



City Commission Agenda

for

September 15, 2009

Please Note: The City Commission agenda format allows citizens to speak on each issue prior to Commission action. We encourage your participation. Please keep your remarks concise and to the topic under consideration.

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS

Constitution Week
Suicide Prevention Month
Vets4Vets Month

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Res. 9849, Levy Special Assessments on Properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1303. Action: Conduct public hearing and adopt or deny Res. 9849. *(Presented by: Coleen Balzarini)*
3. Res. 9850, Levy and Assess Special Assessments on Properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1305. *(Presented by: Coleen Balzarini)*
4. Res. 9851, Levy and Assess Properties within Special Improvement Lighting Districts. Action: Conduct public hearing and adopt or deny Res. 9851. *(Presented by: Coleen Balzarini)*
5. Res. 9865, Cost Recovery for Hazardous Sidewalk at 2226 7th Avenue North. Action: Conduct public hearing and adopt or deny Res. 9865. *(Presented by: Jim Rearden)*

OLD BUSINESS

NEW BUSINESS

6. COPS Hiring Grant. Action: Accept or deny COPS Grant award. *(Presented by Chief Grove)*

ORDINANCES/RESOLUTIONS

7. Res. 9840, Annual Tax Levy. Action: Adopt or deny Res. 9840. *(Presented by: Melissa Kinzler)*
8. Ord. 3044, Social Host Ordinance. Action: Adopt or deny Ord. 3044 as amended. *(Presented by: Chad Parker)*

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.*

9. Minutes, September 1, 2009, Commission meeting.
10. Total Expenditures of \$999,740 for the period of August 18 through September 9, 2009, to include claims over \$5000, in the amount of \$795,105.
11. Contracts list.
12. Lien Release list.
13. Approve Contract Amendment No. 1 to NCI Engineering for the 3rd Avenue Northwest Roadway Improvements in the amount of \$172,030.
14. Approve Final Payment to United Materials of Great Falls and the State Miscellaneous Tax Division in the amount of \$52,378.27 for the 1st Avenue North and 5th Avenue South Water Main Replacements.

Action: Approve Consent Agenda or remove items for further discussion and approve remaining items.

BOARDS & COMMISSIONS

15. Preliminary Subdivision Plat of New Castle Addition. Action: Approve or deny Plat and the accompanying Findings of Fact. (**Presented by: Bill Walters**)
16. Preliminary Plat of Castle Pines Addition Phases VIII – IX. Action: Approve or deny Plat and accompanying Findings of Fact. (**Presented by: Bill Walters**)
17. Appointment, Board of Adjustment. Appoint one member to a three-year term beginning October 1 through September 30, 2012.
18. Appointments, Great Falls Planning Advisory Board. Appoint one member to fill the remainder of a three-year term through December 31, 2011.
19. Miscellaneous reports and announcements.

CITY MANAGER

20. Miscellaneous reports and announcements.

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 5 minutes)*

21. Miscellaneous reports and announcements.

CITY COMMISSION

22. Miscellaneous reports and announcements.

MOTION TO ADJOURN



Item: Resolution 9849 to Levy Special Assessments on Properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1303

From: Martha Capps, Operations Supervisor

Initiated By: Annual Assessment Process

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: City Commission conduct public hearing and adopt Resolution 9849

Public Hearing:

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
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 9849.”

2. Mayor calls for a second, discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission adopt Resolution 9849.

Background: On September 26, 2008, staff received a signed petition from McIntyre Enterprises, Inc. and Murphy Real Estate, LLC, the owner and developers of Bootlegger Addition Phase I, requesting the installation of street lights in the newly annexed subdivision. The petition requested the installation of eight (8) 100 watt HPS semi-cut off street light units mounted on 20-foot steel poles with underground wiring in accordance with the City’s Street Lighting Policy. There are 25 individual properties within Bootlegger Addition Phase I.

On November 18, 2008 the City Commission duly passed and adopted Resolution 9787 creating Special Improvement Lighting District – City-owned Residential Lighting District No. 1303 (SLD-1303). A map of the district is attached for your review. City staff obtained quotes from all interested contractors and vendors willing to submit a quote for the installation of the roadway lighting, and the bid contract was awarded under separate action to A.T. Klemens & Sons, Inc. on February 3, 2009.

On March 17, 2009, the City Commission adopted Resolution 9819, authorizing the City to enter into a loan agreement with the Montana Board of Investments, for an amount up to \$36,346 to fund the cost to install the roadway lighting in Bootlegger Addition. Property owners located within SLD-1303 will have a special assessment for the installation costs of the improvements for a term of 15 years and will also have an ongoing annual maintenance assessment for the roadway lighting.

Concurrences: The District was created at the request of the Developer. Fiscal Services staff is responsible for the operational expenses, along with assessing and collecting the revenues necessary for the operations; Public Works is responsible for the maintenance of the District.

Fiscal Impact: Adoption of Resolution 9849 will allow the City to fund the installation, operation and maintenance costs required to be made each year within SLD-1303.

Installation:

Public roadway lighting for SLD-1303 has been completed as provided in Resolution 9787, for a total assessable cost of THIRTY-SIX THOUSAND THREE HUNDRED FORTY-SIX DOLLARS (\$36,346), plus annual interest. The special assessment for the installation costs of the improvements shall be payable over a term of 15 years.

Maintenance:

The ongoing annual energy and maintenance costs for said improvements were estimated to be THREE THOUSAND EIGHT HUNDRED NINETY-TWO DOLLARS (\$3,892).

These charges will be placed on the property tax bills of the individual properties within the district for their proportionate share of the installation and maintenance costs.

Alternatives: The City Commission could choose to deny Resolution 9849; however, non-approval of debt assessments would result in a general obligation to repay the loan to the Montana Board of Investments rather than an obligation of the benefitting properties to repay. It would also deny the assessment necessary to fund expenses related to annual ongoing operation and maintenance of the district.

Attachments/Exhibits: Resolution 9849

RESOLUTION 9849

A RESOLUTION TO LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO. 1303, BOOTLEGGERS ADDITION PHASE 1

WHEREAS, the City Commission of the City of Great Falls created Special Improvement Lighting District 1303, by Resolution 9787 duly passed on November 18, 2008, reference to which Resolution is hereby made, for installing and maintaining necessary public roadway lighting, as provided by 7-12-4301, MCA; and,

WHEREAS, the costs of the improvements were paid from the proceeds of a Montana Board of Investments Intercap Loan as approved by the City Commission, which is to be payable primarily from special assessments to be levied against the properties located within Bootleggers Addition Phase 1, which properties will be specially benefited by the improvements; and,

WHEREAS, improvements have been completed as provided for in said Resolution for the design and installation at a total assessable cost of THIRTY-SIX THOUSAND THREE HUNDRED FORTY-SIX DOLLARS (\$36,346); and,

WHEREAS, the City Commission has and does hereby find, fix and determine that each and every said several lots or parcels of land within said improvement lighting district will be specially benefited by all of the improvements; and,

WHEREAS, the properties are to be assessed for the improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9786, Resolution of Intent to Create Special Improvement Lighting District 1303, Exhibit B; and,

WHEREAS, the properties in said Special Improvement Lighting District 1303 are to be assessed for the ongoing annual maintenance costs of said improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9786, Resolution of Intent to Create Special Improvement Lighting District 1303, Exhibit C.

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

Section 1 – Installation Costs Assessed

The costs of the improvements made from the proceeds of the Montana Board of Investments Intercap Loan, are to be repaid from special assessments to be levied against the properties within Bootlegger Addition Phase 1, which properties will be specially benefited by the public roadway lighting improvements. Therefore, there is levied an assessment upon the properties in said Special Improvement Lighting District 1303, for the sum of THIRTY-SIX THOUSAND THREE HUNDRED FORTY-SIX DOLLARS (\$36,346) payable with interest over a term of fifteen (15) years.

Section 2 – Maintenance Costs Assessed

The costs of the ongoing annual maintenance, energy and administrative costs, are to be payable from assessments to be levied against the properties within Bootlegger Addition Phase 1, which properties will be specially benefited by the public roadway lighting. The annual costs in said Special Improvement Lighting District 1303 will appear as assessments for Special Maintenance Lighting Districts and are submitted annually for public hearing and City Commission action.

Section 3 – Assessment Method

The description of each lot or parcel of land within said Special Improvement Lighting District which is hereby levied upon and assessed with the name of the current owner of record and the amount of each partial payment to be made in Special Improvement Lighting District 1303, is as set out in the Special Assessment List for installation costs attached as Exhibit A, and for maintenance costs attached as Exhibit B, which said lists are incorporated herein and made a part of this Resolution by this reference.

Section 4 – Assessments Due Date

The installation assessments are payable in two semi-annual payments, and will become delinquent at 5:00 o'clock p.m. on November 30, 2009 through 2024 and May 31, 2010 through 2025. The ongoing annual maintenance assessments are payable in two semi-annual payments and will become delinquent at 5:00 o'clock p.m. on November 30th of each year and May 31st of each year.

Section 5 – Maintenance Fund

The above-described assessments are to be deposited into funds known as “Special Improvement Lighting District No. 1303 Fund – SILD-1303” for the installation costs referred to in Section 1, and “Special Maintenance Lighting District No. 1303 Fund – SMLD 1303” for the maintenance costs referred to in Section 2, and from which all eligible expenses will be paid.

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

THAT, the City Commission did meet and hear objections to the final adoption of this resolution at 7:00 o'clock p.m., September 15, 2009 in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

THAT, this Resolution, together with the attached assessment lists, shall be kept on file in the office of the City Clerk of the City of Great Falls.

THAT, said City Clerk authorized and directed, to publish twice, with at least 6 days separating each publication in a newspaper published in the City of Great Falls, Montana, a notice signed by said City Clerk stating that this Resolution, levying the special assessments to defray the cost of installation

and maintenance of said Special Improvement Lighting District is subject to inspection in the Clerk's office, 2 Park Drive, Great Falls, Montana. Said notice shall state the time and place at which objections to the final adoption of this Resolution will be heard by the City Commission.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above-entitled and foregoing Resolution be, and the same is hereby adopted, and the special assessments therein provided for, and the same are hereby levied and assessed accordingly.

PASSED by the Commission of the City of Great Falls, Montana, on this 15th day of September, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

RESOLUTION

9849

EXHIBIT A

**SPECIAL IMPROVEMENT LIGHTING DISTRICT
INSTALLATION COSTS**

Total Construction Costs: \$ 36,346.00

Improvements: Street Lighting

Term in Years 15

1st draw date 4/17/2009

bill thru date 7/1/2010

440

Annual

Interest Rate 5.00%

Total Cost per Square Foot: 0.156738785

Average Lot Size

(address columns) 9,276

PARCEL	LOT	BLOCK	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	ANNUAL INTEREST	1st Year TOTAL ANNUAL PYMT
2577510		Original Parcel will be split into:	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	231,889	\$ 36,346.00	2,423.07	2,190.72	4,613.78
1	1476200	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,370	1,311.90	87.46	79.07	166.53
2	1476201	2	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,500	1,332.28	88.82	80.30	169.12
3	1476202	3	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	1,410.65	94.04	85.03	179.07
4	1476203	4	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	1,253.91	83.59	75.58	159.17
5	1476204	5	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	10,000	1,567.39	104.49	94.47	198.97
6	1476205	6	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	1,410.65	94.04	85.03	179.07
7	1476206	7	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	1,253.91	83.59	75.58	159.17
8	1476207	8	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	1,410.65	94.04	85.03	179.07
9	1476208	9	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	1,253.91	83.59	75.58	159.17
10	1476209	10	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,958	1,560.80	104.05	94.08	198.13
11	1476210	11	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,889	1,549.99	103.33	93.42	196.76
12	1476211	12	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	1,253.91	83.59	75.58	159.17
13	1476212	13	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	1,410.65	94.04	85.03	179.07
14	1476213	14	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	1,253.91	83.59	75.58	159.17
15	1476214	15	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	1,410.65	94.04	85.03	179.07
16	1476215	16	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	10,000	1,567.39	104.49	94.47	198.97
17	1476216	17	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	1,253.91	83.59	75.58	159.17
18	1476217	18	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	1,410.65	94.04	85.03	179.07
19	1476218	19	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,500	1,332.28	88.82	80.30	169.12
20	1476219	20	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,319	1,460.65	97.38	88.04	185.42
21	1476220	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	11,201	1,755.63	117.04	105.82	222.86
22	1476221	2	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	11,352	1,779.30	118.62	107.25	225.87
23	1476222	3	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	10,890	1,706.89	113.79	102.88	216.67
24	1476224	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	13,046	2,044.81	136.32	123.25	259.57
25	1476223	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,864	1,389.33	92.62	83.74	176.36
					231,889	\$36,346.00	\$2,423.07	\$2,190.72	\$4,613.78

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RESOLUTION 9849 EXHIBIT B

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1303
ANNUAL MAINTENANCE ASSESSMENT

Estimated Cost of Operation
 and Routine Maintenance \$ 3,892.00

Annual Cost per Square Foot: \$ 0.01678389

Average
 Average Lot Size Annual Maintenance
 9,276 \$155.68
 (address columns F & G)

	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	Estimated ANNUAL MAINTENANCE
	2577510	Original Parcel	0	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	231,889	3,892.00
	Will be split into the following:						
1	1476200	1	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,370	140.48
2	1476201	1	2	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,500	142.66
3	1476202	1	3	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	151.06
4	1476203	1	4	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	134.27
5	1476204	1	5	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	10,000	167.84
6	1476205	1	6	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	151.06
7	1476206	1	7	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	134.27
8	1476207	1	8	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	151.06
9	1476208	1	9	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	134.27
10	1476209	1	10	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,958	167.13
11	1476210	2	11	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,889	165.98
12	1476211	2	12	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	134.27
13	1476212	2	13	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	151.06
14	1476213	2	14	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	134.27
15	1476214	2	15	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	151.06
16	1476215	2	16	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	10,000	167.84
17	1476216	2	17	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,000	134.27
18	1476217	2	18	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,000	151.06
19	1476218	2	19	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,500	142.66
20	1476219	2	20	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	9,319	156.41
21	1476220	3	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	11,201	188.00
22	1476221	3	2	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	11,352	190.53
23	1476222	3	3	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	10,890	182.78
24	1476224	5	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	13,046	218.96
25	1476223	6	1	Bootlegger Addition I	Murphy Real Estate LLC, ETAL	8,864	148.77
						231,889	\$3,892.00



Item: Resolution 9850 to Levy Special Assessments on Properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1305

From: Martha Capps, Operations Supervisor

Initiated By: Annual Assessment Process

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: City Commission conduct public hearing and adopt Resolution 9850

Public Hearing:

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
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 9850.”

2. Mayor calls for a second, discussion, and calls for the vote.

Staff Recommendation: Staff recommends the City Commission adopt Resolution 9850.

Background: On March 26, 2008, staff received a signed petition from TD Development as the owner and developer of Water Tower Park Addition, requesting the installation of street lights in the newly annexed subdivision. The design of the street lighting is five (5) – 100 watt lights mounted on 16 foot poles to provide adequate lighting to the 16 individual properties anticipated within the area.

On March 3, 2009 the City Commission duly passed and adopted Resolution 9807 creating Special Improvement Lighting District – City-owned Residential Lighting District No. 1305 (SLD-1305). A map of the district is attached for your review. City staff obtained quotes from all interested contractors and vendors willing to submit a quote for the installation of the roadway lighting, and the bid contract was awarded under separate action to United Electric on June 2, 2009.

On July 7, 2009, the City Commission adopted Resolution 9837, authorizing the City to enter into a loan agreement with the Montana Board of Investments, for an amount up to \$20,516 to fund the cost to install the roadway lighting in Water Tower Park Addition. Property owners located within SLD-1305 will have a special assessment for the installation costs of the improvements for a term of 15 years and will also have an ongoing annual maintenance assessment for the roadway lighting.

Concurrences: The District was created at the request of the Developer. Fiscal Services staff is responsible for the operational expenses, along with assessing and collecting the revenues necessary for the operations; Public Works is responsible for the maintenance of the District.

Fiscal Impact: Adoption of Resolution 9850 will allow the City to fund the installation, operation and maintenance costs required to be made each year within SLD-1305.

Installation:

Public roadway lighting for SLD-1305 has been completed as provided in Resolution 9807, for a total assessable cost of TWENTY THOUSAND FIVE HUNDRED SIXTEEN DOLLARS (\$20,516), plus annual interest. The special assessment for the installation costs of the improvements shall be payable over a term of 15 years.

Maintenance:

The ongoing annual energy and maintenance costs for said improvements were estimated to be TWO THOUSAND SEVEN HUNDRED DOLLARS (\$2,700).

These charges will be placed on the property tax bills of the individual properties within the district for their proportionate share of the installation and maintenance costs.

Alternatives: The City Commission could choose to deny Resolution 9850; however, non-approval of debt assessments would result in a general obligation to repay the loan to the Montana Board of Investments rather than an obligation of the benefitting properties to repay. It would also deny the assessment necessary to fund expenses related to annual ongoing operation and maintenance of the district.

Attachments/Exhibits: Resolution 9850

RESOLUTION 9850

A RESOLUTION TO LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO. 1305, WATER TOWER PARK ADDITION

WHEREAS, the City Commission of the City of Great Falls created Special Improvement Lighting District 1305, by Resolution 9807 duly passed on March 3, 2009, reference to which Resolution is hereby made, for installing and maintaining necessary public roadway lighting, as provided by 7-12-4301, MCA; and,

WHEREAS, the costs of the improvements were paid from the proceeds of a Montana Board of Investments Intercap Loan as approved by the City Commission, which is to be payable primarily from special assessments to be levied against the properties located within Water Tower Park Addition, which properties will be specially benefited by the improvements; and,

WHEREAS, improvements have been completed as provided for in said Resolution for the design and installation at a total assessable cost of TWENTY THOUSAND FIVE HUNDRED SIXTEEN DOLLARS (\$20,516) and,

WHEREAS, the City Commission has and does hereby find, fix and determine that each and every said several lots or parcels of land within said improvement lighting district will be specially benefited by all of the improvements; and,

WHEREAS, the properties are to be assessed for the improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9785, Resolution of Intent to Create Special Improvement Lighting District 1305, Exhibit B; and,

WHEREAS, the properties in said Special Improvement Lighting District 1305 are to be assessed for the ongoing annual maintenance costs of said improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9785, Resolution of Intent to Create Special Improvement Lighting District 1305, Exhibit C.

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

Section 1 – Installation Costs Assessed

The costs of the improvements made from the proceeds of the Montana Board of Investments Intercap Loan, are to be repaid from special assessments to be levied against the properties within Water Tower Park Addition, which properties will be specially benefited by the public roadway lighting improvements.

Therefore, there is levied an assessment upon the properties in said Special Improvement Lighting District 1305, for the sum of TWENTY THOUSAND FIVE HUNDRED SIXTEEN DOLLARS (\$20,516) payable with interest over a term of fifteen (15) years.

Section 2 – Maintenance Costs Assessed

The costs of the ongoing annual maintenance, energy and administrative costs, are to be payable from assessments to be levied against the properties within Water Tower Park Addition, which properties will be specially benefited by the public roadway lighting. The annual costs in said Special Improvement Lighting District 1305 will appear as assessments for Special Maintenance Lighting Districts and are submitted annually for public hearing and City Commission action.

Section 3 – Assessment Method

The description of each lot or parcel of land within said Special Improvement Lighting District which is hereby levied upon and assessed with the name of the current owner of record and the amount of each partial payment to be made in Special Improvement Lighting District 1305, is as set out in the Special Assessment List for installation costs attached as Exhibit A, and for maintenance costs attached as Exhibit B, which said lists are incorporated herein and made a part of this Resolution by this reference.

Section 4 – Assessments Due Date

The installation assessments are payable in two semi-annual payments, and will become delinquent at 5:00 o'clock p.m. on November 30, 2009 through 2024 and May 31, 2010 through 2025. The ongoing annual maintenance assessments are payable in two semi-annual payments and will become delinquent at 5:00 o'clock p.m. on November 30th of each year and May 31st of each year.

Section 5 – Maintenance Fund

The above-described assessments are to be deposited into funds known as “Special Improvement Lighting District No. 1305 Fund – SILD-1305” for the installation costs referred to in Section 1, and “Special Maintenance Lighting District No. 1305 Fund – SMLD 1305” for the maintenance costs referred to in Section 2, and from which all eligible expenses will be paid.

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

THAT, the City Commission did meet and hear objections to the final adoption of this resolution at 7:00 o'clock p.m., September 15, 2009 in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

THAT, this Resolution, together with the attached assessment lists, shall be kept on file in the office of the City Clerk of the City of Great Falls.

THAT, said City Clerk authorized and directed, to publish twice, with at least 6 days separating each publication in a newspaper published in the City of Great Falls, Montana, a notice signed by said City Clerk stating that this Resolution, levying the special assessments to defray the cost of installation

and maintenance of said Special Improvement Lighting District is subject to inspection in the Clerk's office, 2 Park Drive, Great Falls, Montana. Said notice shall state the time and place at which objections to the final adoption of this Resolution will be heard by the City Commission.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above-entitled and foregoing Resolution be, and the same is hereby adopted, and the special assessments therein provided for, and the same are hereby levied and assessed accordingly.

PASSED by the Commission of the City of Great Falls, Montana, on this 15th day of September, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

RESOLUTION 9850 EXHIBIT A

**SPECIAL IMPROVEMENT LIGHTING DISTRICT 1305
INSTALLATION COSTS**

Total Construction Costs: \$ 20,516.00
Improvements: Street Lighting
 Term in Years 15
 1st draw date 7/1/2009
 bill thru date 7/1/2010
 365
Annual
 Interest Rate 5.00%
 Total Cost per Square Foot: 0.094697
 (principal only)

Daily
 0.0137%

	TOTAL AVE	TOTAL AVE	TOTAL AVE	TOTAL
Average Lot Size	ASSESSMENT	ANNUAL PRIN	1ST YR INT	1ST YR PAYMENT
13,541	\$108.33	\$7.22	\$5.42	\$12.64

2608760	LOT	BLOCK	WPK SUB-DIVISION	Address	Street	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	ANNUAL INTEREST	1st Year TOTAL ANNUAL PYMT
2608760	Original Parcel will be split into:		Water Tower Park Addition			216,649	\$ 20,516.00	1,367.73	1,025.80	2,393.53
1	1488400	1	Water Tower Addition	1201	35th AVE NE	11,271	1,067.33	71.16	53.37	124.52
2	1488405	2	Water Tower Addition	3500	14th ST NE	11,982	1,134.66	75.64	56.73	132.38
3	1488410	1	Water Tower Addition	1200	35th AVE NE	9,690	917.61	61.17	45.88	107.05
4	1488415	2	Water Tower Addition	3408	14th ST NE	10,275	973.01	64.87	48.65	113.52
5	1488420	3	Water Tower Addition	3404	14th ST NE	14,850	1,406.25	93.75	70.31	164.06
6	1488425	4	Water Tower Addition	3400	14th ST NE	14,850	1,406.25	93.75	70.31	164.06
7	1488430	5	Water Tower Addition	3304	14th ST NE	14,668	1,389.01	92.60	69.45	162.05
8	1488435	6	Water Tower Addition	3300	14th ST NE	13,451	1,273.77	84.92	63.69	148.61
9	1488440	7	Water Tower Addition	3301	14th ST NE	14,035	1,329.07	88.60	66.45	155.06
10	1488445	8	Water Tower Addition	3305	14th ST NE	14,398	1,363.45	90.90	68.17	159.07
11	1488450	9	Water Tower Addition	3401	14th ST NE	14,581	1,380.78	92.05	69.04	161.09
12	1488455	10	Water Tower Addition	3405	14th ST NE	14,583	1,380.97	92.06	69.05	161.11
13	1488460	11	Water Tower Addition	3409	14th ST NE	14,585	1,381.16	92.08	69.06	161.13
14	1488465	12	Water Tower Addition	3413	14th ST NE	14,587	1,381.34	92.09	69.07	161.16
15	1488470	13	Water Tower Addition	3501	14th ST NE	14,590	1,381.63	92.11	69.08	161.19
16	1488475	14	Water Tower Addition	3505	14th ST NE	14,253	1,349.72	89.98	67.49	157.47
						216,649	\$20,516.00	\$1,367.73	\$1,025.80	\$2,393.53

RESOLUTION

9850

EXHIBIT B

SPECIAL IMPROVEMENT LIGHTING DISTRICT
ANNUAL MAINTENANCE ASSESSMENT

1305

Estimated Cost of Operation
and Routine Maintenance \$ 2,700.00

Annual Cost per Square Foot: 0.012463

(address columns F & G) **Average Lot Size** 13,541 **Average Annual Maintenance** \$77.91

	2608760					SET UP AREA (SQUARE FEET)	Estimated ANNUAL MAINTENANCE
	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME		
	2608760	Original Parcel will be split into:		Water Tower Park Addition		216,649	2,700
1	1488400	1	1	Water Tower Addition	TD LAND DEVELOPMENT	11,271	140.47
2	1488405	1	2	Water Tower Addition	TD LAND DEVELOPMENT	11,982	149.33
3	1488410	2	1	Water Tower Addition	TD LAND DEVELOPMENT	9,690	120.76
4	1488415	2	2	Water Tower Addition	TD LAND DEVELOPMENT	10,275	128.05
5	1488420	2	3	Water Tower Addition	TD LAND DEVELOPMENT	14,850	185.07
6	1488425	2	4	Water Tower Addition	TD LAND DEVELOPMENT	14,850	185.07
7	1488430	2	5	Water Tower Addition	TD LAND DEVELOPMENT	14,668	182.80
8	1488435	2	6	Water Tower Addition	TD LAND DEVELOPMENT	13,451	167.63
9	1488440	2	7	Water Tower Addition	TD LAND DEVELOPMENT	14,035	174.91
10	1488445	2	8	Water Tower Addition	TD LAND DEVELOPMENT	14,398	179.44
11	1488450	2	9	Water Tower Addition	TD LAND DEVELOPMENT	14,581	181.72
12	1488455	2	10	Water Tower Addition	TD LAND DEVELOPMENT	14,583	181.74
13	1488460	2	11	Water Tower Addition	TD LAND DEVELOPMENT	14,585	181.77
14	1488465	2	12	Water Tower Addition	TD LAND DEVELOPMENT	14,587	181.79
15	1488470	2	13	Water Tower Addition	TD LAND DEVELOPMENT	14,590	181.83
16	1488475	2	14	Water Tower Addition	TD LAND DEVELOPMENT	14,253	177.63
						216,649	\$2,700.00



Item: Resolution 9851 to Levy and Assess Properties within Special Improvement Lighting Districts

From: Martha Capps, Operations Supervisor

Initiated By: Annual Assessment Process

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: City Commission conduct public hearing and adopt Resolution 9851

Public Hearing:

1. Mayor conducts public hearing, calling three times each for opponents and proponents.
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 9851.”

2. Mayor calls for a second, discussion, and calls for the vote.
-

Staff Recommendation: Staff recommends the City Commission adopt Resolution 9851.

Background: There are currently 26 Special Improvement Lighting Districts (SLD’s) with approximately 9,420 roadway lights, lighting over 76% of the city. The Special Improvement Lighting District Funds are administered by the Fiscal Services Department. The purpose of the fund is to maintain and furnish electrical current for the Lighting Districts throughout the year.

The budget development process begins in January of each year when the Fiscal Services Department receives their midyear financial reports. The midyear reports are used to determine the current financial position of the Special Improvement Lighting District Funds, which is the basis for projecting future earnings and expenditures. Each lighting district’s assessed cost is based upon existing rates, cash balance and proposed increases. Information is gathered regarding the actual and anticipated expenses, goals and objectives of the lighting district. After determining financial factors pertinent to the operation of the Lighting District an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commissioners for approval.

Concurrences: Fiscal Services staff is responsible for the operational expenses, along with assessing and collecting the revenues necessary for the operations; Public Works is responsible for the maintenance of the Districts.

Fiscal Impact: Adoption of Resolution 9851 will allow the City to fund the operational and maintenance costs required to be made each year in the Special Improvement Lighting Districts.

ASSESSMENT ANTICIPATED

The anticipated assessment amount for Special Improvement Lighting District funds for the next fiscal year is the amount projected through the Budget Development Process. The maintenance and administrative fee equal to 10% of the estimated costs for the districts as presented in the annual budget will remain the same. The ONE MILLION THREE HUNDRED NINETY THOUSAND SEVEN HUNDRED SEVENTY-SEVEN DOLLARS (\$1,390,777) estimated assessment for Fiscal Year 09/10 projects charges based on actual billings for the district and adjustments for cash balances from prior fiscal years.

A comparison of Special Improvement Lighting District annual assessments since 2006 is provided:

<u>BUDGETED</u>	<u>FISCAL YEAR</u>
<u>TOTAL ASSESSMENT</u>	
\$1,151,930	05/06 (19 Districts) ¹
\$1,165,547	06/07 (19 Districts)
\$1,180,235	07/08 (22 Districts) ²
\$1,277,587	08/09 (24 Districts) ³
\$1,390,777	09/10 (26 Districts) ⁴

- ¹ Modification to Special Improvement Lighting District – Alley Lighting “SLD-A” No. 1294 – four new alley lights were added to the district.
- ² Three new City-owned Residential Lighting Districts were created in FY 06/07 – Special Improvement Lighting Districts No. 1302, No. 1304 and No. 1306.
- ³ Two new City-owned Residential Lighting Districts were created in FY 07/08 – Special Improvement Lighting Districts No. 1308 and No. 1310-
- ⁴ Two new City-owned Residential Lighting Districts were created in FY 08/09 – Special Improvement Lighting Districts No. 1303 and No. 1305, and are being assessed under Resolutions No. 9849 and No. 9850, respectively. Minor modifications to Special Improvement Lighting District 1295 – Commercial Lighting District (SLD-C) – two lights were removed and Special Improvement Lighting District 1269 – four new period lights were added to the district.

The 09/10 assessment per district is indicated on the projection summary sheet attached to the Resolution.

Alternatives: The City Commission could choose to deny the adoption of Resolution 9851; however, the reduction in services to the community could be hazardous to the safety and welfare of the general public.

Attachments/Exhibits: Resolution 9851

RESOLUTION 9851

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING SPECIAL LIGHTING DISTRICTS NUMBERED 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1304, 1306, 1308 AND 1310 IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010.

WHEREAS, the City Commission of the City of Great Falls declares the lighting systems were installed and the City Commission intends to continue maintenance of such lighting systems in said SLD's;

WHEREAS, the City Commission of the City of Great Falls 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 district;

WHEREAS, on July 21, 2009, the Commission of the City of Great Falls adopted its annual budget resolution in which the estimated costs of such lighting system maintenance within said SLD's at a total of ONE MILLION THREE HUNDRED NINETY THOUSAND SEVEN HUNDRED SEVENTY-SEVEN DOLLARS (\$1,390,777.)

WHEREAS, the properties in said SLD's are to be assessed for the ongoing annual maintenance costs of said improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method,

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

Section 1 – Continued Maintenance

The City of Great Falls continue maintenance of lighting systems in said special improvement lighting districts (SLD's).

Section 2 – Maintenance Costs Assessed

The estimated cost of said lighting system maintenance in the SLD's totaling ONE MILLION THREE HUNDRED NINETY THOUSAND SEVEN HUNDRED SEVENTY-SEVEN DOLLARS (\$1,390,777) is hereby assessed upon the property in said SLD's.

Section 3 – 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

improvement 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 set forth in full. 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 Office of the City of Great Falls, Montana and by this reference is also incorporated herein as if set forth in full.

Section 4 – Assessments Due Date

The installation assessments are payable in two semi-annual payments, and will become delinquent at 5:00 o'clock p.m. on November 30, 2009 through 2024 and May 31, 2010 through 2025. The ongoing annual maintenance assessments are payable in two semi-annual payments and will become delinquent at 5:00 o'clock p.m. on November 30th of each year and May 31st of each year.

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

THAT, the City Commission did meet and hear objections to the final adoption of this resolution at 7:00 o'clock p.m., September 15, 2009 in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

THAT, this Resolution, together with the attached assessment lists, shall be kept on file in the office of the City Clerk of the City of Great Falls.

THAT, said City Clerk authorized and directed, to publish twice, with at least 6 days separating each publication in a newspaper published in the City of Great Falls, Montana, a notice signed by said City Clerk stating that this Resolution, levying the special assessments to defray the cost of maintenance of said SLD's, is subject to inspection in the Clerk's office, 2 Park Drive, Great Falls, Montana. Said notice shall state the time and place at which objections to the final adoption of this Resolution will be heard by the City Commission.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above-entitled and foregoing Resolution be, and the same is hereby adopted, and the special assessments therein provided for, and the same are hereby levied and assessed accordingly.

PASSED by the Commission of the City of Great Falls, Montana, on this 15th day of September, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

RES 9851 Exhibit A
SPECIAL IMPROVEMENT LIGHTING DISTRICTS MAINTENANCE BUDGET & ASSESSMENT WORKSHEET

			TOTAL INTERNAL SERVICE CHARGES FOR FY 2010										FY							
			MAPPING	3,952						SUPP/MATERIALS	25,700									
			LIGHTING ADM	0						OUTSIDE CONTR	50,000									
			BUDGET	457						INTERNAL MAINT	9,500									
			FISCAL	112,901																
			REQUESTED EXPENSES										REQUESTED REVENUES				INCREASE			
DISTRICT	DISTRICT TYPE	FUND	XXX-1556-512 3412 10%	XXX-1556-512 8517	XXX-1556-512 8517	XXX-1556-512 8517	XXX-1556-512 8551	XXX-3136-532 2399	XXX-3136-532 3699	XXX-3136-532 8539	REQUESTED TOTAL EXPENSES	CALCULATED REQUIRED ASSESSMENT	FOR ENDING CASH	50% TARGET CASH BALANCE	2009 ASSESSMENT	% difference	10% or last years ASSESSMENT SELECTED			
1	18 STREET	902	1,908	2,715	9	-	1	247			2,972	2,550	1,486	1,486	2,751	-7.32%	2,751			
2	650 PERIOD	903	(13,311)	7,989	25	-	3	727			25,529	51,605	12,764	12,764	14,498	255.94%	15,948			
3	651 STREET	904	1,480	2,656	8	-	1	242	5,063	9,850	2,907	2,881	1,454	1,454	2,444	17.88%	2,688			
4	912 STREET	907	5,681	13,983	45	-	5	1,273			15,305	17,277	7,653	7,653	14,164	21.98%	15,580			
5	973 STREET	909	28,802	120	0	-	0	11			131	(28,605)	66	66	483	-6022.35%	483			
6	1067A ALLEY	913	2,424	4,978	16	-	2	453			5,449	5,749	2,724	2,724	5,037	14.14%	5,541			
7	1105 STREET	915	3,363	3,944	13	-	1	359			4,317	3,114	2,159	2,159	4,013	-22.41%	4,013			
8	1230 STREET	922	168	178	1	-	0	16			195	124	97	97	237	-47.48%	237			
9	1255 STREET	927	349	356	1	-	0	32			389	235	195	195	483	-51.36%	483			
10	1261 PERIOD	932	19,140	4,763	15	-	2	434	3,018	5,873	15,221	3,691	7,610	7,610	5,950	-37.97%	5,950			
11	1269 PERIOD	938	(3,786)	15,886	51	-	6	1,446	10,067	19,586	50,763	79,930	25,382	25,382	15,946	401.26%	17,541			
12	1270 PERIOD	939	3,609	6,000	19	-	2	546	3,802	7,398	19,173	25,151	9,587	9,587	10,834	132.15%	11,917			
13	1289 STREET	947	1,542	13,747	44	-	5	1,251			15,047	21,028	7,523	7,523	13,936	50.89%	15,330			
14	1290 STREET	948	745	1,074	3	-	0	98			1,176	1,019	588	588	1,091	-6.60%	1,091			
15	1294 SLDA	961	79,524	131,469	419	-	48	11,967			143,904	136,331	71,952	71,952	139,208	-2.07%	139,208			
16	1298 SLDI	962	19,727	20,519	65	-	8	1,868			22,460	13,963	11,230	11,230	21,099	-33.82%	21,099			
17	1295 SLDC	963	5,984	54,322	173	-	20	4,945			59,460	83,205	29,730	29,730	59,428	40.01%	65,371			
18	1296 SLDR	965	517,463	918,332	2,926	-	338	83,591			1,005,187	990,317	502,593	502,593	918,012	7.88%	1,009,813			
19	1297 SLDT	967	22,922	31,388	100	-	12	2,857			34,357	28,613	17,179	17,179	37,388	-23.47%	37,388			
20	1302 ML3	971	(8,804)	941	3	-	0	86	596	1,160	3,007	13,314	1,504	1,504	3,430	288.17%	3,773			
21	1303 Bootlegger	976	(57)	800	3	-	0	73	507	986	2,556	3,892	1,278	1,278	-	#DIV/0!	3,892			
22	1304 EC1	972	(13,048)	1,770	6	-	1	161	1,121	2,182	5,655	21,530	2,827	2,827	5,318	304.85%	5,850			
23	1305 Water Tower	977	(303)	500	2	-	0	46	317	616	1,598	2,700	799	799	-	#DIV/0!	2,700			
24	1306 ML4	973	1,966	254	1	-	0	23	161	313	811	(748)	406	406	1,836	-140.76%	1,836			
25	1308 ECII & III	974	2,807	1,109	4	-	0	101	703	1,368	3,545	2,510	1,772	1,772	4,409	-43.08%	4,409			
26	1310 ML5	975	968	543	2	-	0	49	344	669	1,734	1,633	867	867	2,478	-34.11%	2,478			
TOTAL			681,261	1,240,337	3,952	-	457	112,901	25,700	50,000	9,500	1,442,847	1,483,010	721,424	721,424	1,284,473		1,397,369		
			40,556																	
			CHECK										CHECK				-		0.09	



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 9865, Cost Recovery for Hazardous Sidewalk, North ½ of Lot 7, Block 150 Great Falls 4th Addition (2226 7th Avenue North)

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Conduct Public Hearing and Adopt Resolution 9865

Suggested Motion:

1. Commissioner moves:

“I move the City Commission to conduct the public hearing and adopt Resolution 9865, to assess the total charges of \$3,475.28 against the property with interest and penalties on the unpaid balance.

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

Staff Recommendation: Conduct Public Hearing and adopt Resolution 9865.

Background:

Significant Impacts

The City Engineering Office condemned 525 square feet of sidewalk at 2226 7th Avenue North after receiving a complaint about a tripping hazard on June 11, 2008. Great Falls Municipal Code 12.28.120 and Montana Code Annotated, sections 7-14-4109, 7-14-4110, 7-12-4169, and 7-12-4181, authorize the City to condemn sidewalks that become dangerous to public safety. These codes allow for the repair and collection of repair costs from property owners.

Citizen Participation

A letter was sent June 12, 2008 to the property owner condemning the sidewalk. A certified letter was sent on April 21, 2009. That letter came back unclaimed. On September 3, 2009 a “Notice of Public Hearing” scheduled for September 15, 2009 was sent Certified Mail to Antone Ehnes.

Workload Impacts

City engineering staff inspected the sidewalk, issued letters to property owner, contacted three contractors for bids to repair the sidewalk, and inspected the work done by the contractor.

Purpose

The sidewalk was condemned due to severely heaved, cracked, and broken sidewalk that posed a danger to pedestrian traffic.

Project Work Scope

A total of 475 square feet of 4 inch and 50 square feet of 6 inch reinforced sidewalk was removed and replaced.

Evaluation and Selection Process

Three quotes were received to remove and replace the hazardous sidewalk. David Kuglin Construction, M & F Finishing and Lonestar Construction all submitted quotes with Lonestar Construction submitting the low quote of \$2,787.00.

Conclusion

City staff recommends adopting Resolution 9865 for assessing the costs incurred for repair of dangerous sidewalk at 2226 7th Avenue North.

Concurrences:

Not Applicable.

Fiscal Impact

The attached is a list of events and actions staff took to eliminate the hazard, and the costs incurred in making the repairs.

Alternatives:

The City Commission could vote to deny adopting Resolution 9865.

Attachments/Exhibits:

1. Events and actions by staff and list of costs incurred.

The following is a list of events and actions Staff took to eliminate the hazard:

<u>Action</u>	<u>Date</u>
• Initial complaint received by staff	June 11, 2008
• Initial inspection of property	June 11, 2008
• Photographs taken	June 12, 2008
• Initial 30-day repair notice mailed	June 12, 2008
• Talked to Tony Ehnes, who stated that repairs would be made by August 1.	July 21, 2008
• Second notice (certified) sent	April 21, 2009
• Letter came back unclaimed	May 27, 2009
• Placed a call to Tony Ehnes, left message. No return call.	May 27, 2009
• Request for bids	May 27, 2009
• Award bid to lowest bidder	June 1, 2009
• Contractor started repairs	June 3, 2009
• Concrete was vandalized, had to be removed	June 4, 2009
• Final inspection for completion of work	June 11, 2009
• City Commission set Public Hearing for Sept. 15, 2009	September 1, 2009
• Sent Notice of Public Hearing to Mr. Ehnes (certified mail)	September 3, 2009
• Notice of Public Hearing advertised in Tribune	September 6, 2009

The following is a list of costs incurred in making the repairs:

• Removal and Replacement of 475 square feet of 4” Sidewalk and 50 square feet of 6” reinforced Sidewalk	\$ 2,787.00
• Inspector, 6 hours at \$ 45.00 per hour	\$ 270.00
• City Engineer, 2 hours at \$ 90.00 per hour	\$ 180.00
• Administrative, 3 hours at \$ 30.00 per hour	\$ 90.00
• Publishing of Legal Ad (Notice of Public Hearing)	\$ 65.00
• Driveway/Sidewalk Permit	\$ 60.00
• Recording fee, 2 pages at \$ 7.00 each	\$ 14.00
• Certified mail	\$ 9.28
 Total Costs Incurred	 \$ 3,475.28

cc: Coleen Balzarini, Fiscal Services Director
Kelly Audet, Risk Manager
Judy Burg, Fiscal Services Tax/SID

RESOLUTION NO. 9865

A RESOLUTION ASSESSING THE COSTS INCURRED FOR THE REPAIR OF DANGEROUS SIDEWALK AGAINST SAID PROPERTY LOCATED AT GREAT FALLS 4th ADDITION, NORTH ½ of LOT 7, BLOCK 150, ADDRESSED AS 2226 7th AVENUE NORTH, GREAT FALLS, CASCADE COUNTY, MONTANA.

WHEREAS, the owners of the said property located at Great Falls 4th Addition, North ½ of Lot 7, Block 150, addressed as 2226 7th Avenue North, Great Falls, Montana, were issued a notice to repair hazardous sidewalk;

WHEREAS, after due notice the property owner did not repair the sidewalk;

WHEREAS, City staff hired a contractor to repair the sidewalk;

WHEREAS, contractor completed removal and replacement of dangerous sidewalk; and

WHEREAS, the City Commission set September 15, 2009 for this hearing, to show cause why the property owner should not be held liable for the costs incurred in repairing of said property in keeping with MCA 7-12-4177 and MCA 7-12-4178.

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

The amount of \$3,475.28 for costs incurred in the repair of dangerous sidewalk at Great Falls 4th Addition, North ½ of Lot 7, Block 150, also described as 2226 7th Avenue North, Great Falls, Cascade County, Montana, be assessed against the property itself, with interest and penalties on the unpaid balance. MCA 7-14-4109; 7-14-4110; 7-12-4169 and 7-12-4181; Chapter 12.28.120 of the Great Falls Municipal Code.

PASSED by the Commission of the City of Great Falls, Montana, on the 15th day of September, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT

Chad G. Parker, Acting City Attorney



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: COPS Hiring Grant
From: Great Falls Police Department
Initiated By: Cloyd A. Grove, Chief of Police
Presented By: Cloyd A. Grove

Action Requested: Accepting the COPS Hiring Grant, and direct the City Manager and the Chief of Police to accept the grant award.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) the COPS Grant award and direct the City Manager and Chief of Police to execute the acceptance letter and proceed with the implementation of the award.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls for a vote.

Staff Recommendation: Staff recommends that the City accept the COPS Grant that has been awarded to the Police Department to hire four officers in order to provide the following positions to the community: Housing Officer, Law Related Education Officer, Special Projects Officer and a Community Education Officer.

Background:

While preparing for the 2009 Public Safety Mill Levy election, the Police Department looked at available sources for funding that could be used to provide additional officers to the Department and be used to reduce the amount of mill increase sought. One funding avenue was a Community Oriented Policing Grant (COPS Grant) that had received additional funding through the American Recovery and Reinvestment Act to fund jobs that were lost and to create new positions that met the COPS requirement. The Department believes that this grant opportunity would work really well because it was designed to provide three positions that had been eliminated and to provide a new position that fit the COPS strategy. The Request for Proposals was released in March of 2009, the City’s application was completed and submitted in April 2009. The City received notice that our application had been accepted in July 2009.

Significant Impacts:

This grant will allow the Police Department to re-institute officer positions within the Great Falls Housing, Law Related Education, and Special Projects, and to institute a new position for a Community Education officer. The City must agree to maintain these positions for one year after the term of the grant expires.

Citizen Participation:

These programs build partnerships and positive relationships with Great Falls Housing Authority and residents; Great Falls School administration, faculty, students; community members and organizational membership.

Workload Impacts:

This funding would allow the Department to add an additional officer to the Great Falls Housing Authority to provide both traditional and community policing within the various housing areas. It will also allow the Department to re-institute Law Related Education within our high schools. This program provides a positive non confrontational atmosphere giving youth and officers an opportunity to establish positive, long lasting associations. The Special Projects position will allow the Department to resume several community programs that have been eliminated.

Conclusion:

Staff believes that these positions contribute to the overall mission of the Department by building positive partnerships and relationships with community members, businesses, and organizations.

Concurrences: Great Falls Housing Authority Board of Commissioners have agreed to fund the housing position the fourth year

Fiscal Impact: The grant will provide unmatched funding in the amount of \$837,148.00 to provide salary, benefits, and future salary increases for four sworn officer positions dedicated to Community Oriented Policing. The grant will provide this funding for a period of 3 years, after which the City must provide sustainability for one additional year at a current cost of \$225,401. There will be an initial financial impact on the City of approximately \$36,000 for hiring and training the newly hired officers. With careful coordination and budget allocation, the Department will be able to cover these initial costs.

Alternatives:

Deny acceptance of the grant which would revert to another agency in another jurisdiction.

Attachments/Exhibits: Grant Application (Not available online; on file in City Clerk's Office.)



Item: Resolution 9840 – Annual Tax Levy
From: Gregory T. Doyon, City Manager
Initiated By: Taxable Valuations from the Montana Department of Revenue
Presented By: Melissa Kinzler, Budget Officer
Action Requested: Adopt Resolution

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9840.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Staff Recommendation: Staff recommends adoption of Resolution 9840 to fix the annual tax levy.

Background: The City received the taxable valuation for the City of Great Falls from the Montana Department of Revenue. Accordingly, the City can now compute and set its annual mill levy.

The public hearing on our Intent to Increase Property Taxes by 1.112% was held on July 21, 2009, in accordance with MCA 15-10-203.

The total mill levy for the Tax Year 2009 (Fiscal Year 2010) is 169.04 mills totaling \$12,905,335. This includes mill levies of 2.12 mills for soccer park debt service payments and 5.01 mills for swimming pool debt service payments which is \$544,442 of the \$12.9 million. This soccer park bonds were issued June 14, 2004, for \$2,500,000 and are for twenty years. The outstanding balance of the soccer bonds as of June 30, 2008 was \$2,045,000. The swimming pool debt service bonds were issued May 5, 2007, for \$2,270,000 and are for ten years. The outstanding balance of the swimming pool bonds as of June 30, 2008 was \$1,905,000.

No new health insurance mills for Tax Year 2009 (Fiscal Year 2010) were levied. The increase in the mill levy value, decreased the number of mills the City levied, from 15.07 in Tax Year 2008 to 14.21 in Tax Year 2009. In the 2009 Montana Legislature, Senate Bill (SB) 491, was passed that changed how the Permissive Health Insurance Mill levy was calculated. There is a

transition period allowed in the bill for fiscal year 2010 through 2014 for a political subdivision to levy mills for the greater of: (a) the dollar amount levied in 2009; or the (b) the amount determined in 2-18-703. The City of Great Falls did not increase health insurance premiums for Fiscal Year 2010, and is levying the amount levied in Fiscal Year 2009.

The total mill levy for 2008 (Fiscal Year 2009) generated revenue of \$11,714,330. The differences between the mill levy of \$11.7 million and \$12.9 million are:

- \$1,026,130 for newly taxable property (this includes the amount from the release of the Downtown Urban Renewal Tax Increment District),
- \$112,728 for inflation, and,
- \$ 52,147 for the increase in the revenue needed for the swimming pool debt payment.

Section 15-10-202, MCA requires the Montana Department of Revenue to send certification to each taxing authority of the total taxable value within the jurisdiction of the taxing authority by the first Monday of August. But, due to the state wide property reappraisal the certification of taxable value was not received until August 27, 2009. The certified millage is necessary for the City to determine compliance with MCA 15-10-420.

Section 7-6-4036, MCA, Fixing tax levy, provides:

- (1) The governing body shall fix the tax levy for each taxing jurisdiction within the county or municipality:
 - (a) by the later of the second Monday in August or within 45 calendar days after receiving certified taxable values;
 - (b) after the approval and adoption of the final budget; and
 - (c) at levels that will balance the budgets as provided in 7-6-4034.
- (2) Each levy:
 - (a) must be made in the manner provided by 15-10-201; and
 - (b) except for a judgment levy under 2-9-316 or 7-6-4015, is subject to 15-10-420.

Concurrences: The Fiscal Year 2010 Budget was adopted July 21, 2009, with the 1.112% increase in property tax increase included. Setting the mill levy for Tax Year 2009 (Fiscal Year 2010) is the last step in the adoption of the Fiscal Year 2010 City of Great Falls Budget.

Fiscal Impact: The fiscal impact of the increase for inflation for a residential home with a taxable market value of \$100,000 would be approximately \$4.72 a year. The General Fund had an estimated increase of \$780,000 for newly taxable property (which included the release of the Downtown Urban Renewal Tax Increment District) in the adopted Fiscal Year 2010 Budget. The Montana Department of Revenue's value of newly taxable property was \$6,947,574, which translates into \$1,026,130 of revenue. The collection rate of all taxable property is 90%.

Alternatives: State law requires that the City adopt a Fiscal Year 2010 which includes setting the annual mill levy amounts on or before the 2nd Monday in August or 45 days after receiving taxable valuation from the Montana Department of Revenue.

Attachments/Exhibits:

- Tax Levy Resolution 9840 with Appendix A showing the tax calculation worksheet.
- Taxable Valuation History, showing the ten year history of taxable value, newly taxable property and specific General Fund Revenue increases.

RESOLUTION NO. 9840
RESOLUTION TO FIX ANNUAL TAX LEVY

A RESOLUTION PROVIDING FOR THE ANNUAL TAX
LEVY IN MILLS FOR THE FISCAL YEAR BEGINNING
JULY 1, 2009 AND ENDING JUNE 30, 2010

WHEREAS, Montana Code Annotated (MCA), 7-1-114, states "(1) A local government with self-governing powers is subject to ... (g) except as provided in subsection (3), any law regulating the budget, finance, or borrowing procedures and powers of local governments... (3) (b) The provisions of 15-10-420 apply to self-governing local government units.

WHEREAS, The City of Great Falls, Montana adopted a self-governing charter in 1986. Article I, Section 3 of the Charter of the City of Great Falls, Montana states: "The total mill levy shall not exceed that allowed to general powers cities of the first class by Montana Law."

WHEREAS, Section 7-6-4036, MCA, required the City Commission to fix the tax levy for each taxing jurisdiction by the later of the second Monday in August or within 45 calendar days after receiving certified taxable values. Certified taxable values were received August 27, 2009.

WHEREAS, Section 15-10-420, MCA provides:

(1)(a) Subject to the provisions of this section, a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's value of newly taxable property plus one-half the average rate of inflation for the prior 3 years...

(2) ... plus any additional levies authorized by the voters ...

(7) In determining the maximum number of mills in subsection (1)(a), the governmental entity may increase the number of mills to account for a decrease in

reimbursements.

(9) (a) The provisions of subsection (1) do not prevent or restrict:...(vi) the portion that is the amount in excess of the base contribution of a governmental entity's property tax levy for contributions for group benefits excluded under 2-9-212 or 2-18-703.

WHEREAS, Section 15-10-201, MCA, requires the City Commission to fix its tax levy in mills and tenths and hundredths of mills.

WHEREAS, The Department of Revenue's certified taxable value for the City of Great Falls is \$76,862,700 which equates to \$76,863 per mill; when the incremental value of the tax increment finance district is removed the value is \$76,348 per mill. This includes \$6,947,574, or \$6,948 per mill, of newly taxable property.

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

Section 1. - Determination of Mill Levy Limit

- Appendix A shows the determination of the total mill levy limit of 147.70 mills.
- An additional 14.21 "Permissive Medical Levy" is allowed under 15-10-420(9)(a)(v) for increased health insurance premiums not included in the Appendix A calculation.
- An additional 2.12 mills is allowed under 15-10-420(2) for additional voter supported mills. On November 4, 2003, a \$2.5 million general obligation bond was approved by voters for construction of a soccer park. It has been determined that 2.12 mills for soccer park debt service payments is needed for Fiscal Year 2010.
- Lastly, an additional 5.01 mills is allowed under 15-10-420(2) for additional voter supported mills. On November 7, 2006, a \$2.27 million general obligation bond was approved by voters for repair and improvement of city pool facilities. It has been determined that 5.01 mills for swimming pool debt service payments is needed for Fiscal Year 2010.

Section 2. - Tax Levy Amounts

A 169.04 mill levy will generate:

- a. \$ 10,250,130 from the \$69,400 certified value per mill for Previously Taxable Property;
- b. \$ 1,026,130 from the \$6,948 certified value per mill for Newly Taxable Property;
- c. \$ 1,084,633 from the \$76,348 certified value per mill for increased Health Insurance premiums "Permissive Medical Levy", (no increase for FY 2010) and,
- d. \$ 161,939 from the \$76,348 certified value per mill for soccer park debt service payments.
- e. \$ 382,503 from the \$76,348 certified value per mill for swimming pool debt service payments.

f. \$12,905,335 in total City tax for 2009 from the \$76,348 total certified value per mill.

This does not reflect delinquent collections or tax increments withheld.

Section 3. - Tax Levy Required and Set

- a. The City Commission has determined a \$11,276,260 tax levy, requiring a 147.70 mill levy, is necessary to balance the General Fund Budget.
- b. The City Commission has determined a \$1,084,633 “Permissive Medical Levy”, requiring a 14.21 mill levy, is necessary for increased health premium costs to balance the General Fund Budget. This is down from 15.07 in FY 2009.
- c. The City Commission has determined a \$161,939 tax levy, requiring a 2.12 mill levy, is necessary for the soccer park debt service payment.
- d. The City Commission has determined a \$382,503 tax levy, requiring a 5.01 mill levy, is necessary for the swimming pool debt service payment.
- e. The City Commission of the City of Great Falls, Montana hereby fixes the tax levy for the fiscal year July 1, 2009 through June 30, 2010 at 169.04 mills.

PASSED by the Commission of the City of Great Falls, Montana, on this 15th day of September, 2009.

Dona Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved as to form:

Chad G. Parker, Acting City Attorney

Resolution 9840 Appendix A.
DETERMINATION OF TAX REVENUE AND MILL LEVY LIMITATIONS UNDER SECTION 15-10-420, MCA

**FYE JUNE 30, 2010
CITY OF GREAT FALLS, MONTANA**

MAXIMUM PROPERTY TAXES AUTHORIZED: (Note that appropriate statutes are referenced)

Ad valorem tax revenue authorized to be assessed prior year		<u>10,137,402</u>
Add: FISCAL YEAR 2010 INFLATION ADJUSTMENT @ 1.112% (Section 15-10-420(1a)(1c), MCA	112,728	<u>112,728</u>
Less: Property taxes authorized to be assessed in the prior year for Class 1 and 2 property (net and gross proceeds, county only) (Section 15-10-420(6), MCA (enter as negative number),	<u>0</u>	<u>0</u>
Adjusted ad valorem tax revenue assessed		<u>10,250,130</u>
<u>CURRENT YEAR LEVY COMPUTATION:</u>		
Taxable value per mill		<u>76,863</u>
Less per mill incremental value of tax increment financing district (TIF) (enter as negative)	(515)	<u>76,348</u>
Adjusted taxable value (adjusted for removal of TIF per mill incremental district value)		<u>76,348</u>
Less: Newly taxable property per mill value, (enter as negative)	(6,948)	<u>(6,948)</u>
Taxable value per mill of net and gross proceeds (county only) (enter as negative)	<u>0</u>	<u>(6,948)</u>
Adjusted Taxable value per mill		<u>69,400</u>
Authorized mill levy under Section 15-10-420, MCA (includes floating mills)		<u>147.70</u>
Adjusted taxable value per mill		<u>69,400</u>
Add: Newly taxable property per mill value	6948	<u>69,400</u>
Taxable value per mill of net and gross proceeds (county only)	<u>0</u>	<u>6,948</u>
Taxable value per mill (including newly taxable property but excluding TIF per mill incremental value)		<u>76,348</u>
Authorized mill levy under Section 15-10-420, MCA (includes floating mills)		<u>147.70</u>
Current property tax revenue authorized limitation		<u>11,276,260</u>
<u>RECAPITULATION:</u>		
Previous year adjusted property tax revenue assessed (5)		10,250,130
Amount attributable to newly taxable property and net/gross proceeds		<u>1,026,130</u>
Current property tax revenue authorized limitation		<u>11,276,260</u>

Taxable Valuation History

Tax Levy Year	Fiscal Year	Total Taxable Value**	Tax Increment Districts				Net Taxable Value	% increase (decrease) prior year net taxable value	New Property Value	% increase (decrease) prior year newly taxable property	Levy in Mills	Net Property Taxes
			Downtown	Pasta MT/ General Mills	International Malting Co.	West Bank Urban Renewal Plan						
2001	FY 2002	\$ 65,437,840	\$ 4,511,569	\$ 552,276	NA	NA	\$ 60,373,995	0.33%	\$ 1,011,770	-47.79%	111.32	\$ 6,720,833
2002	FY 2003	\$ 65,117,051	\$ 4,364,549	\$ 595,357	NA	NA	\$ 60,157,145	-0.36%	\$ 1,302,597	28.74%	119.00	\$ 7,158,700
2003	FY 2004	\$ 65,328,553	\$ 4,102,725	\$ 700,009	NA	NA	\$ 60,525,819	0.61%	\$ 1,041,336	-20.06%	124.33	\$ 7,525,175
2004	FY2005	\$ 66,377,650	\$ 3,343,580	NA	NA	NA	\$ 63,034,070	4.14%	\$ 2,030,124	94.95%	131.64	\$ 8,297,805
2005	FY2006	\$ 68,609,562	\$ 3,402,127	NA	NA	NA	\$ 65,207,435	3.45%	\$ 2,748,377	35.38%	138.27	\$ 9,486,705
2006	FY2007	\$ 70,990,415	\$ 3,832,568	NA	\$ 141,345	NA	\$ 67,016,502	2.77%	\$ 2,873,541	4.55%	140.94	\$ 10,005,084
2007	FY2008	\$ 73,776,332	\$ 4,064,883	NA	\$ 225,476	NA	\$ 69,485,973	3.68%	\$ 2,387,436	-16.92%	158.21	\$ 10,993,029
2008	FY2009	\$ 76,405,690	\$ 4,107,804	NA	\$ 294,210	\$ 30,733	\$ 71,972,943	3.58%	\$ 2,138,961	-10.41%	162.68	\$ 11,708,306
2009	FY2010	\$ 76,862,700	NA	NA	\$ 309,168	\$ 205,857	\$ 76,347,675	6.08%	\$ 6,947,574	224.81%	169.04	\$ 12,905,335

Note 1: Starting in 1999 mill levies were "floated" in order to achieve the statutorily limited tax revenues.
 Voters approved a 2 mill increase for the Library in November, 2000.
 Voters approved a \$2.5 million general obligation bond for a soccer park November 4, 2003.
 Voters approved a \$2.27 million general obligation bond for repair and improvement of city pool facilities November 7, 2006.

**Total taxable value at time of certification

General Fund Increases with Newly Taxable Property, Inflation, and Entitlement Payments

Fiscal Year	Total \$ Increase in mill levy due to newly taxable property	Taxable value of new property	Total \$ increase in mill levy due to inflationary factor	% increase of inflationary factor	% of Entitlement increases	Entitlement Dollar increase per year	Entitlement payment*	Total Increases
2002	\$ 112,656	\$ 1,011,770	\$ 90,165	1.280%	3.00%	New	\$ 4,597,248	
2003	\$ 151,148	\$ 1,302,597	\$ 92,513	1.270%	3.00%	\$ 144,453	\$ 4,741,701	\$ 388,114
2004	\$ 124,223	\$ 1,041,336	\$ 92,154	1.220%	3.38%	\$ 155,130	\$ 4,896,831	\$ 371,507
2005	\$ 249,121	\$ 2,030,124	\$ 75,618	0.960%	3.47%	\$ 173,569	\$ 5,070,400	\$ 498,308
2006	\$ 355,678	\$ 2,748,377	\$ 101,905	1.251%	3.23%	\$ 165,426	\$ 5,235,826	\$ 623,009
2007	\$ 370,273	\$ 2,873,541	\$ 122,878	1.420%	3.40%	\$ 85,338	\$ 5,321,164	\$ 578,489
2008	\$ 331,540	\$ 2,387,436	\$ 140,415	1.535%	4.23%	\$ 225,000	\$ 5,546,164	\$ 696,955
2009	\$ 301,276	\$ 2,138,981	\$ 161,337	1.672%	4.22%	\$ 233,836	\$ 5,780,000	\$ 696,449
2010	\$ 1,026,130	\$ 6,947,574	\$ 112,728	1.112%	5.00%	\$ 289,000	\$ 6,069,000	\$ 1,427,858
Total	\$ 3,022,045		\$ 989,713			\$ 1,182,752		

*General Funds share of Entitlement Payment



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Ordinance 3044; Social Host Ordinance

From: Chad G. Parker, Acting City Attorney

Initiated By: Chad G. Parker, Acting City Attorney

Presented By: Chad G. Parker, Acting City Attorney

Action Requested: Adopt Ordinance 3044, as amended.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3044 as amended.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Staff Recommendation: It is the recommendation of the Acting City Attorney that the City Commission adopt Ordinance 3044 as amended.

Background: At the regularly scheduled Commission Meeting held on September 1, 2009, Commissioner Beecher moved that Ordinance 3044 be removed from the table for a vote to adopt the Ordinance as amended. The motion was not seconded and so the Ordinance was not removed from the table. Given that no motion was made to "table Ordinance 3044 indefinitely" or to "deny Ordinance 3044" by any other Commissioner, the Ordinance can be brought up again at a subsequent meeting. Commissioner Rosenbaum commented that he believed the matter should be addressed with a full commission present (including Mayor Stebbins who was ill on the night of September 1, 2009), which can be reflected as a desire for postponement of the vote on Ordinance 3044. Therefore, the motion to adopt Ordinance 3044 may be brought up at the September 15, 2009 Commission Meeting.

Ordinance 3044 is being presented with amendments which are intended to reflect the will of the Commission as a whole and seek to provide adequate notice of Ordinance 3044's interaction with Montana State Law. Specifically, a definition for the term, "gathering" has been included as well as a reference to § 16-6-305, which provides a limited exception from culpability under law for parents and other individuals who provide an alcoholic beverage to a person under 21 years of age in a non-intoxicating quantity or for medicinal purposes, upon the prescription of a physician, or by an ordained minister or priest in connection with a religious observance.

Further amendments include a revision of the penalty section to reflect a no-jail penalty for a first offender and to insert language suggested by the Great Falls Landlord Association, which addresses their concerns of vicarious liability under the Ordinance.

These amendments have been chosen in deference to other potential and suggested amendments because they properly reflect the municipality's jurisdictional limitations on penalties and because they do not hinder judicial discretion beyond what the State legislature has already designated for other alcohol-related offenses in Montana. Further, the amendments serve to provide notice of the "knowledge" element required for culpability under the ordinance and to whom it applies while ensuring there are no equal protection faults included in its text; i.e., the language does not provide variable exclusions to separate classes of Defendants based on age or other constitutionally barred criteria.

Concurrences: The Police Department, City Administration, the Legal Department, the Cascade County DUI Task Force, and the EUDL Coalition support its execution.

Fiscal Impact: None.

Alternatives: Require City Law Enforcement to continue using State law §§ 45-5-622, 45-5-623, and 45-5-624 MCA as their primary tool to combat underage drinking. However, these statutory sections do not adequately address the source of incidents where the crime of minor in possession of alcohol are committed nor do they affect all age groups capable of committing the offense.

ORDINANCE 3044

**AN ORDINANCE AMENDING OCCGF TITLE 9, ADDING
CHAPTER 10, PERTAINING TO SOCIAL HOST**

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

Section 1: That OCCGF Title 9, Chapter 10, Sections 010 thru 040, be created as depicted in Exhibit A.

Section 2: This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

APPROVED by the City Commission of the City of Great Falls, Montana, on first reading August 4, 2009.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, as amended on second reading September 15, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

Chad Parker, Acting 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 hereby certify that I did post, as required by law and as prescribed and directed by the City Commission, Ordinance 3044 in three places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building
On the Bulletin Board, first floor, Cascade County Court House
On the Bulletin Board, Great Falls Public Library

(Seal of the City)

Lisa Kunz, City Clerk

Ordinance 3044-Exhibit A
Chapter 10
SOCIAL HOST

Sections:

9.10.010	Purpose, Findings
9.10.020	Definitions
9.10.030	Prohibited Acts
9.10.040	Penalties

9.10.010 Purpose, Findings

Consumption of alcoholic beverages by minors at parties, or gatherings where minors consume alcoholic beverages, present numerous problems for the City of Great Falls, Montana, minors, and law enforcement. Specifically:

- Montana teens report one of the highest binge drinking (heavy episodic - defined as 5 or more drinks in one sitting) rates in the nation, 34.4 percent of Montana Youth admit to binge drinking episodes. This is the highest in the United States.
- Great Falls' teens report a higher binge drinking rate than the Montana average. In Cascade County, 38.9 percent of youth admit to binge drinking. This is one of the highest rates in the state.
- In Great Falls, the Municipal Court, the Youth Court, the Great Falls Police Department, and the Cascade County Sheriff's Office have dealt with or issued 2,066 Minor in Possession of Alcohol violations in the City of Great Falls since January 1, 2006. Due to alcohol abuse problems, in 2005 alone, 6,689 persons were admitted to alcohol treatment programs in Montana.
- The Great Falls Police Department has expended countless man-hours and countless resources on enforcement of underage drinking laws which has detracted from their ability to tend to violent crime and other necessary law enforcement activities. Recent reports state that Montana spends an average of 49.1 million dollars annually on alcohol related criminal offenses.
- Due to the severity of the problem in Cascade County, and especially the City of Great Falls, the Great Falls Police Department has written a grant for and received over \$1,000,000.00 in federal grant funds to be used solely for combating underage drinking and alcohol related crimes in the community. Despite this funding and the efforts of law enforcement and community groups, the problem of underage drinking in Great Falls continues to grow.

Alcohol abuse is also linked to numerous other health and life issues for our youth, including, but certainly not limited to, sexual assault, unprotected sexual activity, teenage pregnancy, sexually transmitted diseases, physical assault, and academic difficulties.

The Commissioners of the City of Great Falls, Montana, find and declare that the purpose of the ordinance is:

- 1) to protect public health, safety, and general welfare;
- 2) to enforce laws prohibiting the consumption of alcohol by minors;
- 3) to reduce the cost of providing police services to parties, gatherings, or events that call for a response by requiring that social hosts ensure minors are not consuming alcoholic beverages; and, under Montana Code Annotated §§ 7-1-4123 and 7-1-4124, the City of Great Falls has the legislative power, subject to the provisions of state law, to adopt, amend, and repeal ordinances and resolutions required to:
 - a) preserve the peace and order and secure freedom from dangerous and noxious activities; and,
 - b) secure and promote the general public health and welfare.

Further, Montana Code Annotated § 7-32-4302 provides, **in pertinent part**, that the City of Great Falls has the power to prevent and punish intoxication, loud noises, disorderly conduct, and acts or conduct calculated to disturb the public peace or which are offensive to public morals within its limits ~~or within 3 miles of the limits thereof.~~

9.10.020 Definitions

- (1) "Alcohol" means ethyl alcohol, also called ethanol, or the hydrated oxide of ethyl.
- (2) "Alcoholic Beverage" means a compound produced and sold for human consumption as a drink that contains more than 0.5% of alcohol by volume; **the term also includes, but is not limited to, Beer, Hard Cider, Liquor, Malt Beverage, Table Wine, and Wine.**
- (3) "Beer" means a malt beverage containing not more than 7% of alcohol by weight.
- (4) "Gathering" means a party or event where a group of three or more persons has assembled or is assembling for a social occasion or social activity.
- ~~(4)~~ (5) "Hard cider" means an alcoholic beverage that is made from the alcoholic fermentation of the juices of apples or pears and that contains not less than 0.5% alcohol by volume and not more than 6.9% alcohol by volume, including but not limited to flavored, sparkling, or carbonated cider.
- ~~(5)~~ (6) "Liquor" means an alcoholic beverage except beer and table wine.
- ~~(6)~~ (7) "Malt beverage" means an alcoholic beverage made by the fermentation of an infusion or decoction, or a combination of both, in potable brewing water, of malted barley with or without hops or their parts or their products and with or without other malted cereals and with or without the addition of unmalted or prepared cereals, other carbohydrates, or products prepared from carbohydrates and with or without other wholesome products suitable for human food consumption.
- ~~(7)~~ (8) "Table wine" means wine that contains not more than 16% alcohol by volume and includes cider.
- ~~(8)~~ (9) "Wine" means an alcoholic beverage made from or containing the normal alcoholic fermentation of the juice of sound, ripe fruit or other agricultural products without addition or abstraction, except as may occur in the usual cellar treatment of clarifying and aging, and that contains more than 0.5% but not more than 24% of alcohol by volume. Wine may be ameliorated to correct natural deficiencies, sweetened, and fortified in accordance with applicable federal regulations and the customs and practices of the industry. Other alcoholic beverages not defined in this subsection but made in the manner of wine and labeled and sold as wine in accordance with federal regulations are also wine.
- ~~(9)~~ (10) "City" means:
 - (a) the area within the incorporated city boundaries of the City of Great Falls ~~and the area outside of but within three (3) miles of those boundaries.~~
- ~~(10)~~ (11) "Immediate family" means a spouse, dependent child or children, or dependent parents.
- ~~(11)~~ (12) "Person" means any individual, business association, partnership, corporation, or other legal entity and an individual acting or purporting to act for or on behalf of a joint-stock company, unincorporated association or society, or other corporation of any character whatsoever as defined in Montana Code Annotated §§ 45-2-101 and 27-8-104.
- ~~(12)~~ (13) "Parent" means any person having legal custody of a juvenile, including a natural parent, adoptive parent, step-parent, legal guardian, person to whom a court order has given temporary or permanent legal custody.
- ~~(13)~~ (14) "Premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, hall or meeting room, park, pavilion, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party, gathering, or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
- ~~(14)~~ (15) "Social Host" means any person who conducts, allows, organizes, supervises, controls, permits or aids another in conducting, allowing, organizing, supervising, controlling, or permitting a party, event, or gathering of any number of individuals. The term shall include, but is not limited to the following:
 - (a) Any person or persons who own, rent, lease, or otherwise control the premises where an event, a gathering, activity, or party takes place;
 - (b) The person or persons in charge of or responsible for the premises;
 - (c) The person or persons who organized the activity, event, gathering, or party.

The term shall not include a property owner or parent who does not have knowledge that the activity, event, gathering, or party, whether or not the activity, event, gathering, or party was permitted or allowed, would result in an underage person being in possession of or consuming an alcoholic beverage.
- ~~(15)~~ (16) "Underage Person" means any person younger than 21 years of age.
- ~~(16)~~ (17) "Emergency Responders" means law enforcement officers, firefighters, emergency medical service personnel, and any other person having emergency response duties.
- ~~(17)~~ (18) "Enforcement Services or Response Costs" means the monetary cost of salaries and benefits ~~or~~ of emergency responders for the amount of time spent responding to or remaining at an event, gathering or party and administrative costs attributable to the incident; the costs for medical treatment for any injured emergency responder, and the costs of repairing any damage to emergency responder equipment or vehicles, and the cost of use of such equipment or vehicle.

9.10.030 Prohibited Acts

(1) A person violates this chapter when, as a social host, a person knows or reasonably should have known that an underage person is in possession of, is consuming, or has consumed, an alcoholic beverage on a premises within the City and fails to take reasonable steps, including, but not limited to, notifying law enforcement to prevent the underage consumption or possession by the underage person. The social host does not have to be present or on the premises at the time the prohibited act occurs.

(2) Nothing in this chapter shall be construed to supersede the prohibitions or exceptions set forth in § 16-6-305, MCA.

9.10.040 Penalties

(1) A person convicted of violating this chapter shall be guilty of a criminal misdemeanor and shall be punished as follows: ~~by imprisonment for not more than 6 months and by a fine of not less than \$250 or more than \$500, plus court costs, except that if one or more underage persons found to have been in possession of or consumed an alcoholic beverage was 16 years of age or under, the person convicted of violating this chapter shall be punished by imprisonment of not less than 5 days, which may not be served on home arrest.~~

(a) for the first offense, shall be fined not less than \$250 or more than \$500, plus court costs;

(b) for the second or subsequent offense, shall be fined \$500, plus court costs, and imprisoned for not more than 6 months, except that if one or more underage persons found to have been in possession of or consumed an alcoholic beverage was 16 years of age or under, the person convicted of violating this chapter shall be punished by imprisonment of not less than 5 days, which may not be served on home arrest.

(2) The imposition or execution of the first 2 days of any sentence of jail may not be suspended and the court may not defer imposition of sentence.

(3) Notwithstanding the penalties listed above, a person convicted of violating this chapter shall be responsible for reimbursing the cost of enforcement services or response costs to the agencies furnishing emergency responders. Any claims for restitution, including, but not limited to, those for enforcement services or response costs, must be filed with the Court within 90 days of a conviction under this chapter.

(4) A prosecution for violation of this chapter may not be deferred.

Regular City Commission Meeting

Mayor Pro Tempore Bronson presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Bill Bronson, John Rosenbaum, Bill Beecher and Mary Jolley. Also present were the City Manager, Assistant City Manager, Acting City Attorney, Directors of Community Development, Fiscal Services, Park and Recreation, Planning and Public Works, Interim Library Director, the Fire Chief, Police Chief, and the City Clerk.

PROCLAMATION: National Preparedness Month

PRESENTATIONS: Certificate of Achievement for Excellence in Financing Reporting and Award for Outstanding Achievement in Popular Annual Financial Reporting

NEIGHBORHOOD COUNCILS

1. There were no miscellaneous reports or announcements from neighborhood council representatives.

PUBLIC HEARINGS

Res. 9855. Adopted.

2. RESOLUTION 9855, VACATE 30th STREET NORTHWEST.

Interim Planning Director Bill Walters reported that Paul Vanhorn has submitted a petition to vacate 30th Street NW, a stub, dead-end, graveled roadway off of Central Avenue West. Mr. Vanhorn owns all three parcels currently abutting 30th Street NW. Staff has determined the right-of-way is not necessary for part of the functional street network and there is no possibility of ever extending 30th Street.

Mr. Walters requested that the City Commission adopt Resolution 9855 vacating 30th Street NW.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Mayor Pro Tempore Bronson declared the public hearing open.

No one spoke in support of or opposition to Resolution 9855.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9855, subject to the applicant causing the appropriate Amended Plat to be prepared,

executed and filed.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Motion carried 4-0.

Res. 9857. Adopted.

3. RESOLUTIONS 9857, VACATE 4th ALLEY SOUTH WITHIN BLOCK 419, GREAT FALLS ORIGINAL TOWNSITE.

Interim Planning Director Bill Walters reported that the owners of the block accommodating the Meadow Gold Dairies facility have submitted a petition to vacate 4th Alley South between 3rd and 4th Streets South. The Dairy has loading docks that open up on the Alley which often times is blocked with truck trailers being loaded and unloaded.

At a Planning Board meeting held July 14, 2009, the Planning Board recommended the City Commission vacate the involved portion of 4th Alley South and approve the accompanying Amended Plat.

Mr. Walters requested that the City Commission adopt Resolution 9857, vacating 4th Alley South, and approve the Amended Plat of Block 419, Original Townsite.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Mayor Pro Tempore Bronson declared the public hearing open.

Speaking in support of Resolution 9857 were:

Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, urged the Commission's support of Resolution 9857. Meadow Gold Dairy is a long standing and important part of the industrial infrastructure. Passage of this resolution will facilitate its operation.

Mike Witsoe, 2612 1st Avenue South, commented that he drives by this alley every day. He commented that what Meadow Gold Dairy does for downtown and the business industry is excellent.

No one spoke in opposition to Resolution 9857.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9857, and approve the Amended Plat of Lots 1-14, Block 419, Great Falls Original Townsite and Vacated 4th Alley South and the accompanying Findings of Fact

subject to fulfillment of the conditions stipulated by the Planning Board.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Motion carried 4-0.

Res. 9860. Adopted.

4. RESOLUTION 9860, LEVY AND ASSESS PROPERTIES FOR UNPAID UTILITY SERVICES.

Fiscal Services Director Coleen Balzarini reported that this resolution, if approved, will allow the City to levy and assess properties that have outstanding utility payments due. The City reviews the outstanding amounts annually. This year it amounts to about \$15,000 that still needs to be paid. Each of the property owners has received multiple notices, as well as notice of this public hearing.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Mayor Pro Tempore Bronson declared the public hearing open.

Speaking in support of Resolution 9860 was:

Kathleen Gessaman, 1006 36th Avenue NE, inquired if the County charges the City for the service, or charges interest on the lien to go towards recovering the cost. Ms. Balzarini responded that there is no direct charge for placing these liens on the properties. It is part of the annual assessment and taxing process, a service that the County does provide for the City. The County earns interest on monies in its account until it is remitted back to the City. The City receives a monthly remittance from the County.

Ms. Gessaman commented that it is kind of like a collection agency. Ms. Balzarini responded that it is a way to collect fees that are due and payable. Statutes and ordinances allow the City to place a lien against those properties that have incurred those expenses. She wouldn't classify the County as a collection agency.

Ms. Gessaman asked if the City had a fee repayment process for non-property owners so that it didn't have to go through the lien procedure. Ms. Balzarini responded that the City does have other processes available to make collections on outstanding accounts. Ultimately, the property owner is responsible for all sewer charges. The tenant is responsible for delinquent water charges.

Speaking in opposition to Resolution 9860 was:

Mike Witsoe, 510 11th Street South, inquired if the utility account gets too far behind would the services of water, sewer and garbage be cut off. Ms. Balzarini responded affirmatively. When the charges are assessed, Mr. Witsoe presumed that the majority of the bills were under \$250. Ms. Balzarini responded that, in this case, the average charge is \$300. There are some in the \$1,500 dollar range. Mr. Witsoe commented that the property owner is assessed for the sewer, but the water and garbage charges are assessed against the renter. Ms. Balzarini responded that it depends. There are some rental owners that prefer to have all the bills directed to them in their name. In other instances the renter pays the bill, and the owner receives a copy of the bill. There are a number of different ways that the bills are paid. Each situation is looked at and evaluated. Mr. Witsoe inquired if an owner of a multiple rental building had some of the renters skip on the rent, water, sewer and garbage, if the City would put a tax lien on the property. Mayor Pro Tempore Bronson clarified that this wasn't a tax lien.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9860.

Motion carried 4-0.

Ord. 3043. Adopted.

5. ORDINANCE 3043, TO REVISE THE DESCRIPTION OF THE BOUNDARY OF THE INTERNATIONAL AIRPORT TAX INCREMENT FINANCING INDUSTRIAL DISTRICT.

Interim Planning Director Bill Walters reported that the City of Great Falls, through the adoption of Ordinance 3022 on November 5, 2008, enacted and approved the Great Falls International Airport Tax Increment Financing Industrial District. The Montana Department of Revenue, which is responsible for the certification of the Tax Increment Financing Industrial District, notified the City in May that the legal description for the International Airport Tax Increment Financing Industrial District was inaccurate. In addressing the issue over the past several weeks, the Airport's consultant, who prepared the original description of the boundary of the Airport Tax Increment Industrial District, worked with representatives of the Montana Department of Revenue and City staff to correct the description reflected in Exhibit "A" attached to Ordinance 3043.

Mr. Walters requested that the City Commission adopt Ordinance 3043.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Mayor Pro Tempore Bronson declared the public hearing open.

Speaking in support of Ordinance 3043 were:

Kathy Harris, Stelling Engineers, Inc., 614 Park Drive South, reported that Stelling is the consultant engineer for the Airport. She encouraged the Commission to recognize that the boundary description has changed for the district. Stelling has updated the boundary to correct a number of parcels that needed to be aligned with the Department of Revenue parcel boundaries. She believes the increment district is beneficial to the Airport as a way to subsidize future improvements for tax increment financing.

Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, commented that the GFDA supports the use of tax increment financing in a responsible manner to support economic development.

Speaking in opposition to Ordinance 3043 was:

Ron Gessaman, 1006 36th Avenue NE, inquired whether the consultant was paid twice to do this work – the original work and the revisions. Ms. Harris responded that Stelling was paid to assist the Airport in creating the tax increment financing district and to prepare the boundary description. After the discrepancy was discovered by the Department of Revenue, Stelling assisted the Department of Revenue and the City at no additional cost to the City. Stelling has worked with its client to correct that boundary and is also preparing a new legal boundary description for the Airport which will be coming before this Commission. She reported that Stelling was paid once to create the district and the reconciliation efforts didn't increase the fee. She did clarify that there is a separate contract to redefine the Airport boundary which is fairly complicated and has been going on for some years.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 3043.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Motion carried 4-0.

OLD BUSINESS

**Central Place
Revitalization Urban
Renewal Tax Increment
District. Prioritized list
of projects approved.**

6. CENTRAL PLACE REVITALIZATION URBAN RENEWAL TAX INCREMENT DISTRICT.

Commissioner Jolley moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission remove this item from the table and approve the prioritized list of projects attached as Exhibit A using the balance of tax increment funds remaining after final debt service payments are made from the Central Place Urban Renewal

Revitalization Program.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Jolley requested that the vote for the \$300,000 to reimburse the Economic Revolving Loan Fund be separate from the vote to transfer the money to the Great Falls Development Authority. Ms. Balzarini responded that the process that will be established will be brought back before the Commission, including using the GFDA as the pass through entity to re-loan this money. The Commission will be approving the release and the terms of the release to the GFDA.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public.

Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, commented that this is a wonderful package that culminates two years of hard work by everyone involved in downtown. He believes it will make an enormous difference in downtown. This funds the top priorities of the Neighborhood Council, the Downtown Business Improvement District, the Great Falls Development Authority and City departments.

Mayor Pro Tempore Bronson asked if there was any further discussion amongst the Commissioners. No one responded.

Motion carried 4-0.

Res. 9858, 9859 and Ord. 3040. Adopted.

7A. RESOLUTIONS 9858 AND 9859, ANNEXED AMENDED PLAT OF BLOCK 21 & LOTS 1-10, BLOCK 22, HIGHLAND PARK ADDITION AND VACATED RIGHTS-OF-WAY.

7B. ORDINANCE 3040, ASSIGNS CITY ZONING CLASSIFICATION OF M-1 MIXED USE DISTRICT AND GRANTS CONDITIONAL USE PERMIT TO ALLOW A CONTRACTOR YARD, TYPE II.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission remove from the table Resolutions 9858 and 9859, Ordinance 3040, the Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition and Vacated Rights-of-Way, Findings of Fact and Annexation Agreement, all pertaining to said Amended Plat.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Motion carried 4-0.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolutions 9858 and 9859, and approve the Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition and Vacated Rights-of-Way, Findings of Fact and Annexation Agreement, all pertaining to said Amended Plat.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners.

Commissioner Rosenbaum commented that all the players have been in touch with each other, agreements were made and contractors can proceed.

Commissioner Jolley inquired if the zoning classification was changed at the last meeting. Mayor Pro Tempore Bronson clarified that Resolutions 9858 and 9859 would be considered first with respect to the annexation and vacation, and then proceed to Ordinance 3040 with regard to the zoning classification.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public.

Roy Volk, 301 Big Bend Lane, thanked the Commission for allowing him an extra two weeks. He and his wife had numerous meetings with City staff, engineers and the developers. The parties came to a reasonable resolution with regard to ingress and egress. He reported that the only thing pending was a storm drain issue that he will endeavor to work with the City to get resolved.

Motion carried 4-0.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 3040.

Mayor Pro Tempore Bronson asked if there was any further discussion amongst the Commissioners or inquiries from the public. No one responded.

Motion carried 4-0.

Ord. 3044. Remained tabled.

8. ORDINANCE 3044, SOCIAL HOST ORDINANCE.

Commissioner Beecher moved that the City Commission remove ordinance 3044, the Social Host Ordinance, from the table and adopt Ordinance 3044, as amended.

Motion failed for lack of a second.

Mayor Pro Tempore Bronson asked if there was another motion. No one

responded.

Commissioner Rosenbaum commented that, for lack of a second and lack of another motion, his understanding was the matter would remain on the table until the next meeting. Acting City Attorney Chad Parker responded that would be the case. If the motion to remove from the table fails, it would remain on the table to be brought back at a later date.

Commissioner Jolley commented that her understanding was if the matter was not removed from the table tonight, the matter was gone and the ordinance could be rewritten. Mr. Parker responded that was incorrect. The matter remains on the table. It has not been removed from the table as of this point and time.

Commissioner Rosenbaum commented that Commissioner Jolley mentioned she would like other language added that she shared with the Acting City Attorney. The other void here is the Mayor is absent. His personal view is this is a band-aid effect. It will be more punitive, but he doesn't believe it will change significantly the behavior of the young people. Commissioner Rosenbaum would like the Mayor to be involved and to wait for a full commission. He doesn't believe there is any level of urgency and would also like to hear comments from the public.

Commissioner Beecher disagreed. He pointed out that this Ordinance is focused at people that are encouraging, by their behavior, underage drinking. To him, it is closing another avenue that encourages drinking.

Mayor Pro Tempore Bronson stated that the matter remains on the table to be brought up at a subsequent meeting.

NEW BUSINESS

Contract for Water Rights Procurement. Approved.

9. CONTRACT FOR WATER RIGHTS PROCUREMENT.

Public Works Director Jim Rearden reported that the purpose of this agreement is to hire a consultant to determine the availability of existing water rights that are available for sale, review and rank those rights and, should the City choose to proceed, assist in the purchase of water rights.

The issuance of a Request for Proposals that led to this agreement was approved by the City Commission at the November 18, 2008, regular meeting. A Request for Proposals was issued in February 2009 and five proposals were received. A team made up of Commissioner Bronson, City Manager Doyon, Coleen Balzarini and Mike Jacobson was chosen to interview the proposers and rank the firms. The firm of PBS&J was the committee's unanimous choice. Staff also provided an update on the proposals at the July 7, 2009 Commission Work Session.

Again, this work would determine the availability of desirable water rights

and prioritize those rights. The City would be left with the choice of whether to proceed with the purchase of water rights that are identified. Staff recommends that the City enter into the Professional Services Agreement with the PBS&J engineering firm.

Commissioner Jolley moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission approve the Professional Services Agreement with PBS&J and authorize the City Manager to execute the agreement.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public.

Kathleen Gessaman, 1006 36th Avenue NE, commented that she believed Water Right Solutions was the City's water consultant, had water rights to offer the City, and part of their scope of work was to prepare, analyze and research the acquisition of additional water rights. WRS had gone through about 2,585 different water right claims in the 41QJ basin. She was curious, with that database, why Water Right Solutions wasn't in a position to do the study. She inquired if it was a conflict of interest with WRS since it was offering to sell water rights to the City.

Mayor Pro Tempore Bronson responded that, if he understood her inquiry, she was wondering if Water Right Solutions did a thorough evaluation of water rights. It is his understanding WRS did not. The main reason the City is looking at someone in the alternative to do further work is because WRS does represent the party that had an interest in selling to the City and, therefore, there would have been a conflict in WRS being further involved in the evaluation process.

Fiscal Services Director Coleen Balzarini added that she believed what Ms. Gessaman was referring to was that Water Right Solutions reviewed water rights within our basin in regards to whether those rights would cause the City any concern and any reason to file an objection to those water rights. That is a totally different process. Ms. Gessaman added that there is a database of people with water rights that may wish to sell those water rights. She inquired if that data would be used by the consultants. Mr. Rearden responded that the database is available to anyone. Even though the database is available, it hasn't been analyzed to determine what is available and appropriate. Ms. Gessaman inquired if the City was still working with Water Rights Solutions as the contract hadn't ended. Ms. Balzarini responded that Water Right Solutions still performs services for the City under certain terms. For instance, WRS is currently in the process of making a request for an additional point of diversion for another project. In this case, the City is asking PBS&J to perform this service because of the

potential conflict mentioned.

Ron Gessaman, 1006 36th Avenue NE, stated that he believed before the City went out to look for a new water consultant, the City went out for bids for people to sell the City water rights. As he understands it, one bid was received. He asked who that bid was from and if the bid was opened. Mr. Gessaman commented that he had never heard of anybody doing a mail order solicitation for water rights. City Manager Doyon responded that the committee reviewed all the responses and determined PBS&J was the firm with the best credentials to perform the services for the City. Mail solicitation is one technique. Whether it will be employed here, he is not sure. The staff report mentions the sensitivity surrounding it. Mr. Doyon further noted that one bid was received as Mr. Gessaman mentioned. He doesn't believe it has been opened because he believes staff was waiting to bring a consultant on board to review it. Mr. Gessaman believes the scope for the consultant has changed considerably and it seems strange to him. Speaking from an agricultural standpoint, Mr. Gessaman stated that he would never sell anybody his water rights.

Mike Witsoe, 2612 1st Avenue South, asked how much the contract costs. Mayor Pro Tempore Bronson responded that the information he seeks is in the agenda report. Mr. Rearden summarized that the agreement is broken down into five tasks. Task 1 is to identify the appropriate water rights that might work for the City - \$14,000; Task 2 is to contact water right holders to determine if their rights might be available – \$8,000 - \$10,000; Task 3 is to evaluate and rank available water rights - \$7,000 - \$8,000. Tasks 4 and 5 are too speculative at this time because they involve negotiating the procurement of water rights.

Mr. Witsoe asked what the difference was between what Water Rights Solutions did and this company's project. Ms. Balzarini answered that WRS reviewed all the water rights within our basin that may cause concern for the City's exiting water rights during the adjudication process and made any determination and recommendation as to whether the City should object to any existing water rights. It has nothing to do with the valuation of new water rights; it has nothing to do with whether they are willing or open to considering sale; it has nothing to do with whether it is an active or inactive water right. It has nothing to do with those items that PBS&J will be looking at in terms of evaluating the City's potential for purchasing new water rights.

Mr. Witsoe asked if PBS&J could use WRS's information. Mayor Pro Tempore responded that the City is not starting on any particular path where people are not going to be able to get information that is already developed. Mr. Rearden added that the report is property of the City and available for PBS&J to utilize.

Mr. Witsoe asked and was responded to affirmatively that PBS&J is a

Montana company and is based out of Missoula. Mr. Witsoe inquired what the start and completion dates were. Mayor Pro Tempore Bronson responded that as soon as the contract is approved, they will begin. Mr. Rearden added that the completion date will be dependent upon what is determined and found throughout the process.

Mr. Witsoe asked Ms. Balzarini what the City has spent with WRS in the last three years for the information to sell the City one set of water rights that is now considered a conflict of interest. Mayor Pro Tempore Bronson responded that Mr. Witsoe's question assumes incorrect facts. Ms. Balzarini again explained that WRS reviewed the existing water rights to evaluate the paper right compared to the physical right to make sure that the City had clean water right documents as the City entered into the adjudication process. In addition to that, WRS has done work for the City in regards to the water reservation in assisting in establishing points of diversion and places of use for the Malting Plant, the proposed Highwood Station and Montgomery Energy. With regard to how much WRS was paid, Ms. Balzarini stated that she would have to gather that information to make available at a later date.

Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, urged that the process continue. He explained that it is a very deliberative process that began with WRS, then there were a number of work sessions with water masters and water right experts, and now the City is following the course that was recommended by those experts. The importance of having water available for potential industrial use down the road, as well as for the normal growth of the City, can't be overstated.

Neil Taylor, 3417 4th Avenue South, commented that he believes the City is putting the cart before the horse. He noted that on May 6, 2008, agenda item 6, the Commission consummated a consulting agreement with Water Right Solutions to do exactly what is being asked of the new water consultant. He asked if the Commission was firing WRS, or changing the existing consulting agreement. Ms. Balzarini responded that the City has given WRS specific orders on specific projects as to what it is the City wants them to do. In this instance, as mentioned, because WRS represents one of the potential sellers of the water rights, it was determined to be more appropriate to use a third party consultant to evaluate any water rights that the City may choose to consider for purchase. WRS has specific tasks to do. This is not one of them. They did not have an exclusive agreement with the City of Great Falls.

Mr. Taylor disagreed and again cited the May 6, 2008, agenda item 6. Mr. Taylor suggested that the database of material is available to anyone, and that City staff do some of the work to save thousands of dollars. Mayor Pro Tempore Bronson responded that the information in the database is complex and needs to be evaluated by people with special expertise. Mr. Taylor disagreed, stating that he has done that type of work in the past and doesn't

see it as a great process to go through.

Anitra Hall, 3508 14th Avenue South, commented that prices are not attached to tasks 4 and 5. She asked if there was a financial cap on the contract. Mayor Pro Tempore Bronson responded that it is not an open ended contract. Items 4 and 5 would have to be separately negotiated and caps imposed at that time.

Motion carried 4-0.

ORDINANCES/RESOLUTIONS

Ord. 3045. Adopted.

10. ORDINANCE 3045, CREATING TITLE 2, CHAPTER 51 OF THE OFFICIAL CODES OF THE CITY OF GREAT FALLS, ESTABLISHING A YOUTH COUNCIL.

Neighborhood Council Coordinator Patty Cadwell reported that it is recommended that the City Commission adopt Ordinance 3045. The Great Falls Youth Council has been existing for one year with six active members. Its formation occurred as a result of a vision that actualized in the form of a Weed and Seed strategy. Weed and Seed personnel distributed applications to Great Falls High School, Charles M. Russell High School, Paris Gibson Education Center and Central Catholic High School. Twenty-one applications were received. There are six core members that plan to solicit other members in the future. These youth believe their input to the City Commission and their actions to improve youth involvement can positively influence the citizens of Great Falls. To date the Youth Council has conducted a survey of 500 high school students that they wish to present to the City Commission in the future. Youth Council also plans a video survey of residents of the Weed and Seed site. In addition, youth members plan to begin the process of establishing a Youth Center in Great Falls, a place where youth can gather for fun and learning. The Youth Council members recently attended a NeighborWorks USA Leadership Institute in Chicago through a partnership between Weed and Seed and Neighborworks Great Falls. The Youth Council will fall under the work load of the Neighborhood Council Coordinator and they will meet at least monthly.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners.

Commissioner Jolley inquired about the Youth Council falling under Ms. Cadwell's workload, even though Weed and Seed and NeighborWorks are involved. Ms. Cadwell explained that Weed and Seed is involved in that it has set aside money for a project for the Youth Council. The Youth Council will fall under her supervision similar to the Neighborhood Councils. She can prepare the agendas for them, and act as a liaison between them, City staff and Commissioners.

Commissioner Jolley inquired about the wording in the Ordinance stating the Youth Council would fall under the Neighborhood Council Coordinator after the end of the Weed and Seed grant in 2010. Ms. Cadwell responded that she will be in charge after the creation of the Great Falls Youth Council.

Commissioner Jolley inquired about the annual election language in December, as it doesn't say who votes. Ms. Cadwell responded that may be something that needs to be corrected.

Commissioner Jolley cited Garland's Youth Council statement and thinks its wording seems less political to her. The first time she heard about a Great Falls Youth Council was in October during the Presidential election. The mission statement on the recruitment flyer stated "they want to be a catalyst for action, and a center for forward thinking and progressive thought." To her, progressive thought is the opposite of conservative thought.

Commissioner Jolley commented that she is concerned with the shape the Neighborhood Councils are in because people aren't signing up to be on Neighborhood Councils. She thinks that the Neighborhood Councils are already a lot of work for Ms. Cadwell. She also didn't see anywhere on the Youth Council application for the parent to sign giving their permission. Commissioner Jolley commented that, as a City, she was leery being in any way responsible for minors. She stated again that her fears were about the workload, Weed and Seed money running out, and the City having an Ordinance that has a council that someone has to work with. She thought maybe the City wasn't ready yet for a Youth Council.

Ms. Cadwell responded that she doesn't recruit Neighborhood Council members and she won't recruit Youth Council members. That is the job of citizens themselves and the councils once they are formed. That is not part of her job description. Community Development has never funded Neighborhood Councils so she can't see why Commissioner Jolley would think the department would fund the Youth Council. There hasn't been a promise to the Youth Council that the City would fund their activities. The Weed and Seed funds go to the Youth Council to do a project in the Weed and Seed area. She stated that she doesn't share the same concerns as expressed by Commissioner Jolley.

As far as Commissioner Jolley's concern regarding the political statement, she has no idea if there was any intention of progressive or conservative thought when the mission statement was proposed. Ms. Cadwell concluded that there are youth ready, willing and able to be a Youth Council for the City of Great Falls.

Commissioner Jolley inquired if Ms. Cadwell believed it wouldn't be too much more work for her. Ms. Cadwell explained that it wouldn't because the Weed and Seed operation is in the process of moving out of her office. There will be extra time to work with the youth.

Commissioner Jolley expressed that she would like to see the titles of the officers changed into “normal titles.” Ms. Cadwell responded that those titles came from the youth themselves. Part of the reason for this youth involvement was for them to come up with their own ideas, make their own mistakes, make changes, and rectify mistakes. The youth feel pretty strongly those are the titles they wanted to use. Commissioner Jolley responded that she also works with teenagers and she likes for them to learn from their own mistakes. But, she doesn’t have a City ordinance created with these kinds of titles. Teens are allowed to speak at any Neighborhood Council or City Commission meetings. She is concerned that there might be other priorities.

Commissioner Beecher moved that the City Commission adopt Ordinance 3045 on final reading.

Commissioner Beecher requested clarification from staff whether the Ordinance states the Youth Council is an advisory council.

Commissioner Beecher moved to amend his motion, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 3045 on final reading, creating the Great Falls Youth Council that would be an advisory council.

Mayor Pro Tempore Bronson asked if there was any further discussion amongst the Commissioners.

Commissioner Rosenbaum stated that it would be refreshing to have youthful, productive comments and youth involvement in government.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public.

Tim Seery, 228 17th Avenue NW, stated that the Youth Council looks forward into opening up this new constituency of youth and being able to voice any of their concerns and perspectives that they might have on issues in the community relating to City government that are of direct importance to them. They look forward to this opportunity. Mr. Seery further commented that an Ordinance of this nature speaks volumes for the City of Great Falls in that it places a premium on the value of the young people, not just in this current generation, but in the ensuing generations. In response to three of Commissioner Jolley’s comments, Mr. Seery first remarked on the parent signature on the application. He commented that, although he believes it may be a beneficial addition, any other outside activities, hence their trip to Chicago, were signed off on separate release forms. So, if there were any separate activities that fall outside of simply membership, then those are on a separate document. With regard to the mission statement and the word “progressive,” Mr. Seery commented that he personally, with the help of the youth on the council, drafted the mission statement and there

was no political agenda behind it. Progressive meaning that moving forward for Great Falls and moving towards improvements and benefits. With regard to the title names, Mr. Seery stated that he wholeheartedly agreed with Commissioner Jolley. He realizes it should have been changed before it reached this stage. However, he was unaware the wording was still in there because that was an addition that was brought about by the first Youth Council coordinator and seconded by the rest of the members of the Council. He agreed that should be amended to professional names.

Commissioner Jolley asked who votes at the election in December. Mr. Seery responded that it should state that in October the appointments are made because of the applications submitted. There are no elections, and the date of appointment is in October and not December. Commissioner Jolley asked who appoints. Mr. Seery responded that Patty Cadwell and the youth council members will review the applications and go through a selection process.

Ron Gessaman, 1006 36th Avenue NE, commented that about a year ago the Commission cut the youth out of the Neighborhood Councils by requiring that anyone who is elected to Neighborhood Councils must be a voter. He believed that to be a poor choice because members younger than 18 could have been elected to Neighborhood Councils if they had a sufficient interest, then the City wouldn't need a special Youth Council to provide more advice.

Anitra Hall, 3508 14th Avenue South, stated that she is a student council sponsor of Great Falls High School. She appreciates the idea of establishing a Youth Council. Youth can attend City Commission and Neighborhood Council meetings, but they don't do so. She doesn't believe they feel welcomed. She doesn't think they believe their voice would be heard. Giving them a structure that they organize and run will help them develop the leadership skills that they need to be civic minded adults. Ms. Hall sees this group as being a liaison to both high schools. This gives the students a voice with the City that they would not otherwise have. She urged the Commission's adoption of this Ordinance.

Karen Grove, 1816 1st Avenue North, stated that she is a member of Neighborhood Council 8 and the Weed and Seed Steering Committee. They had a lot of discussion regarding this Youth Council. Everyone involved is excited that finally the youth are going to be involved in the process and have a chance to form that relationship working with adults on projects throughout the City. Ms. Grove commented that she thought the election language in December, meant the election would be for the six chair positions. She believes it is a great thing to involve the youth. Young thinking does nothing but improve the whole process of the City. She urged the Commission's support of the Youth Council.

Mike Witsoe, 2612 1st Avenue South, agreed with Ms. Grove and Mr. Seery. Mr. Witsoe commented that the students of today are more knowledgeable. This will give them a chance to get involved. Mr. Witsoe also encouraged the Commission's support.

In response to Commissioner Beecher, Mayor Pro Tempore Bronson noted that the establishment clause for this Ordinance refers to Article VII, Section 3 of the City Charter which discusses the power as a Commission to appoint advisory bodies. Because this organization is created pursuant to that article and section, it is strictly advisory and he doesn't believe anything more needs to be added to the Ordinance. Secondly, as he also sits on the Steering Committee for Weed and Seed, this proposal has been germinating within Weed and Seed and other communities and student groups for quite some time. He believes he speaks for the Steering Committee that everyone there is enthusiastic about this proposal and wants to see it go forward. In response to Commissioner Jolley, he certainly doesn't see any nefarious goal such as bringing death panels or such things in there merely because someone chose to use the word "progressive" in the bylaws. He supports this proposal and, if amendments need to be made down the road to help them facilitate it, then so be it. To some extent, he would like to hear those ideas from the youth themselves.

Commissioner Jolley commented that she believes it was unnecessary for Mayor Pro Tempore Bronson to use the term "death panel." When she first heard about this in October, there was a direct quote from one of the Presidential candidates as a recruitment tool and she was just pointing that out. Mayor Pro Tempore Bronson responded that he was simply commenting about her concerns about the political make up of this were unwarranted. Commissioner Jolley responded that was his opinion.

Motion carried 4-0.

Res. 9852. Adopted.

11. RESOLUTION 9852, LEVY AND ASSESS PROPERTIES WITHIN THE BUSINESS IMPROVEMENT DISTRICT.

Fiscal Services Director Coleen Balzarini reported that the Business Improvement District has been re-created for another 10 years. There is an annual assessment that is necessary to be levied against those properties within the district in order to operate and carry out the budget the Commission has already approved. This assessment will be approximately \$172,000 for this year. Ms. Balzarini requested the Commission approve the assessment resolution.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9852.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners or inquiries from the public. No one responded.

Motion carried 4-0.

Res. 9853. Adopted.

12. RESOLUTION 9853, LEVY AND ASSESS PROPERTIES WITHIN THE TOURISM BUSINESS IMPROVEMENT DISTRICT.

Fiscal Services Director Coleen Balzarini reported that the Tourism Business Improvement District was created under the same statutory authority as the Business Improvement District. The TBID assessment methodology is different in that the TBID voluntary levy and collect from hotel occupants one dollar per night. It will then be remitted over through the assessment process to the TBID to attract sports activities and various conventions within the City of Great Falls.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9853.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners or inquiries from the public. No one responded.

Motion carried 4-0.

Res. 9861. Adopted.

13. RESOLUTION 9861, LEVY AND ASSESS THE COST OF REMOVAL AND DISPOSAL OF NUISANCE WEEDS IN THE CITY OF GREAT FALLS, MONTANA, FROM JULY 1, 2008, THROUGH JUNE 30, 2009.

Fiscal Services Director Coleen Balzarini reported that the Public Works Department is responsible for enforcing the nuisance weeds ordinance. Over the past 12 months, that department has issued 2,645 notices of weed violations to property owners. Of those that were noticed, 91 were required to have the weeds taken care of by the Public Works Department. Of those 91 properties, 37 remain unpaid. At this point there is \$10,700 in unpaid weed cuttings. Ms. Balzarini requested the Commission's approval so that the amount could be transferred over to liens on the properties through the County billing process.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9861.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public.

Ron Gessaman, 1006 36th Avenue NE, inquired if the assessments were just for weed cuttings, or if it also included lawns. He stated that if this wasn't for all weeds, it shouldn't be labeled as such. Mr. Gessaman asked if the taxpayers could charge the City for cutting its weeds along some roads.

Motion carried 4-0.

Res. 9862. Adopted.

14. RESOLUTION 9862, ANNUAL SPECIAL IMPROVEMENT DISTRICT (SID) REVOLVING FUND ANALYSIS.

Fiscal Services Director Coleen Balzarini reported that this is an annual analysis that City staff performs. There is a revolving fund that has been established over the years to provide security for special improvement district debt that has been issued. Each year, staff looks at the individual special improvement districts to determine whether there is funds to make the next year's debt service payments, and/or whether those funds are no longer required. At that point, they are recommended for closure into this larger SID revolving fund. The Commission has the opportunity to take any surplus within the fund and remit it over to the general fund. At this point, staff does not make that recommendation. The amount that is available is \$169,000. It is used as security in general for all future special improvement debt that is issued as well. It has the potential for impacting interest rates on those special improvement districts when they are created. Staff believes it is adequate. It meets the IRS restrictions, as well as the State requirements for minimums.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9862.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners or inquiries from the public. No one responded.

Motion carried 4-0.

Res. 9863. Adopted.

15. RESOLUTION 9863, RESOLUTION RELATING TO \$750,000 WASTEWATER SYSTEM REVENUE BONDS (DNRC WASTEWATER SYSTEM STATE REVOLVING LOAN PROGRAM), CONSISTING OF \$390,700 SUBORDINATE LIEN TAXABLE SERIES 2009A BOND AND \$359,300 SERIES 2009B BOND; AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS THEREOF.

Fiscal Services Director Coleen Balzarini reported that there are \$750,000 in wastewater system revenue bonds that staff is asking the Commission to approve the issuance and fixing the terms and conditions on. The money is being offered through DNRC and the American Recovery and Reinvestment Act of 2009. Of the \$750,000, assuming the City has met all the terms and conditions, \$359,300 will be charged at 1.75% interest and \$390,700 will be forgiven. It is very beneficial to the City.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9863.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners or inquiries from the public. No one responded.

Motion carried 4-0.

Consent Agenda.
Approved.

CONSENT AGENDA

16. Minutes, August 18, 2009, Commission meeting.
17. Total expenditures of \$1,527,975 for the period of August 1-26, 2009, to include claims over \$5,000, in the amount of \$1,259,804.
18. Contracts list.
19. Grant list.
20. Set public hearing for September 15, 2009, on Resolution 9865, Cost Recovery for Hazardous Sidewalk at 2226 7th Avenue North.
21. Approve Labor Agreement with the Painters Local #260.
22. Award contract for the 2009 CDBG Community Recreation Center Electrical Retrofit to Cascade Electric in the amount of \$34,350.
OF 1443.7.
23. Approve the Mansfield Theater Lobby Exclusive Concessions Agreement with the Sparkettes of Montana.
24. Approve final payment to Shumaker Trucking and Excavating Contractors Inc. and the State Miscellaneous Tax Division in the amount of \$14,223.62 for the Third Avenue NW Roadway Improvements, Phase 1 –Easterly. **OF 1488.**
25. Approve final payment to Shumaker Trucking and Excavating Contractors Inc. and the State Miscellaneous Tax Division in the

amount of \$6,173.60 for the Skyline Heights Storm Drain Improvements. **OF 1282.1.**

26. Approve project list for use of House Bill 645 funds.
27. Approve Bay Drive Bike/Ped Path Agreement modifications.
28. Approve Addendum Agreement for Pine Hill PUD.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission approve the Consent Agenda as presented.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public.

Ron Gessaman, 1006 36th Avenue NE, with regard to Item 25, commented that when the Skyline Heights project was developed six years ago, a number of people in the area pointed out that the storm sewer system was inadequate for the run off. It should have been the developer's responsibility to pay for that. He objects to the taxpayers now paying for that.

Motion carried 4-0.

BOARDS & COMMISSIONS

**2009 Community
Transportation Program
Prioritized Projects.
Approved.**

29. 2009 COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM PRIORITIZED PROJECTS.

Senior Transportation Planner Andrew Finch reported that it was his pleasure to present the recommendation of the Great Falls Planning Board for approval of three projects for use of the 2009 transportation enhancement program funds that the City Commission receives each year. As in the past, the Planning Board did solicit proposals from the public and received a total of eight proposals this year totaling \$660,000. That amount was almost twice the amount of available funds. The Planning Board members spent time listening to proposals from the applicants, reviewing and ranking the applications to come up with the best recommendations to bring forth. The three projects recommended for approval are the Gibson Park lighting, a City-wide bike route signage project and a First Avenue South streetscape project. The first project is approximately \$103,000; the bike route signage is approximately \$20,000, and the final project is approximately \$206,000. Mr. Finch pointed out that the Planning Board did wish to fund the fourth ranked project, the 20th Street South sidewalk, as a very necessary project. The University of Great Falls suggested that it provide the match for construction of sidewalk on the east side of the street. The Planning Board recommends, should additional funds become

available, that project should be considered by the Commission for funding at that time. Mr. Finch pointed out that additional funds would be coming available before the Commission to consider to allocation. Later this year, the Planning Board and staff will bring forth before the City Commission additional funds most likely in the amount of \$750,000 to allocate to additional CTEP projects.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners.

Commissioner Rosenbaum asked if there has been an allocation of MACI money this year. It has been used for sidewalks in the past. Mr. Finch responded that air quality improvement funds are available for the Great Falls local area for expenditure on eligible projects. That is a separate process that follows through the Transportation Advisory Committee and the Policy Coordinating Committee. Those funds are available for sidewalk projects. He did mention that to the Planning Board that they may want to pursue that as well.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission approve the prioritized list of 2009 Community Transportation Enhancement Program projects, as recommended by the Planning Board.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded.

Mayor Pro Tempore Bronson asked if there were any inquires from the public.

Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, believes this is a great package. He commended the City for all the projects that are happening. With regard to the stimulus funds, he stated he is aware of more than one potential private sector investment that could be made possible if it was matched with a CTEP project.

Mayor Pro Tempore noted that all of the Commissioners received an email from Aaron Weissman of Neighborhood Council 7 especially endorsing any support for the Gibson Park lighting project.

Motion carried 4-0.

**Minor Plat Forest Glen
South Business Park
Addition. Approved.**

**30. MINOR PLAT FOREST GLEN SOUTH BUSINESS PARK
ADDITION.**

Interim Planning Director Bill Walters reported that Forest Glen L.L.C. has applied to subdivide Lot 1A of Forest Glen South Subdivision, a vacant 6.38 acre parcel located along the west side of 26th Street South just north of the

Centene office building. The applicant desires to subdivide Lot 1A into five lots and dedicate the existing road traversing the Lot, named Bobcat Way, as a public street. The involved property is presently zoned M-1, Mixed-Use District, which permits residential, light commercial, institutional and medical related uses. The Planning Board has recommended the City Commission approve the Minor Plat of Forest Glen South Business Park Addition and accompanying Findings of Fact.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission approve the Minor Plat of Forest Glen South Business Park Addition and the Findings of Fact.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners or inquiries from the public. No one responded.

Motion carried 4-0.

Amended Plat, Variances and Findings of Fact, all related to Lot 6, Block 3, Community Hall Addition. Approved.

31. AMENDED PLAT, VARIANCES AND FINDINGS OF FACT, ALL RELATED TO LOT 6, BLOCK 3, COMMUNITY HALL ADDITION.

Interim Planning Director Bill Walters reported that Fred and Joan Maeder have applied to subdivide Lot 6, Block 3, Community Hall Addition, into two parcels. The applicants' residence, addressed as 2025 2nd Avenue SW, is located on the westerly portion of the Lot and they desire to sell the easterly portion. The two proposed parcels meet the minimum required area of 15,000 sq ft in an R-1 zoning district, but variances are needed to accommodate the lot width and depth to width ratio for the one proposed lot. The Planning Board has recommended the City Commission approve the Amended Plat of Lot 6, Block 3, Community Hall Addition, the two requested variances and the accompanying Findings of Fact.

Mayor Pro Tempore Bronson asked if there were any questions from the Commissioners. No one responded.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve (1) the Amended Plat of Lot 6, Block 3, Community Hall Addition; (2) variances allowing a lot width of 64.10 feet and a depth to width ratio of 3.66 to 1 for proposed Lot 6B; and (3) Findings of Fact.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners or inquiries from the public. No one responded.

Motion carried 4-0.

32. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**CITY MANAGER****33. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon commended Mr. Seery's public speaking ability.

PETITIONS AND COMMUNICATIONS**34. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Pro Tempore Bronson opened the meeting to Petitions and Communications.

ECP, HGS.

34A. Kathy Gessaman, 1006 36th Avenue NE, inquired if Burns & McDonnell was told about the \$2.3 million HGS debt write-off. Mr. Doyon responded that pertinent and relevant information to their study is passed along to the consultants by either him or staff. Fiscal Services Director Coleen Balzarini nodded affirmatively that the consultants were told.

Written response to accusations made at prior meeting.

34B. Aart Dolman, 3016 Central Avenue, commented that at a previous Commission meeting he asked the Mayor for the date and name of who wrote the letter because it was distributed at a previous City Commission meeting by the City Clerk. He also pointed out that at last night's ECP meeting a City employee quoted parts of the document. Mr. Dolman requested that Mayor Pro Tempore Bronson provide him with the date and the name of the person who wrote the letter. Commissioner Beecher stated that he requested that information. It was strictly in response to some accusations that were made that a staff member was lying. He asked that staff member to outline from the tapes what was actually said. It was given to him and he commented on it at the next Commission meeting and said to individuals in the audience that it was available to them from the City Clerk when he mentioned it. Mr. Dolman requested a signed letter by Mr. Beecher pertaining to that document and properly dated. Mr. Dolman stated that he would be gone the next Commission meeting, but expected the document at the October meeting.

HGS, Clean Air Act, Accountability.

34C. John Hubbard, 615 7th Avenue South, inquired if the \$2.3 million dollar HGS write-off was because the mill levy failed. Mr. Hubbard commented that he read the Supreme Court's Order telling the EPA not to build coal plants because it is against the Clean Air Act eleven times to the City Commission, County Commission and at the meeting at the Fairgrounds. He believes someone should be held accountable for the loss of that money.

HGS, ECP.

34D. Larry Rezentes, 2208 1st Avenue North, stated he was disturbed by the headlines in the *Tribune* today that the City plans to write-off some of its

\$2.3 million investment in the HGS program. What disturbed him most was the cavalier attitude that follows the historical attitude that he has seen of the City Commission and the City management to these losses in the past. Mr. Rezendes read the Fiscal Services Director's quote from the article. Mr. Rezendes commented that the issue is the City Commission has accountability for this. He doesn't see any shock at what has continued to be a squandering of taxpayer money. He discussed his prior representations and points of discussions with Burns & McDonnell. He referenced that this program of the consultants is designed to be a whitewash; to whitewash the Commission of responsibility. Mr. Rezendes read portions of his written statement that he had submitted to the consultants. He stated that ECP lost \$2.7 million dollars under this Commission's watch. He again stated that, besides lack of leadership, he believed the reason for the consultants was to whitewash the Commission's failure to manage this program. He asked how the Commissioners and City management are justifying the continued involvement in this program.

ECP.

34E. Ron Gessaman, 1006 36th Avenue NE, stated that the ECP meeting last night was a disgrace. Not only do the Board members take no responsibility for any actions with respect to ECP, they continue to believe they have no responsibility. When questions are addressed to them, they say that is the Commission's responsibility. Mr. Gessaman commented that he doesn't believe the Board read the Assignment and Assumption Agreement which transferred all of the activities with respect to the City's electrical arm, with the exception of appointment of Board members and approval of final utility rates, to the ECP Board. He is not sure why the Board even bothered to have a meeting, because they didn't discuss what he believed to be the most important issue since the last meeting which was the City's consultants being here to hear public comments. He further didn't believe it to be a legal meeting because it was designated as a regular meeting of Electric City Power. Pursuant to ECP's bylaws, the meetings are to be scheduled prior to the adjournment of the previous meeting. Mr. Gessaman believes it is time for the Commission to step up and dissolve the ECP Board.

Local events, ECP, ADA requirements.

34F. Mike Witsoe, 2612 1st Avenue South, discussed the Alive@5, Farmer's Market, September 11th Harley ride, Blues and Brews, A Night at the Ozark, and Night Out for Preservation Great Falls events. Mr. Witsoe stated that he was disheartened by last night's ECP meeting. He stated that he talked with the School for the Deaf and Blind, the Association for the Deaf and Hearing Impaired and the State of Montana. He would like the technician to look into a better podium microphone and an FM loop before the October meeting. He reported that from this point on someone will be monitoring the decibel level at Electric City Power meetings. He stated that he is hearing impaired and he can't hear what is being said at the meetings. He may further go to the point that the public access channel will require a third camera and a person signing in the corner of the screen. Mr. Witsoe invited the public to attend the first mayoral/commission debate tomorrow.

He thanked Mr. Rearden and the recycling staff.

Gas Plant.

34G. Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, commented that the situation regarding the Highwood Generating Station is appalling. Right now, there could be over 200 people working in jobs there and investing over a half a billion dollars in the City. If that project had gone ahead, there would have been millions of dollars every year to pay for police, fire, neighborhood parks, playgrounds, sidewalks and trees. It is a shame that project got canceled. Now there is a gas plant to build. Everyone in the City should get behind that gas plant and be seeking from SME to go ahead with that project and doing everything we can to support it. That project, while smaller than the original proposal, is still a very substantial project that will create a tremendous tax revenue stream for the City, County, School District and University, as well as high paying construction jobs and ongoing jobs. He urged everyone to come together to support this project.

CITY COMMISSION

35. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

With regard to what was asked by Mr. Dolman, Commissioner Beecher stated that the explanation has been up front and presented and enough has been said about it.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the regular meeting of September 1, 2009, be adjourned at 9:16 p.m.**

Motion carried 4-0.

Mayor Pro Tempore Bronson

City Clerk

Minutes Approved: September 15, 2009



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

PRESENTED BY: Fiscal Services Director

ACTION REQUESTED: Approval with Consent Agenda

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

MASTER ACCOUNT CHECK RUN FOR AUGUST 27 TO SEPTEMBER 2, 2009	298,274.30
MASTER ACCOUNT CHECK RUN FOR SEPTEMBER 3 TO SEPTEMBER 9, 2009	349,819.43
MUNICIPAL COURT ACCOUNT CHECK RUN FOR AUGUST 18 TO SEPTEMBER 1, 2009	73,601.00
WIRE TRANSFERS FROM AUGUST 27 TO SEPTEMBER 2, 2009	223,766.25
WIRE TRANSFERS FROM SEPTEMBER 3 TO SEPTEMBER 9, 2009	54,278.65
TOTAL: \$	<u><u>999,739.63</u></u>

GENERAL FUND

CITY COMMISSION

CASCADE CO ELECTION DEPT	PUBLIC SAFETY ELECTION AUGUST 4	36,757.98
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SPECIAL REVENUE FUND

PLANNING

ESRI INC	ANNUAL MAINTENANCE OCT 2009 - 2010 (SPLIT AMONG FUNDS)	600.00
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STREET DISTRICT

MCCAIN TRAFFIC SUPPLY	LED PEDESTRIAN MODULES	6,048.00
M-F FINISHING	VALLEY GUTTER AT 420 42ND ST N	12,466.57

FEDERAL BLOCK GRANTS

CTA ARCHITECTS ENGINEERS	REC CENTER ELECTRICAL SYSTEM UPGRADE	6,404.28
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WEST BANK URBAN RENEWAL

SHUMAKER TRUCKING & EXCAVATING	FINAL PMT 3RD AVE NW IMPROVEMENTS	14,081.38
BURLINGTON NORTHERN & SANTA FE	A FLAGGING PERSON TO DIRECT TRAFFIC & SECURITY FOR NEW CROSSING ON 3RD AVE NW	12,322.59

ENTERPRISE FUNDS

STORM DRAIN

MERRICK & COMPANY	PMT #3 TOPOGRAPHIC MAPS	59,192.87
SHUMAKER TRUCKING & EXCAVATING	FINAL PMT SKYLINE HEIGHTS STORM DRAIN IMPROVEMENTS	6,111.86
DAVID KUGLIN CONSTRUCTION	PMT #1 FOR 22ND ST S STORM DRAIN EXTENSION	55,593.90

GOLF COURSES

US BANK NA	GOLF REVENUE BOND SERIES 1998	166,612.50
US BANK NA	GOLF REVENUE BOND SERIES 1999	39,318.75

SWIM POOLS

CARPS DRAIN CLEANING	INSTALL CURED-IN-PLACE EPOXY LINER AT NATATORIUM POOL	9,230.00
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INTERNAL SERVICES FUND

HEALTH & BENEFITS

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS AUG 25 - 31, 2009	15,593.25
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS SEPT 1-7, 2009	8,654.06
BLUE CROSS/BLUE SHIELD	ADMINISTRATION/REINSURANCE JULY 2009	45,624.59

INSURANCE & SAFETY

MONTANA MUNICIPAL INS AUTHORITY	GEN LIAB INS RECOVERIES AUGUST 2009	17,989.46
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INFORMATION TECHNOLOGY

IBM CORPORATION	SERVICE CONTRACT SEPT 2008- AUG 2010	10,598.57
ESRI INC	ANNUAL MAINTENANCE OCT 2009 - 2010 (SPLIT AMONG FUNDS)	7,360.54

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	FUEL CHARGES	18,304.40
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TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	48,865.00
CASCADE COUNTY TREASURER	FINES & FORFEITURES COLLECTIONS	9,005.00
VICTIM WITNESS ASSISTANCE SERV	FINES & FORFEITURES SURCHARGES	5,770.00

UTILITY BILLS

QUEST	AUGUST 2009 CHARGES POLICE DEPT	5,710.91
NORTHWESTERN ENERGY	AUGUST 2009 CHARGES SLD'S	61,993.69
NORTHWESTERN ENERGY	JULY 2009 CHARGES	27,208.96
MONTANA WASTE SYSTEMS	AUGUST 2009 CHARGES	87,685.44

CLAIMS OVER \$5000 TOTAL:

\$ 795,104.55

COMMUNICATION TO THE CITY COMMISSION

DATE: September 15, 2009

ITEM: CONTRACT 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: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR’S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Public Works	Concrete Doctor, Inc.	Fall 2009	Other Purchase Services/Misc. Street Repair and Maintenance	\$36,387	2009 Misc. Concrete Mudjacking (O.F. 1485.9)
B	Public Works – Engineering	William J. and Florence M. Beckett	In effect from time of execution (unless relinquished by City)	N/A	N/A	Easement for storm drain improvements in the Encino and Delmar Drive areas of Grande Vista (O.F. 1520)

C	Public Works/ Engineering	Jeffrey R. and Tamara R. Brown	In effect from time of execution (unless relinquished by City)	N/A	N/A	Easement for storm drain improvements in the Encino and Delmar Drive areas of Grande Vista (O.F. 1520)
D	Water Utility	Industrial Automation Consulting, Inc.	As Required (less than 90 days)	Water Purification	Not to Exceed \$34,546.35	Upgrade Data Historian for SCADA system
E	Fiscal Services	Junkermier, Clark, Campanella and Stevens	2009/2010	513	\$2,000-\$3,000	Audit Services

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

**AGENDA: 12
DATE: September 15, 2009**

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Lien Releases through the Consent Agenda

MAYOR’S SIGNATURE: _____

LIEN RELEASES

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Property Owner – Bruce Wayne & Barbara Ann Voss	Current	237-3131-532-3599	\$200.00	Partial Release of Resolution #9280 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at Lot 3D, Block 17, Sun River Park Addition



Item: Contract Amendment No. 1 to the Consultant Engineering Agreement for the 3rd Avenue Northwest Roadway Improvements, O.F. 1488

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Contract Amendment No. 1

Suggested Motion:

1. Commissioner moves:

"I move the City Commission approve Contract Amendment No. 1 in the amount of \$172,030.00 for NCI Engineering for the 3rd Avenue Northwest Roadway Improvements, O. F. 1488, and authorize the City Manager to execute the necessary documents."

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

Staff Recommendation: Approve Contract Amendment No. 1.

Background:

Significant Impacts

This amendment will provide for the additional engineering involved during the design of the new roadway.

Citizen Participation

Not applicable.

Workload Impacts

NCI Engineering, Inc. (NCI) completed the project design and performed environmental inspection and reporting duties. City engineering staff provided project inspection and contract administration duties.

Purpose

This construction improvements project provides access to the new Federal Courthouse and West Bank Park. The utilities and roadway were constructed from the north end of the Mitchell Development property, north to the relocated West Bank parking lot and west across the railroad

right-of-way to the connection with 3rd Street Northwest.

Project Work Scope

NCI designed the street improvements which included site grading, storm drainage, curb and gutter, asphalt pavement, sidewalks, pavement markings and signing. Approximately 600 feet of new 8-inch water main were installed, including a tie-in to an existing waterline in 4th Avenue Northwest. The construction was bid and completed in two phases.

The initial scope of the contract was to design the roadway using the existing 4th Avenue Northwest location. This design was nearing completion in September of 2008 with the completion of a traffic signal study. After review of the traffic signal study, the Montana Department of Transportation (MDT) did not agree that the intersection of 4th Avenue Northwest was an acceptable location for an additional traffic signal and therefore, would not allow this access point onto 3rd Street Northwest. NCI was directed to design a new roadway to the south of 4th Avenue Northwest. The eastern portion of the designed roadway which included the railroad crossing was usable so the City decided to bid and construct that section first. Meanwhile, the western section of the roadway to 3rd Street Northwest was re-designed as 3rd Avenue Northwest and bid separately.

The additional design for the 3rd Avenue Northwest alignment increased the consultant's workload and cost. In addition, the West Bank One project came into the picture, which would increase traffic, and caused MDT to require an additional traffic impact study. The roadway relocation also resulted in increased cost for subconsultants (i.e. environmental testing, traffic analysis, surveying, and appraisals), additional meetings, and negotiations with property owners. The costs associated with this extra work are broken down into major tasks in the attachment.

Evaluation and Selection Process

NCI was selected in accordance with the City's Architect Engineers Surveyors Selection Policy. The Commission awarded the contract on October 16, 2007.

Conclusion

City staff recommends approving this amendment with NCI Engineering in the amount of \$172,030.00. This amendment increases the contract amount from \$121,070 to a final cost of \$293,100.00.

Concurrences:

Not Applicable.

Fiscal Impact:

This project was funded through Tax Increment Funds.

Alternatives:

The City Commission could vote to deny approval of the amendment.

Attachments: Cost Breakdown and Contract Amendment No. 1 (Not available online on file in City Clerk's Office.)

THIRD AVENUE NORTHWEST PROJECT ENGINEERING SERVICES

<u>Basic Services Major Tasks</u>	<u>Original Contract Estimated Amount</u>	<u>Original Contract Actual Billing</u>	<u>Extra Work Amount</u>	<u>Total Contract Amount Billed</u>	<u>Final Negotiated Amount</u>
Land Acquisiton	\$ 17,000	\$28,000	\$ 16,795	\$ 44,795	\$ 44,795
Traffic Analysis	\$ 31,900	\$32,800	\$ 19,540	\$ 52,340	\$ 41,340 ¹
Roadway Design	\$ 58,380	\$72,950	\$ 89,470	\$162,420	\$162,420
Meetings	\$ 7,880	\$ 7,504	\$ 20,755	\$ 28,259	\$ 18,259 ²
Permits	\$ 0	\$ 0	\$ 9,631	\$ 9,631	\$ 9,631
Environmental	<u>\$ 5,910</u>	<u>\$ 1,800</u>	<u>\$ 14,855</u>	<u>\$ 16,655</u>	<u>\$ 16,655</u>
	\$121,070	\$143,054	\$169,151	\$314,100	\$293,100

¹ Traffic Impact Study split with Talcott (-\$11,000)

² NCI deducted \$10,000 from meetings



Item: Final Payment – 1st Avenue North / 5th Avenue South Main Replacements, O. F. 1570

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

"I move the City Commission approve Final Payment for the 1st Avenue North and 5th Avenue South Water Main Replacements, O. F. 1570, in the amount of \$51,854.49 to United Materials of Great Falls, Inc., and \$523.78 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

2. Mayor calls for a second, discussion, inquiries from the public, and calls for the vote.

Staff Recommendation: Approve final payment request.

Background:

Significant Impacts

This project replaced portions of the water system located in 1st Avenue North, 5th Avenue South and 6th Avenue North. Most of these water mains were installed in the 1890's through the 1920's, except along 1st Avenue North which was installed in 1988.

Citizen Participation

This project was completed in cooperation with the Department of Environmental Quality (DEQ), using Federal Stimulus Funds administered through DEQ for financing.

Workload Impacts

City engineering staff designed the project, performed construction inspection, and contract administration duties. Utilities Division personnel operated valves, provided locates, taps, and tests for water purity. Fiscal Services worked with DEQ and financial organizations to get Federal Stimulus Funds set in place and processed payments for this project.

Purpose

The project replaced water mains that have been failing and have damaged roadways and disrupted water service to local residences and businesses. The breaks are primarily due to corrosive soils, age, and the type of pipe material used.

Project Work Scope

This project replaced 5,895 lineal feet of 6-, 8- and 12-inch water main, 10 fire hydrants and 114 water service connections.

The mains are located in 1st Avenue North from 5th Street to 14th Street; 12th Street from 1st Avenue North to 2nd Avenue North; 5th Avenue South from 6th Street to 9th Street; and 6th Avenue North from 23rd Street to 24th Street.

Evaluation and Selection Process

The City accepted five bids for this project on March 25, 2009 and the City Commission awarded the contract to the low bidder, United Materials of Great Falls, Inc., on April 7, 2009 in the amount of \$736,695.00.

Conclusion

City staff has verified that United Materials has completed all work and punch list items in accordance with the plans and contract. The City can accept the project and execute the Final Payment. The project was completed within the contract time. The two year warranty period started at the time of substantial completion which was July 23, 2009.

Concurrences:

Not Applicable.

Fiscal Impact:

Replacement of these mains will save on maintenance due to man hours and resources necessary for repairs to broken water mains, streets, and surrounding property (both private and public).

The final project cost is \$665,019.44, which is \$71,675.56 under the amount awarded and approved. There are a few factors which contributed to the lower final contract amount such as lack of copper service replacement, soil replacement due to petroleum contamination and very little miscellaneous work.

The American Recovery and Reinvestment Act (ARRA) provided Federal Stimulus funds to State agencies. These funds are administered by the Drinking Water State Revolving Fund (DWSRF) and are distributed as a grant and low interest loan. The City of Great Falls received \$750,000 of Federal Stimulus funds for this project of which \$416,300 is a grant amount and \$333,700 is a low interest loan (1.75%).

This project is paid for by using the entire grant amount of \$416,300 plus \$248,719.44 of the loan amount. The remaining balance of loan fund will be used on the next water main replacement project scheduled to start in October, 2009.

Alternatives:

The City Commission could vote to deny final payment.

Attachments/Exhibits:

1. Application for Final Payment is attached. (Not available online; on file in City Clerk's Office.)



Item: Preliminary Subdivision Plat of New Castle Addition (formerly known as New Castle Condominium Addition)

From: Charles Sheets, Planner I

Initiated By: Harold Poulsen, Property Owner and Developer

Presented By: Bill Walters, Interim Planning Director

Action Requested: City Commission approve Preliminary Subdivision Plat of New Castle Addition.

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (approve/deny) the Preliminary Subdivision Plat of New Castle Addition and the accompanying Findings of Fact, subject to fulfillment of stipulated conditions.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Planning Board Recommendation: At the conclusion of a public hearing held August 25, 2009, the Planning Board passed a motion recommending the City Commission approve the Preliminary Subdivision Plat of New Castle Addition and the accompanying Findings of Fact, subject to fulfillment of stipulated conditions.

Background: The Planning Office is in receipt of applications from Harold Poulsen, regarding the following:

- 1) Preliminary Subdivision Plat of New Castle Addition, located in Sections 18 and 19, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Modification of the existing site plan of the PUD Planned unit development district for the area within said plat.

Said subdivision is located at the southeast corner of the intersection of 13th Street South and 24th Avenue South. The involved property was approved as a 27 unit condo project, (New Castle Condominiums) but the applicant now intends to subdivide said property into 24 lots for single-family residential units and 3 common open-space lots to be owned and maintained by a homeowners association.

For additional information, please refer to the attached Vicinity/Zoning Map and reduced Preliminary Subdivision Plat of New Castle Addition.

Access to the subdivision would be via 24th Avenue South and its connection to Castle Pines Drive. An additional access would involve the westerly extension of 25th Avenue South. The developer will install standard City paving, curb and gutter for the roadways within the subdivision. Surface drainage flows within the proposed roadways to inlets along Castle Pines Drive.

City water and sanitary sewer mains will be installed in the public roadways. Easements are proposed around the perimeter of the subdivision for private utilities such as electric, gas, telephone and cable TV.

The Planning Board conducted a public hearing on the preliminary subdivision plat on August 25, 2009. No citizens spoke as proponents or opponents during the hearing. At the conclusion of the public hearing, the Planning Board unanimously passed a motion recommending the City Commission approve the Preliminary Subdivision Plat of New Castle Pines Addition and the accompanying Findings of Fact subject to the following conditions being fulfilled by the applicant:

- 1) The plat of New Castle Addition shall incorporate correction of any errors or omissions noted by staff including: 1) provision of a notification clause to lot purchasers regarding soil conditions; and 2) provision of easements as recommended by the City Engineer.
- 2) The final engineering drawings and specifications for the required public improvements to serve New Castle Addition shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat.
- 3) A development agreement shall be prepared containing terms and conditions for development of New Castle Addition, including agreement by applicant:
 - a) to agree to all the terms and conditions stipulated in the annexation agreement approve as a part of the annexation of the property within subject subdivision; and,
 - b) to create and file with the Cascade County Clerk and Records Office a Homeowners Association Declaration stating the terms and conditions of ownership within subdivision and maintenance of the open-space Lots.
- 4) All applicable fees owed as a condition of plat approval shall be paid upon final platting including recording fees for Development Agreement at \$11 per page.

The above stated conditions will be finalized and fulfilled by the owner/developer as the final plat is considered by the Planning Board and City Commission.

The modification of the existing site plan to the PUD Planned unit development district will be further addressed as the final plat is considered.

Concurrences: Representatives from the City's Public Works and Community Development have been involved throughout the review and approval process for this project.

Fiscal Impact: Providing services to the single-family lots in the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

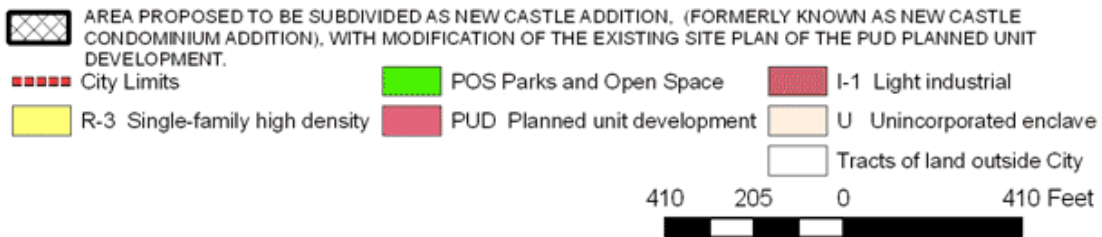
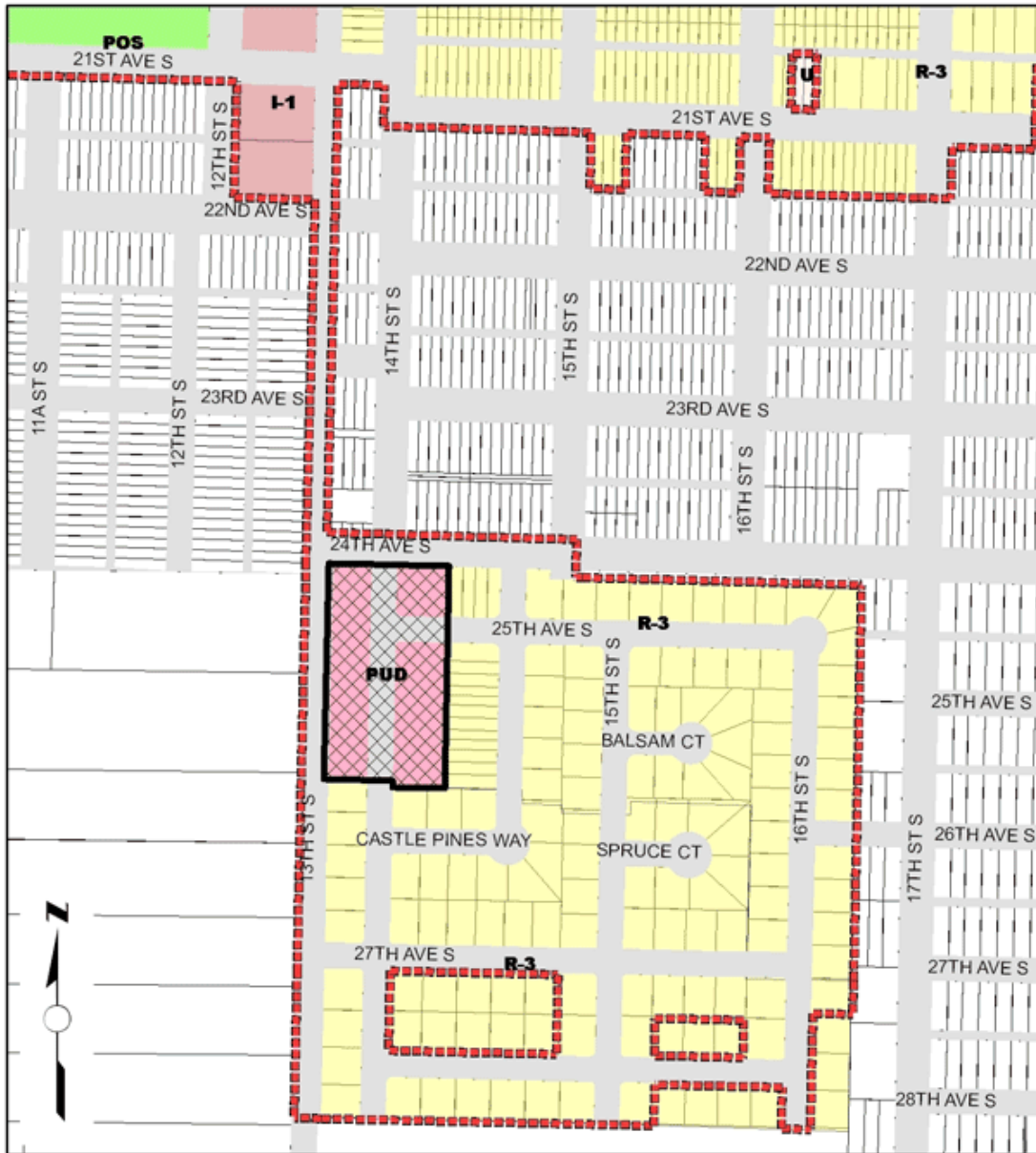
Alternatives: The City Commission could either, deny the preliminary subdivision plat; approve the preliminary subdivision plat without conditions; or approve the preliminary subdivision plat with modified or additional conditions to the extent allowed in City Code and State Statute.

Attachments/Exhibits:

1. Vicinity/Zoning Map
2. Preliminary Subdivision Plat
3. Findings of Fact

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Harold Poulsen, P.O. Box 1376, Great Falls, MT 59403
Woith Engineering, 1725 41st St S, Great Falls, MT 59405

VICINITY/ZONING MAP



**FINDINGS OF FACT
FOR NEW CASTLE ADDITION
IN SECTIONS 18 AND 19, T20N, R4E, CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The subdivision site is not used for agricultural purposes. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services

The subdivision will connect to City water and sewer systems. The cost of extending the utility systems within the subdivision will be paid by the subdivider. The City should not experience an appreciable increase in maintenance and operating costs. The occupants of eventual single-family residences within the subdivision will pay regular water and sewer charges.

The subdivision will receive law enforcement and fire protection services from the City of Great Falls. The nearest fire station is three miles from the subdivision site. Providing these services to the single-family residences in the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

Public streets will be extended into the subdivision to serve the proposed single-family residences, but the subdivision will have a negligible impact on cost of road maintenance. The subdivider will have responsibility to install curb, gutter and paving in the roadways within the subdivision.

Effect on the Natural Environment

The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the subdivision will be directed to inlets within the subdivision which discharge into an existing storm water detention facility along the south side of 21st Avenue South and west of 13th Street South which is owned and maintained by the City.

Effect on Wildlife and Wildlife Habitat

The subdivision is in close proximity to urban development. The subdivision is not in an area of significant wildlife habitat and will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety

Based on available information, the subdivision is not subject to abnormal potential natural hazards such as flooding, snow or rockslides, wildfire, nor potential man-made hazards such as high voltage power lines, nearby industrial or mining activity, or high traffic volumes.

II. 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 will conform to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

III. EASEMENT FOR UTILITIES

Utilities will be accommodated in dedicated public road right-of-way and utility easements provided as part of the subdivision plat.

IV. LEGAL AND PHYSICAL ACCESS

Dedicated public roadways (Castle Pines Drive and 25th Avenue South) to be improved to municipal standards and maintained by the City will provide legal and physical access to the subdivision and to each proposed lot in the subdivision.



Item: Preliminary Plat of Castle Pines Addition Phases VIII - IX

From: Charles Sheets, Planner I

Initiated By: Harold Poulsen, Property Owner and Developer

Presented By: Bill Walters, Interim Planning Director

Action Requested: City Commission approve Preliminary Plat of Castle Pines Addition Phases VIII - IX.

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (approve/deny) the Preliminary Plat of Castle Pines Addition Phases VIII - IX and the accompanying Findings of Fact, subject to fulfillment of stipulated conditions.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Planning Board Recommendation: At the conclusion of a public hearing held August 25, 2009, the Planning Board passed a motion recommending the City Commission approve the Preliminary Plat of Castle Pines Addition Phases VIII - IX and the accompanying Findings of Fact, subject to fulfillment of stipulated conditions.

Background: The Planning Office is in receipt of applications from Harold Poulsen, regarding the following:

- 1) Preliminary Plat of Castle Pines Addition Phases VIII - IX, located in Section 19, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Zoning the area requested to be annexed from the current County “R-2” Low Density Residential District to the City R-3 Single-family high density district.

Castle Pines Addition, Phases VIII and IX subdivides 6.94 acres into 25 single-family residential lots on either side of 29th Avenue South between 13th and 16th Streets South.

For additional information, please refer to the attached Vicinity/Zoning Map and Preliminary Plat of Castle Pines Addition Phases VIII - IX.

Similar to Castle Pines Addition Phases III, V, VI and VII, the developer is working with NeighborWorks which proposes to acquire 10 or more lots in the subdivision to accommodate construction of “self-help” program homes. The remaining lots will be sold by the developer to others to build single-family residences. Those lots not involved with the “self-help” program will be annexed simultaneously with the filing of the final plat of each phase and the “self-help” program homes will not be annexed until after the homes are constructed.

Within the subdivision, streets and avenues will connect to 29th Avenue South, which in turn connects directly to 13th Street South. Roadways in the subdivision will be improved to City standards with paving, curb and gutter.

City water and sewer mains will be installed in the southerly extensions of Castle Pines Drive, 15th Street South and 16th Street South and in 29th Avenue South.

Based on land contours, the area generally slopes to the northwest. The Master Plan Agreement which accompanied Castle Pines Addition Phase I indicates the developer of Phase I and the City participated jointly in the construction of a surface drainage control facility (south of the Multi-Sports Complex) and storm drain piping in 13th Street South to serve the area being developed as Castle Pines Addition. City storm drainage has been extended south, with inlets in 27th Avenue South.

According to the Master Plan Agreement, the developer of Castle Pines Phase I paid to the City \$12,261 in lieu of dedicating park land for the area covered by the original master plan for Castle Pines Subdivision. Castle Pines Phases VIII - IX are included within that original master plan area.

An Off-Site Improvement Trust Fund was established in conjunction with Castle Pines Phase I wherein as each lot is sold a monetary amount is deposited in the trust fund to assist in the eventual improvement of 13th Street South and 24th Avenue South, including water main installation and providing a secondary water source to the Castle Pines area.

Subject property borders Castle Pines Addition Phases VI - VII, which are being developed with single-family residences. Castle Pines Addition Phases VIII - IX generally adheres to a conceptual plan that was prepared in 1995 for the area, in conjunction with a master plan for Castle Pines Addition.

The Planning Board conducted a public hearing on the preliminary plat on August 25, 2009. No citizens spoke as proponents or opponents during the hearing. At the conclusion of the public hearing, the Planning Board unanimously passed a motion recommending the City Commission approve the Preliminary Plat of Castle Pines Addition Phases VIII - IX and the accompanying Findings of Fact subject to the following conditions being fulfilled by the applicant:

- 1) The final plat of each phase of Castle Pines Addition Phases VIII - IX shall incorporate correction of any errors or omissions noted by staff.
- 2) The final engineering drawings and specifications for the required public improvements to serve each phase of Castle Pines Addition Phases VIII - IX shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat.

- 3) Annexation Agreement shall be prepared containing terms and conditions for annexation of each phase, including agreement by applicant to:
 - a) install within two years of the date of annexation of each phase of Castle Pines Addition Phases VIII - IX, the public improvements referenced in Paragraph 2) above;
 - b) adhere to the Agreement dated November 7, 1995, pertaining to the previously mentioned Off-Site Improvement Trust Fund;
 - c) prohibit private driveway approaches to 13th Street South from Lot 1, Block 1 of the subdivision; and
 - d) provision of a notification clause to lot purchasers regarding soil conditions.

- 4) All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting and annexation of each phase, including:
 - a) annexation resolution fee \$ 100.00
 - b) annexation agreement fee 200.00
 - c) final plat fee 300.00
 - d) storm sewer fee (\$250/acre x per acres) to be determined
 - e) recording fees for annexation documents (\$11 per page) to be determined

The above stated conditions will be finalized and fulfilled by the owner/developer as the final plat is considered by the Planning Board and City Commission.

The zoning for the subdivision will be further addressed as the final plat and accompanying annexation documents are considered.

Concurrences: Representatives from the City's Public Works, Community Development and Fire Departments have been involved throughout the review and approval process for this project.

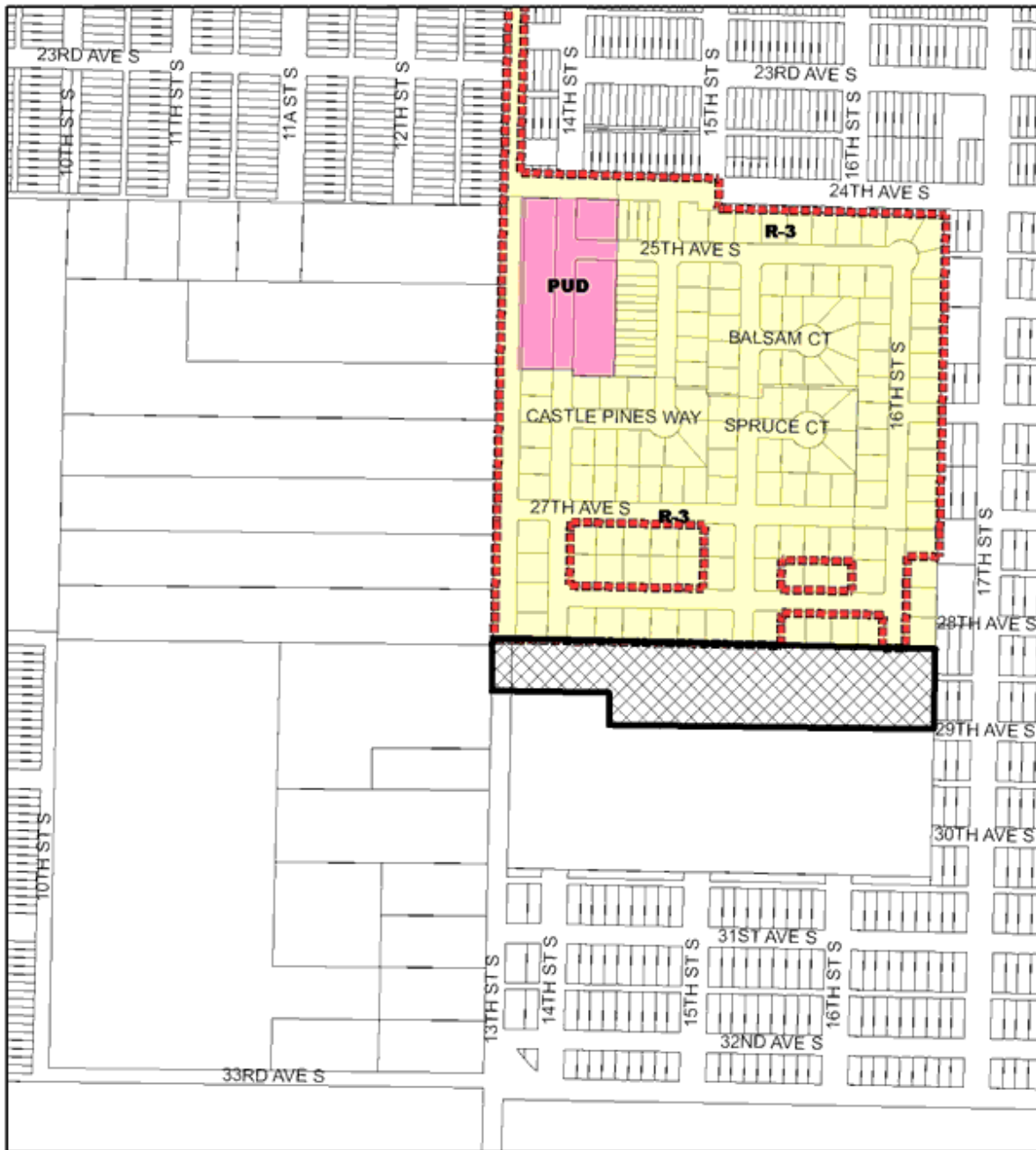
Fiscal Impact: Providing services to the single-family lots in the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.


Alternatives: The City Commission could either, deny the preliminary plat; approve the preliminary plat without conditions; or approve the preliminary plat with modified or additional conditions to the extent allowed in City Code and State Statute.

Attachments/Exhibits: Vicinity/Zoning Map, Preliminary Plat and Findings of Fact

Cc: Jim Rearden, Public Works Director
 Dave Dobbs, City Engineer
 Harold Poulsen, P.O. Box 1376, Great Falls, MT 59403
 Woith Engineering, 1725 41st St S, Great Falls, MT 59405
 Al Henry, NeighborWorks, 509 1st Ave S, Great Falls, MT 59405

VICINITY/ZONING MAP



 PROPOSED CASTLE PINES ADDITION, PHASES VIII AND IX TO BE ASSIGNED A CITY ZONING CLASSIFICATION OF "R-3" SINGLE-FAMILY HIGH DENSITY DISTRICT UPON ANNEXATION TO THE CITY OF EACH PHASE.

530 265 0 530 Feet



MASTER PLAN OF CASTLE PINES PHASE VIII & IX



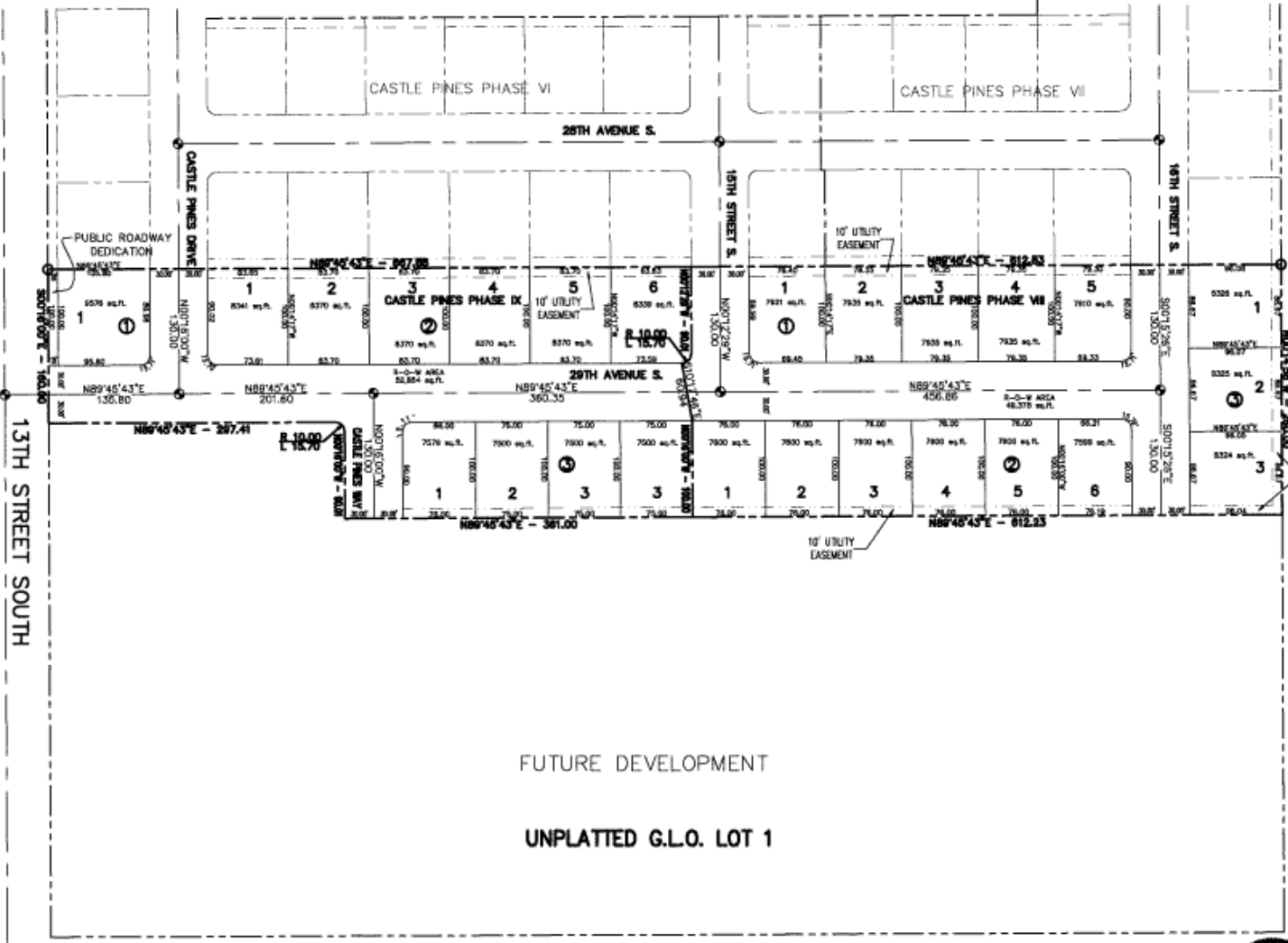
ALL PROPERTY LINE CURVES
ARE 10' IN RADIUS UNLESS
OTHERWISE DIMENSIONED



AREAS
CASTLE PINES PHASE VIII
156,588 sq. ft.
3.66 ACRES
CASTLE PINES PHASE IX
142,689 sq. ft.
3.28 ACRES



WORTH ENGINEERING, INC.
ENGINEERS & SURVEYORS
725 W. 10th Street, Suite 200
Billings, MT 59102
Phone: (406) 251-1111
Fax: (406) 251-1112



**FINDINGS OF FACT
FOR PRELIMINARY PLAT OF CASTLE PINES PHASES VIII - IX
IN SECTION 19, T20N, R4E, CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The subdivision site is not used for agricultural purposes. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services

The subdivision will connect to City water and sewer systems. The cost of extending the utility systems will be paid by the subdivider. The City should not experience any appreciable increase in maintenance and operating costs. The occupants of eventual homes within the subdivision will pay regular water and sewer charges.

The subdivision will receive law enforcement and fire protection services from the City of Great Falls. The nearest fire station is three miles from the subdivision site. Providing these services to the single-family lots in the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

Public streets will be extended into the subdivision to serve the proposed residential lots, but the subdivision will have a negligible impact on cost of road maintenance. The subdivider will have responsibility to install curb, gutter and paving in the roadways within the subdivision.

Effect on the Natural Environment

The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the subdivision will be directed to the northwest into a storm sewer inlet at the intersection of 27th Avenue South and Castle Pines Drive which discharges into an existing storm water detention facility along the south side of 21st Avenue South and west of 13th Street South which is owned and maintained by the City.

Effect on Wildlife and Wildlife Habitat

The subdivision is in close proximity to urban development. The subdivision is not in an area of significant wildlife habitat and will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety

Based on available information, the subdivision is not subject to abnormal potential natural hazards such as flooding, snow or rockslides, wildfire, nor potential man-made hazards such as high voltage power lines, nearby industrial or mining activity, or high traffic volumes.

II. 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 will conform to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

III. EASEMENT FOR UTILITIES

Necessary utilities exist at the boundary of the proposed subdivision. Utilities will be accommodated in dedicated public road right-of-way and utility easements provided as part of the subdivision plat.

IV. LEGAL AND PHYSICAL ACCESS

Dedicated public roadways within the subdivision will be improved to municipal standards and maintained by the City and will provide legal and physical access to each proposed lot in the subdivision.



Item: Appointment, Board of Adjustment
From: City Manager's Office
Initiated By: City Commission
Presented By: City Commission
Action Requested: Appoint one member to the Board of Adjustment

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ to a three-year term beginning October 1, 2009, and expiring September 30, 2012, to the Board of Adjustment.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Staff Recommendation: It is recommended that the City Commission appoint one new member to the Board of Adjustment for a three-year term beginning October 1, 2009, and expiring September 30, 2012.

Background: There are currently two vacancies on the Board of Adjustment. Robert J. Haffner was appointed in 2003 and is not eligible to serve another term. John Kunz was appointed in May of 2005 and is not interested in serving another term. After advertising in the *Great Falls Tribune* and on the City of Great Falls website, only one application was received. Staff will continue to seek additional citizen interest in this Board.

Purpose. The Board of Adjustment/Appeals consists of five members appointed by the City Commission. The Board hears and decides appeals regarding zoning, housing, and building codes and ordinances; hears and decides, requests for variances from standards set forth in zoning ordinances; hears and decides all other matters referred to the Board regarding zoning, housing, and building ordinances. Members serve three-year terms and, per Municipal Code, must reside within the City limits.

The 2003 International Building Code requires the Board of Adjustment's membership to be qualified by experience and training to pass on matters pertaining to building construction. The 2003 International Mechanical Code requires the Board of Adjustment's membership to include

registered design professionals with structural engineering, electrical engineering, and architectural experience.

Evaluation and Selection Process

Advertising was done on the City's website and through the *Great Falls Tribune*. Only one application was received.

Continuing members of this board are:

Casey Cummings
Anthony Houtz
Timothy Peterson

Citizens interested in serving on this board are:

Christopher Ward

Concurrences: Not applicable.

Fiscal Impact: Not applicable.

Alternatives: Advertise to seek other citizen interest.

Attachments/Exhibits: Application (Not available online; on file in City Clerk's Office.)



Item: Appointment to the Great Falls Planning Advisory Board

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Appoint one member to the Great Falls Planning Advisory Board

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ to fill the remainder of a three-year term through December 31, 2011, to the Great Falls Planning Advisory Board.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Staff Recommendation: It is recommended that the City Commission appoint one member to the Great Falls Planning Advisory Board to fill the remainder of a term through December 31, 2011.

Background: Arthur Bundtrock was appointed to the Board in July of 2005. Mr. Bundtrock has resigned from the Board; therefore, it is necessary to appoint one member to fill the remainder of his term.

Purpose

The Great Falls Planning Advisory Board was created in lieu of the Great Falls City-County Planning Board. Further, the advisory board has jurisdiction within the City limits; consists of nine citizen members appointed by the City Commission; and, performs and provides the duties, services and functions specified in Ordinance No. 2913, generally involving growth policies, subdivision applications and plats, annexation applications, zoning and rezoning petitions, conditional use permits, long range planning, transportation planning, Community Transportation Enhancement Program administration, historic preservation services, etc. Members must reside within the city limits.

Evaluation and Selection Process

Announcements regarding the opening were placed in the *Great Falls Tribune* and on the City's Website. One application was received for consideration by the Commission in making this appointment.

Continuing members of this board are:

Michael Bates
Danna Duffy
John Harding
Terry Hilgendorf
Ron Kinder
Bill Roberts
Joseph Schaffer
Wyman Taylor

Citizens interested in this board are:

Kendall Cox
Thor Swensson

Concurrences: The City Planning Board reviewed the applications at their September 8, 2009, meeting and endorsed the application of Thor Swensson.

Fiscal Impact: Not applicable.

Alternatives: Advertise to seek other citizen interest.

Attachments/Exhibits: Applications. (Not available online; on file in City Clerk's Office.)