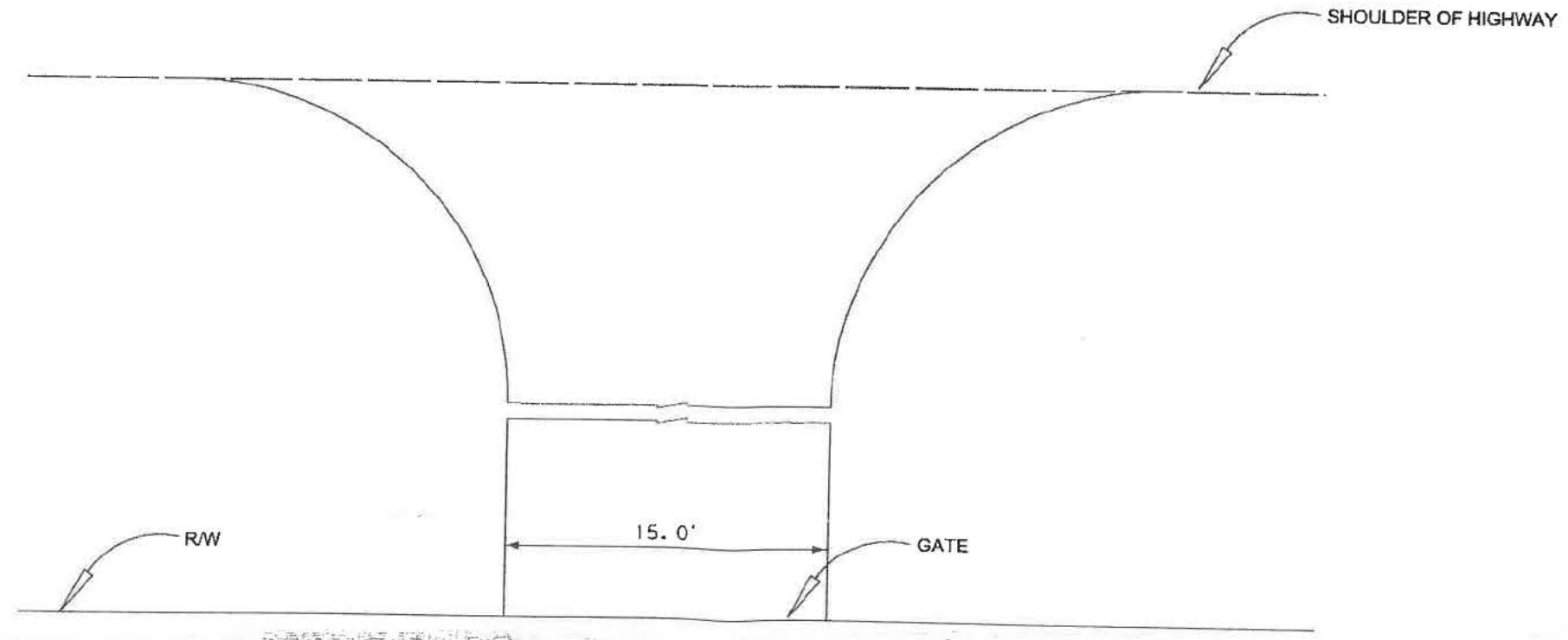
The extension of infrastructure in approval of the East Walmart including both transportation infrastructure and up-sizing of the southeast Great Falls wastewater master plan specifically in anticipation of the Wheat Ridge development. (see exhibit). In approving the East Walmart development, the City anticipated and perhaps even hoped for development to extend the direction of Wheat Ridge. To infer that “edge development” is now no longer desirable without further explanation is contrary to the City’s indicated direction in approval of the East Walmart.

EMERGENCY APPROACH



2 INCH MINIMUM TOPSOIL
 SEED ALL DISTURBED AREAS
 GATE WILL BE LOCATED AT RIGHT OF WAY LINE

PLAN



MONTANA DEPARTMENT OF TRANSPORTATION	C:\DGN\9998RDPVP001.DGN	DESIGNED BY						
	4/5/2018	REVIEWED BY						
	3:52:55 PM	u8006	CHECKED BY					

April 24, 2018

Woith Engineering
1725 41st St S
Great Falls, MT 59405

Attention: Spencer Woith

Subject: Geotechnical Memorandum
Wheat Ridge Estates Emergency Access Road
Great Falls, Montana

Mr. Woith:

Per your request, I have prepared the following geotechnical memorandum for conceptual planning of an emergency access road to your proposed subdivision development on the east end of Great Falls, Montana. It is my understanding that you are in the initial planning stages of the development and as such, no specific geotechnical investigation or testing has been conducted for this portion of the project. Discussion and data presented herein is intended to provide limited geotechnical information based on presumptive subsurface material conditions for your use in conceptual design.

Introduction

On April 23, 2018, you contacted my office to request geotechnical consulting services for conceptual surfacing design of an emergency access road to your proposed subdivision on the southeast end of Great Falls. The Wheat Ridge Estates subdivision has been proposed south of USH 89 and the East Side Walmart location. I have assumed access to the development would likely be established from 51st Street South or from the east Walmart Entrance along 57th Street South. It is my understanding that an emergency access road will be required for the development, primarily for fire truck access. This emergency road access has been proposed along USH 89, and based on information provided, public access will be restricted with "knock down gates" at the USH 89 approach and the connection to the subdivision. Furthermore, you have related that the Montana Department of Transportation may require that the approach be seeded to provide a vegetative cover, further deterring public access. This letter briefly summarizes my preliminary analysis, geotechnical considerations, and conceptual recommendations for the surfacing design of the roadway.

Presumptive Subsurface Conditions

The site lies on the east end of Great Falls, south of the new Walmart location and US Highway 89. Topography of the general area is gently rolling to slightly hummocky with occasional

southwesterly trending drainages. The project area is currently stubble and past land use has been agricultural.

Based on prior work in the general area, surficial project geology is expected to consist of a thin veneer of organic/tilled/disturbed material and overburden soils including lean/fat clay overlying weathered fluvial till and less weathered, desiccated lodgment glacial till deposited during Pleistocene continental glaciation. Below the high plasticity glacial soils, interbedded Cretaceous age sandstone and shale of the Kootenai Formation are anticipated. Near surface clay and sand soils are expected to be relatively weak, normally to slightly overconsolidated, and weathered; exhibiting both expansive and compressible behavior. High plasticity (fat) clay soils underlying surficial materials are expected to be typically firm to stiff, moist to slightly moist, overconsolidated (by past glacial ice and/or post glacial drying), highly moisture sensitive/swell prone, and relatively weak/poor bearing materials under surfacing design conditions. Except for possible seasonal/perched water (particularly in or near drainages), groundwater is not anticipated within the upper 10+/- feet.

Preliminary Pavement Surfacing Analysis and Conceptual Recommendations

The following analysis has been conducted based on presumptive subsurface conditions and will require geotechnical testing, analysis, and confirmation of loading requirements for final design and recommendations. As such, the following discussion is intended to be used for preliminary planning purposes only. Based on the requested concept for an emergency access road, gravel surfacing has been assumed to provide support for occasional emergency vehicle traffic. Preliminary analysis has been conducted for aggregate surfacing using procedures outlined in the 1993 AASHTO Guide for Design of Pavement Structures along with local Montana Department of Transportation (MDT) standards and our experience for selection of modulus values for possible for pavement components.

You have indicated that the roadway must be designed to support a 75,000 pound fire truck with unknown, but limited repetitions. This type of traffic loading is not specifically covered in typical design methodology where vehicle traffic would typically be converted to Equivalent Single Axle Wheel (ESALS) and the total ESALS would be calculated over a defined service life along with acceptable surface degradation (rutting, potholing, uneven surface profile, etc.) to arrive at design section thicknesses. It is my opinion that driveability during the worst seasonal conditions (i.e. spring and fall when the surface is likely to be the wettest/lowest strength) is the controlling design parameter over TESAL predictions. As such, we have utilized the AASHTO Low Volume Road design catalog as a basis for surfacing thickness design. This approach is recommended where detailed information is unavailable. The design vehicle is presumed to consist of a 12 to 18 kip single drive axle with tandem dual rear axle configuration and an intermediate set of single drop axles. The assumed design vehicle, under an average frequency of 1 repetition per month for a design life of 20 years would fall below the Low traffic level as defined by AASHTO (using parameters for adjusting axle combination ESALS as would be applicable for flexible pavement design.) The controlling subgrade material is expected to be a fat clay soil with a soaked California Bearing ratio of 1 to 2 percent which is indicative of a very poor roadbed material. Using a Low traffic level (10,000 to 30,000 TESALS), a Very Poor roadbed support quality, and a Climactic Region of VI, the AASHTO guide indicates a minimum aggregate surfacing thickness of 9 inches. The material for which this analysis has been based is limited to a high quality aggregate base course with a minimum effective resilient modulus of 30,000 psi. It should be noted that for traffic volumes in excess of 30,000 TESALS, the

AASHTO Low Volume Road design tables indicates that a "Higher type pavement design is required" and more rigorous analysis methods are to be used.

A high quality, crushed, 1-1/2 inch minus base course (meeting MDT base course requirements or Montana Public Works gradations with the addition of a minimum 50 percent fractured face requirement) is preferred for gravel; however, other materials may be used if they can be shown to meet the minimum resilient modulus. The top 6-inches of the surfacing section can be constructed with 3/4 inch crushed road base material for ease of grading and increased surface elevation control/rideability. Screened/processed asphalt millings (or blended millings and aggregate) may be suitable for portions of the pavement section; however, the modulus of the millings would need to be determined from test data to determine an appropriate reduction in section strength (therefore addition in thickness) relative to the minimum 9 inch gravel section. For preliminary estimating purposes, it may be practical to assume an increase in thickness of approximately 50 percent for portions of the section constructed with millings. I recommend a minimum 6-inch base course gravel section; therefore, 5 additional inches of asphalt millings (screened to a maximum size of 1.5 inches) could be considered. It should be noted that straight asphalt millings may "set" over time which can lead to difficulty in blading and non-uniform performance including potholing and rutting and the density of compacted millings will be lower than a typical base course aggregate thereby increasing permeability. The roadbed must be prepared by stripping disturbed/previously tilled material, scarifying the presumed fat clay subgrade, and constructing an embankment/roadbed subgrade in minimum 12 inch loose lifts to a minimum compacted density of 95 percent of the ASTM D698 maximum dry density (at or slightly above optimum moisture content), followed by pavement section placement (also to a minimum 95 percent of the maximum ASTM D698 dry density.)

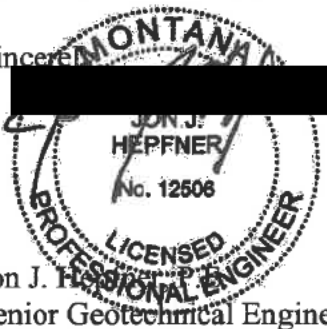
Aggregate surfacing design assumes that routine maintenance including periodic/seasonal blading and scarification/compaction of the aggregate surface will be performed; however, if the road remains essentially "unused" for long periods of time blading will likely not be required. Pavement surface drainage is also an integral part of pavement performance. Infiltrated moisture is a primary source for periodic or long-term saturation of pavement subgrade and will often lead to material segregation, subgrade softening, and increased frost heave potential ultimately leading to poor pavement performance, rutting, and subgrade strength reduction. Positive surface and storm drainage systems along with a regular pavement evaluation and maintenance program including grading, recompaction, and addition of aggregate (as needed) is recommended. The most critical condition for the roadway is likely to occur during wet months where the subgrade is saturated and is weakest. To reduce seasonal occurrences of subgrade saturation, it would be prudent to elevate the roadway embankment and provide drainage away from the roadway prism. Elevating the roadway on the order of 1 to 2 feet above prevailing grade, providing adequate shoulders, and constructing ditches (with under road culverts as necessary) to move water away from the roadway are recommended for the roadway design. Another alternative/improvement would be to increase the gravel section and/or to install a geotextile separation fabric (possibly in conjunction with a geogrid) to mitigate material mixing and strengthen the roadbed/pavement section interface. Application of a high strength geotextile separation fabric has been shown to reduce wheel rutting, reduce material intermixing and gravel loss at the base/subgrade interface, and to provide some strength/reinforcement at the base of the pavement section. Based on recent MDT research projects, I recommend consideration be given to the use of Mirafi RS580i or Geotex 801 geotextile fabrics if desired.

Conclusion

In summary, based on current information and presumptive subsurface conditions, the proposed emergency access road can likely be constructed with a crushed base course gravel surfacing section of 9 inches (to be verified by an appropriate geotechnical investigation.) Alternative materials, such as asphalt millings or uncrushed (pit run) gravel may be used as a portion of this section; however, some additional thickness (based on the resilient modulus of the proposed materials) will be required. It is recommended that the roadway be elevated from adjacent grade and that grading be conducted to minimize the potential for standing water on or along the roadway. The roadbed should be crowned and adequate shoulders should be provided. At your request, I can develop preliminary recommendations for subgrade preparation, material density recommendations, and preliminary assessment of alternative surfacing materials.

This memorandum has been prepared based on presumptive subsurface conditions and limited data for roadway requirements and is not a complete Geotechnical Assessment or Geotechnical Report. Preliminary analysis and concepts provided herein are intended to be used for preliminary planning and cost estimation purposes only. Further geotechnical investigation, analysis, and reporting will be required prior to design completion and construction. I appreciate the opportunity to work with you on this project. Please contact my office with any questions or concerns, or with notice to proceed with further engineering work.

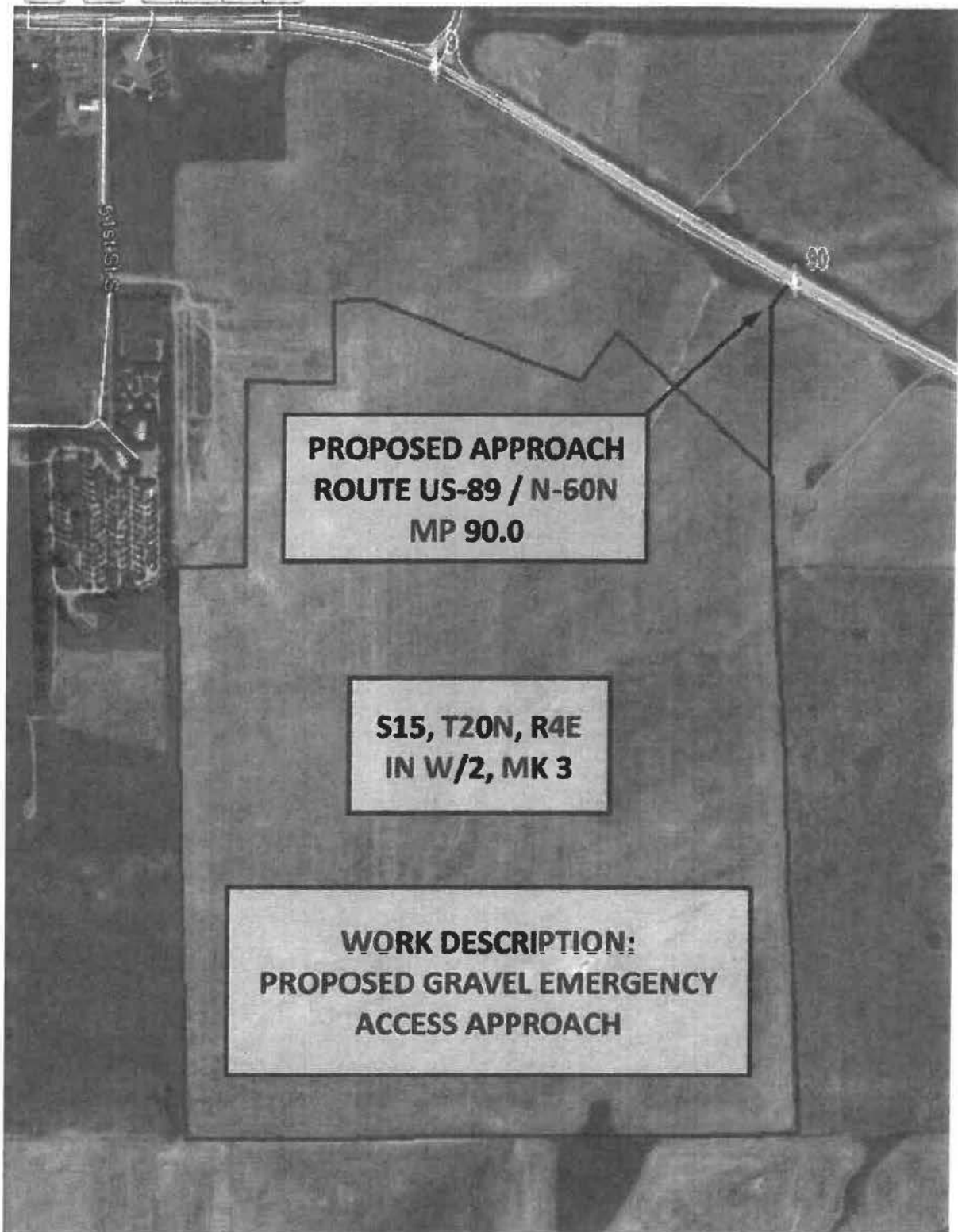
Sincerely,



Jon J. Hefner
Senior Geotechnical Engineer

Email distribution only
Enclosures: General Site Plan

**WHEAT RIDGE—US HWY 89
APPROACH LOCATION**





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April 13, 2018

Great Falls Planning Advisory Board/Zoning Commission

Subject: Annexation of Wheat Ridge Estates – Phase 1, Planned Unit Development.

For use in Public Hearing April 13, 2018 – KYSO Corporation

My name is Loren Smith, and I am the owner of the Great Falls KOA Campground and Prairie Kraft Specialties. I am a direct neighbor to the West of this proposed development, sharing a land boundary with KYSO Corporation.

I am completely in support of this Development proposal, and strongly recommend its approval. I would like to make known my support for this project.

It seems a major concern is: Malmstrom and its closed runway. I am a current pilot and aircraft owner and do a LOT of business flying throughout the United States. Our business requires we visit KOA Campgrounds, and we have for 40+ years. As such, I offer the following very realistic comments:

1. There will never be a flying mission coming to Malmstrom. It's ludicrous to think there ever will be. "Flying Missions" are on the decline in the Air Force, and have been for many years.
2. One of the military's largest issues is taking care of their personnel, and they do a great job. In reality, "personnel" generally means a husband and wife (often with a family), typically with only one of the pair enlisted in the military. In the case of Great Falls, military means the Air Force. Both the husband and wife are generally professional people (in the case of a flying mission, think pilots/navigators) and both wish to have meaningful employment. As such, major metropolitan areas offer a significant advantage for the non-military partner. This ability to have gainful and meaningful employment in their area of interest or expertise supersedes the idea of sunny days and "flying space." Airplanes of today are all weather airplanes and travel at speeds of 500+ mph.
3. I have had the privilege of flying into practically every state in the Union on multiple occasions, and almost every state has a major military base that has been closed over the past 20-30 years. In short, there are a LOT of big unused runways and facilities – think Glasgow, MT, in nearly all states.
4. Local communities see this high dollar abandoned military base and think, "There must be a use for this." The reality is, there isn't. Sad, but true. A Military Air Force Base is a Military Air Force Base, not a residential home site.
5. There absolutely, positively should be no impediment to this project in order to "Protect the Base."



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The taxpayers in Great Falls will benefit from this proposed development. When implemented, it will bring significant increase in property taxes to the State of Montana, Cascade County and the City of Great Falls. A "Runway Protection Zone," or a closed runway (20+ years) brings NO increase in taxes paid. Every property owner in Cascade County should be in favor of this project.

Thank you for your consideration. Please feel free to call if I may be of any help.

Sincerely,

Loren Smith

Owner, Great Falls KOA Campground

Owner, Prairie Kraft Specialties

1500 51st St S

Great Falls, MT 59405

(406) 727-3192

FINDINGS OF FACT – ANNEXATION

PRIMARY REVIEW CRITERIA:

The basis for decision on annexation is listed in Official Code of the City of Great Falls §17.16.7.050 of the Land Development Code. The recommendation of the Planning Advisory Board and the decision of City Commission shall at a minimum consider the following criteria:

1. The subject property is contiguous to the existing City limits.

The 21.10 acre site proposed for annexation is contiguous to existing City limits to the north.

2. The proposed annexation is consistent with the City's growth policy.

The proposed project is not consistent with the overall intent and purpose of the *City of Great Falls Growth Policy Update*. The annexation is supported by some of the Plan's Goals as noted below:

Soc1.4.1 – Work with the private sector and non-profits to increase housing opportunities in the City.

Phy4.1.1 – Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

In contrast, the annexation is in conflict with the goals listed below for reasons outlined in the agenda report addressing public service impacts:

Soc1.4.12 – When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.

Phy4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.

Phy4.3.2 – Plan for the provision of appropriate infrastructure improvements, where needed, to support development.

Phy4.7.6 – Encourage new development in areas contiguous to existing development in the City, where capacity exists or can be planned for.

While staff notes that the property is contiguous and is adjacent to a stubbed street containing water, sewer, and stormwater mains, the property's location context creates significant challenges for the provision of stormwater and public safety services. With regards to the Plan's guidance on supporting the current and future military mission of Malmstrom Air Force Base and the Montana Air National Guard, page 154 of the Plan

document has been included as an attachment. Staff notes the following policy guidance as being most applicable to the Planning Board's consideration of this finding:

Eco3.1.2 - Support the Malmstrom Air Force Base *Joint Land Use Study* (2012), also referred to as the JLUS study, and participate in the joint coordinating committee so as to implement the report's recommendations.

Eco3.1.3 - Should there be a change in the current mission and role of the military at Great Falls, follow the recommendations of the Office of Economic Adjustment (OEA) in responding to this condition so that the City is well positioned and prepared to respond to any change of status, be it new missions, adjustments, downsizing or closure.

3. The proposed annexation is consistent with applicable neighborhood plans, if any.

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #5. The Owner presented information to Council #5, and the Council voted in favor of the project.

4. The proposed annexation is consistent with other planning documents adopted by the City Commission, including a river corridor plan, transportation plan, and sub-area plans.

The subject property does not lie within any adopted plans or sub-area plans, except for the Great Falls Area Long Range Transportation Plan. This annexation is consistent with the goals and purpose of the Plan through the extension of 57th Street South.

5. The City has, or will have, the capacity to provide public services to the subject property.

The 21.10 acre parcel's location outside the southeastern boundary of the City's corporate limits presents challenges for local services such as street maintenance, snow removal, and public safety response. Complicating these issues are the following: 1) the property is only contiguous to the City limits in one direction – to the north, 2) the developer hasn't shown or committed to constructing a paved secondary access for either emergency services or general connectivity, and 3) the nearest public street to the west is located approximately ½ acre to the west of the parcel being considered for annexation. As a result, staff cannot make a positive finding that the City has the capacity to provide public services.

6. The subject property has been or will be improved to City standards.

The developer has demonstrated the feasibility to connect and extend City water service. While the developer's preliminary proposal for installation of a force main and temporary lift station still requires additional design, providing sanitary sewer service seems to be feasible. The proposed roadways also will meet typical design standards.

However, the subject property is not being improved to the standards acceptable to the Engineering Department or Fire Department. For Engineering, the property's location upstream from the Gibson Flats area requires a preliminary plan to re-route or retainage of all stormwater for the annexed parcel. For the Fire Department, their standards for a second fire apparatus route and response times have not been addressed.

- 7. The owner(s) of the subject property will bear all of the cost of improving the property to City standards and or/ the owner(s) has signed an agreement waiving the right of protest to the creation of a special improvement district created to pay, in whole or in part, any necessary improvement.**

An Improvement Agreement is being deferred in order to first address the issue of whether or not the parcel should be annexed. The owner is anticipating financial responsibility of installing street and utility infrastructure. The owner has not committed to installing a complying secondary ingress and egress route for fire protection and improved connectivity. Additionally, no agreement has been reached regarding the Engineering Department's stormwater recommendations.

- 8. The subject property has been or will be surveyed and officially recorded with the County Clerk and Recorder.**

A Certificate of Survey has been recorded for the subject property.

- 9. The City will provide both water and sewer service to each of the uses in the subject property that may require potable water and waste water treatment and disposal.**

These services can be feasibly provided to the subject property.

- 10. The subject property is not located in an area the City Commission has designated as unsuitable for annexation.**

The subject property is not located in an area the City Commission has designated as unsuitable for annexation.

- 11. The subject property is not located in another city or town. (See: 7-2-4608 (1), MCA.)**

The subject property is not located in another city or town.

- 12. The subject property is not used in whole or in part for agriculture, mining, smelting, refining, transportation, or any other industrial or manufacturing purpose or any purpose incidental thereto. (See: 7-2-4608 (2), MCA)**

The subject property has been utilized for agriculture, but the developer is willingly giving up this land use option to seek annexation into the City.

BASIS OF DECISION – PLANNED UNIT DEVELOPMENT

PRIMARY REVIEW CRITERIA:

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

1. The development project is consistent with the City's Growth Policy;

The proposed PUD development has some elements of consistency with the City's Growth Policy. Specifically, it provides a nice transition from the commercial development of the East Great Falls Retail Center with mixed use parcels decreasing in density to ¼ acre homes with excellent rural views. The proposal is also supported by some of the Plan's Goals as noted below:

Soc1.4.1 – Work with the private sector and non-profits to increase housing opportunities in the City.

Phy4.1.1 – Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

However, the PUD is in conflict with the goals listed below for reasons outlined in the agenda report addressing public service impacts:

Phy4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.

Phy4.3.2 – Plan for the provision of appropriate infrastructure improvements, where needed, to support development.

Phy4.7.6 – Encourage new development in areas contiguous to existing development in the City, where capacity exists or can be planned for.

While staff notes that the property is contiguous and is adjacent to a stubbed street containing water, sewer, and stormwater mains, the property's location creates significant challenges for the provision of stormwater and public safety services.

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

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #5. The Owner presented information to Council #5 on February 19, 2018, and the Council voted unanimously in favor of the project.

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

Any development within the City limits requires a review of how the development will impact the public health, safety and welfare. For public safety, the location and design of the PUD create negative impacts to public safety response. The Fire Department is very concerned about providing adequate and timely emergency service to the area (further stretching already limited emergency response), and the current layout is not in compliance with the provisions in Appendix D of the 2012 International Fire Code. For Public Health, concerns over downstream flooding being alleged by the adjoining property owner create enough concerns from the Engineering Department that a positive finding cannot be made.

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

As noted in the staff report and other findings, the Engineering Department has concerns that the development project, with its stormwater detention proposal, could diminish and impair adjoining Gibson Flats property to the south, already the subject of litigation.

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

Staff cannot make a positive finding for this criterion. If the PUD proposal is approved, it will be despite challenges related to public service provision, drainage impacts, and compatibility with Malmstrom Air Force Base. These issues are even more magnified on the remaining 200 plus acres controlled by the applicant, which are not subject to the pending application, but have been identified for future development. Additionally, parts of this property and portions of properties to the east and west overlap with the Accident Potential Zone identified in the Joint Land Use Study and also drain into the already sensitive area of Gibson Flats. A more orderly development pattern would build out areas along 10th Avenue South to the north and extend the City limits at the existing terminus of 13th Avenue South.

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

Because of the limited amount of developed property nearby, there is not any established neighborhood context to govern the design of buildings and structures. Although architectural designs have not been provided, the applicant has indicated that the proposed residential homes will have a price point of approximately \$400,000 and be quite large in size. All homes would be constructed to the customized needs of the homeowner.

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

As noted in the agenda report and other findings, staff cannot conclude that the PUD addresses this criterion. Downstream drainage issues identified by the Engineering Department have not been addressed and both fire access needs and overall transportation connectivity have not been planned in the PUD proposal.

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

Because the area of the City south of 10th Avenue South and on either side of 57th Street South is so lightly developed at the current time, development of the proposed 21.10 acre PUD would not cause traffic congestion on public streets. The applicant's proposal to extend 57th Street South coupled with the new traffic signal at the 57th/10th Avenue South intersection will address congestion. A positive aspect of the proposed PUD is that access to homes will not come from the 57th Street extension.

**FINDINGS OF FACT – MONTANA SUBDIVISION AND PLATTING ACT – Wheat Ridge Estates,
Phase I**

(PREPARED IN RESPONSE TO 76-3-608(3) MCA)

PRIMARY REVIEW CRITERIA:

Effect on Agriculture and Agricultural Water User Facilities: Although the 21.10 acre subdivision being considered for three mixed use lots and 37 single family home lots is actually zoned Agricultural in the County's jurisdiction, the property has long been considered for City annexation and development by the applicant. The County's Agricultural zoning designation is driven by the property's location near Malmstrom Air Force Base, as much as the current farming or ranching activity.

Effect on Local Services: As noted in the annexation and PUD findings, the parcel's location outside the southeastern boundary of the City's corporate limits presents challenges for local services such as street maintenance, snow removal, and public safety response. Complicating these issues are the following: 1) the property is only contiguous to the City limits in one direction – to the north, 2) the developer's subdivision layout doesn't show or commit to a paved secondary access for either emergency services or general connectivity, and 3) the nearest public street to the west is located approximately ½ acre to the west of the proposed subdivision site. As a result, staff cannot make a positive finding for the subdivision's effect on local services.

Effect on the Natural Environment: The subdivision is not expected to adversely affect soils. In fact, the applicant has indicated that the soils on the property are some of the best for construction within the community. No specific environmental constraints have been found on the Phase I development site, although the presence of some steep slopes will require consideration in the design of the 57th Street extension. The only negative impact related to this criterion is the potential for water volume impact to the Gibson Flats area directly adjacent to the master plan area. The City's Engineering Department has recommended that stormwater from the proposed subdivision be pumped northward beyond the basin draining to Gibson Flats. As an alternative, Engineering has suggested total stormwater retention in a lined pond where water could only leave the property through evaporation. As noted in the staff report, there is an ongoing litigation issue involving an adjacent property owner to the master plan area. As a result, staff cannot definitely make a positive finding for this criterion.

Effect on Wildlife and Wildlife Habitat: This is not in an area of significant wildlife habitat beyond occasional migrating fowl, deer and ground animals. There are no wooded areas or other important habitats.

Effect on Public Health and Safety: Based on available information, the subdivision is not subject to abnormal natural hazards nor potential man-made hazards. Staff has identified one potential negative impact of the subdivision to public safety and one related to public health.

For public safety, the location and design factors outlined in the *Effect on Public Services* criterion all create negative impacts to public safety response. The Fire Department is very concerned about providing adequate service, and the current layout is not in compliance with the provisions in Appendix D of the 2012 International Fire Code. For Public Health, concerns over downstream flooding being alleged by the adjoining property owner create enough concerns from the Engineering Department that a positive finding cannot be made.

REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

EASEMENT FOR UTILITIES

The developer shall provide necessary utility easements to accommodate water mains, sanitary sewer mains and private utilities to serve all lots of the subdivision. Although the project is in the preliminary stages of design, there is no reason to believe that all required easements cannot be provided.

LEGAL AND PHYSICAL ACCESS

Legal and physical access to the proposed development will be from the extension of 57th Street South. As a result, the proposed subdivision meets the minimum legal standard for access. As for access for both public service provision and overall transportation connectivity, the proposal is deficient because it does not adequately address code required fire apparatus access as well as any future needs for 13th Avenue South connectivity to the west.

FINDINGS OF FACT – ANNEXATION

PRIMARY REVIEW CRITERIA:

The basis for decision on annexation is listed in Official Code of the City of Great Falls §17.16.7.050 of the Land Development Code. The recommendation of the Planning Advisory Board and the decision of City Commission shall at a minimum consider the following criteria:

1. The subject property is contiguous to the existing City limits.

The 21.10 acre site proposed for annexation is contiguous to existing City limits to the north.

2. The proposed annexation is consistent with the City's growth policy.

The proposed project is ~~not~~ consistent with the overall intent and purpose of the *City of Great Falls Growth Policy Update*. The annexation is supported by some of the Plan's Goals as noted below:

Soc1.4.1 – Work with the private sector and non-profits to increase housing opportunities in the City.

Phy4.1.1 – Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

~~In contrast, the annexation is in conflict with the goals listed below for reasons outlined in the agenda report addressing public service impacts:~~

~~Soc1.4.12 – When annexing land for residential development, consider the timing, phasing and connectivity of housing and infrastructure development.~~

~~Phy4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.~~

~~Phy4.3.2 – Plan for the provision of appropriate infrastructure improvements, where needed, to support development.~~

~~Phy4.7.6 – Encourage new development in areas contiguous to existing development in the City, where capacity exists or can be planned for.~~

~~While s~~Staff notes that the property is contiguous and is adjacent to a stubbed street containing water, sewer, and stormwater mains, ~~the property's location context creates significant challenges for the provision of stormwater and public safety services. With regards to the Plan's guidance on supporting the current and future military mission of Malmstrom Air Force Base and the Montana Air National Guard, page 154 of the Plan~~

~~document has been included as an attachment. Staff notes the following policy guidance as being most applicable to the Planning Board's consideration of this finding:~~

~~Eco3.1.2 Support the Malmstrom Air Force Base Joint Land Use Study (2012), also referred to as the JLUS study, and participate in the joint coordinating committee so as to implement the report's recommendations.~~

~~Eco3.1.3 Should there be a change in the mission and role of the military at Great Falls, follow the recommendations of the Office of Economic Adjustment (OEA) in responding to this condition so that the City is well positioned and prepared to respond to any change of status, be it new missions, adjustments, downsizing or closure.~~

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4. The proposed annexation is consistent with other planning documents adopted by the City Commission, including a river corridor plan, transportation plan, and sub-area plans.

The subject property does not lie within any adopted plans or sub-area plans, except for the Great Falls Area Long Range Transportation Plan. This annexation is consistent with the goals and purpose of the Plan through the extension of 57th Street South.

5. The City has, or will have, the capacity to provide public services to the subject property.

~~This finding is met. The 21.10 acre parcel's location outside the southeastern boundary of the City's corporation limits presents challenges for local services such as street maintenance, snow removal, and public safety response. Complicating these issues are the following: 1) the property is only contiguous to the City limits in one direction — to the north, 2) the developer hasn't shown or committed to constructing a paved secondary access for either emergency services or general connectivity, and 3) the nearest public street to the west is located approximately ¼ acre to the west of the parcel being considered for annexation. As a result, staff cannot make a positive finding that the City has the capacity to provide public services.~~

6. The subject property has been or will be improved to City standards.

The developer has demonstrated the feasibility to connect and extend City water service. While the developer's preliminary proposal for installation of a force main and temporary lift station still requires additional design, providing sanitary sewer service

seems to be feasible. The proposed roadways also will meet typical design standards. ~~However, the subject property is not being improved to the standards acceptable to the Engineering Department or Fire Department. For Engineering, the property's location upstream from the Gibson Flats area requires a preliminary plan to re-route or retainage of all stormwater for the annexed parcel. For the Fire Department, their standards for a second fire apparatus route have not been addressed.~~

- 7. The owner(s) of the subject property will bear all of the cost of improving the property to City standards and or/ the owner(s) has signed an agreement waiving the right of protest to the creation of a special improvement district created to pay, in whole or in part, any necessary improvement.**

~~An Improvement Agreement will be required to address developer and City responsibilities.is being deferred in order to first address the issue of whether or not the parcel should be annexed. The owner is anticipating financial responsibility of installing street and utility infrastructure. The owner has not committed to installing a complying secondary ingress and egress route for fire protection and improved connectivity. Additionally, no agreement has been reached regarding the Engineering Department's stormwater recommendations.~~

- 8. The subject property has been or will be surveyed and officially recorded with the County Clerk and Recorder.**

A Certificate of Survey has been recorded for the subject property.

- 9. The City will provide both water and sewer service to each of the uses in the subject property that may require potable water and waste water treatment and disposal.**

These services can be feasibly provided to the subject property.

- 10. The subject property is not located in an area the City Commission has designated as unsuitable for annexation.**

The subject property is not located in an area the City Commission has designated as unsuitable for annexation.

- 11. The subject property is not located in another city or town. (See: 7-2-4608 (1), MCA)**

The subject property is not located in another city or town.

- 12. The subject property is not used in whole or in part for agriculture, mining, smelting, refining, transportation, or any other industrial or manufacturing purpose or any purpose incidental thereto. (See: 7-2-4608 (2), MCA)**

The subject property has been utilized for agriculture, but the developer is willingly giving up this land use option to seek annexation into the City.

BASIS OF DECISION – PLANNED UNIT DEVELOPMENT

PRIMARY REVIEW CRITERIA:

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

1. The development project is consistent with the City's Growth Policy;

The proposed PUD development has some elements of consistency with the City's Growth Policy. Specifically, it provides a nice transition from the commercial development of the East Great Falls Retail Center with mixed use parcels decreasing in density to ¼ acre homes with excellent rural views. The proposal is also supported by some of the Plan's Goals as noted below:

Soc1.4.1 – Work with the private sector and non-profits to increase housing opportunities in the City.

Phy4.1.1 – Create a balanced land use pattern that provides for a diversity of uses that will accommodate existing and future development in the City.

~~However, the PUD is in conflict with the goals listed below for reasons outlined in the agenda report addressing public service impacts:~~

~~Phy4.2.5 – Promote orderly development and the rational extension of infrastructure and City services.~~

~~Phy4.3.2 – Plan for the provision of appropriate infrastructure improvements, where needed, to support development.~~

~~Phy4.7.6 – Encourage new development in areas contiguous to existing development in the City, where capacity exists or can be planned for.~~

~~While staff notes that the property is contiguous and is adjacent to a stubbed street containing water, sewer, and stormwater mains, the property's location creates significant challenges for the provision of stormwater and public safety services.~~

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

Great Falls is separated into nine Neighborhood Councils. There are no adopted Neighborhood Plans for any of the Councils within the City. The subject property is located in Neighborhood Council #5. The Owner presented information to Council #5 on February 19, 2018, and the Council voted unanimously in favor of the project.

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

Any development within the City limits requires a review of how the development will impact the public health, safety and welfare. ~~These factors have been considered. For public safety, the location and design of the PUD create negative impacts to public safety response. The Fire Department is very concerned about providing adequate and timely emergency service to the area (further stretching already limited emergency response), and the current layout is not in compliance with the provisions in Appendix D of the 2012 International Fire Code. For Public Health, concerns over downstream flooding being alleged by the adjoining property owner create enough concerns from the Engineering Department that a positive finding cannot be made.~~

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

~~There is no such injury. As noted in the staff report and other findings, the Engineering Department has concerns that the development project, with its stormwater detention proposal, could diminish and impair adjoining Gibson Flats property to the south, already the subject of litigation.~~

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

~~This finding has been met. Staff cannot make a positive finding for this criterion. If the PUD proposal is approved, it will be despite challenges related to public service provision, drainage impacts, and compatibility with Malmstrom Air Force Base. These issues are even more magnified on the remaining 200 plus acres controlled by the applicant, which are not subject to the pending application, but have been identified for future development. Additionally, parts of this property and portions of properties to the east and west overlap with the Accident Potential Zone identified in the Joint Land Use Study and also drain into the already sensitive area of Gibson Flats. A more orderly development pattern would build out areas along 10th Avenue South to the north and extend the City limits at the existing terminus of 13th Avenue South.~~

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

Because of the limited amount of developed property nearby, there is not any established neighborhood context to govern the design of buildings and structures. Although architectural designs have not been provided, the applicant has indicated that the proposed residential homes will have a price point of approximately \$400,000 and be quite large in size. All homes would be constructed to the customized needs of the homeowner.

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

~~This finding has been met. As noted in the agenda report and other findings, staff cannot~~

~~conclude that the PUD addresses this criterion. Downstream drainage issues identified by the Engineering Department have not been addressed and both fire access needs and overall transportation connectivity have not been planned in the PUD proposal.~~

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

Because the area of the City south of 10th Avenue South and on either side of 57th Street South is so lightly developed at the current time, development of the proposed 21.10 acre PUD would not cause traffic congestion on public streets. The applicant's proposal to extend 57th Street South coupled with the new traffic signal at the 57th/10th Avenue South intersection will address congestion. A positive aspect of the proposed PUD is that access to homes will not come from the 57th Street extension.

**FINDINGS OF FACT – MONTANA SUBDIVISION AND PLATTING ACT – Wheat Ridge Estates,
Phase I**

(PREPARED IN RESPONSE TO 76-3-608(3) MCA)

PRIMARY REVIEW CRITERIA:

Effect on Agriculture and Agricultural Water User Facilities: Although the 21.10 acre subdivision being considered for three mixed use lots and 37 single family home lots is actually zoned Agricultural in the County's jurisdiction, the property has long been considered for City annexation and development by the applicant. The County's Agricultural zoning designation is driven by the property's location near Malmstrom Air Force Base, as much as the current farming or ranching activity.

Effect on Local Services: ~~There are no negative impacts. The developer is providing all required utilities and roadway access. As noted in the annexation and PUD findings, the parcel's location outside the southeastern boundary of the City's corporate limits presents challenges for local services such as street maintenance, snow removal, and public safety response. Complicating these issues are the following: 1) the property is only contiguous to the City limits in one direction — to the north, 2) the developer's subdivision layout doesn't show or commit to a paved secondary access for either emergency services or general connectivity, and 3) the nearest public street to the west is located approximately ½ acre to the west of the proposed subdivision site. As a result, staff cannot make a positive finding for the subdivision's effect on local services.~~

Effect on the Natural Environment: The subdivision is not expected to adversely affect soils. In fact, the applicant has indicated that the soils on the property are some of the best for construction within the community. No specific environmental constraints have been found on the Phase I development site, although the presence of some steep slopes will require consideration in the design of the 57th Street extension. ~~The only negative impact related to this criterion is the potential for water volume impact to the Gibson Flats area directly adjacent to the master plan area. The City's Engineering Department has recommended that stormwater from the proposed subdivision be pumped northward beyond the basin draining to Gibson Flats. As an alternative, Engineering has suggested total stormwater retention in a lined pond where water could only leave the property through evaporation. As noted in the staff report, there is an ongoing litigation issue involving an adjacent property owner to the master plan area. As a result, staff cannot definitely make a positive finding for this criterion.~~

Effect on Wildlife and Wildlife Habitat: This is not in an area of significant wildlife habitat beyond occasional migrating fowl, deer and ground animals. There are no wooded areas or other important habitats.

Effect on Public Health and Safety: Based on available information, the subdivision is not subject to abnormal natural hazards nor potential man-made hazards. ~~Staff has identified one~~

~~potential negative impact of the subdivision to public safety and one related to public health. For public safety, the location and design factors outlined in the *Effect on Public Services* criterion all create negative impacts to public safety response. The Fire Department is very concerned about providing adequate service, and the current layout is not in compliance with the provisions in Appendix D of the 2012 International Fire Code. For Public Health, concerns over downstream flooding being alleged by the adjoining property owner create enough concerns from the Engineering Department that a positive finding cannot be made.~~

REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The local government has complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

EASEMENT FOR UTILITIES

The developer shall provide necessary utility easements to accommodate water mains, sanitary sewer mains and private utilities to serve all lots of the subdivision. Although the project is in the preliminary stages of design, there is no reason to believe that all required easements cannot be provided.

LEGAL AND PHYSICAL ACCESS

Legal and physical access to the proposed development will be from the extension of 57th Street South. As a result, the proposed subdivision meets the minimum legal standard for access. ~~As for access for both public service provision and overall transportation connectivity, the proposal is deficient because it does not adequately address code required fire apparatus access as well as any future needs for 13th Avenue South connectivity to the west.~~