



City Commission Agenda

for

August 18, 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

PROCLAMATION

Firefighter/MDA Day

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition and Vacated Rights-of-Way. (**Presented by: Bill Walters**)
 - A. Res. 9858 and 9859, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9858 and Res. 9859 and approve or disapprove the Amended Plat, Findings of Fact and Annexation Agreement.
 - B. Ord. 3040, Assigns Zoning classification of M-1 Mixed use district and grants conditional use permit to allow a contractor yard, type II. Action: Conduct joint public hearing and adopt or deny Ord. 3040.
3. Ord. 3044, Social Host Ordinance. Action: Conduct public hearing and adopt or deny Ord. 3044 as amended. (**Presented by: Chad Parker**)
4. Business Improvement District (B.I.D.) 2009/2010 Budget and Work Plan. Action: Conduct public hearing and adopt or deny Budget and Work Plan. (**Presented by: Alison Fried**)

OLD BUSINESS

5. Department of Homeland Security Grant – SAFER. Action: Authorize or not authorize the City Manager to direct the Fire Chief to decline the SAFER Grant. (**Presented by: Randy McCamley**)

NEW BUSINESS

6. Central Place Revitalization Urban Renewal Tax Increment District. Authorizes use of remaining tax increment cash from the Central Place Urban Renewal Revitalization Program. Action: Approve or deny prioritized list of projects. (**Presented by: Coleen Balzarini**)

ORDINANCES/RESOLUTIONS

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.*

7. Minutes, August 4, 2009, Commission meeting.
8. Total Expenditures of \$3,389,297 for the period of July 24-August 12, 2009, to include claims over \$5000, in the amount of \$3,072,090.
9. Contracts list.
10. Set public hearing for September 15, 2009, on Res. 9849 to Levy Special Assessments on Properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1303.
11. Set public hearing for September 15, 2009, on Res. 9850 to Levy Special Assessments on Properties within Special Improvement Lighting District – City-owned Residential Lighting No. 1305.
12. Set public hearing for September 15, 2009, on Res. 9851 to Levy and Assess Properties within Special Improvement Lighting Districts.
13. Set public hearing for September 1, 2009, on Res. 9860 to levy and assess properties for unpaid utility services.
14. Approve Gibson Park Concessions Agreement with Tropicool Isle’s Concessions.
15. Approve Final Payment in the amount of \$7,221.50 to Membrane Concepts, LLC and the State Miscellaneous Tax Division for the Mitchell, Jaycee and Water Tower Pools Rehabilitation.
16. Award contract for Civic Center Partial Re-Roof in the amount of \$91,758.00 to Statewide Contracting dba ABC Roofing.
17. Award construction contract in the amount of \$178,180 to United Materials of Great Falls, Inc. for the 5th Avenue South and 13th Avenue South Street Reconstructions.
18. Award construction contract in the amount of \$87,000 to Great Falls Sand and Gravel, Inc. for the 2009 CDBG Sidewalk Replacement.
19. Award construction contract in the amount of \$116,520 to Kuglin Construction for the 2009 CDBG Handicap Ramps.
20. Approve Change Order 1 and Final Payment in the amount of \$12,005.92 to Dick Olson Construction, Inc. and \$121.28 to the State Miscellaneous Tax Division for the Library Landscaping.

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

BOARDS & COMMISSIONS

21. Miscellaneous reports and announcements.

CITY MANAGER

22. 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)*

23. Miscellaneous reports and announcements.

CITY COMMISSION

24. Miscellaneous reports and announcements.

MOTION TO ADJOURN



Item: Public Hearing - Resolution 9858 to Annex, Resolution 9859 to Vacate Right-of-Way and Ordinance 3040 to Assign City Zoning and Grant a Conditional Use Permit, all related to the Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition and Vacated Rights-of-Way

From: Charles Sheets, Planner I

Initiated By: Dale and Tracy Yurek, Owners

Presented By: Bill Walters, Interim Planning Director

Action Requested: City Commission adopt/approve Resolution 9858, Resolution 9859, Ordinance 3040, 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.

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 Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolutions 9858 & 9859 and (approve/disapprove) 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.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3040.”

2. Mayor calls for a second, discussion, and calls for the vote after each motion.
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Planning Board and Zoning Commission Recommendations: At the conclusion of a combined public hearing held June 9, 2009, the Planning Board passed a motion recommending the City Commission approve: 1) the Amended Plat of Block 21 & Lots 1-10, Block 22, Highland

Park Addition and Vacated Rights-of-Way; 2) the vacation of the southerly 20 feet of 19th Avenue South, all of 20th & 21st Alleys South and 20th Avenue South within the Amended Plat; 3) the annexation of the area within the Amended Plat together with the remaining portion of abutting 19th Avenue South; and, 4) the accompanying Findings of Fact, subject to the applicant fulfilling stipulated conditions and the Zoning Commission passed a motion recommending the City Commission assign a City zoning classification of M-1 Mixed use district and grant a conditional use permit for a contractor yard, type II upon said Amended Plat, upon annexation to the City, subject to the applicants agreeing that any development of the subject property shall be substantially in accordance with the attached site plan.

Background: The Planning Office is in receipt of applications from Dale and Tracy Yurek, regarding the following:

- 1) Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition and vacated rights-of-way, all in Section 13, Township 20 North, Range 3 East, Cascade County, Montana.
- 2) Vacation of the southerly 20 feet of 19th Avenue South, all of 20th Alley South, 21st Alley South and 20th Avenue South, between the west right-of-way of 8th Street South and the west boundary of Highland Park Addition.
- 3) Annexation of the area contained in said Amended Plat and abutting portion of 19th Avenue South.
- 4) Establish City zoning classification of M-1 Mixed use district and grant a conditional use permit to allow a contractor yard, type II upon the property requested to be annexed.

Said Amended Plat combines platted lots and rights-of-way requested to be vacated into one parcel located along the west side of 8th Street South between 19th Avenue South and 21st Alley South.

The applicants intend to develop the property for their business, Williamson Fencing & Sprinklers. The business operation has been located at 1325 Central Avenue West. The applicants intend to move to this new location and expand the business. The subject property was purchased from the City Park & Recreation Department and the applicants desire to have City water and sewer services.

For additional information, please refer to the attached Vicinity/Zoning Map, draft amended plat and site plan.

The Highland Park Addition was platted in the late 1800's with typical lots being 3,125 square feet (25' feet by 125' feet) and 80-foot wide rights-of-way. The City Land Development Code now requires lots to be a minimum of 50 feet in width and 7,500 square feet in area. Upon the request of the applicant, the City Public Works & City Planning Departments have reviewed the vicinity and agreed that the southerly 20 feet of 19th Avenue South, all of 20th & 21st Alley South and 20th Avenue South, between the west right-of-way of 8th Street South and the west subdivision boundary of Highland Park Addition are not needed for the development of the area

and could be vacated and combined with Block 21 and Lots 1-10, Block 22, Highland Park Addition to make a single parcel.

The abutting portion of 8th Street South is paved to rural standards and the abutting portion of 19th Avenue South is undeveloped. As a condition of annexation and provision of services, the applicants will agree to pay their proportionate share of the costs to improve the abutting segments of 8th Street South and 19th Avenue South to urban standards when deemed necessary by the City. As the area develops, the funds will be combined with the abutting owners' proportionate share of the cost to complete the improvements to City Standards.

A water main exists in the abutting portion of 8th Street South. The applicant will grant an easement to the City for the existing 30" water main that crosses the property in the vicinity of the proposed vacated 20th Avenue South. The nearest sanitary sewer main is available approximately 300 feet north of 17th Avenue North. The applicants intend to install a lift station and pump the effluent north to the existing sanitary sewer system. A portion of the property within the Amended Plat is an historic surface storm water drainage corridor that serves a large area including a portion of the Multi-sports Complex and the Fire Training Center.

It is proposed that the Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition and vacated rights-of-way, be zoned M-1 mixed use district and be granted a conditional use permit to allow a contractor yard, type II, upon annexation to the City. Subject property is located on the fringe of the City that is a mixture of public training center, semi-public social organization, single-family residence and tracts of undeveloped land.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with establishing municipal zoning on land:

- a) is designed in accordance with the growth policy (comprehensive plan);
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;
- e) will provide adequate light and air;
- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;
- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;
- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

Goals of the land use element of the Great Falls Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To support and encourage a compatible mix of land uses in redeveloping areas.

Applicable policy statements include “Annexations should be logical and efficient extensions of the City’s boundaries and service areas” and “...infill development and redevelopment offer the community the highest degrees of efficiency and sustainability.”

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services. Therefore, staff concludes the above-cited criteria are substantially met.

Section 17.16.36.040 of the Land Development Code states that the Zoning Commission’s recommendation and the City Commission’s decision to approve, conditionally approve, or deny a conditional use permit shall be based on whether the application, staff report, public hearing, Zoning Commission recommendation, or additional information demonstrates that each of the following criteria have been satisfied:

1. The conditional use is consistent with the City’s growth policy and applicable neighborhood plans, if any.
2. The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger the public health, safety, morals, comfort or general welfare.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.
7. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the City Commission.

Based on the information provided by the applicant and the characteristics of the redeveloping vicinity, the contractor yard, type II will not be intrusive to the neighborhood. The proposed development of the property is consistent with the growth policies of the City and would not impede the neighborhood. Staff concludes the above-cited criteria are substantially met.

Prior to the June 9 public hearing the Planning Office received written opposition to the proposed actions from Karen Kay Kinkaid Husted, abutting property owner to the north. Ms. Husted lives out of town and was unable to review the mailed notice until Monday, June 8. In accordance with State statute, staff had prepared and published the notice of public hearing on May 24, 2009, and per City policy mailed the notice to surrounding property owners on May 22, 2009. Ms. Husted’s letter was provided to the members of the Zoning Commission during the public hearing.

No citizens spoke as proponents or opponents during the hearing.

At the conclusion of a public hearing held June 9, 2009, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of M-1 Mixed use district and

granting a conditional use permit for a contractor yard, type II on the Amended Plat upon annexation to the City, subject to the applicants agreeing that any development of the subject property shall be substantially in accordance with the attached site plan and the Planning Board passed a motion recommending the City Commission approve: 1) the Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition and vacated rights-of-way; 2) the vacation of the southerly 20 feet of 19th Avenue South, all of 20th & 21st Alley South and 20th Avenue South within the Amended Plat; 3) the annexation of the area within the Amended Plat together with the remaining abutting portion of 19th Avenue South; and, 4) the accompanying Findings of Fact subject to the following conditions being fulfilled by the applicant:

- 1) The Amended Plat shall incorporate easement to the City for 30-inch water main, notice of soil and/or groundwater conditions and correction of any errors or omissions noted by staff.
- 2) The final engineering drawings and specifications for the required sanitary sewer improvements to serve the Amended Plat shall be submitted to the City Public Works Department for review and approval prior to consideration of the annexation by the City Commission.
- 3) An Annexation Agreement shall be prepared containing terms and conditions for annexation of the Amended Plat.
- 4) All applicable fees owed as a condition of plat or annexation approval shall be paid upon annexation.
- 5) Applicants agree to pay their prorated share of the costs to improve the abutting segments of 19th Avenue South and 8th Street South to urban standards and potential cost of installation of a water main in 19th Avenue South when deemed necessary by the City.

At the time of writing this report, items 2), 3) and 5) have been completed by the applicant and items 1) and 4) will be completed prior to filing the amended plat.

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 is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenue from the development of the property.

Alternatives: If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

Attachments/Exhibits:

1. Vicinity/Zoning Map
2. Resolution 9858
3. Resolution 9859
4. Ordinance 3040
5. Annexation Agreement (Not available online; on file in City Clerk's Office.)
6. Reduced copy of Amended Plat
7. Site Plan
8. Findings of Fact
9. Letter from Karen Kay Kinkaid Husted

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Dale and Tracy Yurek, 1325 Central Ave W, Great Falls MT 59404
Woith Engineering, 1725 41st St S, Great Falls, MT 59405

RESOLUTION 9858

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE THE AMENDED PLAT OF BLOCK 21 & LOTS 1-10, BLOCK 22, HIGHLAND PARK ADDITION, VACATED RIGHTS-OF-WAY AND ABUTTING PORTION OF 19TH AVENUE SOUTH, ALL IN SECTION 13, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA.

* * * * *

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

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

Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition and Vacated Rights-of-way and abutting portion of 19th Avenue South, all in Section 13, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana and containing 3.1375 acres more or less;

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and,

WHEREAS, the owner of the hereinabove described property has submitted a petition to have said property annexed to the City of Great Falls.

NOW, THEREFORE, the City Commission now finds that the herein requested annexation meets the criteria cited in Section 17.16.7.050 of the Unified Land Development Code of the City of Great Falls and that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said territory into the City of Great Falls; and,

WHEREAS, all of the proceedings herein have been conducted in strict compliance with and in conformity to the law and constitution of the State of Montana, and all conditions, acts, and things required to be done precedent to and in the passage and adoption of this resolution have been properly and legally done, and performed;

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "AMENDED PLAT OF BLOCK 21 & LOTS 1-10, BLOCK 22, HIGHLAND PARK ADDITION, VACATED RIGHTS-OF-WAY AND ABUTTING PORTION OF 19TH AVENUE SOUTH, ALL IN SECTION 13, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 1st day of September, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

City Attorney

RESOLUTION 9859

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE THE SOUTH 20 FEET OF 19TH AVENUE SOUTH, ALL OF 20TH & 21ST ALLEYS SOUTH AND 20TH AVENUE SOUTH, BETWEEN THE WEST RIGHT-OF-WAY OF 8TH STREET SOUTH AND THE WEST BOUNDARY OF HIGHLAND PARK ADDITION, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-14-4114, MONTANA CODE ANNOTATED

* * * * *

WHEREAS, the subdivision plat of Highland Park Addition, dedicated eighty (80) foot width rights-of-way for 19th and 20th Avenues South and dedicated twenty (20) foot width rights-of-way for 20th and 21st Alleys South between the west right-of-way of 8th Street South and the west boundary of Highland Park Addition; and,

WHEREAS, said rights-of-way presently contain no roadway improvements; and,

WHEREAS, it is determined reduction of 19th Avenue South to the City standard sixty (60) foot right-of-way width would provide adequate public access to adjoining parcels; and,

WHEREAS, it is determined retention and eventual improvement of 20th Avenue South, 20th Alley South and 21st Alley South between the west right-of-way of 8th Street South and the west boundary of Highland Park Addition serves no practical or functional purpose; and,

WHEREAS, Dale and Tracy Yurek, own the property adjoining said rights-of-way; and,

WHEREAS, an Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition & Vacated Rights-of-Way, has been prepared which reflects the aggregation of said lots, blocks and requested vacated rights-of-way into a single parcel; and,

WHEREAS, Dale and Tracy Yurek, have petitioned the City of Great Falls to annex the area contained within the Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition

& Vacated Rights-of-Way and the abutting portion of 19th Avenue South, all in Section 13, Township 20 North, Range 3 East, Cascade County, Montana; and,

WHEREAS, the City Commission of the City of Great Falls, Montana, duly and regularly passed and adopted on the 21st day of July, 2009, Resolution 9841 entitled;

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE THE SOUTH 20 FEET OF 19TH AVENUE SOUTH, ALL OF 20TH & 21ST ALLEYS SOUTH AND 20TH AVENUE SOUTH, BETWEEN THE WEST RIGHT-OF-WAY OF 8TH STREET SOUTH AND THE WEST BOUNDARY OF HIGHLAND PARK ADDITION, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-14-4114, MONTANA CODE ANNOTATED AND DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

WHEREAS, the City Clerk of said City, forthwith caused notice of said Resolution 9841 to be:

- 1) published in the Great Falls Tribune, the newspaper nearest the rights-of-way proposed to be vacated; and
- 2) posted in three public places, stating therein the time and place the City Commission shall hear all persons relative to said proposed vacation.

WHEREAS, a hearing was held by the City Commission of the City of Great Falls on the 18th day of August, 2009, at 7:00 P.M. in the Commission Chambers of the Civic Center, Great Falls, Montana, where said Commission heard all persons relative to the proposed vacation of the southerly 20 feet of 19th Avenue South, all of 20th & 21st Alleys South and 20th Avenue South, between the west right-of-way of 8th Street South and the west boundary of Highland Park Addition.

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

The rights-of-way comprising of the southerly 20 feet of 19th Avenue South, all of 20th & 21st Alleys South and 20th Avenue South, between the west right-of-way of 8th Street South and the west boundary of Highland Park Addition are hereby vacated.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective thirty (30) days after its passage and approval or upon filing in the office of the Cascade County Clerk and Recorder, the Amended Plat consolidating the vacated rights-of-way with the adjacent Block 21 & Lots 1-10, Block 22, Highland Park Addition.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,
on this 1st day of September, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

City Attorney

ORDINANCE 3040

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF M-1 MIXED USE DISTRICT TO THE AMENDED PLAT OF BLOCK 21 & LOTS 1-10, BLOCK 22, HIGHLAND PARK ADDITION AND VACATED RIGHTS-OF-WAY AND GRANTING A CONDITIONAL USE PERMIT TO ALLOW A CONTRACTOR YARD, TYPE II, UPON SUBJECT PROPERTY, ALL IN SECTION 13, TOWNSHIP 20 NORTH, RANGE 3 EAST, CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Dale and Tracy Yurek, have petitioned the City of Great Falls to annex the area contained within the Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition & vacated rights-of-way, all in Section 13, Township 20 North, Range 3 East, Cascade County, Montana; and,

WHEREAS, Dale and Tracy Yurek, have petitioned that the Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition & vacated rights-of-way, be assigned a zoning classification of M-1 Mixed use district and granted a conditional use permit to allow a contractor yard, type II, upon annexation to the City; and,

WHEREAS, notice of assigning said zoning classification and granting a conditional use permit to Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition & vacated rights-of-way, was published in the Great Falls Tribune advising that a public hearing on this zoning designation and conditional use permit would be held on the 18th day of August, 2009, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and decided that the said zoning designation be made and said conditional use permit be granted,

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

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

Section 2. It is determined that the herein requested conditional use permit will meet the criteria and guidelines cited in Section 17.16.36.040 of the Unified Land Development Code of the City of Great Falls.

Section 3. That the zoning classification of Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition & Vacated Rights-of-Way, be designated as M-1 Mixed use district and a conditional use permit be granted to allow a contractor yard, type II upon the property requested to be annexed, subject to the conditions approved by the City Commission and by this reference made a part hereof.

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition & vacated rights-of-way, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

ACCEPTED by the City Commission on first reading July 21, 2009.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading September 1, 2009.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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 certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3040 in three conspicuous 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

Lisa Kunz, City Clerk

(CITY SEAL)

VICINITY/ZONING MAP



-  PORTION OF HIGHLAND PARK ADDITION TO BE ANNEXED TO THE CITY AND ASSIGNED A CITY ZONING CLASSIFICATION OF "M-1" MIXED USE DISTRICT UPON ANNEXATION TO THE CITY
 -  PROPERTY AND RIGHTS-OF-WAY BEING ANNEXED AS A PART OF LIVESAY ADDITION
 -  19TH AVENUE SOUTH TO BE ANNEXED SIMULTANEOUSLY WITH BLOCK 21 AND LOTS 1-10, BLOCK 22, HIGHLAND PARK ADDITION
 -  City Limits
 -  Tracts of land outside City
 -  R-2 Single-family medium density
 -  R-3 Single-family high density
 -  R-5 Multi-family medium density
 -  R-6 Multi-family high density
 -  R-10 Mobile home park
 -  M-1 Mixed-use district
 -  PLI Public Lands and Institutional
 -  POS Parks and Open Space
 -  PLD Planned unit development
 -  U Unincorporated enclave
- 470 235 0 470 Feet
- 



AMENDED PLAT OF
**BLOCK 21 AND BLOCK 22 OF
 THE REVISED PLAT OF HIGHLAND PARK
 WITH FIRST ADDITION THERE TO**
 A SUBDIVISION LOCATED IN THE SE1/4, SECTION 13, T20N, R3E, P.M.M.,
 CASCADE COUNTY, MONTANA, INCORPORATING THEREIN THE VACATED
 PORTIONS OF 19TH AND 20TH AVENUE SOUTH AND THE ALLEYS OF
 BLOCK 21 AND BLOCK 22

FOUND IRON PIN
 1920
 1/4 SW 1/4
 SW 1/4
 SW 1/4
 SW 1/4

T.P.O.B.

ARMSTRONG
 &
 ENGLAND

EXCLUSIVE EASEMENT TO
 THE CITY OF GREAT FALLS

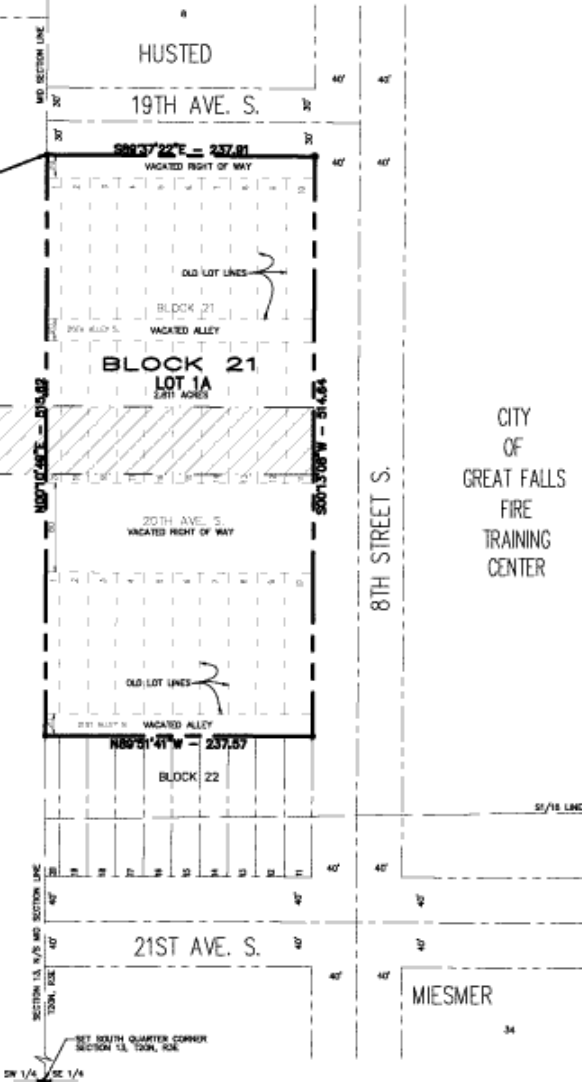
VOLK



BASE OF BEARING IS TRUE NORTH
 BASED ON GEODETIC ANGLES FROM
 SURVEY GRADE G.P.S. SYSTEM

LEGEND

- CURRENT ADDITION BOUNDARY
 - - - EASEMENT LINE
 - - - ABANDONED LINES
 - - - CENTERLINE
 - - - EXISTING PROPERTY LINE
 - - - SECTION LINE
- P.O.B.** POINT OF BEGINNING
T.P.O.B. TRUE POINT OF BEGINNING
- SET IRON PIN AND CAP
 - FOUND MONUMENT
 - HM SET QUARTER CORNER



CERTIFICATE OF SURVEY

We, the undersigned property owners, do hereby certify that we have caused to be surveyed and platted into lots, blocks, streets and avenues as shown by the attached amended plat, the tract of land to be known as the **AMENDED PLAT OF BLOCK 21 AND BLOCK 22 OF THE REVISED PLAT OF HIGHLAND PARK WITH FIRST ADDITION THERE TO**, a subdivision located in the SE1/4, Section 13, T20N, R3E, P.M.M., Cascade County, Montana, more fully described as follows:

Beginning at the iron pin marking the corner of Section 13, T20N, R3E, P.M.M., Cascade County, Montana; thence S87°10'41"W, 745.35 feet along the mid-section line of said Section 13 to **TRUE POINT OF BEGINNING**; thence S87°22'27"E, 227.91 feet; thence S87°13'08"W, 514.64 feet along the westerly right of way line of 8th Street South; thence N87°31'41"W, 137.37 feet; thence N87°10'41"W, 515.62 feet along the mid-section line of said Section 13 to the **TRUE POINT OF BEGINNING**; containing 2.811 acres.

The above described tract of land is to be known and designated as the **AMENDED PLAT OF BLOCK 21 AND BLOCK 22 OF THE REVISED PLAT OF HIGHLAND PARK WITH FIRST ADDITION THERE TO**, Cascade County, Montana.

SALE YERKS

TRACY YERKS

STATE OF MONTANA)
 County of Cascade)

On this _____ day of _____, 2009, before me, a Notary Public, in and for the State of Montana, personally appeared, SALE YERKS and TRACY YERKS, known to me to be the persons that executed the foregoing Certificate of Survey and they acknowledged to me that they executed the same.

SEAL

NOTARY PUBLIC, State of Montana
 Residing at Great Falls, Montana
 My Commission Expires _____

Print Notary Public Name

CERTIFICATE OF SUBSECTOR

I, DALE E. SCHAEFFER, Professional Engineer and Land Surveyor, Montana Reg. No. 12885, do hereby certify that in April, 2009 I supervised the survey of the tract of land shown on the attached **AMENDED PLAT OF BLOCK 21 AND BLOCK 22 OF THE REVISED PLAT OF HIGHLAND PARK WITH FIRST ADDITION THERE TO**, Cascade County, Montana, as described in the Certificate of Dedication, and that the survey was made in accordance with the provisions of Title 76, Chapter 3, Part 4, MCA.

SEAL



DALE E. SCHAEFFER, P.E./L.S.
 Montana Reg. No. 12885

CERTIFICATE OF COUNTY TREASURER

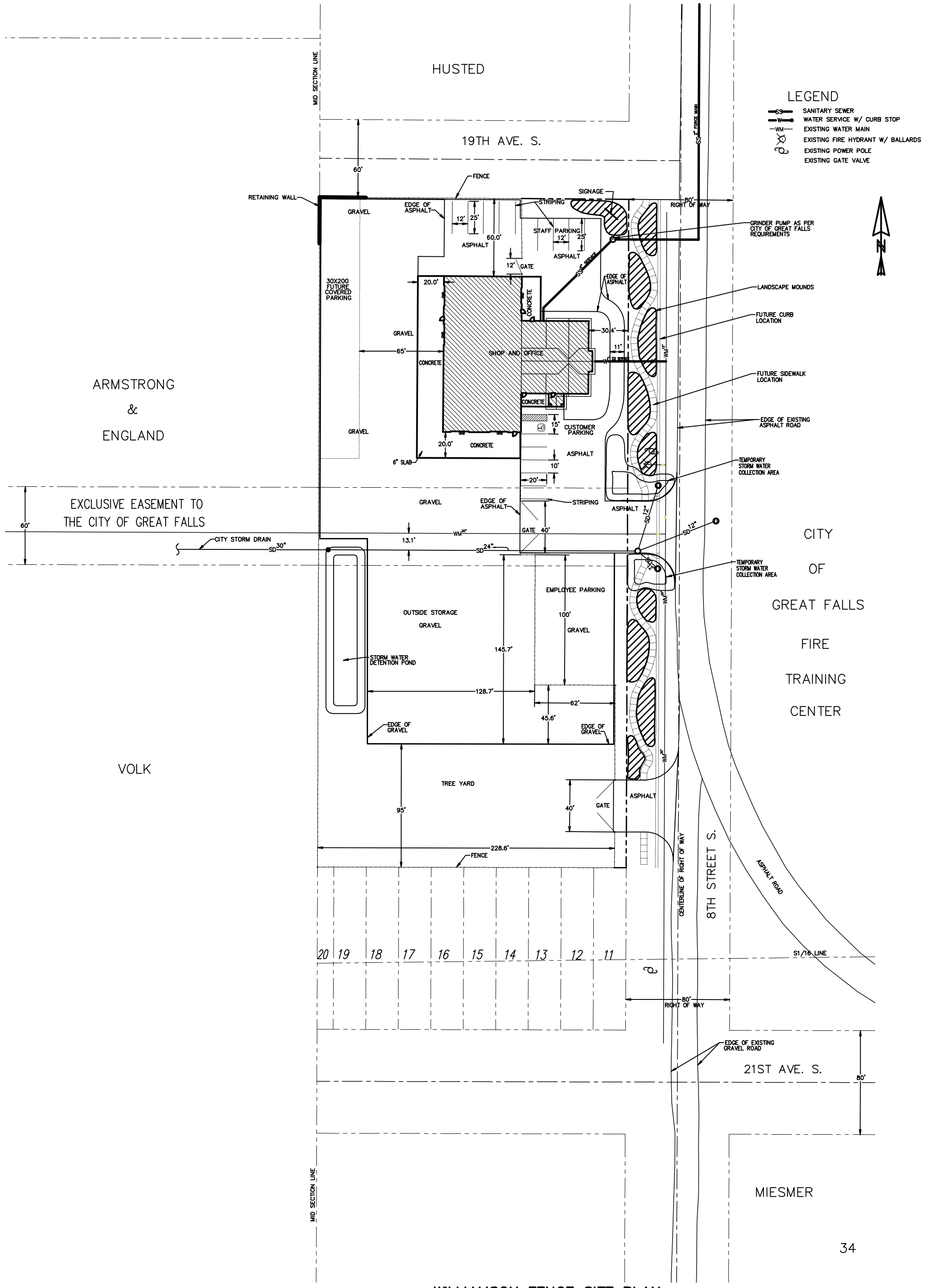
I, JESS ANDERSON, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the areas included in the accompanying **AMENDED PLAT OF BLOCK 21 AND BLOCK 22 OF THE REVISED PLAT OF HIGHLAND PARK WITH FIRST ADDITION THERE TO**, Cascade County, Montana, and find that the taxes on the same have been paid for the last five years. Dated this _____ day of _____, 2009.

JESS ANDERSON, Cascade County Treasurer

WORTH ENGINEERING, INC.
 ENGINEERS & SURVEYORS
 715 1ST AVE. S.W. GREAT FALLS, MONTANA 59405

DATE	05/01
SCALE	AS SHOWN
PROJECT	AMENDED PLAT
BY	J.E.S.
CHECKED	J.E.S.

1



LEGEND

- SANITARY SEWER
- WATER SERVICE W/ CURB STOP
- EXISTING WATER MAIN
- EXISTING FIRE HYDRANT W/ BALLARDS
- EXISTING POWER POLE
- EXISTING GATE VALVE



WILLIAMSON FENCE SITE PLAN

Karen Kay Kinkaid Husted

Educational Consultant

P. O. Box 3535 Douglas, AZ 85608
Phone/FAX 520 - 558-2546
Cell Phone 520 - 400 - 1474
karenkhusted@gmail.com

June 8, 2009

City of Great Falls Planning Department
Attn: Charles Sheets
P O Box 5021
Great Falls, Montana 59403-5021

Dear Mr. Sheets,

This is to inform you that I am in opposition to the applications from Dale and Tracy Yurek regarding amended Plt Blocks 21 & 22, Highland Park.

Due to the fact that I was not given prior notification of this change, I do not believe I have had time to evaluate all aspects of it and the impact that it may have to my property.

I will attempt to have a representative at the meeting on June 9, 2009. However due to late notification regarding this issue, it may not be possible.

Sincerely,


Karen Kay Kinkaid Husted

**FINDINGS OF FACT
FOR AMENDED PLAT OF BLOCK 21 & LOTS 1-10,
BLOCK 22, HIGHLAND PARK ADDITION
AND VACATED RIGHTS-OF-WAY,
ALL IN SECTION 13, T20N, R3E, CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The subdivision site is bordered on two sides by urban development and has not been used for agricultural purposes for many years. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations.

Effect on Local Services

The subdivision will connect to City water and sewer systems. The subdivider will pay the cost of extending the sanitary sewer system. The City should not experience any appreciable increase in maintenance and operating costs. The business locating within the subdivision will pay regular water and sewer charges. The subdivision will receive law enforcement and fire protection service from the City of Great Falls. The nearest fire station is 1.5 miles from the subdivision site. Providing these services to the light industrial uses that are planned within the subdivision is expected to be a negligible cost to the City. Increased tax revenues from improved properties will likely cover any increase in costs associated with providing City services.

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 runoff will be detained on site and any excess storm water will be discharged to follow the historic drainage path and percolate into the soil. The owners agree to waive their right to protest any area wide plan to install storm drainage facilities to the area.

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, wildfire, snow or rockslides, nor potential man-made hazards such as high voltage power lines, high- pressure gas lines, high traffic volumes, or mining activity.

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 conforms 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 Within the subdivision, the subdivider will provide the necessary utility easements as apart of the subdivision plat. The subdivider grants those duly licensed persons providing or offering to provide telephone, electric power, natural gas, cable television, water and sewer service, or other similar service, the right to the joint use of the utility easements shown on said plat for the construction, maintenance, repair, or removal of their lines and other facilities upon advance notice to the affected landowners and consistent with requirements as may be imposed by the City of Great Falls now or in the future.

IV. LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision is provided by 8th Street South, dedicated right-of-way maintained by the City of Great Falls.

**ANNEXATION AGREEMENT
FOR AMENDED PLAT OF BLOCK 21 & LOTS 1-10,
BLOCK 22, HIGHLAND PARK ADDITION
AND VACATED RIGHTS-OF-WAY,
ALL IN SECTION 13, TOWNSHIP 20 NORTH,
RANGE 3 EAST, CASCADE COUNTY, MONTANA**

1. PREFACE

The following is a binding Agreement dated this 13 day of Aug, 2009, between DALE & TRACY YUREK AND DAVID & ROCHELLE WILLIAMSON, hereinafter referred to as "Owners," and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as "City," regarding the requirements for the approval of the Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition and vacated rights-of-way, all in Section 13, Township 20 North, Range 3 East, Cascade County, Montana, and annexation to the corporate limits of the City of the amended plat, hereinafter referred to as "Subdivision."

2. SUPPORTING DOCUMENTS

- A. Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition and vacated rights-of-way, all in Section 13, Township 20 North, Range 3 East, Cascade County, Montana, prepared by Woith Engineering, and filed of record in the Clerk and Recorder's Office of Cascade County, Montana.
- B. Final engineering drawings and specifications prepared by Woith Engineering, consisting of documents for extension of City's sanitary sewer system to serve Subdivision. Said drawings and specifications are on file in the City Engineer's office.
- C. Site plan attached hereto as Exhibit "A" illustrating building locations, setbacks, maximum building height and lot coverage.

3. AMENDMENTS

Minor changes to engineering documents and such revisions to the engineering drawings as are deemed appropriate and necessary by City's Engineer and City's Public Works Department and which do not materially affect the hereinabove mentioned Subdivision, can be made as follows:

- A. The proposed revision will be submitted to City’s Public Works Department for review and, if approved, the City Engineer or Public Works Director will sign and adequately annotate the change.
- B. The annotated revision becomes a part of this Agreement upon City’s Public Works Department approval.
- C. Changes during construction shall be made by change order approved by City’s Public Works Department.
- D. “As Built” reproducible drawings shall be supplied to City’s Engineer upon completion of the construction.
- E. All amendments to this Agreement, except as allowable above in this section, shall be in writing and approved by City and Owners.

4. FEES AND CHARGES

A. Prior to annexation of Subdivision, Owners shall, in addition to the \$700.00 Zoning/Conditional Use Permit Fee, \$600.00 Amended Plat Fee, \$200.00 Right-of-way Vacation Fee and \$100.00 Annexation Application Fee, which have been paid, pay the following required fees as provided by City policy, ordinances and resolutions:

a) Agreement Fee	\$ 200.00
b) Annexation Resolution Fee	100.00
c) Storm Sewer Fee (\$250/acre x 2.811 acre)	702.75
d) Recording Fees for annexation documents (\$11 per page x 10 pages)	110.00
Total fees made payable to City of Great Falls	\$ 1,112.75

- B. Owners or their successors or assigns shall reimburse City for its expenses incurred in testing and acceptance of public utilities to serve Subdivision at the rates charged by City for said work at the time performed.
- C. Water tapping, water connection, sewer service tapping, and sewer connection fees will be assessed at the time of installation.
- D. The absence of any fee from this agreement lawfully charged by the City in connection with construction activity associated with Subdivision shall not constitute a waiver by the City.
- E. Owner agrees to complete within two (2) years of the date of this Agreement, the installation of the sanitary sewer to serve Subdivision, according to plans referenced in Paragraph 2.B. above and filed in the City Engineer’s office and in accordance with standards of City.

5. FUTURE OBLIGATION FOR IMPROVING 8TH ST. S. AND 19TH AVE. S.

Owners hereby agree to waive right to protest and agree to pay for proportionate share of the costs to improve the abutting portions of 8th Street South and 19th Avenue South to City standards based upon subdivision’s frontage on said right-of-way, when deemed necessary by City. In addition, Owner further agrees to pay for 50% of the costs of an 8 inch water main in that portion of 19th Avenue South abutting Subdivision, if deemed necessary by the City.

6. SIDEWALKS

Owners hereby agree to install City sidewalk in the portions of 8th Street South and 19th Avenue South abutting Subdivision at such time said roadways are improved to City standards.

7. SOIL AND/OR GROUNDWATER CONDITIONS

Owners hereby agree to indemnify and hold the City, its employees, agents and assigns harmless for and against all damages, claims, attorney fees, judgments, demands and/or liabilities that may, arise from, be attributable to or be sustained as a result of adverse soil and/or groundwater conditions associated with Subdivision.

8. FUTURE STORM DRAINAGE FACILITIES

Owners hereby agree to waive their right to protest any future area wide special improvement district for storm drainage facilities and further agree to pay for proportionate share of any future storm drainage improvements which service Subdivision that may be installed with or without an area wide special improvement district. The term “area wide” as used herein, means any area larger than that covered by Subdivision which is a contributor to the drainage sub-basin of which Subdivision is a part.

9. FUTURE SANITARY SEWER FACILITIES

Owners hereby agree to waive their right to protest any future area wide special improvement district for sanitary sewer facilities and further agree to pay for proportionate share of any future sanitary sewer improvements which service Subdivision that may be installed with or without an area wide special improvement district. The term “area wide” as used herein, means any area larger than that covered by Subdivision which is served by a gravity sanitary sewer system.

10. PUBLIC ROADWAY LIGHTING

Owners hereby agree to waive their right to protest any future special lighting district for public roadway lighting facilities that service Subdivision, and further agree to pay for proportionate share of the costs associated with roadway lighting which service Subdivision that may be installed with or without a special lighting district.

11. WAIVER OF PROTEST OF ANNEXATION

Owners hereby waive any and all statutory procedure notice on right of protest to annexation of Subdivision, as provided for by State law.

12. WARRANTY, OWNERSHIP AND INSPECTION OF UTILITY IMPROVEMENTS

- A. After the sanitary sewer described in Paragraph 2.B. hereof has been installed and accepted by City, the same shall be in all respects treated, owned and maintained as though the same had been constructed and installed by City. Said sanitary sewer shall be guaranteed against defective work and materials for a period of two (2) years from date of acceptance of the completed improvements by City.
- B. Installation of the sanitary sewer described in Paragraph 2.B. hereof, shall be subject to City’s infrastructure inspection policy in place at the time of installation.

13. ANNEXATION PREREQUISITES

Subdivision is contiguous to City; is not included within the boundary of any other incorporated municipality; and, is not a part of any fire district existing or organized under any of the provisions of Chapter 33, Title 7, of the Montana Code Annotated. Subdivision, upon annexation to City, will be provided fire protection services by City comparable to that provided incorporated properties.

14. MAINTENANCE DISTRICTS

Owners waive their right to protest the lawful creation by City of maintenance districts for any proper purpose including, but not limited to, fire hydrant and street maintenance and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to Subdivision.

15. CITY ACCEPTANCE AND APPROVAL

In consideration of the foregoing, City hereby accepts and approves;

- A. the vacation of the southerly 20 feet of 19th Avenue South, and all of 20th Alley South, 21st Alley South and 20th Avenue South within the Subdivision;
- B. the amended plat of Subdivision;
- C. annexation of the Subdivision into the corporate limits of City;
- D. assigning a zoning classification of M-1 Mixed use district to the Subdivision, upon annexation to the City; and
- E. granting a conditional use permit to allow a contractor yard, type II within Subdivision.

16. DESIGN REVIEW BOARD

Owner hereby agrees to submit and obtain Design Review Board approval of the site plan and structures proposed to be constructed within Subdivision including landscaping, signage, yard lighting and sight-obscuring fence or other such improvements.

17. ADHERENCE TO SITE PLAN

Owner hereby agrees that development upon Lot 1A, Block 21, Highland Park Addition, shall be substantially in accordance with the Site Plan attached hereto as Exhibit "A" and by this reference made a part hereof and applicable City Codes, and the terms and conditions contained in this Agreement.

18. UNFORESEEN POTENTIALITIES

It is mutually recognized, understood and agreed by City and Owners that subsequent to the time this agreement was entered into, events may occur and actions may be taken which were unforeseen by either party or both parties hereto. In this perspective, it is, therefore, agreed that the parties may by mutual subsequent agreement modify the terms, conditions and covenants of this Agreement.

19. BINDING EFFECT

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

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

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

THE CITY OF GREAT FALLS, MONTANA
A Municipal Corporation of the State of Montana

Gregory T. Doyon, City Manager

ATTEST:

Lisa Kunz, City Clerk

(Seal of City)

APPROVED FOR LEGAL CONTENT:

City Attorney

OWNERS

[Redacted Signature]

DALE YUREK

[Redacted Signature]

TRACY YUREK

[Redacted Signature]

DAVID WILLIAMSON

[Redacted Signature]

ROCHELLE WILLIAMSON

State of Montana)

:ss.

County of Cascade)

On this 13 day of August, in the year Two thousand and Nine, before me, the undersigned, a Notary Public for the State of Montana, personally appeared DALE YUREK, TRACY YUREK, DAVID WILLIAMSON AND ROCHELLE WILLIAMSON, known to me to the persons whose names are subscribed to the instrument within and acknowledged to me that they executed the same.

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

[Redacted Signature]

Notary Public for the State of Montana

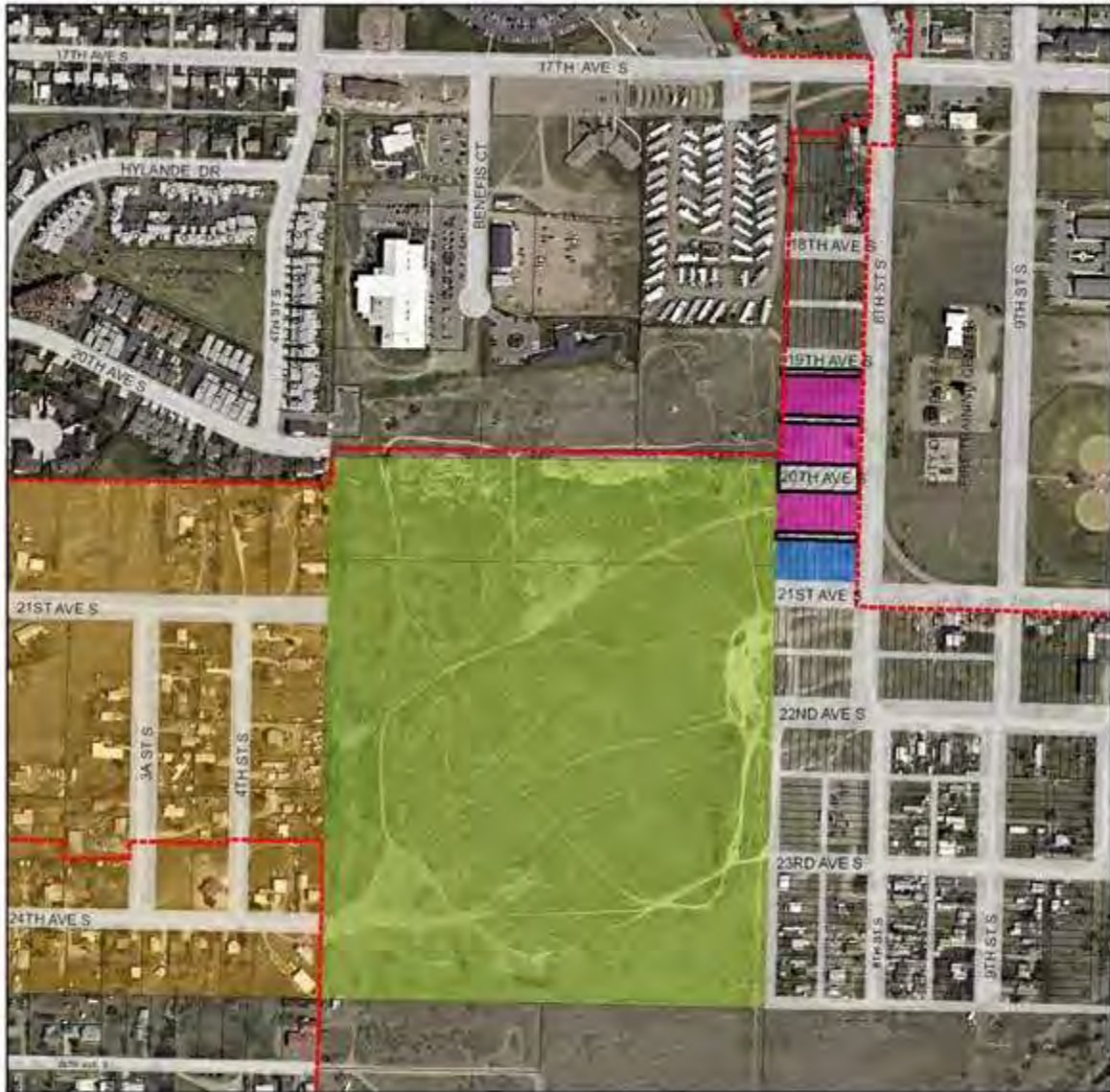
C. JAMES HELSETH

Notary Public for the State of Montana (Printed)

Residing at GREAT FALLS, MT

My commission Expires 10/19/08, 2010

(NOTARIAL SEAL)



- EXISTING CITY LIMITS
- DEDICATED PUBLIC RIGHTS-OF-WAY
- WILLIAMSON FENCING (YUREK) PROPERTY PROPOSED TO BE ANNEXED BY RESOLUTION 9858
- RIGHTS-OF-WAY PROPOSED TO BE VACATED BY RESOLUTION 9859
- WILLIAMSON FENCING PROPERTY NOT PRESENTLY BEING ANNEXED
- VOLK PROPERTY
- GRANDVIEW TRACTS

AFFIDAVIT

On May 21, 2009, I caused to be transmitted by mail to property owners as listed below, a copy of the Notice of Public Hearing to be held before the Great Falls City Zoning Commission on Tuesday, June 9, 2009, at 3:00 P.M. to consider application from Dale and Tracy Yurek, regarding the following:

- 1) Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition and vacated rights-of-way, all in Section 13, T20N, R3E, Cascade County, Montana.
- 2) Vacate the southerly 20 feet of 19th Avenue South, All of 20th Alley South, 21st Alley South and 20th Avenue South, between the west right-of-way of 8th Street South and the west subdivision of Highland Park Addition.
- 3) Annexation of the area contained in said Amended Plat and abutting portion of 19th Avenue South.
- 4) Establish City zoning classification of M-1 Mixed use district and grant a conditional use permit to allow a contractor yard, type II upon the property requested to be annexed.

<u>Parcel #</u>	<u>Owner of Record</u> -----
1790500	SPEARHEAD LLC
1790550	ARMSTONG LYNETTE ETAL
1892920	CITY OF GREAT FALLS
1892925	LIVESAY ROBERT & JAN M
2071800	LIVESAY ROBERT L & JAN M
2072000	LIVESAY ROBERT & JAN M
2072100	OVESON JUDITH M
2072300	HUSTED WARREN T & KAREN KAY
2072400	KINKAID ELIZABETH & KAREN K
2073300	YUREK DALE & TRACY ETAL
2073350	YUREK DALE & TRACY ETAL
2075200	WADSWORTH SHANNON
2422300	VOLK ROY D & DIANE K



Charles Sheets 5/21/09

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY given that the Great Falls Planning Board/Zoning Commission will hold a public hearing in the Commission Chambers, Civic Center Building, Great Falls, Montana, on June 9, 2009, at 3:00 P.M. to consider applications from Dale and Tracy Yurek, regarding the following:

- 1) Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition and vacated rights-of-way, all in Section 13, T20N, R3E, Cascade County, Montana.
- 2) Vacate the southerly 20 feet of 19th Avenue South, All of 20th Alley South, 21st Alley South and 20th Avenue South, between the west right-of-way of 8th Street South and the west subdivision of Highland Park Addition.
- 3) Annexation of the area contained in said Amended Plat and abutting portion of 19th Avenue South.
- 4) Establish City zoning classification of M-1 Mixed use district and grant a conditional use permit to allow a contractor yard, type II upon the property requested to be annexed.

Said Amended Plat combines platted lots and rights-of-way requested to be vacated into one lot located along the west side of 8th Street South between 19th Avenue South and 21st Alley South.

Said Amended Plat, site plan and zoning information are on file in the Planning Office, Civic Center, #2 Park Drive South. Any interested person may appear and speak for or against and/or submit written comments regarding said rights-of-way requested to be vacated, amended plat, annexation, assignment of City zoning and conditional use permit to the Planning Board/Zoning Commission prior to or during said public hearing.

If special accommodations for disabilities are needed, please call 771-1180 Ext 438 (TDD 454-0495).

Great Falls Planning Board/Zoning Commission
/s/ Bill Walters, Interim Secretary

Publication Date: May 24, 2009

NOTICE OF EXTENSION OF BOUNDARIES
OF CITY LIMITS, ESTABLISHMENT OF CITY ZONING, GRANTING A
CONDITIONAL USE PERMIT AND VACATION OF RIGHTS-OF-WAY THEREIN

NOTICE IS HEREBY GIVEN that on July 21, 2009, the Great Falls City Commission adopt Resolution 9841, an expression of intent to vacate the southerly 20 feet of 19th Avenue South, all of 20th & 21st Alleys South and 20th Avenue South between the west right-of-way of 8th Street South and the west boundary of Highland Park Addition and accepted on first reading Ordinance 3040, assigning, upon annexation to the City of Great Falls, a City zoning classification of M-1 Mixed use district and granting a conditional use permit to allow a contractor yard, type II to the Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition and Vacated Rights-of-Way, all in Section 13, T20N, R3E, Cascade County, Montana.

Said Amended Plat combines platted lots and vacated rights-of-way into one lot located along the west side of 8th Street South between 19th Avenue South and 21st Alley South. Williamson Fencing and Sprinklers intends to relocate to this site.

ALSO TAKE NOTICE that a public hearing on the proposed alteration of the boundaries of said City, vacation of rights-of-way and Ordinance 3040 will be held in the Commission Chambers at the Civic Center, #2 Park Drive South, Great Falls, Montana, on August 18, 2009, at 7:00 P.M. at which hearing said City Commission shall hear all persons and all things relative to said proposed annexation, rights-of-way vacation, establishment of City zoning and granting a conditional use permit.

NOTICE IS FURTHER GIVEN that the City Clerk will receive expressions of approval or disapproval, in writing, of the proposed alteration of the boundaries of said City, vacation of rights-of-way and Ordinance 3040 prior to said public hearing.

If special accommodations for disabilities are needed, please call 771-1180 Ext. 438 (TDD 454-0495).

/s/ Lisa Kunz
City Clerk

Dates of Publication: August 2 and 9, 2009



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: City Commission to conduct the Public Hearing for Ordinance 3044, Social Host Ordinance, and adopt Ordinance 3044 as amended on second reading.

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 the City Commission (adopt/deny) Ordinance 3044.”
 2. Mayor calls for a second, discussion, and calls for the vote.
-

Staff Recommendation: It is the recommendation of the Acting City Attorney that the City Commission adopt Ordinance 3044 to address the problem of consumption of alcoholic beverages by minors by attaching liability to those who knowingly provide a premises for an event, party, or gathering, or those who reasonably should have known that the premises would be used for an event, party, or gathering where minors would be consuming alcoholic beverages and fail to take reasonable steps to prevent the underage consumption or possession of an alcoholic beverage.

Although §7-32-4302, MCA, provides 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** (emphasis added), it became known after first reading that Cascade County had an objection to the Great Falls Police Department enforcing the Social Host Ordinance outside the

City limits. Therefore, that language has been removed and is reflected as amended in the proposed Ordinance.

Background: The consumption of alcoholic beverages by minors and individuals under the age of 21 at house parties and various other premises within the City limits presents numerous health, safety, and welfare problems for the citizenry of the City of Great Falls, minors, and law enforcement. The failure of current state and local laws to attach liability to those who knowingly provide premises for consumption of alcoholic beverages by minors and individuals under the age of 21 necessitates the creation and approval of Ordinance 3044, the Social Host Ordinance. The approval and passage of the Ordinance will assist law enforcement in combating the problem of underage drinking and provides an avenue for recovery of some of the costs of such efforts.

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

Fiscal Impact: None.

Alternatives: The continuation of City Law Enforcement to use the State Endangering the Welfare of Children statute, codified at § 45-5-622, MCA. However, this statute does not adequately address the source of incidents where the crime of minor in possession of alcohol is committed nor does it 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 August 18, 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.
- (3) "Beer" means a malt beverage containing not more than 7% of alcohol by weight.
- (4) "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) "Liquor" means an alcoholic beverage except beer and table wine.
- (6) "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) "Table wine" means wine that contains not more than 16% alcohol by volume and includes cider.
- (8) "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) "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) "Immediate family" means a spouse, dependent child or children, or dependent parents.
- (11) "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) "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) "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) "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.
- (15) "Underage Person" means any person younger than 21 years of age.
- (16) "Emergency Responders" means law enforcement officers, firefighters, emergency medical service personnel, and any other person having emergency response duties.
- (17) "Enforcement Services or Response Costs" means the monetary cost of salaries and benefits or 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

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 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.

9.10.040 Penalties

(1) A person convicted of violating this chapter shall be guilty of a criminal misdemeanor and shall be punished 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.

(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.



Item: Business Improvement District (B.I.D.) 2009/2010 Budget and Work Plan

From: Lisa Kunz, City Clerk

Initiated By: Business Improvement District

Presented By: Alison Fried

Action Requested: Conduct Public Hearing and approve Budget and Work Plan

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 the City Commission (approve/deny) the 2009/2010 Business Improvement District Budget and Work Plan.”

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

Recommendation: The B.I.D recommends that the City Commission conduct the public hearing and adopt the 2009/2010 B.I.D. budget and work plan.

Background: The initial creation of the Business Improvement District was in 1989. Its overall purpose is to utilize tax dollars through the B.I.D. tax assessment and direct those monies back into the district to improve and revitalize the downtown area. The current district has not changed in the areas of district boundaries or tax assessment formula since its origination date.

This year the City of Great Falls was presented with petitions signed by 72% of the owners, which exceeds the statutorily required 60% of the area to be included in the Business Improvement District, and Resolution 9833 to re-create the Business Improvement District was adopted by the City Commission on July 7, 2009. No written protests were received, and no one spoke in opposition at the public hearing.

According to State statute, the City Commission must hold a public hearing to hear any objections to the budget and work plan. Following the public hearing, the City Commission may

approve the plan or request that amendments be made to it prior to levying an assessment on all properties within the district to defray the costs. The assessment will be according to the formula approved with the creation of the district.

Concurrences:

The B.I.D. partners with several organizations to provide results and follow the overall purpose of the B.I.D.

Fiscal Impact:

The B.I.D. receives approximately \$158,000 per year in tax assessment dollars. These dollars are received in two larger and several smaller checks throughout the year. This dollar amount is NOT the total amount of tax assessments paid by property owners as a portion of the assessment received from property owners is taken out to pay for the Special Lighting District. The remainder of the funds is directed to operating the B.I.D. office, grant programs, tree maintenance, beautification efforts and additional projects for streetscapes and economic growth.

Alternatives:

The City Commission could request changes to the B.I.D. work plan or budget.

Attachments/Exhibits:

2009/2010 Work Plan

Budget

By-Laws of the Great Falls B.I.D.

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



Item: Decline Department of Homeland Security Grant “Staffing for Adequate Fire and Emergency Response” (SAFER)

From: Great Falls Fire Rescue

Initiated By: Great Falls Fire Rescue

Presented By: Fire Chief Randy McCamley

Action Requested: Authorize the City Manager to decline the SAFER grant to allow the Department of Homeland Security to redistribute the 1.7 million dollars obligated to hire 16 additional firefighters in Great Falls.

Suggested Motion:

1. Commissioner moves:

"I move the City Commission (authorized/not authorize) the City Manager to direct the Fire Chief to decline the SAFER grant.

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

Background:

At a Special Meeting held January 28, 2009, the Great Falls City Commissioners voted unanimously to authorized the City Manager to proceed with the hiring of 16 additional frontline firefighters, using the \$1.7 million dollar grant funding provided by the Department of Homeland Security, Federal Emergency Management Agency’s Staffing for Adequate Fire and Emergency Response program.

Additionally, the Commission determined that in order to afford the City’s funding responsibility a voter approved public safety levy would need to be passed. On August 4, 2009, the Great Falls Fire Department safety levy was defeated by a wide margin. Since the City is not going to utilize the SAFER grant the DHS needs to be formally notified to allow them to reallocate the money to another community.

Benefits to the City

When the City releases the DHS SAFER money back to FEMA, it has no future rights to this money according to DHS policy. Therefore, there is no longer an obligation on the part of the City to appropriate matching funds as was required by the terms of the grant.

Workload Impacts

The Fire Chief will be asked to craft a grant cancellation letter that he will be authorized to sign. The letter will be forwarded to the appropriate DHS/FEMA office.

Scope of Grant

Not applicable

Fiscal Impact and Identifiable Alternatives/Options:

If authorized and the letter is sent, the City will no longer be obligated to hire and maintain 16 additional frontline firefighters.

Additionally, a DHS Assistance to Firefighters Grant (AFG) was written to fund the purchase of the newly hired firefighters' personal protective equipment. This grant would have paid 80% of the \$86,000 or about \$68,000 to provide for the new members' safety gear. Since the grant was based on the premise that the City would hire the additional 16 firefighters, this grant shall not be awarded.

Further, since the SAFER grant cannot be modified as submitted, accepting a reduced grant is not an option.

Alternatives:

1. Initiate the grant and hire the 16 additional frontline firefighters. This alternative would require a reallocation of funds away from other general fund departments and programs.

Attachments:

January 28, 2009 Agenda Report
Fire Chief Letter declining SAFER Grant

August 18, 2009

Randy E. McCamley
Fire Chief

Mr. Brian A. Cowan
Program Director
DHS/FEMA
Assistance to Firefighters Grant Program
800 K Street, NW
Washington, DC 20472-3620

Mr. Cowan,

Our department must decline SAFER grant EMW 2008-FF-00290 which would have assisted in hiring an additional 16 firefighters. The following information is provided per Ms. Barber's instructions.

1. SAFER Grant Number ENW 2008-FF-00290, Department Name: Great Falls Fire Rescue
2. As noted, the City of Great Falls must cancel the awarded grant due to the financial burden placed on the City's general fund to meet the matching funding.
3. When the City officials approved Great Falls Fire Rescue to submit an application for the SAFER grant to hire 16 additional firefighters the National, State and Local economy was in much better condition. After being awarded the grant the local elected officials approved going forward with the grant contingent on passing a public safety tax increase. This was put before the voters on August 04, 2009. The community voted against the public safety mill levy and therefore the City must decline the DHS SAFER grant
4. The City Administration and the Department realizes that we waive all future rights to the grant.

We truly appreciate the opportunity that the SAFER grant would have provided. However, the public was not willing to fund such an endeavor under the current economic conditions. If you have further questions please contact Assistant Chief Hester at (406) 727-8070 or cell (406) 781-8949.

Signed

Randall E. McCamley



Item: Department of Homeland Security Grant “Staffing for Adequate Fire and Emergency Response” (SAFER)

From: Great Falls Fire Rescue

Initiated By: Great Falls Fire Rescue

Presented By: Fire Chief Randy McCamley

Action Requested: Authorize the hire of 16 new full-time frontline firefighters using SAFER money and the City’s matching funds

Suggested Motion:

1. Commissioner moves:

"I move the City Commission (accept/deny) the Department of Homeland Security Grant and (authorize/not authorize) the City Manager to hire 16 full-time firefighters using the SAFER grant money and to appropriate matching funds as required by the City."

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

Background:

Last spring Great Falls Fire Rescue applied for the Staffing for the Adequate Fire and Emergency Response (SAFER) grant which is administered by the Department of Homeland Security. This grant was awarded through a competitive process with grants being awarded to communities with the most urgent need to add front-line firefighters.

The goal of the SAFER grant was to enhance the local fire departments’ abilities to comply with staffing, response and operational standards established by National Fire Protection Association and Occupational Safety Health Administration. SAFER funds are intended to assist local fire departments to increase their staffing and deployment capabilities in order to respond to emergencies whenever they may occur.

As a result of the enhanced staffing, response times should be sufficiently reduced with an appropriate number of personnel assembled at the incident scene. Ultimately, a faster, safer, and more efficient incident scene will be established and communities will reap improved protection from fire and fire-related hazards.

On January 14th, the City of Great Falls received notification it was award over \$1.7 million dollars to help fund the hiring of 16 new firefighters. The awards package requires the City of Great Falls to complete an acceptance package **by January 30, 2009**, that lets DHS know that the City has accepted the terms of the grant and will begin the recruiting process.

The City's rationale for adding 16 new firefighter positions has been based on the number of firefighters needed to effectively operate on the fire ground and is also based on National staffing and response standards notably the National Fire Protection Association. Currently, GFFR has a total of 60 operational firefighters split evenly between four platoons or 15 firefighters each. Additionally the department maintains minimum staffing of 13 firefighters at all times. These members staff 3 engine companies and the 1 truck company.

There have been two important limitations that exist due to GFFR's staffing. First, when the department responds to a structure fire, the first alarm sends 3 apparatus and a Battalion Chief or 10 firefighters in all. This number falls far short of the national standard of 14 on scene in less than 8 minutes. The shortage could create a dangerous situation for responders and limit the department's ability to rescue trapped victims while simultaneously stopping an advancing fire.

The second limitation is primarily due to the steady increase in call volume. In 1969, there were less than 1000 calls for service, in 2009 there were more the 6,000 calls for service. On any given day, GFFR may have all of its resources working on emergencies simultaneously. When this occurs, basically, the city has no other fire or rescue resources to bring to bear at the next incident. Recalling staff is one alternative, but the first members do not arrive for about 20 to 30 minutes.

In addition, the City relies on mutual aid with Montana Air National Guard Airport Fire Department and Malmstrom AFB Fire Department. Both departments are responsible for protecting their jurisdictions and they too are minimally staffed. There are no guarantees that either department can support our requests. Recently, our department was unable to answer a call because all apparatus were already assigned to another emergency. If this trend continues, more system failures will occur.

Benefits to the City

Increasing our front-line firefighter staffing levels will result in safer and more effective fire ground operations which:

1. Improves citizen safety and service delivery
2. Improves firefighter safety
3. Reduce property loss
4. Enhances the Fire Department's ability to comply with recognized staffing, response and operational standards established by the National Fire Protection Association (NFPA) and Occupational Safety Health Administration (OSHA)
5. Result in budget savings on Callbacks of off duty firefighters during 2nd Alarm Fires (overtime estimated at approximately \$80k)
6. Provides a cushion for minimum staffing level- Hirebacks (overtime)
7. Improve ISO classification from our current rating of 3 to 2 (This may result in some residential fire insurance reduction)

Workload Impacts

During the first phase of a firefighter's career, they attend the department's 30 day fire academy. To manage the training program, 8 firefighters will be hired at a time over two consecutive months. Having 8 firefighters in the academy at once is unique and there will be additional challenges to ensure the new hires are ready to work. After the academy, recruits will have 9 months of probation which includes an intense training program. Every supervisor on every shift will be assigned a recruit. However, once the firefighters are confirmed they will have a positive impact on the department's workload. There will be a greater administrative workload to comply with audit and documentation as agreed to by the City to receive SAFER grant funding. This work shall be absorbed by current GFFR staff and the City's Fiscal Services Department.

Calls for Service Comparison

	2008	% Total Calls	1969	% Total Calls
All Fires	172	3%	513	54%
Emergency Medical Calls	3,445	63%	28	3%
Haz-Mat Responses	126	2%	n/a	
All Other Calls*	1,732	32%	401	43%
<i>Total Calls</i>	5,475		942	

* Lift assists, False alarms, Cats in trees, Flooded basements, fog mistaken for smoke, Alarm malfunctions, Abandoned appliances, Cancellations, Tree limbs down, TV cables down, etc.

Scope of Grant

The project performance period begins March 30, 2009, and terminates March 29, 2014. As the Grantee, the City agrees to this 5 year commitment. The Federal contribution toward the costs of the salaries and benefits will diminish over the course of the performance period. A recruitment period of 90 days is allowed at which time the performance period will begin. That puts June 30, 2009 as the latest start date of the performance period. Periodic financial and performance reports shall be provided as identified in the grant award agreement.

Additionally, as grantees the City must comply with specific audit requirements that must comply with OMB Circular A-133, Audits of State, Local Governments, and Non-profit Organizations.

Fiscal Impact and Identifiable Alternatives/Options:

The fiscal impact section includes input from the City Manager, Fiscal Services Department, and Fire Department to provide a broad overview of alternatives, fiscal impacts of each, and long term budgeting needs.

The SAFER grant requires a long term financial commitment from the City. The federal grant amount decreases over four years and terminates in year five. The grant provides funds to apply toward wages for new fire fighters only.

Estimated Personnel Costs

	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	Totals
Grant %	71%	60%	35%	18%	0%	
Personnel	\$599,232	\$637,536	\$665,802	\$790,688	\$821,024	\$3,514,282
Benefits	\$284,640	\$301,416	\$313,429	\$371,336	\$384,333	\$1,655,154
<i>Totals</i>	\$883,872	\$938,952	\$979,231	\$1,162,024	\$1,205,357	\$5,169,436

Grant and City Share Summary

	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	Totals
Federal \$	\$624,240	\$554,800	\$346,720	\$208,320	\$0	\$1,734,080
City \$	\$259,632	\$384,152	\$632,511	\$953,704	\$1,205,357	\$3,435,356

The Personnel line shows only the base salaries of the 16 firefighters. Annual contracted increases are accounted for at an estimated rate of 3.5% beginning in year 3 when the current Collective Bargaining Agreement (CBA) expires. Longevity payments begin in year 2 and were calculated at the current contracted rate of \$15.50 per month per year of service. Projected promotions to Firefighter First Class are reflected in Year 4 of the matrix. The Benefits line reflects the benefits paid at a rate of 47.5% of the base salaries.

Other Costs

Personal Protection Equipment - 16 FTE			
Turn-out coat/pants	each	\$ 1,900.00	\$ 30,400.00
Boots	pair	\$ 271.00	\$ 4,336.00
Helmet	each	\$ 275.00	\$ 4,400.00
EMS Coat	each	\$ 325.00	\$ 5,200.00
SCBA Mask	each	\$ 1,200.00	\$ 19,200.00
Gloves	pair	\$ 65.00	\$ 1,040.00
			\$ -
Total Cost for PPE		\$ 4,036.00	\$ 64,576.00

This table depicts the cost for each firefighter's personal protective equipment. An estimated \$44,000 would need to be added to fiscal year 09/10 budget.

Apparatus Costs

Maintenance	Annual Increase	\$ 1,000
Fuel	Annual Increase	\$ 800
Estimated Total		\$ 1,800

Table reflects an estimate of the additional cost to add another apparatus to the frontline.

Total Projected Cost to City

	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year
Wages and Benefits	\$259,632	\$384,152	\$632,511	\$953,704	\$1,205,357
Equipment	\$44,000				
Apparatus	\$1,800	\$1,800	\$1,800	\$1,800	\$1,800
<i>Total</i>	\$305,432	\$385,952	\$634,311	\$955,504	\$1,207,157

General Fund Considerations

The Fire Department is supported by the City’s General Fund. While the department generates revenues, the Commission will need to consider the grant’s impact on the General Fund. The chart below projects General Fund revenues over the next five years (1% increase annually).

	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year	Total
Revenue Increase Projection	\$700,000	\$707,000	\$714,000	\$721,211	\$728,423	\$3,570,704

Projected Fire Department Revenues

Fire Department revenues will help offset the City’s match for the grant. Recently an EMS contract was ratified that has provided an additional \$29,000 annually to the City’s general fund.

Southern Montana Electric has contracted with the City for fire and rescue protection during the construction and operation of the Highwood Generating Station. SME has agreed in this contract to pay \$283,000 annually for service.

Revenue	1st Yr	2nd Yr	3rd Yr	4th Yr	5th Yr
EMS Contract	\$29,000	\$29,000	\$29,000	\$29,000	\$29,000
Fire Service Agreement	\$283,000	\$283,000	\$283,000	\$283,000	\$283,000
Totals	\$312,000	\$312,000	\$312,000	\$312,000	\$312,000

Projected Fire Department Savings

The Fire Department has projected some current budget savings with the SAFER grant in place. GFFR would use the four new frontline firefighters per shift to absorb the majority of our daily “Hireback” costs for minimum staffing that the department currently experiences. This is an estimated cost savings of \$80,000 per year. The possibility exists that a restructuring of the Fire Inspector duties may present itself in the current fiscal year which could provide another \$77,000 savings which can be used to supplement the city’s funding match.

Expenditures	1 st Yr	2 nd Yr	3 rd Yr	4 th Yr	5 th Yr
Hirebacks / callbacks	<\$80,000>	<\$80,000>	<\$80,000>	<\$80,000>	<\$80,000>
Fire inspector position	<\$77,000>	<\$77,000>	<\$77,000>	<\$77,000>	<\$77,000>
Totals	<\$157,000>	<\$157,000>	<\$157,000>	<\$157,000>	<\$157,000>

The City expends a significant amount of funds in overtime, callbacks, and compensatory time.

Year	Expended (OT, Callback, and Comp Time)
2004	\$227,343
2005	\$218,798
2006	\$199,586
2007	\$198,123
2008	\$222,227
2009 to date	\$198,123

General Fund Revenue Available after Grant Match

The chart below shows the projected revenue amount for the General Fund *plus* additional Fire Department Revenues. The expense number below reflects the total projected cost to the city *minus* projected fire department savings. The remainder is the amount available for all other General Fund supported services (operating costs, union contracts, projects, etc).

	1st Yr	2nd Yr	3rd Yr	4th Yr	5th Yr
Projected GF Revenue	\$1,012,000	\$1,019,000	\$1,026,070	\$1,033,211	\$1,040,423
Expense	<\$148,432>	<\$228,952>	<\$477,311>	<\$798,504>	<\$1,050,157>
Balance for Other General Fund Expenses	\$863,568	\$790,048	\$548,759	\$234,702	<\$9,734>

Alternatives:

1. Do not accept the grant.
2. Accept a reduced grant – Unfortunately, this is not an option. The SAFER grant cannot be modified as submitted.
3. Consider a Public Safety Mil Levy - In order to raise approximately the same amount as the SAFER grant in year five, the City would need to propose and have a voter adopted Public Safety Levy in the amount of 16.8 mils (one mil = \$71,973). This option allows for a more gradual force build-up over time and with the consent of the taxpayer.



Item: Central Place Revitalization Urban Renewal Tax Increment District

From: City Staff

Initiated By: Fiscal Services, City Manager's Office, Park & Recreation, Great Falls Development Authority and Business Improvement District

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: Approve Project List

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission 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.

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

Staff Recommendation: Staff recommends that the City Commission approve the project list attached as Exhibit A and authorize expenditure of remaining cash from the Central Place Urban Renewal Revitalization Tax Increment District. This district will sunset following final bond payments in August of 2009.

Background: The City of Great Falls created the Urban Renewal Central Place Revitalization District in December of 1977 with a provision to use Tax Increment Financing to reach the goals of the district. The district will sunset with the final payoff of tax increment bond debt. The taxing jurisdictions will begin to receive the full benefit of the property taxes levied within the district and the tax increment portion will no longer be segregated. Certain cash will remain following debt payoff which can be used to finish projects eligible within the tax increment urban renewal law and benefitting the district.

Significant Impacts

The cash remaining that will still come to the district from bond reserves as well as from delinquent taxes over the next two years is expected to exceed \$700,000.

Citizen Participation

Citizens may comment during City Commission consideration of the agenda item at the meeting.

Workload Impact

Planning staff, Park & Recreation staff, the B.I.D. and the GFDA would all be involved in staff responsibilities to complete the project list.

Purpose

The objectives of the Central Place Revitalization Program were:

- A. To provide for additional employment opportunities for residents through expansion of the local economy and economic development.
- B. To maintain and expand the vitality of the Central City and support its role as the focal point of urban life in Great Falls by breaking the present cycle of economic, cultural, physical and environmental decay.
- C. To upgrade property values in the area and provide opportunities for new, private investment, thereby increasing the tax base.
- D. To provide a land use plan that will encourage: the highest and best use of land, the development of Central City Hotel-Motel/Convention Center, the expansion or addition of at least one more department store, the development of additional office space, retail stores and professional centers, and the construction of new housing for people of all ages and income groups.
- E. To eliminate slums and blighting influences as well as inappropriate land uses.
- F. To provide a method and incentive for the adaptive reuse of sound, but functionally obsolete, buildings for commercial and residential use.
- G. To ensure a pleasant atmosphere for residents and visitors alike.
- H. To relieve conflicts between vehicles and pedestrians, improving access to and from the area, circulation within the area, and, most important, providing adequate convenient parking for shoppers and employees.
- I. To provide a method to take aesthetic advantage of that wide, historic, scenic and famous resource, the Missouri River, and ensure that it is again a focal point of the older Central City.

Project Work Scope

Projects recommended are included in Exhibit A and would continue to address the objectives listed above.

Evaluation and Selection Process

Staff reviewed projects that were suggested by the Great Falls Development Authority, the Business Improvement District and the Park & Recreation Department. The projects that are recommended would complete or add to improvements that were undertaken with tax increment revenue during the district's life.

Concurrences: Staff's recommendations have not been submitted to other agencies or bodies for concurrence but have been shared with the B.I.D. and GFDA.

Fiscal Impact: Beginning in November of 2009, the tax increment district will return incremental tax revenues exceeding two million dollars annually to the taxing jurisdictions.

Alternatives: The City Commission can approve any substitutions to the list recommended by staff that fit the statute for tax increment expenditures or could choose to deny all projects.

Attachments: Exhibit A Project list
Letter from BID
Letter from GFDA

Central Place Urban Renewal District Final Tax Increment Project List

1. **\$300,000** to reimburse the Economic Revolving Loan Fund for loans made from TI funding which were written off. Staff recommends that \$300,000 be returned to the Economic Revolving Fund and then transferred to the Great Falls Development Authority to establish a Downtown Revolving Loan Fund.
2. **\$50,000** to the Business Improvement District to undertake a downtown street tree trimming, and removal/replacement effort.
3. **\$52,000** to landscape the portion of River Drive and Broadwater Bay Park adjacent to the undeveloped boat dock parking lot including relocating the entrance to the boat dock parking area away from the current Third Ave. S. intersection to minimize traffic conflicts.
4. **\$120,000** for a multi-year contract for tree trimming in the TIF district outside the B.I.D. boundaries. The Second Street Corridor as well as the one-way corridors are entry ways into our downtown and visible to many visitors. Staff recommends contracting with a private firm after formal bidding.
5. **\$38,500** to remove and repair “bad spots” in the Gibson Park Walking Path.
6. **\$50,000** to finance a new Downtown Master Plan with oversight responsibility assigned to the City Planning Department.
7. **\$167,000** for FY 2011 Water Attraction Debt Service Payment

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 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.

NEIGHBORHOOD COUNCILS

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

PUBLIC HEARINGS

Tourism Business Improvement District (TBID) budget and work plan. Approved.

2. **TOURISM BUSINESS IMPROVEMENT DISTRICT BUDGET AND WORK PLAN.**

Sandra Johnson-Thares, 808 5th Avenue North, reported that the 2009/2010 Tourism Business Improvement District budget and work plan is based on projected revenues of collecting the \$1.00 assessment per hotel room rented in the City of Great Falls.

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 the 2009/2010 Tourism Business Improvement District budget and work plan.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Beecher moved, seconded by Commissioner Jolley, that the City Commission approve the 2009/2010 Tourism Business Improvement District Budget and Work Plan.

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

Motion carried 4-0.

Use of JAG funds and MOU with Cascade County. Approved.

3. JUSTICE ASSISTANCE GRANT (JAG) FOR 2009/2010.

Police Chief Cloyd Grove reported that the Justice Assistance Grant is a yearly grant that provides law enforcement with the ability to purchase or contract for items that it is in need of that isn't covered in the budget. This particular grant is shared between the Great Falls Police Department and the Cascade County Sheriff's Office. A Memorandum of Understanding is required to perform the functioning through the Justice Department. This year the grant will be evenly split to pay for air cards for mobile data systems which allow for quicker data responses through the system.

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 the use of the JAG funds.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Jolley moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission accept the recommendation of staff for the use of the 2009-2010 Justice Assistance Grant, and approve the Memorandum of Understanding with Cascade County for execution by the City Manager.

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

Motion carried 4-0.

Sale of City property, Parcel A, NE1/4, Sec. 14, T20N, R3E, PMM. Approved.

4. SALE OF CITY PROPERTY, PARCEL A, NE1/4, SEC. 14, T20N, R3E, PMM.

Community Development Director Mike Rattray reported that the land under consideration is a 2.14 acre parcel of land located at the south end of River Drive, immediately south of the Warden Bridge. A formal bid opening was conducted on July 15, 2009. One bid was received from Double Bogey, LLC, in the amount of \$95,500. Mr. Rattray recommended that the Commission approve this land sale.

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 the sale of City property.

Speaking in opposition to the sale of City property was **Ron Gessaman,**

1006 36th Avenue NE. For informational purposes, Mr. Gessaman referred to Agenda Report 17 from the last Commission meeting and inquired why the interested person was identified as Northern Vending, Inc. and this Agenda Report 4 identifies Double Bogey. Mr. Rattray responded that the letter expressing interest was from the people operating Northern Vending. When they submitted their bid, it was in the name Double Bogey LLC.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the sale of Parcel A, NE1/4, Sec. 14, T20N, R3E, PMM, Great Falls, Montana, to Double Bogey LLC in the amount of \$95,500.00.

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commissioners. No one responded. He noted that sale of City property requires a four-fifths vote.

Motion carried 4-0.

Res. 9846. Adopted.

5. RESOLUTION 9846, LEVY AND ASSESS STREET MAINTENANCE DISTRICT.

Fiscal Services Director Coleen Balzarini reported that this Resolution is for an annual street maintenance assessment. The request is for a 5% increase. The funds will care for 372 miles of streets and alleys within the City of Great Falls.

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 9846.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9846.

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

Motion carried 4-0.

Res. 9847. Adopted.

6. RESOLUTION 9847, LEVY AND ASSESS SPECIAL IMPROVEMENT GENERAL BOULEVARD MAINTENANCE DISTRICT NO. 3570.

Fiscal Services Director Coleen Balzarini reported that this Resolution is also an annual assessment for the General Boulevard District. There are about 15,000 street trees in the district. The assessment will raise slightly less than \$300,000, and there is no request for an increase this year.

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

Commissioner Jolley discussed a call she received from a constituent who was concerned about the maintenance of the trees. He expressed that if the City charged more, then regularly scheduled maintenance could be performed. He also suggested privatizing those services.

Mayor Pro Tempore Bronson declared the public hearing open.

No one spoke in support of or opposition to Resolution 9847.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9847.

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

Motion carried 4-0.

Res. 9848. Adopted.

7. RESOLUTION 9848, LEVY AND ASSESS SPECIAL IMPROVEMENT PORTAGE MEADOWS MAINTENANCE DISTRICT NO. 1195.

Fiscal Services Director Coleen Balzarini reported that this Resolution requests a 10% increase for the annual assessment. There hasn't been an increase in this District for at least seven years. The assessment is used to provide the maintenance of the dedicated park land that runs throughout Portage Meadows.

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 Resolution 9848. Speaking in opposition to Resolution 9848 were:

Kathy Gessaman, 1006 36th Avenue NE, inquired why the numbers were different for the projected revenue in Fund 268 than the numbers in this Resolution with the 10% increase. Ms. Balzarini responded that the way the

assessment is levied is a factor on the square footage. What the Commission is approving is a 10% increase in that factor. The projected budget may have included delinquent collections from previous years.

Ms. Gessaman inquired why the internal service charge increased from \$8,759 to \$10,000. Ms. Balzarini responded that it is for the actual maintenance of the property.

Ron Gessaman, 1006 36th Avenue NE, inquired why Fund 268 was projected to lose \$6,229. He commented that the reserves for the fund have been depleted, and it doesn't seem this Resolution covers the costs. The numbers seem bogus to him. He also inquired about the projection of investment earnings. Ms. Balzarini responded that the surplus funds were drawn down before increasing the assessment to the property owners. Cost are going up, as well as spending down the surplus. She further responded that she couldn't answer his question regarding the \$500 investment earnings.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9848.

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

Commissioner Jolley asked if, procedurally, the Commission could move to adopt the Resolution with a change to increase the assessment to 15%. Acting City Attorney Chad Parker responded that it has to be accepted or rejected in the form it is presented. The Commission could make recommendations to staff to present at a later time. Commissioner Rosenbaum added that the Commission cannot take action on something the public didn't have notice of.

Motion carried 4-0.

**Res. 9831 and Ord. 3038.
Adopted.**

8A. RESOLUTION 9831, ANNEX TRACT 2 OF CERTIFICATE OF SURVEY 4591, LOCATED IN NE1/4, SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST (LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF RIVER DRIVE NORTH AND 52nd STREET NORTH).

8B. ORDINANCE 3038, ASSIGNS ZONING CLASSIFICATION OF I-2 HEAVY INDUSTRIAL DISTRICT.

Interim Planning Director Bill Walters reported that Steel Etc. has moved its recycling and salvage business out of the downtown area to a site at River Drive North and 52nd Street North. Steel Etc. has petitioned to annex a

portion of its new site in order to obtain City services.

At the conclusion of a public hearing held April 28, 2009, the Planning Board passed a motion recommending the City Commission annex a 4.676 acre parcel owned by Steel Etc., and the Zoning Commission passed a motion recommending the City Commission assign a City zoning classification of I-2 Heavy Industrial district as provided in Ordinance 3038 upon annexation of subject parcel.

Following the public hearing this evening, Mr. Walters requested that the City Commission adopt Resolution 9831 and Ordinance 3038, and approve the accompanying Annexation Agreement.

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 opposition to Resolution 9831 and Ordinance 3038 were:

Stuart Lewin, 615 3rd Avenue North, opposes this annexation request because he doesn't believe it has been adequately considered by the Planning Board. He encouraged the Commission to be proactive in its relationship with the river for a clean and healthful environment. Mr. Lewin suggested that the Commission table this matter to consider attaching requirements to avoid long term problems. Mr. Lewin reported that he contacted DEQ regarding what degree it was considering the possibility of the industrial site affecting the aquifer. He was informed DEQ didn't have any program in effect that will consider that.

John Hubbard, 615 7th Avenue South, discussed his prior employers and commented that he was not impressed with the DEQ or EPA. He discussed appropriate ways to recycle so as not to contaminate ground water.

Speaking in favor of Resolution 9831 and Ordinance 3038 were:

Bob McIntyre, 3321 Arbor Way. Mr. McIntyre reported that he is a partner in the Steele Etc. operation. Steele Etc. is asking for annexation of approximately four acres. The remaining 14 acres is where the primary part of the salvage work will be done. For Commission consideration today is the four acres where the buildings are for City sewer and water services. He stated that Steele, Etc. is proud of the work it has done, and it has a new state of the art operation. Mr. McIntyre requested Commission approval.

Sandra Guynn, Chair NC 4, reported that the council unanimously approved recommending the annexation and rezone of this property at a meeting in December. The council continues to unanimously support this decision.

Mayor Pro Tempore Bronson closed the public hearing.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9831, and approve the Annexation Agreement, all pertaining to Tract 2 of Certificate of Survey 4591, located in the NE1/4, Section 4, Township 20 North, Range 4 East, Cascade County, Montana.

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

Commissioner Jolley referred to the Planning Board recommendation on Page 4 of the Agenda Report to provide the appropriate easements traversing Tract 2 to accommodate existing and proposed public and private utilities, and inquired if that language needed to be included in the Annexation Agreement. Mr. Walters responded that was a condition of approval. Before the annexation documents are recorded, he will coordinate with Public Works to make sure easements are in place.

Commissioner Jolley referred to the Annexation Agreement language and inquired why the City agreed to not annex Tract 1 for 10 years. Mr. Walters responded that the language was negotiated between staff and the applicant. Realistically, he doesn't see too many additional annexations occurring in the area in the next 10 years.

Commissioner Rosenbaum discussed similar instances.

Mayor Pro Tempore Bronson noted that he doesn't believe anyone on the Commission is unmindful of the concerns Mr. Lewin expressed. When it comes to the environmental issues that Mr. Lewin raises, they are properly under the jurisdiction of the State of Montana or the federal government. For the City to discuss proposing additional conditions to an annexation request, he doesn't believe would withstand a legal challenge.

Commissioner Rosenbaum added that the closure of the existing facility and the new state of the art facility is something to applaud.

Motion carried 4-0.

Commissioner Jolley moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Ordinance 3038.

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

Motion carried 4-0.

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

Ord. 3042. Adopted.

9. ORDINANCE 3042, AMENDING OCCGF TITLE 10, CHAPTER 30, PERTAINING TO ONE-WAY STREETS AND ALLEYS.

Public Works Director Jim Rearden reported that Ordinance 3042 pertains to a portion of 25th Alley NE, which extends from 6th Street NE to 8th Street NE. It is bordered on the north by 20 residences, and on the south by an open field adjacent to Wal-Mart. The alley has been plagued by speeding and excessive traffic volume for many years. Several years ago the City installed speed bumps and parking blocks to narrow the alley, which has helped, but the problem still persists. Mr. Fred Dahlman of 632 25th Avenue NE has circulated a petition to convert the alley to a one-way from east to west in an effort to divert most of the North Middle School traffic. He received signatures from 15 of the 20 residents, and also presented the issue to NC 3. Mr. Rearden requested that the City Commission consider approval of this Ordinance to convert the alley to a one-way.

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 Ordinance 3042 on final reading.

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

Commissioner Jolley asked if people were speeding both ways down the alley. Mr. Rearden responded that the issue is that most people are trying to avoid the intersection of 8th Street and 25th Avenue NE. There is a lot of additional traffic from people shortcutting through the alley.

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

Ron Gessaman, 1006 36th Avenue NE, was curious if there was a study done to determine which way the one-way should be. The way it is proposed seems wrong to him. Mr. Rearden responded that most of the traffic comes up 6th Street and shortcuts from west to east to North Middle School. Going from east to west will divert most of that traffic. Also, sanitation pickup is simpler going east to west.

Fred Dahlman, 632 25th Avenue NE, reported that he is the person that approached NC 3 regarding this situation. Mr. Dahlman discussed the problems and what the City previously installed in the alley. He explained that in December two individuals speeding down the alley took out 90% of his neighbor's fence and storage shed. There was lumber found under Mr. Dahlman's bedroom window and lumber over the house of the neighbor's where the fence was hit. These individuals were taken by ambulance to the hospital. He proposed making this alley a one-way from east to west for the reasons Mr. Rearden stated. People use the alley for a short cut. Mr. Dahlman discussed safety concerns of the people that use the alley to enter their garages, stepping out of their gates to empty trash, as well as their children and grandchildren. He understands that it will be hard to enforce. The neighbors have agreed to try to make this one-way work. He requested the Commission's favorable consideration.

Kathy Gessaman, 1006 36th Avenue NE, suggested considering a four-way stop be installed across from North Middle School. Mr. Rearden responded that, normally, a four-way intersection has to have fairly balanced traffic from each direction. There is much more traffic on 8th Street than on 25th Street. Ms. Gessaman commented that he may want to reconsider that because it is entering a school district from a 35 mph to a 25 mph zone. It may help people maintain that 25 mph speed limit.

Mayor Pro Tempore Bronson applauded Mr. Dahlman and his neighbors for working with the City, trying to come up with a solution and being good citizens.

Motion carried 4-0.

Ord. 3043. Accepted on first reading, and set a public hearing for September 1, 2009.

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

Interim Planning Director 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 by Exhibit "A" attached to Ordinance 3043.

Mr. Walters requested that the City Commission accept Ordinance 3043 on first reading, and set a public hearing for September 1, 2009.

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 accept Ordinance 3043 on first reading, and set a public hearing for September 1, 2009.

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, keeping in mind that a public hearing will be held September 1st.

Ron Gessaman, 1006 36th Avenue NE, referred to the agenda report where it noted that in addressing the issue the Airport consultant who prepared the original description of the boundary will be doing the work. Mr. Gessaman commented that the Airport Authority is a part of the City, and if it is paying this consultant again, then he is opposed to this consultant doing the work.

Motion carried 4-0.

Ord. 3044. Accepted on first reading, and set a public hearing for August 18, 2009.

11. ORDINANCE 3044, SOCIAL HOST ORDINANCE.

Acting City Attorney Chad Parker reported that this proposed Ordinance comes about as a result of the ineffectiveness of the State laws that are currently applicable in the context of minors in possession of alcohol. There are three primary statutes that address the issue: Endangering the Welfare of Children, Unlawful Transactions with Children, and Minor in Possession of Alcohol. Those statutes do not address the premise where the events are taking place. There is no accountability for the individuals who are holding that setting for the people who they know are going to consume alcohol at the location. Mr. Parker reported that there have now been 25 states that have accepted social host ordinances to attack this problem, as well as countless counties, cities and towns. Supplementary studies further attribute social host liability laws with decreased alcohol related traffic fatalities and impaired driving. He believes this Ordinance will attach liability to those individuals who knowingly provide a premise for those minor individuals who they know are going to be consuming alcohol. Mr. Parker requested that the City Commission accept Ordinance 3044 on first reading, and set a public hearing for August 18, 2009.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission accept Ordinance 3044 on first reading, and set a public hearing for August 18, 2009.

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

Commissioner Rosenbaum discussed the definition terms and phrases of premises, with or without permission, and knows or reasonably should have known. He commented that those phrases, when trying to hold the responsible persons responsible, has a tendency to be guilty before the process. Mr. Parker responded that without the phrasing, knowingly or reasonably should have known, the Ordinance would be unconstitutional. It is essential for the state of mind element in this Ordinance to make it a criminal charge. The reasonably should have known language will take into account past events at that location, the individuals who are involved there, the contact person who owns, leases or rents the location, and their knowledge base of that element of the offense.

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

Ron Gessaman, 1006 36th Avenue NE, commented that he is also concerned with the reasonably should have known phrase, as well as the noted statistics. Mr. Gessaman read a portion of a publication from a California Inter-Agency Steering Committee and noted that “penalties that apply only when responsible adults know of an illegal conduct involving minors and alcohol all references to or should have known have been removed based on recent court rulings involving a San Diego County case.” With regard to the statistics, Mr. Parker responded that 25 states have enacted state law, but does not take into account the number of other states that have enacted ordinances at the county and city levels. The information that Mr. Gessaman discussed from California was what the actual challenge was about. His research was that California had not placed the knowingly or reasonably should have known language in the San Diego statute. The criticism that was posted on the web was prior to the information that we have now about the final case. The knowingly or reasonably should have known language is what is required.

Motion carried 4-0.

Ord. 3045. Accepted on first reading, and set final reading for September 1, 2009.

12. ORDINANCE 3045, CREATING TITLE 2, CHAPTER 51 OF THE OCCGF, ESTABLISHING A YOUTH COUNCIL.

Neighborhood Council Coordinator Patty Cadwell reported that a Youth Council has been a vision for three years. It materialized through a Weed and Seed strategy. A Youth Council has been in place for about one year. It came about by applications that Weed and Seed put out to the four high schools. Twenty-one applications were received, with four to six core members actively participating in the Youth Council. During the past year they have conducted surveys of their fellow high school students. They are compiling the results of that survey and will present that information to the Commission in the future. By a grant through Weed and Seed, they will be attending a Youth Leadership Conference in Chicago in the next few weeks. They are interested in and working on establishing a Youth Center in Great

Falls. They are also working on a video survey of residents of the north side and Black Eagle, which is part of the Weed and Seed site. The Youth Council will fall under the guidance of the Neighborhood Council Office and will exist similar to the Neighborhood Councils. Ms. Cadwell reported that there are many organizations in favor of a Youth Council. The Youth can learn as well as contribute to what happens in the City. Ms. Cadwell recommended that the Commission accept Ordinance 3045 on first reading, and set the final reading for September 1, 2009.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 3045 on first reading, and set final reading for September 1, 2009.

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. 9854. Adopted.

13. RESOLUTION 9854, INTENT TO 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. Mr. Walters requested that the Commission adopt Resolution 9854, setting a public hearing for September 1, 2009, when the final resolution vacating 30th Street NW, together with the involved Amended Plat, will be considered.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9854.

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

Commissioner Jolley asked if the City was giving away the alley. Mr. Walters explained that when the City vacates an alley it reverts to the abutting owners.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public. No one responded.

Motion carried 4-0.

Res. 9856. Adopted.

14. RESOLUTION 9856 INTENT TO 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 oftentimes is blocked with truck trailers being loaded and unloaded. During a meeting on 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 Commission adopt Resolution 9856, setting a public hearing for September 1, 2009, when the final resolution vacating 4th Alley South, together with the involved Amended Plat, will be considered.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9856.

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

Commissioner Jolley asked if the neighbors would be notified about the public hearing and was responded to affirmatively.

Mayor Pro Tempore Bronson asked if there were any inquiries from the public. No one responded.

Motion carried 4-0.

Before proceeding to the Consent Agenda, Mayor Pro Tempore Bronson called a brief recess.

**Consent Agenda.
Approved.**

CONSENT AGENDA

15. Minutes, July 21, 2009, Commission meeting.
16. Total expenditures of \$4,618,629 for the period of July 16 - 28, 2009, to include claims over \$5,000, in the amount of \$4,364,884.
17. Contracts list.
18. Lien Release list.
19. Set public hearing for August 18, 2009, on the 2009/2010 Business Improvement District Budget and Work Plan.
20. Postpone award of construction contract for the 2009 CDBG Sidewalk Replacement until August 18, 2009. **OF 1565.2**
21. Postpone construction contract for the 2009 CDBG Handicap Ramps until August 18, 2009. **OF 1565.1**
22. Award construction contract to United Materials of Great Falls, Inc. for the Central Avenue – 7th to 9th Street Mill and Overlay in the amount of \$91,900. **OF 1573.2**
23. Award construction contract to Dick Anderson Construction, Inc. for the Coating Improvements at the GFWWTP and Lift Station #15 in the

amount of \$569,000. **OF 1374**

24. Approve Engineering Contract Addendum with NCI Engineering Co. for the Lift Station and Wastewater Treatment Plan Rehab Projects in an amount not to exceed \$137,870. **OF 1374.5**
25. Approve final payments to Treasure State Roofing and the State Miscellaneous Tax Division for the Wastewater Treatment Re-Roof Projects in the amount of \$8,434.75. **OF 1457.4**

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, 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, pointed out a clerical error in the roll call of the minutes of July 21, 2009, in that the Library Director was present.

Mike Witsoe, 2612 1st Avenue South, wondered why Items 20 and 21 were being postponed. Public Works Director Jim Rearden explained that the funds have been approved in Washington, D.C., but we are awaiting state approval.

Motion carried 4-0.

BOARDS & COMMISSIONS

Final Amended Plat of Lot 3, Twilite Theater Tracts and accompanying Development Agreement. Approved.

26. **FINAL AMENDED PLAT OF LOT 3, TWILITE THEATER TRACTS AND ACCOMPANYING DEVELOPMENT AGREEMENT.**

Interim Planning Director Bill Walters reported that on July 7, 2009, the City Commission conditionally approved the Preliminary Amended Plat of Lot 3, Twilite Theater Tracts, an eight lot subdivision of a 7.5 acre parcel formerly occupied by the Twilite Outdoor Theater along Smelter Avenue NE. The involved property is presently zoned C-2 General Commercial district wherein commercial development has occurred on three of the proposed lots with five lots remaining to be developed.

On July 14, 2009, the Planning Board passed a motion recommending the City Commission approve the Final Amended Plat and accompanying Development Agreement.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission approve the Final Amended Plat of Lot 3, Twilite Theater Tracts and accompanying Development Agreement.

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.

27. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

28. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

PETITIONS AND COMMUNICATIONS

29. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

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

SME.

29A. Neil Taylor, 3417 4th Avenue South, commented that Executive Director Coleen Balzarini told the ECP Board members at the last meeting that SME Electric G&T had received a favorable bond rating. It was reported in the *Tribune* that John Rosenbaum essentially said the same thing. Mr. Taylor stated that he did a Fitch Rating search on the internet and it has no record of SME ratings. He asked if staff or the Commissioners could back up what has been publicly stated. Fiscal Services Director Coleen Balzarini responded that all she can tell him is that the information was conveyed when there were financial investors in attendance. She doesn't know why Fitch doesn't have it listed. It could have been from a number of other rating agencies. Mr. Taylor stated that Fitch Ratings is a clearinghouse for all the rating agencies. He recommended that staff and the Commissioners look into that to back up what has been told.

ECP.

29B. Kathy Gessaman, 1006 36th Avenue NE, inquired when the ECP consultants would be speaking to the public. Assistant City Manager Cheryl Patton responded that the press release went out today. The meeting will be at 7:00 p.m. on August 11, 2009, in the Gibson Room.

Animal Shelter.

29C. Donna Zook, 2718 Carmel Drive, commented that while campaigning, she has been asked about the status of the Animal Shelter. Assistant City Manager Cheryl Patton responded that City staff and the members of the planning committee for the Animal Foundation have been meeting regularly. They are working out agreements that will be brought back to the City Commission. Ms. Zook commented that she heard rumors that breaking ground on the Animal Shelter is scheduled for this autumn.

Ms. Patton responded that she believes that was the timeline the Foundation was planning. She hasn't heard any updates from the Foundation.

Proper Recycling.

29D. John Hubbard, 615 7th Avenue South, commented that he wanted to clarify that he wasn't against Steel Etc., or scrap yards, he was just saying keep it clean.

City Budget.

29E. Ron Gessaman, 1006 36th Avenue NE, discussed the budget that was passed several weeks ago. Mr. Gessaman believes it to be an unsustainable budget. He discussed revenues, expenditures and reserve numbers for: Fund 217 – Lighting District, Street District, Park & Recreation - Special Revenue, Portage Meadows, Community Development and Fund 281 – Permits. He also pointed out that various reports show that the operating cash flow in the general fund is down to 12%, and it should be at 17%.

CITY COMMISSION

30. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Beecher requested that staff prepare a brief description and response to the figures discussed by Mr. Gessaman's figures. He believes it to be a good, balanced budget. In response to a couple of points made at the last meeting regarding how ECP is reporting its activities, Commissioner Beecher again challenged those individuals to discuss those points with the City's auditors at the JCCS firm. He also commented that in the initial audit meeting last week, ECP was again designated for special emphasis and review by the auditors. In response to accusations that the Fiscal Services Director lied, Commissioner Beecher reported that, in reviewing the tapes that were being discussed by the individual making those allegations, those allegations are absolutely not true. He stated that there is a printout available at the City Clerk's Office that categorizes each point that was falsely made. Commissioner Beecher concluded that his nephew and family recently visited from San Diego. They attended the Children's Museum and could not speak highly enough of the activities and content in that facility. He expressed kudos to those individuals involved in the development and maintenance of the Museum.

Commissioner Rosenbaum thanked Shumaker Contractors, Joe Aline, Gene Shumaker and Bill Tamietti, and the Public Works and Engineering Departments for the fine job on the recently completed overpass, new bridge and landscaping. It is a credit to our community, and great addition to the trail.

Commissioner Jolley commented that she believed Mr. Gessaman was actively reading from the budget. She thinks he had the same reaction that she did reading it the first time. The City does spend from the reserves. There are enterprise funds that are barely adequate, which was the term used in evaluating five year financial trends. She commented that "it takes very

tough decisions to spend within our means” and she thinks the Commission is trying to get to that. There is no doubt to her that Electric City Power has lost many millions of dollars.

Mayor Pro Tempore Bronson acknowledged the services performed by Veolia Water North America. Veolia is under contract with the City of Great Falls to operate the Wastewater Treatment Plant. Veolia recently paid for two hours for the families of the 341st and Red Horse Squadron to enjoy the Electric City Water Park. He believes Veolia deserves special credit for doing something for these folks. It is also a reminder to all of us that we oftentimes acknowledge the people that are in the service to our country overseas, but we forget that they have families here at home that need our support as well.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the regular meeting of August 4, 2009, be adjourned at 8:53 p.m.**

Motion carried 4-0.

Mayor Pro Tempore Bronson

City Clerk

Minutes Approved: August 18, 2009



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

PRESENTED BY: Fiscal Services Director

ACTION REQUESTED: Approval with Consent Agenda

ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:

MASTER ACCOUNT CHECK RUN FOR JULY 30 TO AUGUST 5, 2009	656,935.42
MASTER ACCOUNT CHECK RUN FOR AUGUST 6 TO AUGUST 12, 2009	644,266.79
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JULY 24 TO JULY 31, 2009	61,294.00
WIRE TRANSFERS FROM JULY 29 TO AUGUST 5, 2009	133,956.08
WIRE TRANSFERS FROM AUGUST 6 TO AUGUST 12, 2009	<u>1,892,844.43</u>
TOTAL: \$	<u><u>3,389,296.72</u></u>

GENERAL FUND

FIRE

HEIMAN FIRE EQUIPMENT INC	BUNKER COATS & PANTS, 4 EACH	7,543.00
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SPECIAL REVENUE FUND

CTEP PROJECT

LIGGETT CONSTRUCTION	PMT #1 CONSTRUCTION OF 5TH ST SOUTH STREETSCAPE	97,047.42
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POLICE SPECIAL REVENUE

SOUND INVESTMENTS	INTERWRITE MOBI LEARNING PADS	11,674.00
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STREET DISTRICT

FLINT TRADING INC	PAVEMENT MARKING SUPPLIES	7,474.10
GREAT FALLS REDI-MIX INC	CITY ASPHALT	109,837.85
RIVER CITY CONCRETE	PMT #1 VALLEY GUTTERS & HANDICAP RAMPS 9TH STREET NW	24,475.11

LIBRARY

SIRSI	ANNUAL SOFTWARE MAINTENANCE FOR SIRSI JULY 1, 2009- JUNE 30, 2010	25,354.06
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FEDERAL BLOCK GRANTS

H J GILCHRIST COMPANY	PROGRESS DRAW 1013 10TH AVE SW	10,000.00
UNITED ELECTRIC LLC	PMT #2 COMMUNITY REC CENTER EXTERIOR ELECTRIC WORK	8,142.75
GIBNEY AND SONS PLUMBING CO	WATER SERVICE CONCRETE REMOVAL AND REPLACEMENT 811 8TH ST S	6,100.00

SPECIAL REVENUE FUND CONTINUED

ECONOMIC REVOLVING

VEOLIA WATER NORTH AMERICA	PRINCIPAL BALANCE TO PAY OFF NOTE PROCEEDS FROM SALE OF MED TECH PARK PROPERTY	129,110.25
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WEST BANK URBAN RENEWAL

DORSEY & WHITNEY	LEGAL SERVICES FOR BONDS WEST BANK URBAN RENEWAL	40,000.00
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DEBT SERVICE

TAX INCREMENT BOND

US BANK NA	TAX INCREMENT URBAN RENEWAL REVENUE BOND PARITY SERIES 1998A	133,055.00
US BANK NA	TAX INCREMENT URBAN RENEWAL BOND SUBORDINATE SERIES 1998B	102,525.00
US BANK NA	TAX INCREMENT URBAN RENEWAL REVENUE REFUNDING BOND SERIES 2002	889,218.75

ENTERPRISE FUNDS

WATER

UNITED MATERIALS	PMT #3 1ST AVE N & 5TH AVE S WATER MAIN REPLACEMENT	215,273.92
DANA KEPNER CO-BILLINGS	450-3/4" ECR/DM & 75-1" ECR/DM METERS	70,800.00
DANA KEPNER CO-BILLINGS	50-3/4" PMM & 25-1" PMM METERS	10,025.00

SEWER

TREASURE STATE ROOFING LLC	FINAL PAY WWTP ROOF REPLACEMENT	8,350.40
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ELECTRIC

SOUTHERN	PMT OF ENERGY SUPPLY EXPENSE JULY 09	650,000.00
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SWIM POOLS

AMERICAN LOCKER SECURITY	NEIGHBORHOOD POOLS NEW LOCKERS	8,114.95
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CIVIC CENTER EVENTS

GTF COMMUNITY CONCERT ASSOC.	2009-2010 SEASON INTERIM CASH OUT	47,198.65
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INTERNAL SERVICES FUND

HEALTH & BENEFITS

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS JULY 21 TO 27, 2009	63,266.80
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS JULY 28-AUG 3, 2009	69,178.78
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS AUGUST 4 TO 10, 2009	106,824.94

INSURANCE & SAFETY

MONTANA MUNICIPAL INS AUTHORITY	GEN LIAB INS RECOVERIES JULY 2009	17,216.33
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INTERNAL SERVICES FUND CONTINUED

INFORMATION TECHNOLOGY

INNOPRISE MAINTENANCE JULY 1, 2009-JUNE 30, 2010 45,000.00

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP FUEL 18,429.57

MOUNTAIN VIEW CO-OP FUEL 20,745.20

CC FACILITY SERVICES

CTA ARCHITECTS ENGINEERS PROFESSIONAL SERVICES JULY 1-31 2009 12,059.02
OFFICE FILE #1525.1

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS FINES & FORFEITURES COLLECTIONS 45,231.00

CASCADE COUNTY TREASURER FINES & FORFEITURES COLLECTIONS 9,411.00

VICTIM WITNESS ASSISTANCE SERV FINES & FORFEITURES SURCHARGES 5,087.00

UTILITY BILLS

NORTHWESTERN ENERGY JUNE 2009 CHARGES 25,875.92

ENERGY WEST JULY 2009 CHARGES 22,444.32

CLAIMS OVER \$5000 TOTAL: \$ 3,072,090.09

COMMUNICATION TO THE CITY COMMISSION

DATE: August 18, 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: Lucy Hallett, Acting 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	M&F Finishing	Summer 2009	Street Maintenance	\$12,485	Valley Gutter, 420 42 nd Street North (O.F. 1579.0)
B	Public Works	Royal Harpine Construction	Summer 2009	Street Maintenance	\$8,654.71	404 27 th Ave. NE Curb, Sidewalk, Driveway (O.F. 1579.1)
C	Community Development	Kairos Youth Services	July 1, 2009 – June 30, 2010	272	\$6,000	Replace Windows in Youth Facility
D	Community Development	Area VIII Agency on Aging (Cascade County)	July 1, 2009 – June 30, 2010	272	\$25,000	Purchase food for Meals on Wheels program
E	Community Development	Boys & Girls Club of Cascade County	July 1, 2009 – June 30, 2010	272	\$31,483	Scholarships for summer Youth Programs
F	Community Development	Center for Mental Health	July 1, 2009 – June 30, 2010	274	\$59,203	Rehabilitation B Wing Center West

G	Community Development	Center for Mental Health	July 1, 2009 – June 30, 2010	272-R Stimulus	\$61,000	Repair roofs of the 3 Center West buildings
H	Community Development	Public Works	July 1, 2009 – June 30, 2010	272-R Stimulus	\$100,000 \$87,881	Handicap Ramps Sidewalk Replacement
I	Community Development	Whittier Parent Teacher Association	July 1, 2009 – June 30, 2010	272	\$36,600	Handicap Accessible Playground
J	Library	SirsiDynix	July 1, 2009 – June 30, 2010	251-6111-561-3516	\$25,354.06	One year maintenance agreement for the Library's main computer software (renewed yearly)
K	City Manager	Burns & McDonnell Engineering Company, Inc.	July, 2009	100-1499-512-3599	An amount not to exceed \$59,660	Perform a comprehensive review of Electric City Power and offer recommendations regarding its future operations. OF 1472



Item: Set Public Hearing for 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 set public hearing date for Resolution 9849 to levy special assessments on Special Improvement Lighting District – City-Owned Residential Lighting No. 1303

Suggested Motion:

1. Commissioner moves:

“I move the City Commission set a public hearing date on Resolution 9849 for September 15, 2009 at 7:00 p.m. to levy special assessments on properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1303.”

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

Staff Recommendation: Staff recommends the City Commission set a public hearing date for September 15, 2009.

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 not set the public hearing and thereby deny the adoption of 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: SLD-1303 Boundary Map
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
						0	0	0	0

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 Lot Size Average
 9,276 Annual Maintenance
 \$155.68

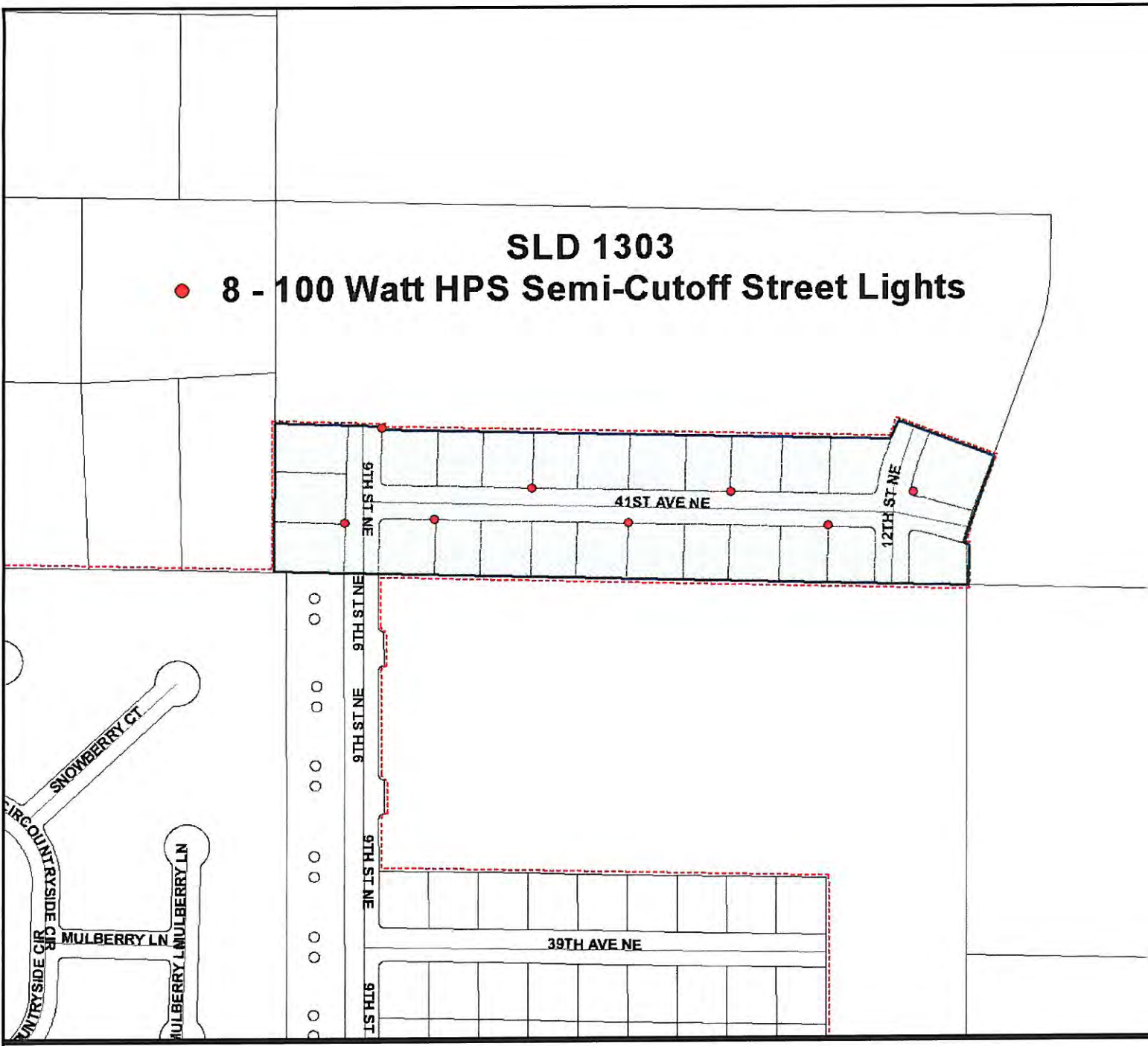
(address columns F & G)


	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



SLD 1303

● 8 - 100 Watt HPS Semi-Cutoff Street Lights



-  City Limit
-  Streets
-  FULLNAME Labels
-  Airport
-  Parcels
-  Water Features



Special Lighting District - City-Owned Residential Lighting No. 1303

1 in. = 253.4 feet





Item: Set Public Hearing for 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 set public hearing date for Resolution 9850 to levy special assessments on Special Improvement Lighting District – City-Owned Residential Lighting No. 1305

Suggested Motion:

1. Commissioner moves:

“I move the City Commission set a public hearing date on Resolution 9850 for September 15, 2009 at 7:00 p.m. to levy special assessments on properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1305.”

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

Staff Recommendation: Staff recommends the City Commission set a public hearing date for September 15, 2009.

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.

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 SLD-1305, which is the basis for projecting future earnings and expenditures. The 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: 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.

The anticipated assessment amount for SLD-1305 for Fiscal Year 2010 is the amount projected through the creation and Budget development process. The charges are based on actual billings for the district and adjustments for cash balances, if necessary.

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 not set the public hearing and thereby deny the adoption of 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: SLD-1305 Boundary Map
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

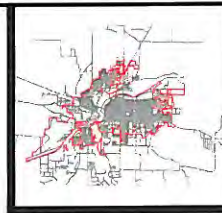
1305

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

Annual Cost per Square Foot: 0.012463

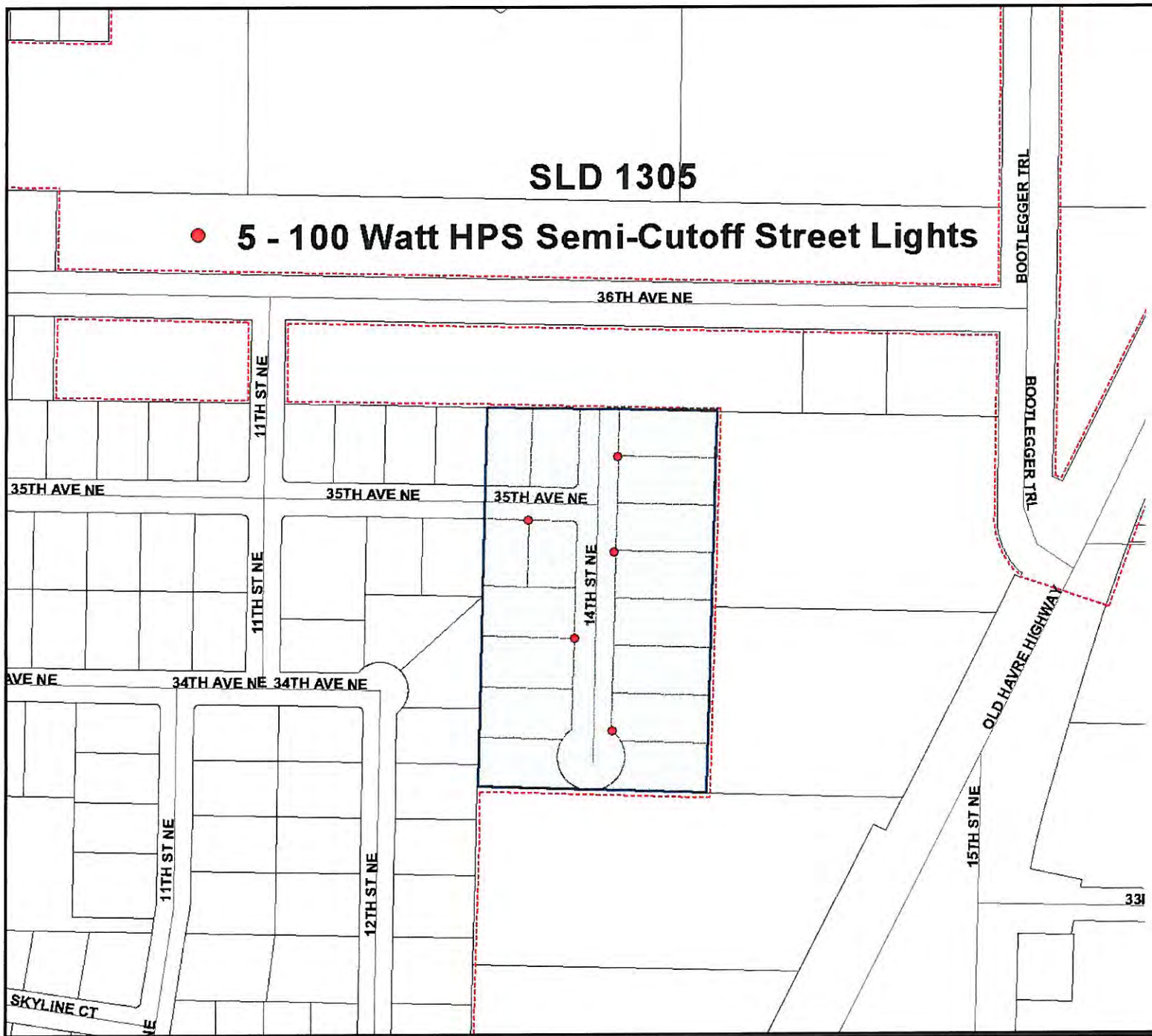
(address columns F & G) **Average Lot Size** 13,541 **Average Annual Maintenance** \$77.91

	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



SLD 1305

● 5 - 100 Watt HPS Semi-Cutoff Street Lights



- City Limit
- Streets
- FULLNAME Labels
- Airport
- Parcels
- Water Features



Special Lighting District - City-Owned Residential Lighting No. 1305

1 in. = 253.4 feet





Item: Set Public Hearing for 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 set public hearing date for Resolution 9851 to levy and assess properties within Special Improvement Lighting Districts

Suggested Motion:

1. Commissioner moves:

“I move the City Commission set a public hearing date on Resolution 9851 for September 15, 2009 at 7:00 p.m. to levy and assess properties within Special Improvement Lighting Districts.”

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

Staff Recommendation: Staff recommends the City Commission set a public hearing date for September 15, 2009.

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 not set the public hearing and thereby 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: SLD’s Boundary Map
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:

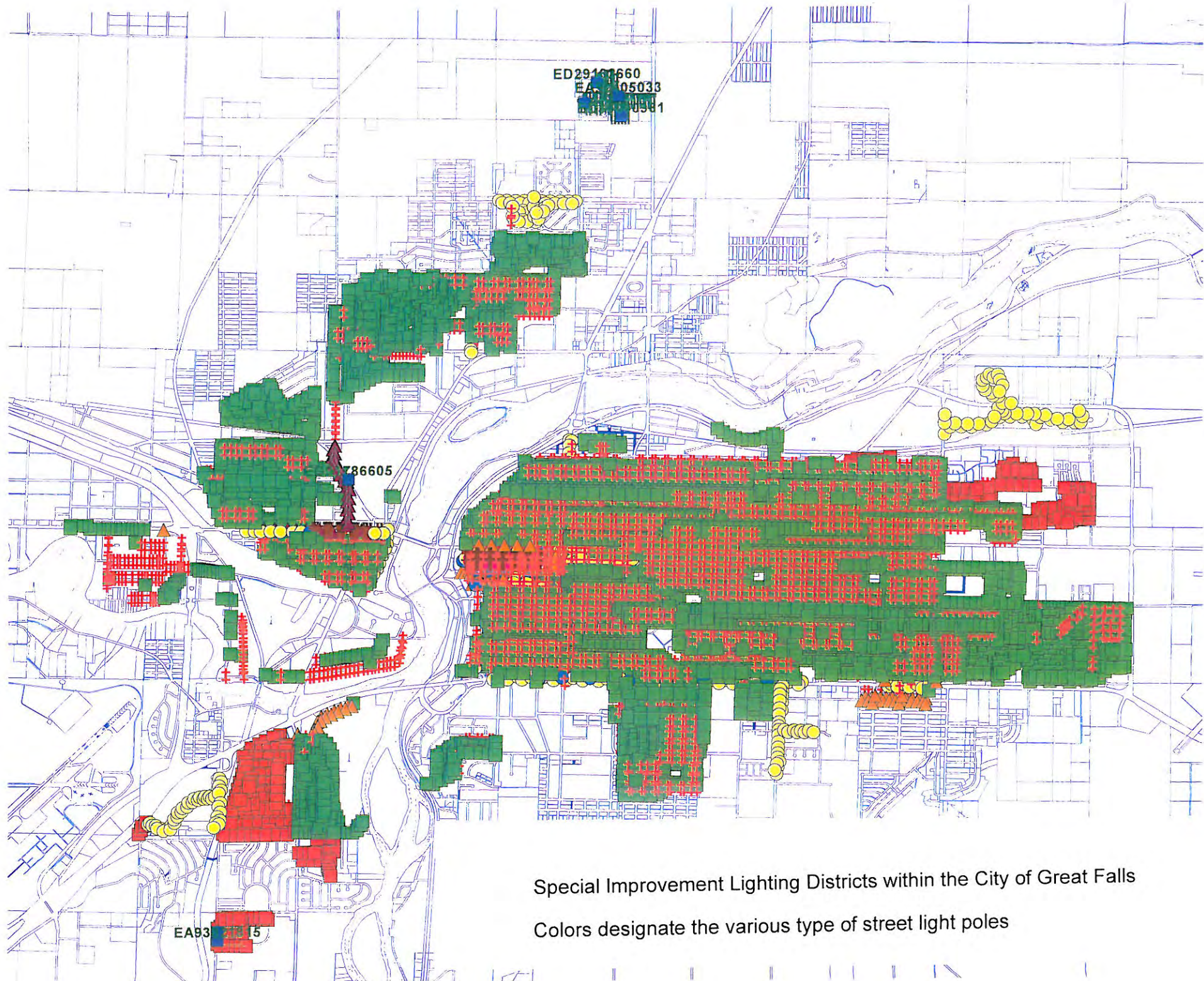
Lisa Kunz, City Clerk

(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



Special Improvement Lighting Districts within the City of Great Falls

Colors designate the various type of street light poles



Item: Set Public Hearing for Resolution 9860 to Levy and Assess Properties for Unpaid Utility Services

From: Martha Capps, Operations Supervisor

Initiated By: Annual Assessment Process

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: City Commission set public hearing date for Resolution 9860 to levy and assess properties for unpaid utility services

Suggested Motion:

1. Commissioner moves:

“I move the City Commission set a public hearing date on Resolution 9860 for September 1, 2009 at 7:00 p.m. to levy and assess properties for unpaid utility services.”

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

Staff Recommendation: Staff recommends the City Commission set a public hearing date for September 1, 2009.

Background: Sections 7-12-4611 and 4612, Section 7-13-128, Section 7-13-4309, M.C.A., and City of Great Falls Municipal Codes 8.32.332 and 13.26.060 authorize the City Commission to assess lienable charges against a property to which utility services were furnished and for which payment is delinquent. Properties in the City of Great Falls which had utility services provided to them prior to June 30, 2009, but remain unpaid, are subject to the City’s right to tax the property for the amount owed. The Fiscal Services Department reviews the accounts annually and notifies property owners of the delinquent charges and the right to tax the property. The legal owners of the properties, as listed on Exhibit A of the Resolution, were last notified in a letter dated July 2, 2009 that unless these charges were paid within 30 days, they would be levied as a tax against the lot or parcel. These properties also receive the normal monthly billing statements. A final letter stating the date and time of the Public Hearing will be sent to the Owners of the property remaining unpaid on August 19, 2009. This tax will appear on the property tax bill received from Cascade County.

Concurrences: Public Works is responsible for the operation of the Utility System. Fiscal Services Staff are responsible for billing and collecting the revenues necessary to carry out the

operations. Payments made prior to the public hearing date will be applied accordingly to avoid the assessment on the taxes.

Fiscal Impact: Adoption of Resolution 9860 will allow the City to collect delinquent utility service charges in the amount of \$15,631.51.

Alternatives: The City Commission could choose to not set the public hearing and thereby deny the adoption of Resolution 9860; however, the reduction in services to the community could be hazardous to the safety and welfare of the general public.

Attachments/Exhibits: Resolution 9860

RESOLUTION 9860

A RESOLUTION TO LEVY AND ASSESS PROPERTIES FOR UNPAID UTILITY SERVICES IN THE CITY OF GREAT FALLS, MONTANA.

WHEREAS:

A. The properties listed on the attached Exhibit A were issued a notice of delinquent amounts; and

B. After due notice and review, the accounts have not been paid and are outstanding to the City.

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

1. The costs of said charges are hereby assessed upon the aforementioned properties in accordance with Montana Code Annotated Sections 7-12-4611, 4612, Sections 7-13-128, and Section 7-13-4309, and City of Great Falls Municipal Code 8.32.332 and 13.26.060.

2. The description of each lot or parcel of land which is hereby levied upon and assessed, with the name of the owner, the amount of each assessment to be made, is as set out in the assessment list, attached as Exhibit A, which said list is incorporated herein and made a part of this resolution by reference;

PASSED by the Commission of the City of Great Falls, Montana, on this 1st day of September, 2009.

Dona R. Stebbins, Mayor

Attest:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: 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 the foregoing Resolution 9860 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 1st day of September, 2009, and approved by the Mayor of said City on the 1st day of September, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 1st day of September, 2009.

Lisa Kunz, City Clerk

(SEAL OF CITY)

**RESOLUTION 9860 - EXHIBIT A
TO LEVY AND ASSESS PROPERTIES FOR UNPAID UTILITY SERVICES**

REVISED 8/19/09 w/ payments received

PROPERTY OWNER	PARCEL	LOT	BLOCK	SUB	ADD1	ADD 2	BALANCE
AZURE ROBERT L & MEDORA S	5400	10	80	GFO	719	8TH AVE N	53.81
LLOYD JACQUELINE S ETAL	25050	1	114	GF4	2200	8TH AVE N	258.41
2217 7TH AVE N FAMILY LAND TRUST	25650	10	114	GF4	2217	7TH AVE N	116.48
2217 7TH AVE N FAMILY LAND TRUST	25650	10	114	GF4	2219	7TH AVE N	145.53
COLLINS JANIS C	37850	9	128	GFO	821	7TH AVE N	33.87
FRATES LARRY E	41200	9	133	GFO	521	6TH AVE N	153.20
REAL ESTATE INVESTMENTS LLC	48650	1B	142	GF1	617	14TH ST N	94.81
PHILYAW PERRY M & SUSAN	53800	12	148	GF4	2009	6TH AVE N	360.48
FRATES LARRY	65550	2	170	GF4	2104	6TH AVE N	192.53
MCDUNN RICHARD & RAMONA	74650	8	181	GF1	1027	5TH AVE N	1,218.99
MCGEE CHAD & BROOKE	76850	5	184	GFO	716	6TH AVE N	80.43
FRATES LARRY E	78650	7	186	GFO	516	6TH ST N	86.11
FRATES LARRY E	78650	7	186	GFO	512	6TH ST N	135.27
WELLS FARGO BANK NA	79800	11	187	GFO	415	5TH AVE N	62.43
HELD SCOTT C & BRENDA L	84150	12	195	GFO	811	4TH AVE N	29.74
WELLS FARGO BANK	114550	7	240	GF1	312	11TH ST N	382.55
FRATES LARRY E	151200	1	297	GF3	113	15TH ST N	42.75
FRATES LARRY E	151200	1	297	GF3	115	15TH ST N	42.75
CENTER STAGE CORPORATION	159700	12	312	GFO	111	CENTRAL AVE	479.13
CARTER DANIEL D	195000	3	373	GFO	608	1ST AVE S	672.16
MAX MEDIA OF MONTANA LLC	195600	14	373	GFO	123	6TH ST S	97.00
FEDERAL HOME LOAN MORTGAGE CORPORATIO	205500	5	387	GF4	2016	1ST AVE S	300.42
HUBBARD MITCH	238900	5	451	GFO	416	4TH AVE S	261.35
PAUL JOHN P ETAL	239600	6	452	GFO	400	4TH ST S	441.24
HEAVYRUNNER DEWEY	241450	13	455	GFO	305	6TH AVE S	479.80
SALES COURTNEY L	251450	11	471	GFO	817	7TH AVE S	400.99
MOORE NEIL DION	256850	7	480	GFO	324	7TH AVE S	325.52
YANNONE RETA	267600	3	496	GFO	810	8TH AVE S	413.02

JENKS HILMA E ETAL	270700	2	500	GFO	404	8TH AVE S	31.02
HEPPNER RUDOLPH C	288750	10	558	GF6	711	4TH AVE SW	882.29
HOLM MICHAEL D & BONNIE F	325800	13	755	GF10	1405	7TH AVE S	243.56
HELDT RITA F	373800	5	12	BEF	2716	1ST AVE S	203.53
TAYLOR JASON & LORI	380900	14	18	BEF	219	28TH ST S	247.62
SECRETARY OF VETERANS AFFAIRS	404300	11	46	BEF	2613	9TH AVE S	37.62
HIGHTOWER WILLIAM D	429856	3	23	BEP	2708	JASPER RD	335.61
GUILL TERRY L & HELEN S	441100	3	6	BO1	1640	7TH AVE NW	256.26
KUGLIN LINDA L	478100	11	13	BOS	3713	4TH AVE N	65.35
STOUT THOMAS R & NELLIE	518400	3	46	BOS	3708	1ST AVE S	215.61
AZURE MEDORA S & ROBERT L	717000	4A		CRU	1017	1ST AVE NW	111.75
KATZENBERGER LEWIS TRUST	786200	1	11	FAV	1600	11TH AVE S	686.62
SHERMAN DAVID A & PAMELA S	934500	19	12	GR1	2931	DELMAR DR	256.91
PROFESSIONAL BROKERS OF MT INC	972782	1	3	HE4	3301	3A ST NE	1,154.85
TEN YES INCORPORATED	1082900	1	1	MNT	1600	FOX FARM RD	715.98
SCHUG JOHN H & SYLVIA A	1322400	40	2	NIA	116	RIVERVIEW C	483.30
WELLS MICHAEL W	1335900	29	8	NIA	212	22ND AVE NW	313.56
DEROSA ANTHONY M & JOLENA A	1468400	27	14	NR6	758	33B AVE NE	393.03
GRAY TAMMY J & TIMOTHY W	1527500	16	1	SOA	3245	4TH AVE S	93.56
BURNETT TIFFANY	1806300	7	13	WGF	924	5TH AVE NW	271.40
BROWER STACEY L	1859600	19	2	WW3	119	15TH AVE NW	310.04
TYLER KEN D JR & MICHELLE M	2174800	5	1	PEA	115	SHARON DR	239.62
MABERRY DAVID LOREN & BOBBIE RAE	2177500	20	2	PEA	120	SHARON DR	239.62

OUTSTANDING BALANCE 15,149.48

ALTMAN JERALD W & PAMELA A	1747000	-19	-4	VV1	1203	10TH AVE NW	92.26
SCHAUERS CHAD ETAL	243500	-7	458	GFO	624	5TH AVE S	70.38
EGELINE MICHAEL S & KELLY A	114350	-3	240	GF1	1008	4TH AVE N	258.62
DOYLE WILLIAM J	3950	-12	-74	GF1	1109	9TH AVE N	60.77

PAYMENTS RECEIVED **482.03**



Item: Gibson Park Concessions Agreement

From: Park and Recreation

Prepared By: Patty Rearden, Deputy Park & Recreation Director

Presented By: Marty Basta, Park & Recreation Director

Action Requested: Approve Tropicool Isle's Concessions Agreement for Gibson Park

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/deny) the Gibson Park Concessions Agreement with Tropicool Isle and authorize the City Manager to execute the agreement.”

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

Staff Recommendation: Staff recommends that the City Commission approve the Gibson Park Concessions Agreement with Tropicool Isle.

Background: The City of Great Falls Park and Recreation Department requested proposals for a three (3) year concession agreement for a portable concession in Gibson.

Two proposals were received from Tropicool Isle and High Plains Concessions. A committee comprised of the Deputy Park & Recreation Director, the City Clerk and one member of the Park and Recreation Advisory Board reviewed the proposals and scored them. The proposals were evaluated on the following criteria: 1) Basic Qualifications including concessions and business experience, and portable concessions and equipment; 2) Proposal Approach including customer service philosophy, compliance with requirements, innovative offerings, services offered, proposed menu, and proposed months and hours of operation, and 3) Bid.

The recommended proposal was selected primarily based on the menu, hours/days of operation and the financial proposal. Both proposers had good qualifications and adequate concessions trailer and equipment. The attached proposal for Tropicool Isle outlines proposed menu and hours of operation. The bid includes the following:

2009 Season: 15% of gross sales or \$400 per month, whichever is greater.

2010 Season: 16% of gross sales or \$500 per month, whichever is greater.

2011 Season: 17% of gross sales or \$600 per month, whichever is greater.

To meet City requirements, water and sewer hookups were installed near the restaurant/rest room building in Gibson Park, at a cost of \$2,950, to accommodate a portable concession. Tropicool Isle will provide a much needed service for snacks, food, and beverages, which is no longer being provided in the Park due to the closure of the Park & Ponder restaurant.

Concurrences: The Park & Recreation Advisory Board recommended approval of the Tropicool Isle Agreement by the City Commission at their regular meeting on August 10, 2009. The agreement was reviewed by the City's Risk Manager and the Acting City Attorney.

Fiscal Impact: Revenue generated will reimburse the Park Trust Fund for the costs of installing the water and sewer to accommodate a concession in Gibson Park, and then will generate revenue for the Trust.

Alternatives: Award the contract to High Plains Concessions or deny both proposals and continue with no food and beverage service in Gibson Park.

Attachments/Exhibits: Tropicool Isle Concessions Agreement

**CITY OF GREAT FALLS
CONCESSION PRIVILEGE**

c/o Park & Recreation
P.O. Box 5021, Great Falls, MT 59403
Phone: (406) 771-1265

THIS AGREEMENT, made and entered into this _____ day of _____, 2009, by and between CITY OF GREAT FALLS, Party of the First Part, and, TROPICOOOL ISLE, c/o Michael Mader, 2223 5th Ave. S.W., Great Falls, MT 59404, 406-727-8730 (home), 406-750-8675 (cell), Party of the Second Part, witnesseth:

THAT WHEREAS, the Party of the Second Part desires from First Part certain rights and privileges and to lease from said Party of the First Part, certain space for conducting said rights and privileges, upon and within Gibson Park, Great Falls, Montana during the 2009, 2010, and 2011 seasons,

NOW, THEREFORE, for and in consideration of the covenants and agreements herein recited, IT IS AGREED by and between the Parties hereto that the Party of the First Part has granted and let unto the Party of the Second Part the following rights and privileges to be conducted upon the following described premises which are leased and let by First Part to Second Part for such purposes only:

- 1) Space adjacent to the Park & Ponder Building to conduct a food and beverage concession operation at Gibson Park. Water, sewer and power to be provided.
- 2) Sale of menu items as per attached proposal.
- 3) Hours of operation as per attached proposal.

Second Party agrees to pay to First Party as reasonable compensation therefore:

2009 Season: \$400 per month against 15% of gross sales, whichever is greater
2010 Season: \$500 per month against 16% of gross sales, whichever is greater
2011 Season: \$600 per month against 17% of gross sales, whichever is greater

And to perform all of the following covenants and agreements:

1. Payment to be made to the First Party for said privilege in the following manner: Payments for the 1st – 30th (31st) of each month due by the 10th day of the following month at the Park & Recreation Office. Second Party agrees to allow City of Great Falls staff on premises to audit sales records.
2. This contract or the privileges granted herein, or any part thereof, cannot be assigned, sublet or otherwise disposed of without written consent of First Party. NO SUB-LEASING ALLOWED. This agreement shall be made in the names of all persons who have an interest therein, or who are to receive any benefit or incur any liability in connection therewith. First Party reserves the right to cancel at any time for reasons satisfactory to it, any signed contract.
3. All concession stands used under the terms of this lease must meet specifications and approval of First Party. Any and all electrical, water, gas or other utility requirements (other than what is initially provided) are the sole responsibility of Second Party and upon approval of First Party, any such installations must be done by a bona fide electrician or plumber.
4. Any representative of First Party shall have access to said premises at all times.
5. First Party reserves the right to authorize the letting of only such privileges or concessions as are deemed necessary to supply the wants of park patrons, or that may add to their comfort, convenience and pleasure. **ONLY PRODUCTS LISTED ON THIS AGREEMENT MAY BE SOLD**, unless approved in writing by First Party. The privilege hereby granted will be conducted according to the rules and regulations of City of Great Falls, and of the laws of the State of Montana, and without infringement upon the rights of others, nor shall Second Party engage in any other business whatsoever upon and within said premises, except that which is herein expressly stipulated and contracted for, and will confine said transactions to the space and privilege provided herein. No walking privilege will be granted. First Party will use every precaution to guard against extortion in any form, and should any practice be designated as extortion by First Party, it shall result in cancellation of contract, expulsion from the park and forfeiture of any monies paid or payable, as per discretion of First Party.
6. The violation of any of the terms and agreements hereof shall, at the election of First Party, cause the whole amount of this contract to become due and work an immediate revocation and forfeiture of all rights and privileges herein granted to said Second Party, and in the event of such breach by said Second Party, and such election by First Party, any and all sums paid or contracted to be paid under this contract to First Party shall be and become the property of First Party as liquidated damages for said breach.
7. Give to First Party a lien upon all property being kept, used or situated upon said leased premises for the use of First Party to satisfy all its claims of whatsoever nature against Second Party.

8. First Party shall not be held responsible for any salaries or expenses of any employee of Second Party, nor any debt incurred by Second Party in the fulfillment of this contract, nor for any article or person belonging to or employed by Second Party while in Gibson Park, in preparation therefor or removal therefrom. Second Party agrees to indemnify and save harmless First Party, its officers, agents and employees from any and all claims, demands, causes of action and suits or costs, including attorney fees, resulting from any damage, death, injury or loss to any person or persons, including all persons to who Second Party may be liable under any Workmen's Compensation law, and including any and all expense, damage or loss sustained by Second Party because of any incident arising out of or in connection with this Agreement or the exercise by Second Party of the privileges and rights herein granted.
9. Second Party shall secure all necessary City, County and State licenses or permits, and agrees to pay any and all taxes or assessments of whatsoever name or nature to fulfill this Agreement. Second Party shall fully comply with all federal, state and local ordinances, rules and regulations pertaining thereto.
10. Second Party shall post in a conspicuous manner at the front or entrance to said place of business, a sign showing the price to be charged for all items to be sold under this agreement; the size of said sign, manner and place of posting to be approved by First Party prior to installation.
11. Second Party must keep their assigned location in sanitary condition by: (a) disposing of all refuse in the garbage receptacles provided, (b) police the area immediately surrounding said location for any rubbish or fluids, and (c) be responsible for the neat and clean attire and appearance of any employees of said Second Party.
12. Concessionaire shall indemnify and save the City harmless from and against any loss, damage, or liability occasioned by, growing out of, or arising or resulting from any default hereunder, or any tortuous or negligent act on the part of the Concessionaire or it's agents or employees; and for Concessionaire or it's agents or employees; and for such purpose the Concessionaire shall procure and maintain in full force and effect during the terms of this agreement, liability insurance, including product liability, in a reliable company or companies with a minimum policy limit of \$1,000,000 single limit per occurrence; \$2,000,000 aggregate property damage each occurrence; and naming the City of Great Falls as an additional insured party on the policy to be evidenced by a certificate of insurance presented to the City of Great Falls prior to commencement of operation in each year. Concessionaire shall also provide the City of Great Falls proof of Workers' Compensation Insurance with statutory limits. Concessionaire is responsible for insuring all personal property.
13. Second Party agrees to be continually open for business as per attached proposal.
14. The City shall have the right and privilege of canceling and terminating this lease upon giving to Concessionaire sixty (60) days notice in writing of its intention so to cancel and terminate this lease.
15. Prior to the expiration of the term of this contract, Concessionaire shall remove all property and goods from the Gibson Park premises within thirty (30) days of the expiration date. In the event of termination for other cause, the Concessionaire shall have thirty (30) days to complete removal of its property and goods from the premises. The City may treat any property upon the premises after the expiration of this contract, or period for removal of Concessionaires' property, as abandoned by Concessionaire, and may make any disposition of such property as the City deems fitting.
15. In case of dispute, the decision of City of Great Falls management shall be final.

IN WITNESS WHEREOF, the Parties hereto have caused these presents to be executed at Great Falls, Montana, the day and year first above written.

CITY OF GREAT FALLS

REVIEWED FOR LEGAL CONTENT

Cheryl Patton, Acting City Manager

Chad Parker, Acting City Attorney

ATTEST:

(Seal of the City)

Lisa Kunz, City Clerk

TROPICOOOL ISLE

Michael Mader, Owner

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

On this ____ day of _____, 2009, before me, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(NOTARIAL SEAL)

Notary Public for the State of Montana
Printed Name: _____
Residing at Great Falls, Montana
My Commission Expires: _____



Item: Final Payment for Mitchell, Jaycee and Water Tower Pool Rehabilitation

Initiated By: Park & Recreation Department

Prepared By: Patty Rearden, Deputy Park & Recreation Director

Presented By: Marty Basta, Park & Recreation Director

Action Requested: Approve final payment to Membrane Concepts, LLC and the State Miscellaneous Tax Division for the Mitchell, Jaycee and Water Tower Pools Rehabilitation, O.F. 1501.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission approve final payment of \$7,149.28 to Membrane Concepts, LLC and \$72.22 to the State Miscellaneous Tax Division for the Mitchell, Jaycee and Water Tower Pools Rehabilitation, O.F. 1501, and authorize the City Manager to execute the necessary documents and make the payments.”

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

Staff Recommendation:

Staff recommends approval of final payment to Membrane Concepts, LLC and the State Miscellaneous Tax Division for the Mitchell, Jaycee and Water Tower Pools Rehabilitation, O.F. 1501.

Background:

The community swimming pools were built and/or renovated in the 1960s. The pools systems and infrastructures deteriorated over time and the City was faced with significant capital and maintenance issues. The “rehabilitation project” was estimated to cost just under \$2.3 million.

A General Obligation Bond in the amount of \$2,270,000 for a ten-year term was placed on the November 7, 2006 ballot. The General Obligation Bond passed with 15,158 voting to approve the bonds and 5,648 voting against approval.

The decision was also made to pursue funding and construction of spray parks/splash decks for the community. It was determined that the best locations for the spray parks were Jaycee and Water Tower Pools, creating a complex and expanded entertainment for the community. Although funding is different for the two projects, for efficiency and cost savings, both projects were bid together and were constructed at the same time.

Concurrences:

Final numbers provided by Brian Milne, Interstate Engineering were reviewed and approved by Jason Handl, City Engineers Office.

Fiscal Impact:

The \$2,270,000 bond issue was approved by voters on November 7, 2006 to rehabilitate the Mitchell, Jaycee and Water Tower Pools.

Alternatives:

Not approve final payments to Membrane Concepts and the State Miscellaneous Tax Division.

Attachments/Exhibits:

1. Claim and Pay Estimate #4, Final (Not available online; on file in City Clerk's Office.)



Item: Award Contract for Civic Center Partial Re-Roof, O.F. 1525.1
From: Community Development Department
Initiated By: Community Development Department
Presented By: Mike Rattray, Community Development Director
Action Requested: Consider Bids and Award Contract

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission award a contract in the amount of \$91,758.00 to Statewide Contracting dba ABC Roofing, for the Civic Center partial re-roof, O.F. 1525.1, and authorize the City Manager to execute the contract.”

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

Staff Recommendation: Staff recommends the City Commission approve contract award to Statewide Contracting dba ABC Roofing in the amount of \$91,758.00.

Background: The Missouri Room has been leaking causing damage and problems for renters of the facility. The south side, above the Commission Chambers, has been leaking also and in need of repair.

Significant Impacts: This project will correct the leaking problem above the Missouri Room and Commission Chambers thus less problems in the future.

Citizen Participation: Not applicable.

Workload Impacts: CTA Architects provided design, procurement assistance and project construction administration.

Purpose: The roof above the Missouri Room and Commission Chambers has been leaking for some time.

Project Work Scope: Re-roof north, south and marquee portion of the Civic Center existing gravel ballasted EPDM roof assembly. The new assembly to include tear-off of existing ballast and removal of existing EPDM, new single ply 60 mils membrane, EPDM, tape seam, ballasted, unit cost provided for tapered roof insulation replacement. Project includes all new transitions for parapet, equipment and roof drains.

Evaluation and Selection Process: Five bids were received and opened for this project on August 11, 2009. The bids ranged from \$91,758.00 to \$ 159,074.00. The architects estimate was \$119,936.00. Statewide Contracting dba ABC Roofing submitted the low bid and executed all the necessary bid documents.

Conclusion: City staff recommends awarding the re-roof contract to Statewide Contracting in the amount of \$91,758.00.

Concurrences: Not applicable.

Fiscal Impact: The attached bid tabulation summarizes bids that were received. This project will be funded through stimulus money and Civic Center Facilities fund.

Alternatives: The City Commission could vote to deny or approve award of the contract.

Attachments/Exhibits: Bid Tabulation is attached.



Item: Construction Contract Award: 5th Avenue South and 13th Avenue South Street Reconstructions, O.F. 1573.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Award Construction Contract

Suggested Motion:

1. Commissioner moves:

“I move the City Commission award a contract in the amount of \$178,180.00 to United Materials of Great Falls, Inc. for the 5th Avenue South and 13th Avenue South Street Reconstructions, O. F. 1573.1, and authorize the City Manager to execute the agreements.”

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

Staff Recommendation: Approve construction contract award.

Background:

Significant Impacts

This project will reconstruct the roads on 5th Avenue South from 5th Street to 6th Street and on 13th Avenue South from 12th Street to 13th Street.

Citizen Participation

Not Applicable

Workload Impacts

City engineering staff designed the project, and will perform construction inspection and contract administration duties.

Purpose

The roads in these areas have begun to deteriorate due to settlement and traffic load. This deterioration has caused the asphalt to rut and develop potholes that may become unsafe for driving and limit the ability of storm water to drain off the streets. This project will replace the existing road cross section and reinforce it with a geotextile fabric along with

a thicker base course. The new road section will better withstand traffic loads and help limit settlement caused by poor subbase conditions.

Project Work Scope

Approximately 3,100 square yards of asphalt will be removed and replaced along with 800 linear feet of curb and gutter. Geotextile fabric will be installed in the new road cross section under 12-inches of gravel road base. One concrete valley gutter will be installed with this project including two handicap ramp corners.

Evaluation and Selection Process

Two bids were received and opened for this project on August 5, 2009. The bids ranged from \$178,180.00 to \$188,327.50. The engineer's estimate was \$190,850.00. United Materials of Great Falls, Inc. submitted the low bid and executed all the necessary bid documents.

Conclusion

City staff recommends awarding the construction contract to United Materials of Great Falls, Inc. in the amount of \$178,180.00

Concurrences:

Not Applicable.

Fiscal Impact

The attached bid tabulation summarizes the bid that was received. This project will be funded from the Street Maintenance Fund.

Alternatives:

The City Commission could vote to deny award of the construction contract.

Attachments/Exhibits:

1. Bid tabulation is attached.

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

BID TABULATION SUMMARY

5th Avenue South and 13th Avenue South Street Reconstruction
 O.F. 1573.1

Project Number _____
 Bids Taken at Civic Center
 Date: August 5, 2009
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	United Materials, Inc. P.O. Box 1690 Great Falls, MT 59403			√	√	√	√	\$178,180.00
2	Shumaker Trucking Company P.O. Box 1279 Great Falls, MT 59403-1279			√	√	√	√	\$188,327.50
3								
4								
5								
6								
7								
8								
9								
10	Engineer's Estimate							\$190,850.00



Item: Construction Contract Award: 2009 CDBG Sidewalk Replacement, O.F. 1565.2

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Award Construction Contract

Suggested Motion:

1. Commissioner moves:

“I move the City Commission award a contract in the amount of \$87,000.00 to Great Falls Sand and Gravel, Inc. for the 2009 CDBG Sidewalk Replacement, O. F. 1565.2, and authorize the City Manager to execute the agreements.”

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

Staff Recommendation: Approve construction contract award.

Background:

Significant Impacts

This project will replace damaged and deteriorated sidewalks for low to medium income homeowners in the City.

Citizen Participation

Homeowners with hazardous sidewalks were sent grant applications to qualify for the project.

Workload Impacts

City engineering staff applied for and was awarded the grant, designed the project, and will perform construction inspection and contract administration duties. The Community Development Department will administer the CDBG program and perform grant and other administrative duties.

Purpose

This project will replace sidewalks that have been damaged by tree roots, natural deterioration, or other destructive forces that have left the sidewalk dangerous for pedestrians. The grant will pay for all of the costs of the sidewalk replacement for low to moderate income homeowners.

Project Work Scope

This project will replace sidewalks at approximately 50 residences which includes over 9,100 square feet of new 4 and 6-inch sidewalk and 3,500 square feet of sodding. These sidewalks will be replaced at various locations throughout the City with the majority being bounded by the area of 8th Avenue North to 5th Avenue North from 15th Street to 26th Street.

Evaluation and Selection Process

Five bids were received and opened for this project on June 24, 2009. The bids ranged from \$68,820.00 to \$95,600.00. The engineer's estimate was \$84,750.00. To allow for all of the CDBG funds to be spent, an additive bid item was added to bring the final bid up to \$87,000 which is the total available funding. Great Falls Sand and Gravel, Inc. submitted the low bid and executed all the necessary bid documents. The delay from bid opening to award was due to the pending approval of the CDBG funds on a national level. This approval has now been received.

Conclusion

City staff recommends awarding the construction contract to Great Falls Sand and Gravel, Inc. in the amount of \$87,000.00

Concurrences:

Not Applicable.

Fiscal Impact

The attached bid tabulation summarizes bids that were received. This project will be funded through a Community Development Block Grant. The grant is part of the American Recovery and Reinvestment Act (ARRA).

Alternatives:

The City Commission could vote to deny award of the construction contract.

Attachments/Exhibits:

1. Bid tabulation is attached.

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

BID TABULATION SUMMARY
 2009 CDBG Sidewalk Replacement
 O.F. 1565.2

Project Number _____
 Bids Taken at Civic Center
 Date: June 24, 2009
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	Boland Well Systems 3605 Fairway Drive Great Falls, MT 59401			√	√	√	√	\$79,940.00
2	David W. Kuglin Construction P.O. Box 491 Black Eagle, MT 59414			√	√	√	√	\$79,990.00
3	Great Falls Sand & Gravel P.O. Box 1989 Great Falls, MT 59403			√	√	√	√	\$68,820.00
4	Lapke Construction, LLC Box 111 Simms, MT 59477			√	√	√	√	\$95,600.00
5	River City Concrete 2010 River Drive N #32 Great Falls, MT 59401			√	√	√	√	\$82,670.00
6								
7								
8								
9								
10	Engineer's Estimate							\$84,750.00



Item: Construction Contract Award: 2009 CDBG Handicap Ramps,
O.F. 1565.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Award Construction Contract

Suggested Motion:

1. Commissioner moves:

“I move the City Commission award a contract in the amount of \$116,520.00 to Kuglin Construction for the 2009 CDBG Handicap Ramps, O. F. 1565.1, and authorize the City Manager to execute the agreements.”

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

Staff Recommendation: Approve construction contract award.

Background:

Significant Impacts

This project will construct handicap ramps on 8th Avenue North from 21st Street to 25th Street, 7th Avenue North from 16th Street to 18th Street and at the Southeast corner of 2nd Avenue South and 5th Street.

Citizen Participation

Not Applicable

Workload Impacts

City engineering staff applied for and was awarded the grant, designed the project, and will perform construction inspection and contract administration duties. The Community Development Department will administer the CDBG program and perform grant and other administrative duties.

Purpose

This project will construct Americans with Disabilities Act (ADA) approved handicap ramps at intersections along 8th Avenue North, 7th Avenue North, and 2nd Avenue South. These improvements will allow better access for pedestrians and promote walking in the City. This is the 9th phase of what is hoped to be an ongoing series of CDBG funded projects to install handicap ramps on a citywide basis. These projects are related to a program to repair hazardous sidewalks.

Project Work Scope

Approximately 600 linear feet of new curb and gutter, 3,650 square feet of new sidewalk for handicap ramps, 272 square feet of truncated domes, and 3,200 square feet of new sod will be installed on this project. Six existing horseshoe style drainage inlets will be replaced with new curb style inlets during this project as well.

Evaluation and Selection Process

Three bids were received and opened for this project on June 24, 2009. The bids ranged from \$116,520.00 to \$127,130.00. The engineer's estimate was \$119,220.00. To allow for all of the CDBG funding to be spent, an additive bid item was included in the bid form. Kuglin Construction submitted the low bid and executed all the necessary bid documents. The delay from bid opening to award was due to the pending approval of the CDBG funds on a national level. This approval has now been received.

Conclusion

City staff recommends awarding the construction contract to Kuglin Construction in the amount of \$116,520.00

Concurrences:

Not Applicable.

Fiscal Impact

The attached bid tabulation summarizes bids that were received. This project will be funded through a Community Development Block Grant and Storm Drain Funding. The grant is part of the American Recovery and Reinvestment Act (ARRA).

Alternatives:

The City Commission could vote to deny award of the construction contract.

Attachments/Exhibits:

1. Bid tabulation is attached.



Item: Change Order 1 & Final Payment – Library Landscaping CTEP Project;
O.F. 1508.1

From: Kathy Mora, Acting Library Director

Initiated By: Great Falls Public Library

Presented By: Kathy Mora, Acting Library Director

Action Requested: Approve Change Order 1 & Final Payment to Dick Olson Construction

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission approve Change Order 1 and final payment in the amount of \$12,005.92 to Dick Olson Construction, Inc and \$121.28 to the State Miscellaneous Tax Division for the Library Landscaping contract, and authorize the City Manager to execute the necessary documents and make the payments.”

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

Staff Recommendation: Approve Change Order 1 and authorize final payment.

Background: This project was designed and constructed in compliance with applicable local, State and Federal standards and requirements.

Approved by the City Commission in 2006, this project redesigned and landscaped the Great Falls Public Library plaza. The project reconstructed the plaza, providing better library access to pedestrian traffic, including ADA-compliant access. It also provided for placement of a monumental sculpture and water feature, paid for by the Library Foundation.

The scope of the project included removal of the periphery brick wall and existing fountain; fill-in and leveling of the plaza area; construction of support structure for a new arched stone water feature; landscaping; architectural lighting for fountain and landscaping; necessary plumbing for water feature and irrigation; winding concrete and brick pavers walkway from 2nd Avenue North into the water feature area; and development of seating area.

The architectural firm of L’Heureux, Page, Werner, PC completed project design and performed construction oversight. Great Falls Public Library, with assistance from the City Planning

Department, administered project agreements, prepared and provided oversight for required documentation, performed contract compliance inspections, and daily reports.

The City Commission awarded the construction contract to the low bidder, Dick Olson Construction, on September 16, 2008. Construction began on October 15, 2008, and was shut down for a part of the winter.

Final inspection of the project occurred on June 4, 2009. City Planning and Library staff, along with L'Heureux, Page, Werner, verified that Dick Olson Construction has completed all work and punch list items in accordance with the plans and contract. Actual construction costs were less than anticipated; however, contract time was extended due to winter shut down and documented weather related delays.

With construction of the project complete, final payment to the contractor has been requested. In addition, due to the lower construction costs a change order is needed to adjust the construction contract amount. The contractor has submitted required documentation including lien releases and steel certifications. Planning staff have reviewed submittals, prepared close-out documents and the Library and Planning Department recommend approving Change Order 1 (modifying the contract amount), and authorizing final payment to Dick Olson Construction.

Concurrences: L'Heureux Page Warner recommends approval of Change Order 1 and final payment to Dick Olson Construction.

Fiscal Impact: The final cost for constructing the project is \$21,415 less than the amount awarded and approved by the City Commission. A change order is needed to adjust the construction contract amount as follows:

Original Contract Amount: \$234,794

Change Order Amount: \$21,415 (decrease)

Final Contract Amount: \$213,379

Funding Sources: Community Transportation Enhancement Program (CTEP); Library Foundation

The final cost includes a Federal Community Transportation Enhancement Program (CTEP) amount of \$134,507; local match, provided by the Library Foundation, in the amount of \$20,849; and, additional contribution by the Library Foundation in the amount of \$58,023. The change ordered amount of \$21,415 will be refunded to the Library Foundation as excess additional contribution.

There is no direct impact to the City of Great Falls or the operating budget of the Great Falls Public Library as a result of this final payment and change order, as all funds are either Federal or from the Library Foundation.

See attachment "A" for a list of line item adjustments resulting in the lower costs.

Alternatives: The City Commission could vote to deny final payment. However, the contractor has met all contractual obligations, and staff does not recommend this alternative.

Attachments/Exhibits: Change Order 1 with Attachment "A"; Application for Final Payment (Not available online; on file in City Clerk's Office.)