



# City Commission Agenda

for

## August 4, 2009

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*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**

**NEIGHBORHOOD COUNCILS**

1. Miscellaneous reports and announcements.

**PUBLIC HEARINGS**

2. Tourism Business Improvement District Budget and Work Plan. Action: Conduct public hearing and approve or deny Budget and Work Plan. *(Presented by: Deryk Copperwheat and Sandra Johnson-Thares)*
3. Justice Assistance Grant (JAG) for 2009/2010. Action: Conduct public hearing and approve or deny use of JAG funds and approve or deny the MOU with Cascade County. *(Presented by: Corky Grove)*
4. Sale of City Property, Parcel A, NE1/4, Sec 14, T20N, R3E, PMM. Approves sale of land to Double Bogy LLC in the amount of \$95,500. Action: Conduct public hearing and approve or deny sale of land. *(Presented by: Mike Rattray)*
5. Res. 9846, Levy and Assess Street Maintenance District. Action: Conduct public hearing and adopt or deny Res. 9846. *(Presented by: Coleen Balzarini)*
6. Res. 9847, Levy and Assess Special Improvement General Boulevard Maintenance District No. 3570. Action: Conduct public hearing and adopt or deny Res. 9847. *(Presented by: Coleen Balzarini)*
7. Res. 9848, Levy and Assess Special Improvement Portage Meadows Maintenance District No. 1195. Action: Conduct public hearing and adopt or deny Res. 9848. *(Presented by: Coleen Balzarini)*
8. Tract 2 of Certificate of Survey 4591, located in NE<sup>1</sup>/<sub>4</sub>, Section 4, Township 20 North, Range 4 East (located at the northwest corner of the intersection of River Drive North and 52<sup>nd</sup> Street North). *(Presented by: Bill Walters)*
  - A. Res. 9831, Annex property. Action: Conduct joint public hearing and adopt or deny Res. 9831 and approve or disapprove the Annexation Agreement.
  - B. Ord. 3038, Assigns zoning classification of I-2 Heavy industrial district. Action: Conduct joint public hearing and adopt or deny Ord. 3038.

**OLD BUSINESS**

**NEW BUSINESS**

## ORDINANCES/RESOLUTIONS

9. Ord. 3042, Amending OCCGF Title 10, Chapter 30 pertaining to One-Way Streets and Alleys. Action: Adopt Ord. 3042 on final reading. (**Presented by: Jim Rearden**)
10. Ord. 3043, to Revise the Description of the Boundary of the International Airport Tax Increment Financing Industrial District. Action: Accept Ord. 3043 on first reading and set public hearing for September 1, 2009. (**Presented by: Bill Walters**)
11. Ord. 3044, Social Host Ordinance. Action: Accept Ord. 3044 on first reading and set public hearing for August 18, 2009. (**Presented by: Chad Parker**)
12. Ordinance 3045, Creating Title 2, Chapter 51 of the Official Codes of the City of Great Falls, Establishing a Youth Council. Action: Accept Ord. 3045 on first reading and set final reading for September 1, 2009. (**Presented by: Patty Cadwell**)
13. Res. 9854, Intention to Vacate 30<sup>th</sup> Street Northwest. Action: Adopt or deny Res. 9854 and set public hearing for September 1, 2009. (**Presented by: Bill Walters**)
14. Res. 9856, Intent to Vacate 4<sup>th</sup> Alley South within Block 419, Great Falls Original Townsite. Action: Adopt or deny Res. 9856 and set public hearing for September 1, 2009. (**Presented by: Bill Walters**)

**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.*

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 \$5000, 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 construction contract award for the 2009 CDBG Sidewalk Replacement.
21. Postpone construction contract award for the 2009 CDBG Handicap Ramps.
22. Award construction contract to United Materials of Great Falls, Inc. for the Central Avenue – 7<sup>th</sup> to 9<sup>th</sup> Street Mill and Overlay in the amount of \$91,900.
23. Award construction contract to Dick Anderson Construction, Inc. for the Coating Improvements at the Great Falls Wastewater Treatment Plant and Lift Station #15 in the amount of \$569,000.
24. Approve Engineering Contract Amendment with NCI Engineering Co. for the Lift Station and Wastewater Treatment Plant Rehab Projects in an amount not to exceed \$137,870.
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.

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

**BOARDS & COMMISSIONS**

- 26. Final Amended Plat of Lot 3, Twilite Theater Tracts and Accompanying Development Agreement. Action: Approve or deny Final Amended Plat. *(Presented by: Bill Walters)*
- 27. Miscellaneous reports and announcements.

**CITY MANAGER**

- 28. 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)*

- 29. Miscellaneous reports and announcements.

**CITY COMMISSION**

- 30. Miscellaneous reports and announcements.

**MOTION TO ADJOURN**



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

**From:** Lisa Kunz, City Clerk

**Initiated By:** Tourism Business Improvement District

**Presented By:** Robert Dompier and Sandra Johnson-Thares

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

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**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 Tourism Business Improvement District Budget and Work Plan.”

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

**Recommendation:** The T.B.I.D recommends that the City Commission approve the 2009/2010 T.B.I.D. budget and work plan.

**Background:**

The Tourism Business Improvement District was established by Resolution 9792 on December 2, 2008. Its overall purpose is to utilize tax dollars through the T.B.I.D. assessment and direct those monies to be used for the purpose of promoting tourism, conventions, trade shows, and travel to the City of Great Falls.

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 as approved with the creation of the District.

**Fiscal Impact:**

The T.B.I.D. is projecting annual revenue for Fiscal Year 2009-2010 of approximately \$156,000 in tax assessment dollars.

**Alternatives:**

The City Commission could request the T.B.I.D. Board for changes to either the Work Plan or the Budget.

**Attachments/Exhibits:**

2009/2010 Work Plan

Budget



July 2, 2009

Dear Mayor Stebbins, City Officials and City Commissioners:

Please find enclosed a copy of the Great Falls Tourism Business Improvement District budget and work plan for 2009/2010.

As our inaugural year for the TBID is in process, we reviewed our goals and strategies for the future, and those are reflected on our work plan for 2009/2010.

Please contact me if you have any questions or need clarification on any issues included. I can be reached at my business at 454-2141.

With kindest regards,

Sandra Johnson-Thares, CHA  
General Manager  
O'Haire Motor Inn

Great Falls Tourism Business Improvement District  
Budget for Fiscal Year 2009-2010

**Revenues**

Assessments	\$156,000.00
Interest Income	0
Convention and Visitors Bureau	0
Misc	0
<b>Total Revenues</b>	<u><u>\$156,000.00</u></u>

**Expenses**

Sports Sales and Tournament Retention	\$31,200.00
Meeting, Convention and Event Sales	\$31,200.00
TBID administration and Support	\$31,200.00
Leisure Marketing	\$15,600.00
Other Marketing promotion	\$31,200.00
Reserve Fund	\$7,800.00
Misc	\$7,800.00
<b>Total Expenditures</b>	<u><u>\$156,000.00</u></u>

Net Revenue/Loss \$0

\*Figures based on estimated room nights sold.

Great Falls Tourism Business Improvement District  
Work Plan: July 2009-June 2010

The mission of the Great Falls Tourism Business Improvement District (TBID) is to generate room nights for lodging facilities in the City of Great Falls, Montana by effectively marketing our region as a preferred travel destination.

**Strategic Components:**  
Sports Sales and Tournament Retention

Meeting, Convention and Event Sales

TBID Administration and Support

Leisure Marketing

Other Marketing Promotion

**Planning: 2009/2010**  
The TBID will recruit major sporting events in order to promote local tourism and to benefit the lodging businesses within the Great Falls TBID. The TBID will work with partners

The TBID will market convention and trade shows that benefit local tourism and lodging businesses in Great Falls.

The TBID will recruit and hire a TBID Director. The TBID will secure office space for the TBID.

The TBID will market leisure travelers with emphasis on Canada.

The TBID will market to other travel markets as necessary. The TBID will establish a presence on the internet.





**Item:** Grant (JAG) for 2009-10 and Memorandum of Understanding with Cascade County

**From:** Great Falls Police Department

**Initiated By:** Cloyd A. Grove, Chief of Police

**Presented By:** Chief Cloyd Grove

**Action Requested:** Hold Public Hearing on the recommended use of the Justice Assistance Grant (JAG) for 2009-10. Accept the recommendation of staff for the use of the funds. Accept the MOU between Cascade County and the City of Great Falls, and authorize the City Manager to execute the MOU.

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**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 accept the recommendation of staff for use of the 2009-10 Justice Assistance Grant and approve the Memorandum of Understanding with Cascade County for execution by the City Manager
  2. Mayor calls for a second, discussion, and calls for the vote.
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**Staff Recommendation:** Staff recommends that we accept the Memorandum of Understanding between Cascade County and the City of Great Falls for expenditure of the funds, and authorize the City Manager to execute the MOU. The MOU calls for the Cascade County Sheriff's Office (CCSO) and the Great Falls Police Department (GFPD) to expend the funds as agreed to purchase mobile computing services from a local carrier. These services will provide Mobile Data communication between mobile units in both agencies. Local providers supply access to their systems for a monthly fee. The funds will be split evenly between the City and the County for these services. The total grant award is \$26,365.00 which has to be divided evenly, \$13,182.50 for each agency.

**Background:**

Congress allocated funds to be dispersed under the Justice Assistance Grant Program, established within the Bureau of Justice Assistance (BJA), US Department of Justice.

**Significant Impacts**

This grant will provide mobile data access for both agencies.

**Citizen Participation**

Not Applicable

**Concurrences:**

The Cascade County Sheriff's staff concurs with this Memorandum of Understanding.

**Fiscal Impact:**

The fiscal impact will be positive because it will provide unmatched funding to purchase equipment for both agencies. The City of Great Falls is the receiving entity and agrees to perform all required reports and the police department staff agrees to purchase all the agreed upon equipment and distribute it.

**Attachments/Exhibits:**

MOU (Not available online; on file in City Clerk's Office.)



**Item:** Sale of City Property, Parcel A, NE¼, Sec 14, T20N, R3E, PMM, Great Falls, MT

**From:** Mike Rattray, Community Development Director

**Initiated By:** Community Development Department

**Presented By:** Mike Rattray, Community Development Director

**Action Requested:** Conduct Public Hearing and Approve Sale of Land

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**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 sale of Parcel A, NE¼, Sec 14, T20N, R3E, PMM, Great Falls, MT to Double Bogey LLC in the amount of \$95,500.00.”

2. Mayor calls for a second, discussion, and calls for the vote. (Requires four-fifths vote of Commission)
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**Staff Recommendation:** After conducting the public hearing, staff recommends the City Commission approve the sale of City land to Double Bogey LLC in the amount of \$95,500.00.

**Background:** Staff was recently contacted by Double Bogey LLC who is interested in this site for expansion of their business and has requested that staff offer Parcel A, NE¼, Sec 14, T20N, R3E, PMM, Great Falls, MT for sale. A public notice for a bid opening was placed in the newspaper on July 5, 2009, for a bid opening to be conducted on July 15, 2009. The minimum bid price was established at \$1.00 per square foot.

Significant Impacts: Sale of the parcel and construction of an addition to their building will expand the tax base.

Citizen Participation: In addition to the public notice for the bid opening, a public notice of the public hearing to be conducted by the City Commission was placed in the newspaper on July 19, 2009. Only one bid was received.

Workload Impacts N/A

Purpose N/A

Project Work Scope N/A

Evaluation and Selection Process N/A

Conclusion: City staff has determined this parcel to be excess land and has retained a small portion of the original parcel for snow storage. Retainage of this small portion also satisfies the concerns expressed by Montana Department of Transportation.

Proceeds of the sale will be available for whatever use management desires.

**Concurrences:** N/A

**Fiscal Impact:** At the minimum bid price of \$1.00 per square foot, the lot sale resulted in a sale price of \$95,500.00.

**Alternatives:** The City Commission can approve or deny the sale of the land.

**Attachments/Exhibits:** Notice To All Bidders  
Public Notice

**NOTICE TO ALL BIDDERS**  
**SALE OF CITY-OWNED PROPERTY**

NOTICE IS HEREBY GIVEN that the City of Great Falls, Montana, will receive sealed bids at the City Clerk's Office, Room 202, Civic Center Building, #2 Park Drive, Great Falls, Montana, until 3:00 p.m., July 15, 2009, at which place and time they will be publicly opened, read and considered, together with all bidding for the sale and development of the City-owned land more particularly described as follows:

Parcel A containing 2.147 acres, located in the NE¼, Section 14, Township 20 North, Range 3 East, PMM, Great Falls, MT

Each and every bid shall be accompanied by a cashier's check, drawn on a responsible bank, payable to the City of Great Falls, for an amount which will be not less than ten percent (10%) of the aggregate of the enclosed bid. Minimum bid for the land shall not be less than the appraised value as indicated below:

The minimum bid price shall be \$1.00 per square foot or \$93,524.

The bids shall be marked on the outside: "Bid on City-owned land to be opened July 15, 2009.

Map exhibits of the land to be sold are on file in the Community Development Department of the City of Great Falls. Potential bidders are encouraged to contact Mike Rattray, Community Development Director, for additional information prior to submitting a bid.

The City Commission of the City of Great Falls reserves the right to reject any or all bids and accept any bid should it be deemed in the public interest to do so.

BY ORDER OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA.

Lisa Kunz, City Clerk

PUBLICATION DATE: July 5, 2009

## **PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN that the City Commission of the City of Great Falls, Montana, will conduct a public hearing in the Commission Chambers, Civic Center Building, at 7:00 p.m. on August 4, 2009, for the purpose of considering the sale of a parcel of City-owned land described below.

Parcel A, containing 2.147 acres, located in the NE¼, Section 14, Township 20 North, Range 3 East, PMM, Great Falls, MT

Map exhibits delineating the parcel for sale are available for review in the Community Development Department at the Civic Center. Any person who wants to provide comment may do so at the public hearing or may provide written comment by mailing said comments to: City Clerk, City of Great Falls, P.O. Box 5021, Great Falls, MT 59403.

Lisa Kunz  
City Clerk

PUBLICATION DATE: July 19, 2009



**Item:** Resolution 9846 to Levy and Assess Street Maintenance District  
**From:** Martha Capps, Operations Supervisor  
**Initiated By:** Annual Assessment Process  
**Presented By:** Coleen Balzarini, Fiscal Services Director  
**Action Requested:** City Commission conduct public hearing and adopt Resolution 9846

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**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt /deny) Resolution 9846.”

2. Mayor calls for a second, discussion, and calls for the vote.
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**Staff Recommendation:** Staff recommends the City Commission adopt Resolution 9846.

**Background:** The Street Department maintains approximately 372 miles of streets and alleys within the city limits. Maintenance consists of pavement rehabilitation and restoration, street cleaning, snow and ice removal, alley maintenance, nuisance weed program and the Traffic Division which is responsible for the maintenance of all roadway signs and signals. The budget development process begins in January of each year when the Street Department receives their midyear financial reports. The midyear report is used to determine the current financial position of the Street Fund which is the basis for projecting future earnings and expenditures. Information is gathered regarding the actual and anticipated expenses, future projects, goals and objectives of the department. Street Maintenance contracts with other local governmental agencies are reviewed and/or updated. After determining financial factors pertinent to the operation of the Street Department, an assessment amount for the next fiscal year is calculated, budgeted and presented to the City Commissioners for approval.

The annual assessment resolution provides for the authorization of assessments, authorization to contract for maintenance of sections of City streets adjacent to land owned by other governments

or their agencies, assessment option specification, total assessment amount and listing of assessed property.

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

#### ASSESSMENT ANTICIPATED

The anticipated assessment amount for Street Maintenance funds for the next fiscal year is the amount projected through the Budget Development Process. For Fiscal Year 09/10 the assessment will increase by 5%, which is being recommended to finance increased costs related to street maintenance activities; anticipated collections will total \$3,403,422. This will result in an assessment of \$85.24 for an average size City lot of 7,500 square feet, an increase of \$4.06 OR 5% from Fiscal Year 08/09. (7,500 sq ft x 0.011365 factor = \$85.24.)

#### ASSESSMENT OPTION

Section 7-12-4425, MCA states: "...The council shall pass and finally adopt a resolution specifying the district assessment option and levying and assessing all the property within the several districts..." Section 7-12-4422, MCA provides for "assessable area" to be one of the options.

The Assessable Area method, defining assessable area by square footage caps, has proven to be the most equitable method of assessment. Assessment parameters are:

- a. Square footage caps per parcel of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c) (13) as defined by the Internal Revenue Code.
- b. A 'mixed use' category which consists of property equal to or greater than 112,000 square feet but less than 50% commercially developed. For the 'mixed use' category, the Planning Department shall annually identify all property equal to or greater than 112,000 square feet which are 50% or less commercially developed. Those properties shall be assessed 50% commercial and 50% at capped residential.
- c. 1 million square foot cap for all other property. The 1 million square foot cap for all other property encourages large green areas on some private properties within the City.
- d. An 'interlocal contracted maintenance' category that designates properties owned by other governments or their agencies adjacent to City streets that are maintained by the other government or their agencies. This category's assessments include a 7.5% administrative fee as well as the annual contracted cost of maintenance. The maintenance cost portion is to be agreed upon by the City and the contracting entity.

**Concurrences:** Public Works Staff is responsible for the operation expenses of the Street Department. Fiscal Services Staff is responsible for assessing and collecting the Revenues



necessary to carry out the operations. The City Commissioners have received information regarding the condition of the streets and the Street Fund operations during the annual Budget Process.

**Fiscal Impact:** Adoption of Resolution 9846 will allow the City to fund the cost of work, improvements, and maintenance each year in the street maintenance district. The current proposed budget will allow the City to continue its current maintenance and replacement activities, which are lower than the recommended level in terms of years between major updates. Attached for review is a listing of the projects and materials financed through the Fiscal Year 08/09 assessments. If more money were available, additional street work could be accomplished that would be more in line with recommended maintenance and replacement

**Alternatives:** The City Commission could choose to deny Resolution 9846 to Levy and Assess Street Maintenance; however, the reduction in services to the community could be hazardous to the safety and welfare of the general public.

Attachments/Exhibits:            2008/09 Funding for Capital Project & Materials List  
   Resolution 9846

Cc:     Jim Turnbow, Street Supervisor

## **RESOLUTION 9846**

A RESOLUTION LEVYING AND ASSESSING THE COST OF STREET MAINTENANCE FOR STREETS AND ALLEYS IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010

WHEREAS, the Commission of the City of Great Falls did provide for street maintenance by Ordinance 1687 (12.16.010, et seq., OCCGF) on September 7, 1971 in accordance with Sections 11-2263 through 11-2268, RCM, 1947 (now Section 7-12-4401 through 7-12-4427, MCA, 1989); and,

WHEREAS, the Commission of the City of Great Falls did amend and expand the scope of Street Maintenance services authorized by final passage and adoption of Ordinance 2584 on February 5, 1991, in accordance with Sections 7-12-4401 through 7-12-4427, MCA, 1989; and,

WHEREAS, the Commission of the City of Great Falls hereby finds, fixes and determines that each and every lot or parcel within said district has been or will be specially benefited by said maintenance; and,

WHEREAS, on July 21, 2009, the Commission of the City of Great Falls adopted its annual budget resolution in which the estimated costs of maintenance not offset by other revenues, in the Street Maintenance District at a total of THREE MILLION FOUR HUNDRED THREE THOUSAND FOUR HUNDRED TWENTY-TWO DOLLARS (\$3,403,422).

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

### Section 1 – Continuance

The City of Great Falls continues to maintain streets in the Street Maintenance Districts.

### Section 2 – Assessment Authorization

Section 7-12-4428, M.C.A., authorizes the City Commission to assess the cost of the work,

improvements, and maintenance authorized by 7-12-4405 against the property in maintenance districts in the manner and as provided in 7-12-4421 and 7-12-4422 to meet the payments required to be made each year.

Section 7-12-4404, M.C.A., authorizes the City Commission to provide maintenance by contract in such manner as the commission may elect. Accordingly, the City may opt to enter into an interlocal agreement for maintenance of sections of City streets adjacent to land owned by other governments or their agencies. Assessments in such areas include a 7.5% administrative fee as well as the annual contracted cost of maintenance. The maintenance cost portion is to be agreed upon by the City and the contracting entity.

### Section 3 – Assessment Option

In accordance with Sections 7-12-4422 and 7-12-4425, M.C.A., each lot or parcel of land within the Street Maintenance District shall be assessed according to its Assessable Area. Assessable area shall be set with a square footage cap of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c) (13) as defined by the Internal Revenue Code, and a 1 million square feet cap for all other property. The Planning Department shall annually identify all mixed-use property equal to or greater than 112,000 square feet, which are 50% or less commercially developed. Those mixed-use properties shall be assessed 50% commercial and 50% at capped residential.

### Section 4 – Costs Assessed

The costs of said maintenance, not offset by other revenues, in the street maintenance district, totaling THREE MILLION FOUR HUNDRED THREE THOUSAND FOUR HUNDRED TWENTY-TWO DOLLARS (\$3,403,422) are hereby levied and assessed upon the property in said district for the fiscal year ending June 30, 2010. The description of each lot or parcel of land within the street maintenance district and the respective assessments are set forth in the records of the Fiscal Services Department of the City of Great Falls, Montana and by this reference incorporated herein as if set forth in full.

### Section 5 – Assessment Method

The Street Maintenance District shall be assessed according to factors based on the property classification and square footage with caps. No proration of the street maintenance assessment shall be made for any reason, including the fact that a particular property did not have paved streets for the entire taxable year.

### Section 6 – Assessments Due Date

These assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2009 and May 31, 2010.

### Section 7 – Assessment Hearing

On August 4, 2009 at 7:00 p.m., in the Commission Chambers of the Civic Center Building, Great Falls, Montana, the Commission did meet and hear all objections to the final adoption of this resolution.

### Section 8 – Notice of Hearing

In accordance with Section 7-1-4127, the City Clerk authorized and directed to provide for two publications of the Notice of Resolution for Assessment with at least six days separating each publication.

PASSED by the Commission of the City of Great Falls, Montana, on this 4<sup>th</sup> day of August 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 9846 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 4<sup>th</sup> day of August 2009, and approved by the Mayor of said City on the 4<sup>th</sup> day of August 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 4<sup>th</sup> day of August 2009.

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

(SEAL OF CITY)



**Item:** Resolution 9847 to Levy and Assess Special Improvement General Boulevard Maintenance District No. 3570

**From:** Martha Capps, Operations Supervisor

**Initiated By:** Annual Assessment Process

**Presented By:** Coleen Balzarini, Fiscal Services Director

**Action Requested:** City Commission conduct public hearing and adopt Resolution 9847

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**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt /deny) Resolution 9847.”

2. Mayor calls for a second, discussion, and calls for the vote.
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**Staff Recommendation:** Staff recommends the City Commission adopt Resolution 9847.

**Background:** The Park and Recreation Department, Natural Resources – Boulevard Division is responsible for the care and maintenance of over 15,000 street trees located within the General Boulevard District. Services provided within the District are pruning, removal, planting, leaf pickup and streetscape design. The budget development process begins in January of each year when the Natural Resources – Boulevard Division receives its midyear financial reports. The midyear reports are used to determine the current financial position of the department and as the basis for projecting future earnings and expenditures. Information is gathered regarding the actual and anticipated expenses, future projects, goals and objectives of the department. After calculating all factors pertinent to the operation of the Natural Resources – Boulevard Division, an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commissioners for approval.

In order to legally provide for the necessary assessment support, State laws require City Commission hearings and passage of authorizing resolutions. Sections 7-12-4102, 7-12-4176

and 7-12-4179 MCA authorize the City Commission to create and assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such district.

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

**Concurrences:** Parks and Recreation Staff is responsible for the operation expenses of the Boulevard District Fund. Fiscal Services Staff is responsible for assessing and collecting the Revenues necessary to carry out the operations. The City Commissioners have received information regarding the condition of the District and the Boulevard District Fund operations during the annual Budget Process.

**Fiscal Impact:** Adoption of Resolution 9847 will allow the City to finance the costs of work, improvements, and maintenance conducted each year in the special improvement boulevard maintenance district.

The anticipated assessment amount used to assess General Boulevard Maintenance for the next fiscal year is the amount projected through the Budget Development Process. For Fiscal Year 09/10 the General Boulevard Area assessment will remain at \$0.008168 per square foot, the same amount assessed in Fiscal Year 08/09, for a total of \$289,811. This will result in an approximate assessment of \$61.26 for an average City lot of 7,500 square feet (7,500 sq ft x 0.008168 factor = \$61.26.)

**Alternatives:** The City Commission could choose to deny Resolution 9847 to Levy and Assess General Boulevard Maintenance; however, the reduction in services to trim, prune, spray, and maintain the trees within the district would be harmful and devastating to the overall shelter and beauty provided by the street trees to the community.

**Attachments/Exhibits:** Resolution 9847

Cc: Todd Semanski, City Forester

## **RESOLUTION 9847**

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING BOULEVARDS IN THE GENERAL BOULEVARD DISTRICT NO. 3570 OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010.

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

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

WHEREAS, the City Commission intends to continue trimming, pruning, spraying, and otherwise maintaining the trees within said district; and,

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 maintenance within the General Boulevard Maintenance District No. 3570 at a total of TWO HUNDRED EIGHTY NINE THOUSAND EIGHT HUNDRED ELEVEN DOLLARS (\$289,811).

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

### Section 1 – Continuance

The City of Great Falls continues to trim, prune, spray and otherwise care for and maintains the trees in the General Boulevard Maintenance District.

### Section 2 – Costs Assessed

The costs of said care and maintenance in the Boulevard Maintenance District No. 3570, totaling \$289,811 are hereby assessed upon the properties in said district. Each lot and parcel within the district is hereby assessed in proportion to its square footage and that the procedure for

determining the square footage to be assessed is the total square footage as set forth in Exhibit "A" of Resolution 6202 passed by the Great Falls City Commission on July 22, 1968, and presently on file in the office of the City Clerk.

Section 3 – Assessments Due Date

These assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2009 and May 31, 2010.

Section 4 – Assessment Hearing

On August 4, 2009 at 7:00 p.m., in the Commission Chambers of the Civic Center Building, Great Falls, Montana, the Commission did meet and hear all objections to the final adoption of this resolution.

Section 5 – Notice of Hearing

The City Clerk authorized and directed to provide for two publications of the Notice of Resolution for Assessment in accordance with Section 7-1-4127, MCA, preceding the assessment hearing.

PASSED by the Commission of the City of Great Falls, Montana, on this 4<sup>th</sup> day of August, 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 9847 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 4<sup>th</sup> day of August, 2009, and approved by the Mayor of said City on the 4<sup>th</sup> day of August, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 4<sup>th</sup> day of August, 2009.

---

Lisa Kunz, City Clerk

(SEAL OF CITY)



**Item:** Resolution 9848 to Levy and Assess Special Improvement Portage Meadows Maintenance District No. 1195

**From:** Martha Capps, Operations Supervisor

**Initiated By:** Annual Assessment Process

**Presented By:** Coleen Balzarini, Fiscal Services Director

**Action Requested:** City Commission conduct public hearing and adopt Resolution 9848

---

**Public Hearing:**

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

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt /deny) Resolution 9848.”

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

**Staff Recommendation:** Staff recommends the City Commission adopt Resolution 9848.

**Background:** The Portage Meadows Fund is administered by the Park and Recreation Department. The purpose of the fund is to maintain the turf, trees, irrigation system and provide snow removal in the green belt park of the Portage Meadows Addition. The budget development process begins in January of each year when the Park and Recreation Department receives its midyear financial reports. The midyear reports are used to determine the current financial position of the Portage Meadows Fund and as a basis for projecting future earnings and expenditures. Information is gathered regarding the actual and anticipated expenses, future projects, goals and objectives of the Fund. After calculating all factors pertinent to the operation of maintaining the green belt park area, an assessment amount for the next fiscal year is calculated, budgeted and presented to the City Commissioners for approval.

In order to legally provide for the necessary assessment support, State laws require City Commission hearings and passage of authorizing resolutions. Sections 7-12-4102, 7-12-4176

and 7-12-4179 MCA authorize the City Commission to create and assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such district.

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

**Concurrences:** Park and Recreation Staff is responsible for the operation expenses of the Portage Meadows Boulevard Maintenance District Fund. Fiscal Services Staff is responsible for assessing and collecting the Revenues necessary to carry out the operations. The City Commissioners have received information regarding the condition of the District and the Portage Meadows Boulevard Maintenance District Fund operations during the annual Budget process.

**Fiscal Impact:** Adoption of Resolution 9848 will allow the City to finance the cost of work, improvements, and maintenance required to be made each year in the special improvement Portage Meadows Boulevard Maintenance District.

The anticipated assessment amount for Portage Meadows for the next fiscal year is the amount projected through the Budget Development Process. The Portage Meadows Area assessment will increase 10% over Fiscal Year 08/09. This equates to an assessment of \$0.025857 per square foot, for a total of \$21,765. This will result in an approximate assessment of \$193.93 for an average City lot of 7,500 square feet (7,500 sq ft x 0.025857 factor = \$193.93.)

**Alternatives:** The City Commission could choose to deny Resolution 9848 to Levy and Assess Portage Meadows Boulevard Maintenance; however, the services provided are the services the City agreed to provide when the land area was donated to the City.

**Attachments/Exhibits:** Resolution 9848

Cc: Giles Salyer, Park Maintenance Supervisor

## **RESOLUTION 9848**

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING THE GREEN BELT PARK OF PORTAGE MEADOWS ADDITION IN THE CITY OF GREAT FALLS ON ALL REAL ESTATE IN SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 1195 FOR THE FISCAL YEAR BEGINNING JULY 1, 2009 AND ENDING JUNE 30, 2010.

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

WHEREAS the City Commission intends to continue maintaining the Green Belt Park of Portage Meadows addition within said district; and,

WHEREAS on July 21, 2009, the Commission of the City of Great Falls adopted its annual budget resolution, in which the estimated cost of such maintenance within said district at a total of TWENTY-ONE THOUSAND SEVEN HUNDRED SIXTY-FIVE DOLLARS (\$21,765).

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

### Section 1 – Continuance

The City of Great Falls continues to care for and maintain the Green Belt Park in Special Improvement Maintenance District No. 1195.

### Section 2 – Costs Assessed

The costs of said care and maintenance in the district, totaling \$21,765 are hereby assessed upon the properties in said district.

The costs per property and the property list for Special Improvement District No. 1195 are set

forth in the records of the City Clerk of the City of Great Falls. Said property is generally identified as each lot or parcel of land within Portage Meadows Additions #1, #2, and #3, excluding Blocks 4, 5, and 6 of Portage Meadows #1 Addition.

Assessments for each year may be reviewed on an annual basis and may be revised in amount according to the following formula: cost plus ten percent (10%) divided by the total square feet of all of the lots within said district times the square feet of each lot. Costs shall be for expendable material costs, snow removal labor, water, mowing labor, fertilizer costs and labor, aerification labor, and tree pruning costs.

Section 3 – Assessments Due Date

These assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2009 and May 31, 2010.

Section 4 – Assessment Hearing

On August 4, 2009 at 7:00 p.m., in the Commission Chambers of the Civic Center Building, Great Falls, Montana, the Commission did meet and hear all objections to the final adoption of this resolution.

Section 5 – Notice of Hearing

The City Clerk authorized and directed to provide for two publications of the Notice of Resolution for Assessment in accordance with Section 7-1-4127, MCA, preceding the assessment hearing.

PASSED by the Commission of the City of Great Falls, Montana, on this 4<sup>th</sup> day of August, 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 9848 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 4<sup>th</sup> day of August, 2009, and approved by the Mayor of said City on the 4<sup>th</sup> day of August, 2009.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 4<sup>th</sup> day of August, 2009.

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

(SEAL OF CITY)



**Item:** Public Hearing – Resolution 9831 to Annex and Ordinance 3038 to Assign City Zoning to Tract 2 of Certificate of Survey 4591, located in NE¼, Section 4, Township 20 North, Range 4 East, Cascade County, Montana

**From:** Charles Sheets, Planner 1

**Initiated By:** Steel Etc. Holding Co., Property Owner and Developer

**Presented By:** Bill Walters, Interim Planning Director

**Action Requested:** City Commission adopt/approve Resolution 9831, Ordinance 3038, and Annexation Agreement, all pertaining to Tract 2 of Certificate of Survey 4591, located in NE¼, Section 4, Township 20 North, Range 4 East, Cascade County, Montana.

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**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) Resolution 9831 and (approve/disapprove) the Annexation Agreement all pertaining to Tract 2 of Certificate of Survey 4591, located in NE¼, Section 4, Township 20 North, Range 4 East, Cascade County, Montana.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3038.”

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

**Planning Board and Zoning Commission Recommendations:** The Planning Board has recommended the City Commission approve the annexation of Tract 2 of Certificate of Survey 4591, located in NE¼, Section 4, Township 20 North, Range 4 East, Cascade County, Montana.

The Zoning Commission has recommended to the City Commission that said Tract 2 be zoned I-2 Heavy industrial district, upon annexation to the City.

**Background:** The Planning Office is in receipt of applications from Steel Etc. Holding Co., regarding the following:

- 1) Annexation of Tract 2 of Certificate of Survey 4591, located in NE¼, Section 4, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Establishing City zoning of I-2 Heavy industrial district, upon annexation of said tract.

Said tract is located at the northwest corner of the intersection of River Drive North and 52<sup>nd</sup> Street North and is being developed by Steel Etc. Holding Co. for their recycling and salvage business.

For additional information, please refer to the attached Vicinity/Zoning Map and reduced copy of Certificate of Survey 4591.

The area described as Tracts 1 and 2 of Certificate of Survey 4591 was previously used as the contractor yard for McIntyre Construction. Steel Etc. has undertaken construction of three buildings (an office building and two shop buildings) on Tract 2. The State of Montana has issued building permits for these structures.

For access, the business is using the existing approach off 52<sup>nd</sup> Street North. No new approaches are planned to River Drive North.

The applicant has recently extended a water main per City policy to the north boundary of the said Tract 2. The sanitary sewer main in River Drive North is being extended to serve a portion of Tract 2. Due to the shallow depth of the sanitary sewer main, it is not feasible to serve development beyond Tract 2 without involving a pump system. Easements across Tract 2 will be necessary to accommodate public and private utilities.

Neighborhood Council District 4 during a meeting held December 22, 2008, considered the proposal to annex Tract 2. The council voted unanimously in favor of the proposal.

The business operation to be conducted on Tract 1 of Certificate of Survey 4591 is integral to that to be conducted on Tract 2. As no City services are intended to be provided to that portion of the business operation to be conducted on Tract 1, the applicant has not applied to annex Tract 1. As the City expands in the vicinity, Tract 1's existence outside the City for an indefinite period of time will eventually cause confusion and conflicts associated with provision of public services in the area. Therefore, it would be appropriate to require the applicant to consent to annex Tract 1 under certain conditions. (See Paragraph 11 of the attached Annexation Agreement.)

It is proposed that said Tract 2 be zoned I-2 Heavy industrial district, upon annexation to the City. Subject property is located on the fringe of the City, which in this area has been developing primarily with industrial uses.



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.

A goal of the land use element of the Great Falls Growth Policy is:

“To support and encourage efficient, sustainable development and redevelopment throughout the community.”

Goals of the economic development element include:

- Enhance, strengthen and expand the existing economic base.
- Attract new business and support expansion of existing businesses that tend to raise the median income level.
- Encourage businesses and industries that will utilize existing infrastructure.

Applicable policy statements include “Annexations should be logical and efficient extensions of the City’s boundaries and service areas”.

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.

At the conclusion of a public hearing held April 28, 2009, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of I-2 Heavy industrial district to Tract 2 of Certificate of Survey 4591, located in NE¼, Section 4, Township 20 North, Range 4 East, Cascade County, Montana, upon annexation to the City. The Planning Board passed a motion recommending the City Commission approve the annexation of said Tract 2 subject to the following conditions being fulfilled by the applicant:

- 1) Entering into the attached Annexation Agreement.
- 2) All applicable fees and reimbursements owed as a condition of annexation approval shall be paid, including:
  - a) storm sewer fee (\$250/acre x 4.676 acres) \$1,169.00
  - b) recording fees for annexation documents (\$11 per page) \$ 88.00

- 3) Providing the appropriate easements traversing Tract 2 to accommodate existing and proposed public and private utilities.

Ms. Sandra Guynn, 3624 9<sup>th</sup> Avenue South, Chair of Neighborhood Council Four, was the only person to speak at the Planning Board/Zoning Commission public hearing.

At the time of writing this report, all items listed above have been agreed upon by the applicant and will be completed with the filing of the Resolution and Annexation Agreement by the City.

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

**Fiscal Impact:** Providing services to the business operation being constructed upon Tract 2 is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

**Alternatives:** 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. Resolution 9831
2. Ordinance 3038
3. Vicinity/Zoning map
6. Copy of Certificate of Survey 4591
7. Annexation Agreement (Not available online; on file in City Clerk's Office.)

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Mike Rattray, Community Development Director  
Steel Etc., P.O. Box 1259, Great Falls, MT 59403

RESOLUTION 9831

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE TRACT 2 OF CERTIFICATE OF SURVEY 4591, LOCATED IN NE¼, SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST, 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:

Tract 2 of Certificate of Survey 4591, located in NE¼, Section 4, Township 20 North, Range 4 East, Cascade County, Montana and containing 4.676 acres.

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; 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: "TRACT 2 OF CERTIFICATE OF SURVEY 4591, LOCATED IN NE¼, SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST, 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 tract 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 4<sup>th</sup> day of August, 2009.

\_\_\_\_\_  
Dona R. Stebbins, Mayor

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
City Attorney

ORDINANCE 3038

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF I-2 HEAVY INDUSTRIAL DISTRICT TO TRACT 2 OF CERTIFICATE OF SURVEY 4591, LOCATED IN NE¼ SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, Steel Etc. Holding Co., has petitioned the City of Great Falls to annex Tract 2 of Certificate of Survey 4591, located in NE¼ Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Steel Etc. Holding Co., has petitioned Tract 2 of Certificate of Survey 4591, located in NE¼ Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, be assigned a zoning classification of I-2 Heavy industrial district upon annexation to the City; and,

WHEREAS, notice of assigning a zoning classification of I-2 Heavy industrial district, to Tract 2 of Certificate of Survey 4591, located in NE¼ Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 4<sup>th</sup> day of August, 2009, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and recommended that the said zoning designation be made, 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. That the zoning of Tract 2 of Certificate of Survey 4591, located in NE¼ Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, be designated as I-2 Heavy industrial district classification.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Tract 2 of Certificate of Survey 4591, located in NE¼ Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

APPROVED by the City Commission on first reading July 7, 2009.

PASSED, APPROVED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, on second reading August 4<sup>th</sup>, 2009.

\_\_\_\_\_  
Dona R. Stebbins, Mayor

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
City Attorney

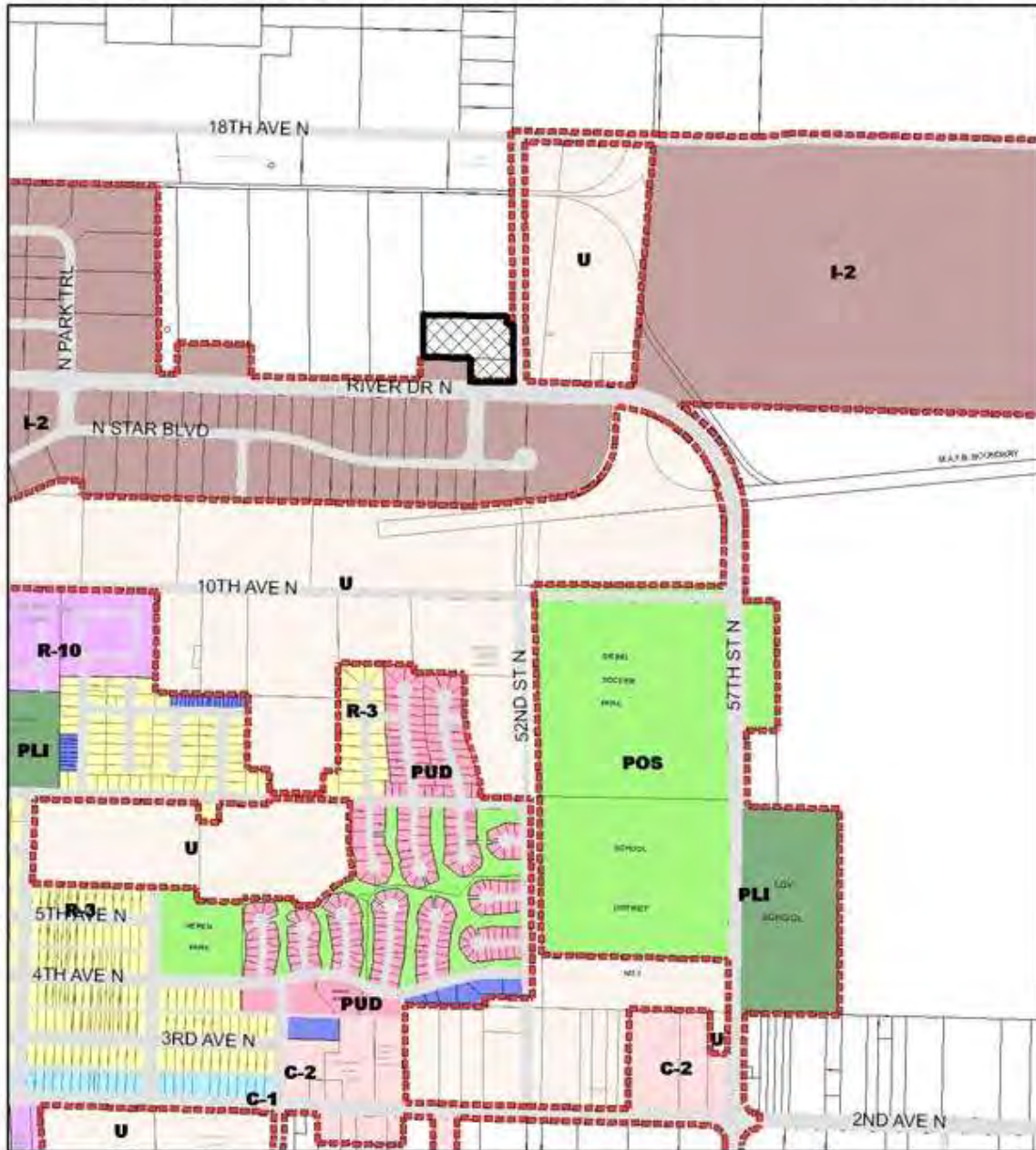
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3038 in three conspicuous places within the limits of said City to-wit:


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



 PROPOSED ANNEXATION TO THE CITY AND REQUESTED ZONING CLASSIFICATION OF "I-2" HEAVY INDUSTRIAL

 City Limits	 C-1 Neighborhood commercial	 PUD Planned unit development
 R-3 Single-family high density	 C-2 General commercial	 I-2 Heavy industrial
 R-5 Multi-family medium density	 PLI Public Lands and Institutional	 U Unincorporated enclave
 R-10 Mobile home park	 POS Parks and Open Space	 Tracts of land outside City

1,200 600 0 1,200 Feet

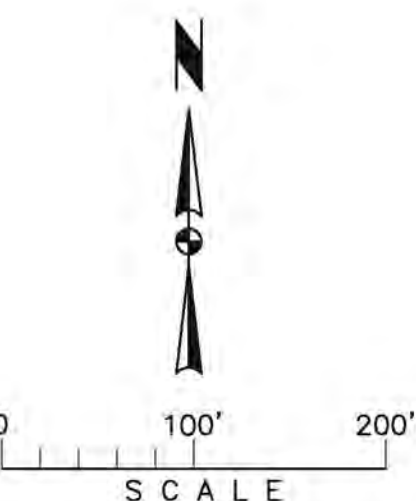
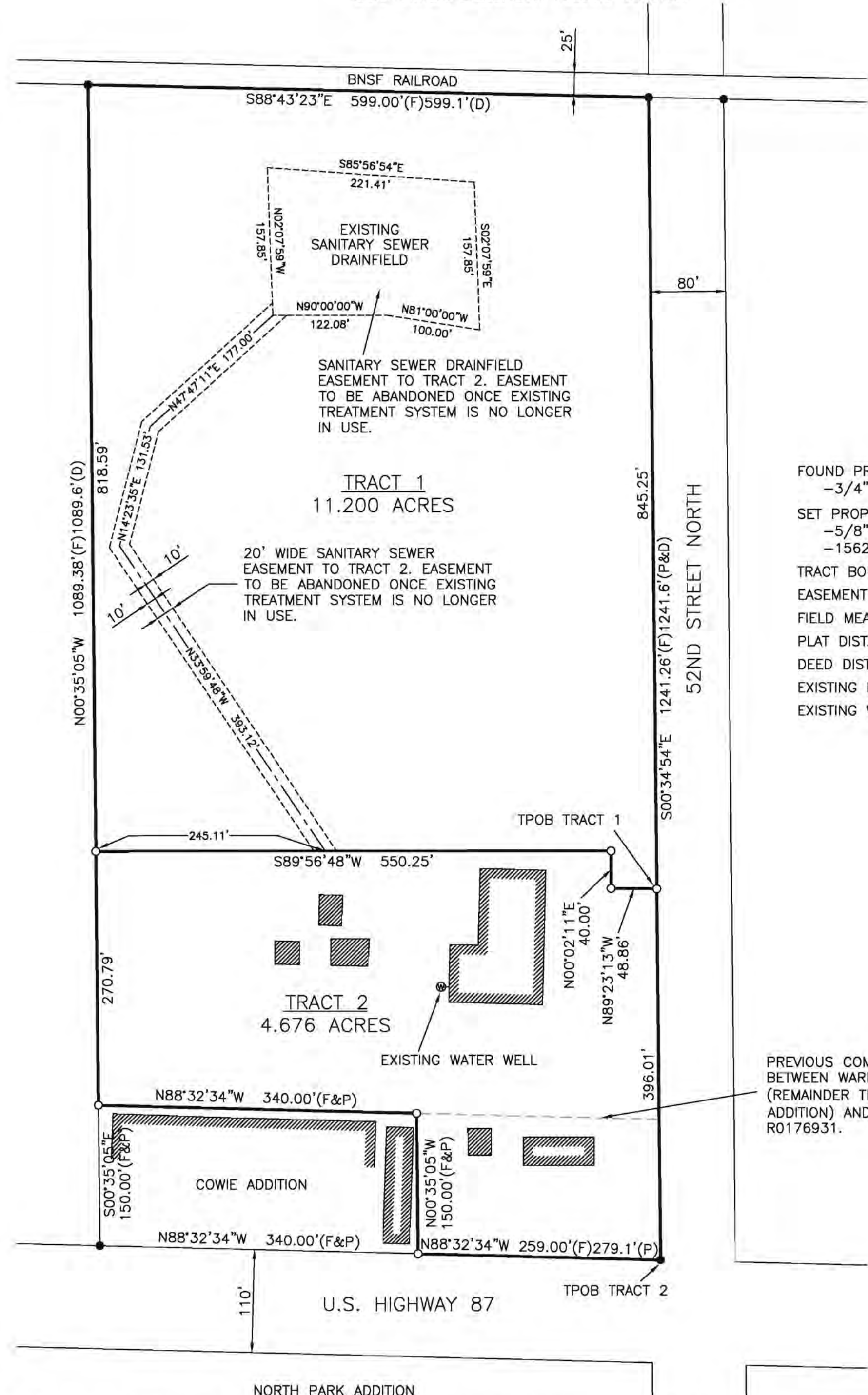




# CERTIFICATE OF SURVEY

TWO TRACTS OF LAND LOCATED IN THE NE1/4 OF SECTION 4,  
T20N, R4E, P.M.M., CASCADE COUNTY, MONTANA

LAND OWNER: STEEL, ECT. HOLDING COMPANY



### LEGEND

- FOUND PROPERTY MONUMENT - 3/4" REBAR ●
- SET PROPERTY MONUMENT - 5/8"x24" REBAR - 15625LS YPC ○
- TRACT BOUNDARY —————
- EASEMENT - - - - -
- FIELD MEASUREMENT (F)
- PLAT DISTANCE (P)
- DEED DISTANCE (D)
- EXISTING BUILDING ▨
- EXISTING WELL ⊗

#### DESCRIPTION — TRACT 1

A tract of land located in the NE<sup>1</sup>/<sub>4</sub> of Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and being more particularly described as follows:  
 Beginning at a point being the intersection of the Westerly right-of-way of 52nd Street North and the Northerly right-of-way of U.S. Highway 87; thence North 00°34'54" West along said Westerly right-of-way of 52nd Street North, a distance of 396.01 feet to the True Point of Beginning; thence North 89°23'13" West, a distance of 48.86 feet; thence North 00°02'11" East, a distance of 40.00 feet; thence South 89°56'48" West, a distance of 550.25 feet to the Westerly boundary of a tract described on Warranty Deed R0176931; thence North 00°35'05" West along said Westerly boundary, a distance of 818.59 feet to the Southerly right-of-way of the Burlington Northern Sante Fe Railroad; thence South 88°43'23" East along said Southerly right-of-way, a distance of 599.00 feet to said Westerly right-of-way of 52nd Street North; thence South 00°34'54" East along said Westerly right-of-way, a distance of 845.25 feet to the True Point of Beginning and containing 11.200 acres.

#### DESCRIPTION — TRACT 2

A tract of land located in the NE<sup>1</sup>/<sub>4</sub> of Section 4, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana, and being more particularly described as follows:  
 Beginning at a point being the intersection of the Westerly right-of-way of 52nd Street North and the Northerly right-of-way of U.S. Highway 87; thence North 88°32'34" West along said Northerly right-of-way of U.S. Highway 87, a distance of 259.00 feet to the Easterly boundary of the Cowie Addition; thence North 00°35'05" West along said Easterly boundary, a distance of 150.00 feet to the Northerly boundary of the Cowie Addition; thence North 88°32'34" West along said Northerly boundary, a distance of 340.00 feet to the Westerly boundary of a tract described on Warranty Deed R0176931; thence North 00°35'05" West along said Westerly boundary, a distance of 270.79 feet; thence North 89°56'48" East, a distance of 550.25 feet; thence South 00°02'11" West, a distance of 40.00 feet; thence South 89°23'13" East, a distance of 48.86 feet to said Westerly right-of-way of 52nd Street North; thence South 00°34'54" East along said Westerly right-of-way, a distance of 396.01 feet to the Point of Beginning and containing 4.676 acres.

#### CERTIFICATE OF COUNTY TREASURER

I, \_\_\_\_\_ County Treasurer of Cascade County, Montana, do hereby certify that the accompanying plat has been duly examined and that no real property taxes assessed and levied on the land to be subdivided are delinquent.  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.  
 \_\_\_\_\_  
 County Treasurer, Cascade County, Montana

#### CERTIFICATE OF SURVEYOR

I, the undersigned, Daniel R. Kenczka, Professional Land Surveyor, Montana registration No. 15625LS, do hereby certify that I supervised this survey and platted same as shown on the accompanying Certificate of Survey, and as described in accordance with the provisions of the Montana Subdivision and Platting Act, Sections 76-3-101 through 76-3-614, M.C.A., and Cascade County.  
 Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.  
 Daniel R. Kenczka, Montana Reg. No. 15625LS



#### CERTIFICATE OF EXEMPTION

I, the undersigned property owner, hereby certify that this division of land is made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties. Therefore this division of land is exempt from subdivision review, pursuant to Section 76-3-207(1)(a) M.C.A.

#### CERTIFICATE OF EXCLUSION

I, the undersigned property owner, hereby certify that this division of land is excluded from sanitation review, pursuant to ARM 17.36.605(2)(b), stating "(2) The reviewing authority may exclude the following parcels created by divisions of land from review under Title 76, chapter 4, part 1, MCA, unless the exclusion is used to evade the provisions of that part: (b) a parcel that has no existing facilities for water supply, wastewater disposal, or solid waste disposal other than those that were previously approved by the reviewing authority under Title 76, chapter 4, part 1, MCA, or that were exempt from such review, if: (i) no new facilities will be constructed on the parcel; and (ii) the division of land will not cause approved facilities to violate any conditions of approval, and will not cause exempt facilities to violate any conditions of exemption".

STEEL ECT. HOLDING COMPANY

State of Montana)  
 :ss  
 County of Cascade)

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me, \_\_\_\_\_, the undersigned, a Notary Public for the State of Montana, personally appeared, \_\_\_\_\_, known to me to be the person who executed the Certificate of Exemption and Exclusion. IN WITNESS WHEREOF, 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  
 Residing at \_\_\_\_\_  
 My commission expires \_\_\_\_\_

BASIS OF BEARING: ASSUMED BEARING BASED UPON ENGINEERING DESIGN OF SITE IMPROVEMENTS  
 PURPOSE OF SURVEY: TO RELOCATE A COMMON BOUNDARY LINE BETWEEN ADJOINING PROPERTIES  
 MADE OUTSIDE OF A PLATTED SUBDIVISION

<b>TD&amp;H</b>	DRAWN BY: DRK	DATE: 10-15-08	QUALITY CHECK: DRK
	SURVEYED BY: RFS	JOB NO. 08-065	FIELDBOOK
<b>THOMAS, DEAN &amp; HOSKINS, INC.</b>			
ENGINEERING CONSULTANTS			
GREAT FALLS—BOZEMAN—KALISPELL—HELENA			MONTANA
SPOKANE			WASHINGTON
LEWISTON			IDAHO





**Item:** Ordinance 3042, Amending OCCGF Title 10, Chapter 30 pertaining to One-Way Streets and Alleys

**From:** Street Division

**Initiated By:** Public Works Department

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

**Action Requested:** Adopt Ordinance 3042 on final reading

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**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission adopt Ordinance 3042 on final reading."

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

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**Staff Recommendation:** Adopt Ordinance 3042 on final reading.

**Background:**

Citizen Participation

A petition was created by Fred Dahlman of 632 25th Avenue Northeast "in an effort to reduce traffic, speeding, and property damage currently being experienced in the alley located on the Southside of 25<sup>th</sup> Ave. NE". The petition was circulated to gauge support for making the alley one-way flowing from East to West from 8<sup>th</sup> Street Northeast to 6<sup>th</sup> Street Northeast. There are twenty residences along this alley. Fifteen residents signed the petition in support of making this change. They were unable to contact three residents. One resident stated they were unsure about the direction of travel recommended. One resident's father-in-law gave a verbal 'yes' to the petition.

Workload Impacts

The current City Sanitation pickup would be unaffected by the change.

Purpose

To "reduce traffic, speeding and property damage" of residences along 25<sup>th</sup> Alley NE.

Project Work Scope

Signage will need to be installed. Traffic counts and a speed study were performed

previously.

Evaluation and Selection Process

N/A

**Concurrences:**

Neighborhood Council #3

**Fiscal Impact:**

There will be a cost to install one-way signs in the alley.

**Alternatives:**

The City Commission could vote to deny Ordinance 3042.

**Attachments/Exhibits:**

Citizen Petition

Ordinance 3042

Revised Official Code of the City of Great Falls, Montana 10.30.020 Direction Designated

**ORDINANCE 3042**

**AN ORDINANCE AMENDING OCCGF TITLE 10 CHAPTER 30  
PERTAINING TO ONE-WAY STREETS AND ALLEYS**

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

Section 1. That OCCGF Title 10 Chapter 30 pertaining to One-Way Streets and Alleys be amended as depicted in Exhibit A, which removes any language indicated by a strike-out and adds any language which is bolded.

APPROVED by the City Commission of the City of Great Falls, Montana, on first reading July 21, 2009.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading August 4, 2009.

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Dona R. Stebbins, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, 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 3042 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 3042 – Exhibit A**  
**Chapter 30**  
**ONE WAY STREETS AND ALLEYS**

**Sections:**

- 10.30.010 Sign placement and maintenance
- 10.30.020 Direction designated

**10.30.010 Sign placement and maintenance**

Whenever any laws of this City designate any one-way street or alley, the Public Works Department shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited. (Ord. 2646 § (part), 1994; Prior code §10-2-7(A)).

**10.30.020 Direction designated**

- A. Upon those streets and parts of streets and in those alleys described in subsection B of this section, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.
- B. In accordance with Section 10.30.010 and when proper signs are posted, traffic shall move only in the direction indicated upon the following streets or avenues. (Ord, 2867, 2004)

<u>Street, Avenue or Alley</u>	<u>Permitted direction</u>
First Avenue North Park Drive to Thirty-seventh Street (Ord. 1217, 1956)	Eastbound
First Avenue South Park Drive to Fifteenth Street (Ord. 1217, 1956)	Westbound
Second Avenue South Second Street to Fifteenth Street (Ord. 1217, 1956)	Eastbound
Second Avenue North Park Drive to Thirty-seventh Street (Ord. 1217, 1956)	Westbound
Fifth Street Eighth Avenue North to Tenth Avenue South (Ord. 1471, 1964)	Southbound
Sixth Street Eighth Avenue North to Tenth Avenue South (Ord. 1471, 1964)	Northbound
Fourteenth Street Twelfth Avenue North to Tenth Avenue South (Ord. 1454,1963)	Southbound
Fifteenth Street Twelfth Avenue North to Tenth Avenue South (Ord. 1454, 1963)	Northbound
<b>Twenty-fifth Alley Northeast</b> <b>Sixth Street Northeast to Ninth Street Northeast (Ord. 3042, 2009)</b>	<b>Westbound</b>
Twenty-fifth Street Tenth Avenue South to Eighth Avenue North (Ord. 1627, 1969)	Southbound
Twenty-sixth Street Tenth Avenue South to Eighth Avenue North (Ord. 1627, 1969)	Northbound
Park Drive First Avenue South to Second Street	Southbound

(Ord. 2867, 2004; Ord. 2646 §(part), 1994; Prior code §10-2-7(B)).

# Petition to Designate 25<sup>th</sup> Ave NE Alley as One-Way

In an effort to reduce traffic, speeding, and property damage currently being experienced in the alley located on the Southside of 25<sup>th</sup> Ave NE, would you support making this alley one-way? The traffic flow would be from 8<sup>th</sup> Street NE towards 6<sup>th</sup> Street NE. The East to West flow would allow sanitation pickup to maintain their current route for collection purposes.

*NO CONTACT*

Resident of 600 25<sup>th</sup> Ave NE

*Julie Lewis*

Resident of 604 25<sup>th</sup> Ave NE

*NOT SURE ABOUT DIRECTION OF TRAVEL*

Resident of 608 25<sup>th</sup> Ave NE

*Melby Rowe*

Resident of 612 25<sup>th</sup> Ave NE

*Joseph Francis*

Resident of 616 25<sup>th</sup> Ave NE

*Verbal yes by Father-in-law*

Resident of 620 25<sup>th</sup> Ave NE

*Kenn Olson*

Resident of 624 25<sup>th</sup> Ave NE

*Albert L. Objenko*

Resident of 628 25<sup>th</sup> Ave NE

*Paul Ann Dahlman*

Resident of 632 25<sup>th</sup> Ave NE

*Bennie Anderson*

Resident of 636 25<sup>th</sup> Ave NE

Donnie Wuchman  
Resident of 700 25<sup>th</sup> Ave NE

Clara L. Allen  
Resident of 704 25<sup>th</sup> Ave NE

RHOUDA MATSKE *Red*  
Resident of 708 25<sup>th</sup> Ave NE

+ Gordon Jendro  
Resident of 712 25<sup>th</sup> Ave NE

x A. M. MALISANI  
Resident of 716 25<sup>th</sup> Ave NE

No contact  
Resident of 720 25<sup>th</sup> Ave NE

Ernesto Lopez  
Resident of 724 25<sup>th</sup> Ave NE

No Contact  
Resident of 728 25<sup>th</sup> Ave NE

x Robert E. Diney  
Resident of 732 25<sup>th</sup> Ave NE

Robert Rein  
Resident of 736 25<sup>th</sup> Ave NE



**Item:** Ordinance 3043 to Revise the Description of the Boundary of the International Airport Tax Increment Financing Industrial District

**From:** Bill Walters, Interim Planning Director

**Initiated By:** Great Falls International Airport Authority – Cynthia Schultz, Director

**Presented By:** Bill Walters, Interim Planning Director

**Action Requested:** City Commission accept Ordinance 3043 on first reading and set a public hearing for September 1, 2009

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3043 on first reading and set a public hearing for September 1, 2009.”

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

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**Staff Recommendation:** It is recommended the City Commission accept Ordinance 3043 on first reading and set a public hearing for September 1, 2009.

**Background:** 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, and an associated District Plan and District Boundary pursuant to Section 7-15-4299, MCA.

The Montana Department of Revenue, which is responsible for the certification of the Tax Increment Financing Industrial District (TIFID), notified the City through a written communication dated May 15, 2009, that the legal description for the Great Falls International Airport TIFID attached to Ordinance 3022 as Exhibit “B” is 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 TIFID, worked with representatives of the Montana Department of Revenue and City staff to correct the description for the Airport TIFID as reflected by Exhibit “A” attached to Ordinance 3043.



The Montana Department of Revenue has indicated it will continue to recognize January 1, 2008, as the base year for the District provided the City expeditiously processes approval of the corrected description of the District.

**Concurrences:** Representatives of the Montana Department of Revenue, the consultant for the Airport Authority and City staff have participated in the revisions to the description for the Airport TIFID attached to Ordinance 3043 as Exhibit “A”.

**Fiscal Impact:** The fiscal impacts associated with creation of the International Airport Tax Increment Financing Industrial District were previously presented and considered with adoption of Ordinance 3022 last year.

**Alternatives:** The City Commission could choose to not accept Ordinance 3043 on first reading and not set the public hearing. However, such action would force the Montana Department of Revenue to rescind its recognition of the Airport TIFID. Additionally, not accepting the Ordinance may also indicate the City is no longer interested in or supportive of creating the TIFID, which may negatively impact the Authority’s and community’s ability to facilitate the development and growth of secondary, value-adding industries at the Airport.

**Attachments/Exhibits:**

Ordinance 3043

Cc: Cynthia Schultz, Great Falls International Airport Authority  
Kathy Harris, Stelling Engineers, Inc.

ORDINANCE 3043

AN ORDINANCE REVISING THE DESCRIPTION  
OF THE BOUNDARIES  
OF THE GREAT FALLS INTERNATIONAL AIRPORT  
TAX INCREMENT FINANCING INDUSTRIAL DISTRICT

\* \* \* \* \*

WHEREAS, 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, and an associated District Plan and District Boundary pursuant to Section 7-15-4299, MCA; and,

WHEREAS, the Montana Department of Revenue, who is responsible for the certification of the Tax Increment Financing Industrial District, has determined that the legal description for the Great Falls International Airport Tax Increment Financing Industrial District attached to Ordinance 3022 as Exhibit "B" is inaccurate; and,

WHEREAS, attached hereto and by this reference made a part hereof is Exhibit "A", a corrected description for the Great Falls International Airport Tax Increment Financing Industrial District ; and,

WHEREAS, notice of revising the description for the Great Falls International Airport Tax Increment Financing Industrial District was published in the Great Falls Tribune, advising that a public hearing on the revisions would be held on the 1st day of September, 2009, before final passage of said Ordinance herein.

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

Section 1. The correct description of the boundary for the Great Falls International Airport Tax Increment Financing Industrial District is attached hereto as Exhibit "A" which supersedes and replaces the description provided by Exhibit "B" attached to Ordinance 3022.

Section 2. All parts of Ordinances in conflict herewith, are hereby repealed.

Section 3. This ordinance shall be in full force and effect upon passage and adoption by the City Commission.

APPROVED by the City Commission on first reading August 4, 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:

\_\_\_\_\_  
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 3043 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)

## EXHIBIT "A"

### Legal Description of the Great Falls International Airport TIFID

#### Legal Description

The proposed Great Falls International Airport TIFID includes all that real property in the City of Great Falls, County of Cascade, State of Montana, which lies within the following described boundary, as of October 2008.

**BEGINNING** at the southeast corner of Section 8, Township 20 North, Range 3 East; thence along the east line of said section, North 00°20'17" West, a distance of 1313.50 feet; thence North 89°49'00" West, a distance of 205.05 feet; thence North 89°49'52" West, a distance of 1130.62 feet; thence North 53°35'22" West, a distance of 237.30 feet; thence South 07°55'24" West, a distance of 472.63 feet; thence North 89°48'47" West, a distance of 1035.78 feet; thence South 00°13'51" West, a distance of 986.89 feet to the northwest corner of the Northeast Quarter of Section 17, Township 20 North, Range 3 East; thence along the west line of said Northeast Quarter of said section, South 00°31'52" West, a distance of 2642.24 feet to the northeast corner of the East Half of the Southwest Quarter of the above said Section 17; thence along the north line of said aliquot part, North 89°49'46" West, a distance of 1328.89 feet to the northwest corner of said aliquot part; thence along the west line of said aliquot part, South 00°19'55" West, a distance of 2630.17 feet to the north line of Section 20, Township 20 North, Range 3 East; thence along the north line of said Section 20, North 89°38'19" West, a distance of 738.21 feet; thence South 00°09'43" East, a distance of 2641.70 feet to the north line of the Southwest Quarter of the above said Section 20; thence along the north line of said Southwest Quarter, North 89°22'25" West, a distance of 580.06 feet to the northwest corner of said Southwest Quarter; thence along the west line of said Southwest Quarter, South 00°18'14" East, a distance of 821.55 feet; thence South 45°01'17" West, a distance 42.19 feet; thence South 45°00'59" West, a distance of 2417.04 feet to the north line of Section 30, Township 20 North, Range 3 East; thence along the north line of said Section 30, North 87°38'03" West, a distance of 905.29 feet to the northwest corner of the Northeast Quarter of said Section 30, Township 20 North, Range 3 East; thence along the west line of said aliquot part, South 00°46'52" East, a distance of 1630.31 feet to the southerly right-of-way line of Highway Project No. FAP 218-(6); thence along said southerly right-of-way line, South 69°25'46" West, a distance of 2152.03 feet to the west line of the above said Section 30; thence along said west line of said section, South 01°09'05" West, a distance of 182.26 feet to the northwest corner of the Southwest Quarter of said Section 30, Township 20 North, Range 3 East; thence along the west line of said aliquot part, South 01°04'33" West, a distance of 360.99 feet to the northwesterly right-of-way line of Interstate 15 (Project Number I15-5 (29) 259); thence along said northwesterly right-of-way line, North 84°59'39" East, a distance of 82.19 feet; thence continuing along said northwesterly right-of-way line, North 70°58'05" East, a distance of 9112.64 feet; thence continuing along said northwesterly right-of-way line, North 54°02'36" East, a distance of 88.14 feet to the beginning of a 5580.00 foot radius curve, concave northwesterly, having a radial bearing of North 19°53'25" West; thence continuing along said northwesterly right-of-way line and along said curve, through a central angle of 10°59'56", an arc length of 1071.17 feet; thence continuing along said northwesterly right-of-way line, North 72°53'03" East, a distance of 100.64 feet to the beginning of a 5605.00 foot radius curve, concave northwesterly, having a radial bearing of North 31°53'24" West; thence continuing along said northwesterly right-of-way line, and along said curve through a central angle of 5°10'01", an arc length of 505.45 feet; thence leaving said northwesterly right-of-way of Interstate 15, North 08°28'52" West, a distance of 555.23 feet; thence North 08°02'28" West, a distance of 14.62 feet to a point on the southeasterly right-of-way line of Highway Project No. FAP 218-(5), said point being on a 5790.00 foot radius curve concave northwesterly, having a radial bearing of North 24°34'19" West; thence northeasterly along said right-

of-way line and along said curve, through a central angle of  $18^{\circ}17'38''$ , an arc length of 1848.69 feet to the south line of the northwest quarter of Section 21, Township 20 North, Range 3 East; thence along said south line of said aliquot part, North  $89^{\circ}52'17''$  West, a distance of 1760.62 feet to the southwest corner of said aliquot part; thence along the west line of said aliquot part, North  $00^{\circ}28'25''$  West, a distance of 2663.87 feet to the northwest corner of Section 21, Township 20 North, Range 3 East; thence along the north line of said Section 21, South  $89^{\circ}44'23''$  East, a distance of 3461.79 feet to a point on the northwesterly right-of-way line of the now partially abandoned Highway Project No. FAP 218-(5), said point being on a 6450.48 foot radius curve, concave southeasterly, having a radial bearing of South  $52^{\circ}51'19''$  East; thence northeasterly along said right-of-way line and along said curve through a central angle of  $21^{\circ}52'05''$ , an arc length of 2461.96 feet to the east line of Section 16, Township 20 North, Range 3 East; thence along the east line of said Section 16, North  $00^{\circ}09'45''$  West, a distance of 1011.66 feet, and North  $00^{\circ}07'19''$  West, a distance of 950.12 feet to the northwest corner of that area denoted as "Park" on the West Hill Subdivision, the copy of which is on file with Cascade County, Montana; thence along the north line of said "Park", South  $89^{\circ}48'05''$  East, a distance of 188.49 feet to a point on the westerly right-of-way line of 4th West Hill Drive; said point being on a 1015.00 foot radius curve, concave easterly, having a radial bearing of South  $89^{\circ}28'58''$  East, thence northeasterly along said westerly right-of-way and along said curve through a central angle of  $35^{\circ}06'22''$ , an arc length of 621.91 feet; thence continuing along said westerly right-of-way, North  $35^{\circ}23'00''$  East, a distance of 578.09 feet to the beginning of a 200.00 foot radius curve, concave northwesterly, having a radial bearing of North  $54^{\circ}37'56''$  West; thence continuing northerly along said westerly right-of-way and along said curve through a central angle of  $35^{\circ}03'56''$ , an arc length of 122.40 feet; thence continuing along said westerly right-of-way, North  $00^{\circ}16'15''$  East, a distance of 234.13 feet to the beginning of a 249.63 foot radius curve, concave southeasterly, having a radial bearing of South  $89^{\circ}52'12''$  East; thence continuing northeasterly along said westerly right-of-way and along said curve through a central angle of  $43^{\circ}02'26''$ , an arc length of 187.52 feet; thence continuing along said westerly right-of-way North  $43^{\circ}10'14''$  East, a distance of 172.45 feet to the southwesterly right-of-way line of the Sun River Highway; thence northwesterly along said southwesterly right-of-way line, North  $48^{\circ}34'36''$  West, a distance of 52.26 feet to the south line of Section 10, Township 20 North, Range 3 East; thence along said south line of Section 10, South  $88^{\circ}15'19''$  West, a distance of 36.95 feet to the southeast corner of Lot 17, Block 14 of Sun River Addition, the copy of which is on file with Cascade County, Montana; thence along the east line of said Lot 17, North  $00^{\circ}15'55''$  East, a distance of 26.32 feet; thence North  $00^{\circ}15'55''$  East, a distance of 16.00 feet to the southeast corner of Lot 16 of said Block 14 of Sun River Addition; thence along the east line of Lot 16, North  $00^{\circ}15'55''$  East, a distance of 120.00 feet to the northeast corner thereof; thence along the north line of Lots 16 through 13 of Block 14 of Sun River Addition; North  $89^{\circ}44'05''$  West, a distance of 100.00 feet to the northwest corner of said Lot 13; thence North  $00^{\circ}15'55''$  East, a distance of 60.00 feet to the southeast corner of Lot 21, Block 11 of Sun River Addition; thence along the east line of said Lot 21, North  $00^{\circ}15'55''$  East, a distance of 120.00 feet to the northeast corner thereof; thence along the north line of Lots 21 through 19 of Block 11 of Sun River Addition, North  $89^{\circ}44'05''$  West, a distance of 75.00 feet to the northwest corner of said Lot 19; thence North  $00^{\circ}15'55''$  East, a distance of 16.00 feet to the southeast corner of Lot 9, Block 11 of Sun River Addition; thence along the east line of said Lot 9, North  $00^{\circ}15'55''$  East, a distance of 120.00 feet to the northeast corner thereof; thence along the north line of Lots 9 through 3 of Block 11 of Sun River Addition, North  $89^{\circ}44'05''$  West, a distance of 174.94 feet to the Northwest corner of said Lot 3; thence North  $00^{\circ}09'32''$  East, a distance of 60.00 feet to the southeast corner of Lot 31, Block 8; thence along the east line of said Lot 31, North  $00^{\circ}09'32''$  East, a distance of 120.03 feet to the northeast corner thereof; thence along the north line of Lots 31 and 32, Block 8 of Sun River Addition; North  $89^{\circ}45'32''$  West, a distance of 50.03 feet to the northwest corner of said Lot 32; thence North  $89^{\circ}47'14''$  West, a distance of 60.00 feet to the northeast corner of Lot 16 of Block 9 of Sun River Addition; thence North  $57^{\circ}20'43''$  West, a distance of 29.80 feet to the southeast corner of Lot 14 of Block 9 of Sun River Addition; thence along the east

line of said Lot 14, North  $00^{\circ}09'43''$  East, a distance of 3.07 feet to a point on the southwesterly right-of-way line of Sun River Road, said point being on a 1060.00 foot radius curve, concave southwesterly, having a radial bearing of South  $35^{\circ}08'31''$  West; thence northwesterly along said southwesterly right-of-way line and along said curve through a central angle of  $03^{\circ}15'07''$ , an arc length of 60.17 feet to the east line of Lot 12 of Block 9 of Sun River Addition; thence along said east line of said Lot 12, North  $00^{\circ}11'29''$  East, a distance of 83.84 feet to the northeast corner thereof; thence along the north line of Lots 12 through 1, Block 9 of Sun River Addition, North  $89^{\circ}50'17''$  West, a distance of 301.23 feet to the northwest corner of said Lot 1; thence North  $89^{\circ}50'17''$  West, a distance of 12.67 feet to the west line of Section 10, Township 20 North, Range 3 East; thence along said west line North  $01^{\circ}15'30''$  East, a distance of 120.38 feet to the centerline of a 60.00 foot wide County Road, thence along said centerline of said County Road North  $64^{\circ}39'39''$  West, a distance of 1.40 feet; thence three courses along said centerline of said County Road, North  $74^{\circ}26'53''$  West, a distance of 280.85 feet, North  $73^{\circ}41'28''$  West, a distance of 450.69 feet, and North  $72^{\circ}21'35''$  West, a distance of 245.21 feet; thence leaving said County Road centerline, South  $17^{\circ}20'18''$  West, a distance of 30.00 feet; thence South  $30^{\circ}43'24''$  West, a distance of 310.64 feet; thence South  $39^{\circ}10'10''$  West a distance of 335.21 feet to the east line of the southwest quarter of the southeast quarter of Section 9, Township 20 North, Range 3 East; thence along said east line of said aliquot part, South  $00^{\circ}49'30''$  West, a distance of 146.18 feet to the northeast corner of that parcel described in Reel 189, Document 777, records of Cascade County, Montana; thence along the northwesterly boundary of said parcel, South  $45^{\circ}03'17''$  West, a distance of 734.81 feet to the north line of Section 16, Township 20 North, Range 3 East; thence along the north line of said section, North  $89^{\circ}59'48''$  West, a distance of 793.10 feet, and North  $89^{\circ}59'12''$  West, a distance of 2612.01 feet to the **POINT OF BEGINNING**, containing 1977.814 acres of land.



**Item:** Ord. 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 accept Ordinance 3044, Social Host Ordinance, on first reading, and set public hearing for August 18, 2009.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/deny) Ordinance 3044 on first reading, and set public hearing for August 18, 2009.”

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

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**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.

**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.

As of January 1, 2008, 25 states and countless counties, cities, towns and municipalities have adopted social host laws or ordinances. While the jurisdictions which have passed social host ordinances are tentative to attribute its declining numbers of MIP charges solely to their ordinances' adoption, NHTSA reports that the traffic fatalities in alcohol-impaired-driving

crashes decreased nearly 4 percent from 13,491 in 2006 to 12,998 in 2007, resulting in a decreased fatality rate per 100 million vehicle miles of travel (VMT) in 2007—the lowest on record. In particular, NHTSA reports the total of alcohol related fatalities among youth ages 16-20 decreased from 2006 to 2007 from 11% of all motor vehicle fatalities to 10%. Additionally, 32 states had decreases in the number of alcohol-impaired driving fatalities in 2007, as compared to 2006. Supplementary studies further attribute social host liability laws with decreased alcohol-related traffic fatalities among adults, as well as decreases in self-reported heavy drinking and drinking and driving.

Research also indicates that social host liability laws are among the most effective forms of public policy to reduce binge drinking and driving, thereby saving taxpayers money from repeated disturbance calls to police, reduced emergency medical responses to underage drinking parties, reduced injuries and violence, and increased peace within the jurisdictions' neighborhoods and protection to private property.

The approval and passage of the Ordinance will assist Great Falls' 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, on second reading August 18, 2009.

\_\_\_\_\_  
Dona R. Stebbins, Mayor

ATTEST:

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

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

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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)

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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 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:** Ordinance 3045, Creating Title 2, Chapter 51 of the Official Codes of the City of Great Falls, Establishing a Youth Council

**From:** Patty Cadwell, Neighborhood Council Coordinator/Weed and Seed Director

**Initiated By:** Great Falls Youth Council

**Presented By:** Patty Cadwell, Neighborhood Council Coordinator/Weed and Seed Director

**Action Requested:** City Commission accept Ordinance 3045 on first reading and set final reading for September 1, 2009

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission accept Ordinance on first reading, and set final reading for September 1, 2009.”

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

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**Staff Recommendation:** It is recommended the City Commission accept Ordinance 3045 on first reading and set the second and final reading for September 1, 2009. (Youth Council members will be out of town for the August 18, 2009 Commission meeting).

**Background:** The Great Falls Youth Council has been in existence for 1 year with 6 active members. Its formation occurred as a result of a vision that actualized in the form of a Weed and Seed strategy. Weed and Seed personnel distributed applications to Great Falls High, CMR High, and Central High. Twenty-one applications were received and there are 6 core members who plan to solicit other members in the future. These youth believe their input to the City Commission and their actions to improve youth involvement can positively influence the citizens of Great Falls.

To date, the Youth Council has conducted a survey of 500 high school students that they wish to present to the City Commission. The Youth Council also plans a video survey of residents of the Weed and Seed site. In addition, youth members plan to begin the process of establishing a Youth Center in Great Falls: a place where youth can gather for fun and learning. The Youth Council members will be attending a NeighborWorks USA Youth Leadership Institute August 16 – 20, 2009 through a partnership between Weed and Seed and NeighborWorks.

The Great Falls Youth Council will fall under the workload of the Neighborhood Council Coordinator. The Youth Council will meet at least monthly.

**Concurrences:** Members of the Weed and Seed Steering Committee; Tom Moore, Assistant Superintendent of GFPS; NeighborWorks Great Falls, and members of the Neighborhood Councils concur that a Youth Council, serving in an advisory capacity to the City Commission, will benefit the citizens of Great Falls through the civic and social involvement of the youth members.

**Fiscal Impact:** There will be no fiscal impact to the City of Great Falls.

**Alternatives:** The City Commission may deny Ordinance 3045.

**Attachments/Exhibits:** Ordinance 3045, Exhibit A and Youth Council Mission and Bylaws.

**ORDINANCE 3045**

**AN ORDINANCE CREATING TITLE 2, CHAPTER 51 OF  
THE OFFICIAL CODES OF THE CITY OF GREAT FALLS  
ESTABLISHING A YOUTH COUNCIL**

WHEREAS, the City Commission of Great Falls has the authority to create a council pursuant to Article VII, Section 3 of the City Charter; and

WHEREAS, the City Commission of Great Falls believes that citizen participation is necessary and important in the process of governance; and

WHEREAS, the City of Great Falls promotes young people utilizing their skills and leadership to collaborate with City leaders and organizations throughout the community; and

WHEREAS, the City of Great Falls would realize a direct benefit from the formation of a Youth Council.

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

Section 1: That there is hereby enacted the creation of a Youth Council as set forth in Title 2, Chapter 51, Sections 010 thru 070 of the Official Codes of the City of Great Falls. The full text and provisions of which are set forth in Exhibit A, attached hereto and, by this reference, made a part hereof.

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, on second reading September 1, 2009.

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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 3045 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 3045 – Exhibit A**  
**Chapter 51**  
**YOUTH COUNCIL**

**Sections:**

2.51.010	Establishment	2.51.060	By-laws
2.51.020	Purpose	2.51.070	Open meetings and public records
2.51.030	Membership/Appointment/Terms		
2.51.040	Duties and Powers		
2.51.050	Organization		

**2.51.010 Establishment**

Pursuant to Article VII, Section 3 of the Charter for the City of Great Falls, a Youth Council is hereby established.

**2.51.020 Purpose**

The Great Falls Youth Council is dedicated to making the voice of the Great Falls Youth heard. Goals include bettering the community as a whole, making Great Falls safer and more enjoyable, and providing chances for youth to express themselves, become familiar with City government, and showcase their contributions. By inspiring youth and adults through their maturity, patience, open-mindedness and respect, the members of the Great Falls Youth Council will be leaders to unite the youth of the community.

**2.51.030 Membership/Appointment/Terms**

- A. The age range for membership in the Youth Council is 14 to 19 years of age. If a member turns 20 during an appointment to the Youth Council, the member will be allowed to complete the year with the Council.
- B. The limit on voting members is 30.
- C. Annual elections will be held in December with no limits on term appointments.
- D. Officers must attend 75% of scheduled meetings to retain voting privileges, with the exception of personal emergencies.
- E. Volunteer positions for those interested in the Youth Council after the 30 voting positions have been filled are open to all 14 to 19 year old interested parties, with the purpose of assistance in special projects.
- F. Applications to the Youth Council will be reviewed by the Officers. Applications will first go through the Neighborhood Council Coordinator for removal of personal identification information for an impartial assessment.

**2.51.040 Duties and Powers**

- The Youth Council will be composed of 30 voting members, with six Officers managing six key areas of the Youth Council. These six positions are as follows:

Minister of Finance (Treasurer)

- Tracks cash deposits and withdrawals
- Announces balance at each meeting
- Budgets projects in cooperation with the Neighborhood Council Coordinator

Knight or Lady of Internal Activities (Youth Council Social Coordinator)

- Organizes internal Youth Council Social Events
- Reserves and makes payment to facilities

Earl or Countess of Records (Secretary)

- Archival of official documents related to Youth Council
- Takes minutes of scheduled Youth Council business meetings
- Maintains log of activities other than scheduled business meetings
- Cooperates with other members to produce business meeting agenda
- Documents attendance

Duke or Duchess of External Projects (Youth Council Community Projects Coordinator)

- Plans community and fundraising events in cooperation with other members
- Corresponds with appropriate facilities, directors, members of the community for projects

Grand Chairperson (Chair)

- Spokesperson for Youth Council to the media and other entities
- Calls meetings to order and presides over agenda

Duke or Duchess of Advertisement (Public Relations)

- Produces promotional material for public events
- Oversees maintenance and initial formation of website
- Produces announcements and recruitment material for new applicants

**2.50.050 Organization**

The Youth Council will be comprised of no more than 30 voting members, and six presiding officers. Interested youth other than the 30 voting members are invited to participate in special projects on a voluntary basis. The six board members will have no more power or voting privileges than the other 24 voting members but will serve as lead organizers on projects in which the entire Youth Council has input. The Youth Council, started by the Weed and Seed Initiative through the Community Development Office, will move to management under the Neighborhood Council Coordinator in the Community Development Office after the end of the Weed and Seed grant in 2010.

**2.50.060 By-Laws**

- A. The Youth Council shall adopt by-laws prescribing additional duties of the council, meeting criteria and times, and such other provisions as the council may deem appropriate.
- B. A copy of the by-laws shall be on file in the office of the City Clerk.

**2.50.070 Open meetings and public records**

- A. All meetings of the Youth Council shall be open to the public.
- B. All records maintained by the Youth Council shall be available for public inspection.

BYLAWS  
CITY OF GREAT FALLS YOUTH COUNCIL

PURPOSE/ MISSION:

The Great Falls Youth Council serves as a forum for discussion, a catalyst for action, and a center for forward thinking and progressive thought that will harbor positive change for Great Falls youth and empower the young citizens of Great Falls to serve and contribute to the vitality, diversity, and habitability of our city.

ARTICLE 1 MEMBERSHIP

Section 1:

Membership in the Great Falls Youth Council will be determined by the completion of an application during the month of October each school year until all available space on the Youth Council is filled. The application process will be made known to Great Falls public, private, parochial schools, and alternative high schools. Applications will be read and approved by the current officers on the council.

Section 2:

A Youth shall serve a renewing term lasting now longer than to the individuals twentieth birthday or the student has resined or moved from the Great Falls area.

Section 3:

Youth serving on the council must reside in the Great Falls City limits hereunto.

ARTICLE II MEETINGS

Section 1:

Great Falls Youth Council regular meetings will be held once a week on Thursday evenings at 7:30 in the evening. All special meetings will be announced well in advance.

Section 2:

A quorum will consist of three youth council members present at the given gathering or meeting.

Section 3:

All meetings are open to the public in accord with the Montana Open Meeting Law. Adults, teens, and interested community members, and site residents, are welcome to come listen to slated projects in the Seed Site.



**Item:** Resolution 9854, Intention to Vacate 30<sup>th</sup> Street Northwest

**From:** Charles Sheets, Planner I

**Initiated By:** Paul F. Vanhorn, Owner of Abutting Private Property

**Presented By:** Bill Walters, Interim Planning Director

**Action Requested:** City Commission adopt Resolution 9854, setting a public hearing for September 1, 2009.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9854.”

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

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**Staff Recommendation:** After meeting with the applicant on July 16, 2009, representatives of the Public Works, Community Development and Planning Departments concurred in recommending the City Commission approve the vacation of 30<sup>th</sup> Street Northwest, subject to the applicant having an Amended Plat prepared, including: a) incorporation of correction of any errors or omissions noted by staff; b) provision of a notification clause regarding soil conditions; and c) provision of easements as recommended by the City Engineer.

**Background:** The Planning Office is in receipt of application from Paul F. Vanhorn, regarding the vacation of 30<sup>th</sup> Street Northwest abutting his property addressed as 2915 Central Avenue West, and legally described as the West 90 feet of Block 9, Sun River Park Addition.

The involved right-of-way of 30<sup>th</sup> Street Northwest was dedicated to the public as a part of the Sun River Park Subdivision filed with the County Clerk and Recorder on December 30<sup>th</sup>, 1915 and annexed to the City of Great Falls as a part of Resolution 4790, May 9, 1955. The west boundary of 30<sup>th</sup> Street Northwest is the city limits boundary. The involved right-of-way is a dead end, graveled street. The applicant acquired the three parcels abutting 30<sup>th</sup> Street Northwest in the early 1990's and has been using the right-of-way as a driveway for his residence, two residential trailers and shop/storage buildings that he leases to others. Two of the three parcels are outside the City limits. The applicant will provide access and utility easements across the vacated right-of-way to serve the three abutting parcels. The applicant intends to fence and screen the properties to provide security.

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

A water main exists in the abutting portion of Central Avenue West. The previous property owner extended water lines from 2915 Central Avenue West to the trailer units and shop/storage building. No sanitary sewer mains exist in the vicinity, so all the structures have septic tank drain fields.

It is anticipated the City Commission, following the public hearing on September 1, 2009, will consider a final resolution to vacate the involved right-of-way together with an Amended Plat combining the vacated right-of-way with the abutting parcel to the east.

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

**Fiscal Impact:** Vacation of the dead end street relieves the City of any maintenance responsibility.

**Alternatives:** The City Commission could deny Resolution 9841 and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

**Attachments/Exhibits:**

1. Vicinity/Zoning Map
2. Resolution 9854
3. Preliminary Amended Plat

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Paul Vanhorn, 2915 Central Avenue West, Great Falls MT 59404-4046

RESOLUTION 9854

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 30<sup>TH</sup> STREET NORTHWEST, ABUTTING THE WEST 90 FEET OF BLOCK 9, SUN RIVER 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 subdivision plat of Sun River Park Addition, dedicated seventy (70) foot wide right-of-way for 30<sup>th</sup> Street Northwest abutting Block 9, Sun River Park Addition; and,

WHEREAS, Paul F. Vanhorn, owns the property adjoining 30<sup>th</sup> Street Northwest and has requested said right-of-way be vacated; and,

WHEREAS, it is determined retention and eventual improvement of 30<sup>th</sup> Street Northwest serves no practical or functional purpose; and,

WHEREAS, an Amended Plat of the West 90 feet of Block 9, Sun River Park Addition & Vacated Right-of-Way, has been prepared which reflects the aggregation of the western portion of said Block 9 and the requested vacated right-of-way into a single parcel; and,

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

That Tuesday, the 1st day of September, 2009, at 7:00 P.M. in the Commission Chambers of the Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place at which the City Commission shall hear all persons relative to the proposed vacation of right-of-way; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of the City shall forthwith cause notice of this Resolution to be: (1) published twice in the Great Falls Tribune, the newspaper published nearest such land; and (2) posted in three public places.



PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,  
on this 4<sup>th</sup> day August, 2009.

\_\_\_\_\_  
Dona R. Stebbins, Mayor

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
City Attorney

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

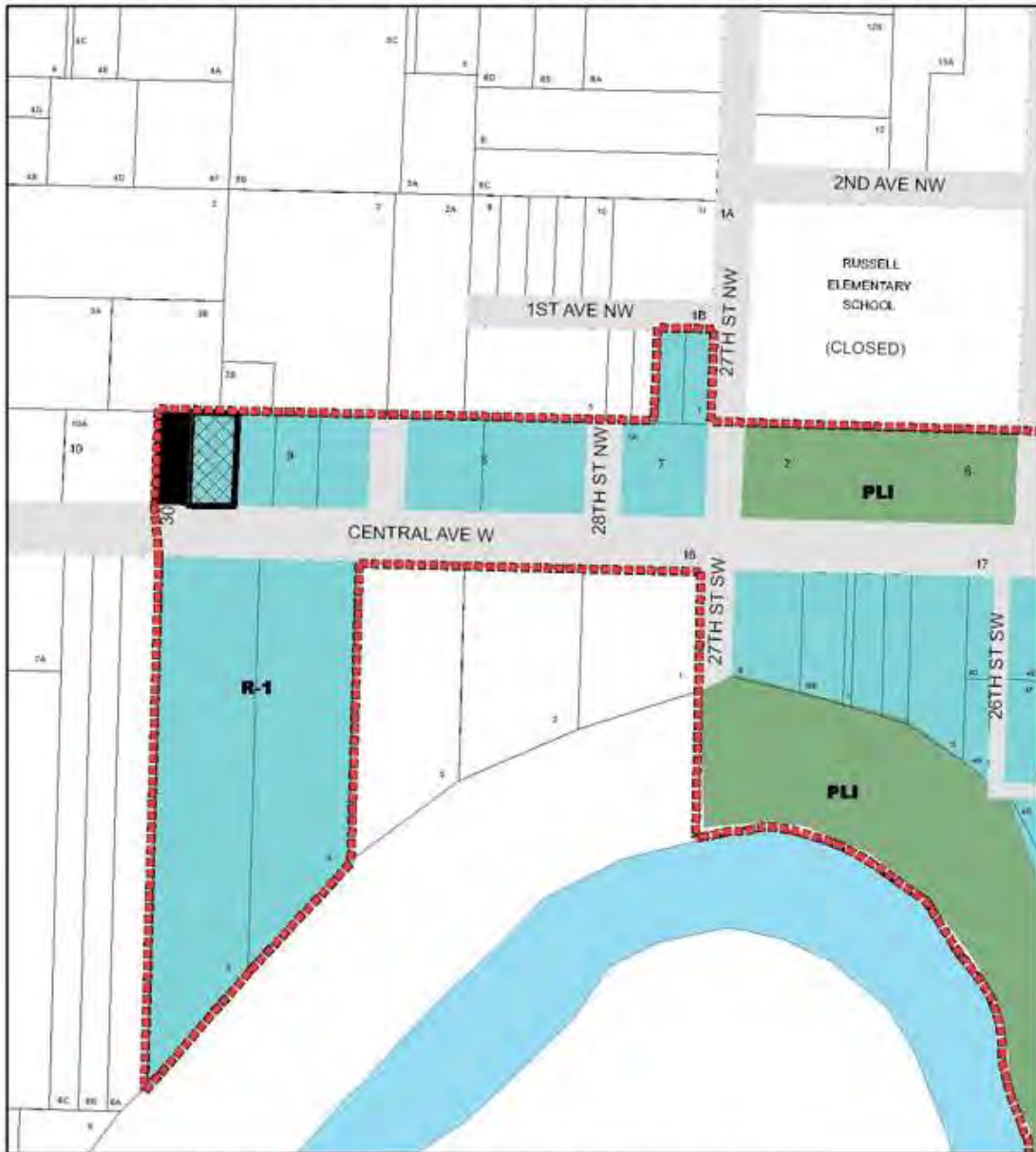
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Resolution 9854 in three conspicuous places within the limits of said City to-wit:


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


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Lisa Kunz, City Clerk




(CITY SEAL)


# VICINITY/ZONING MAP



 WEST 90 FEET OF BLOCK 9, SUN RIVER PARK ADDITION PROPOSED TO BE COMBINED WITH RIGHT-OF-WAY REQUESTED TO BE VACATED

 30TH STREET NORTHWEST REQUESTED TO BE VACATED

 City Limits  R-1 Single-family suburban  PLI Public Lands and Institutional

 Tracts of land outside City

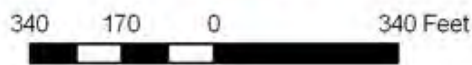
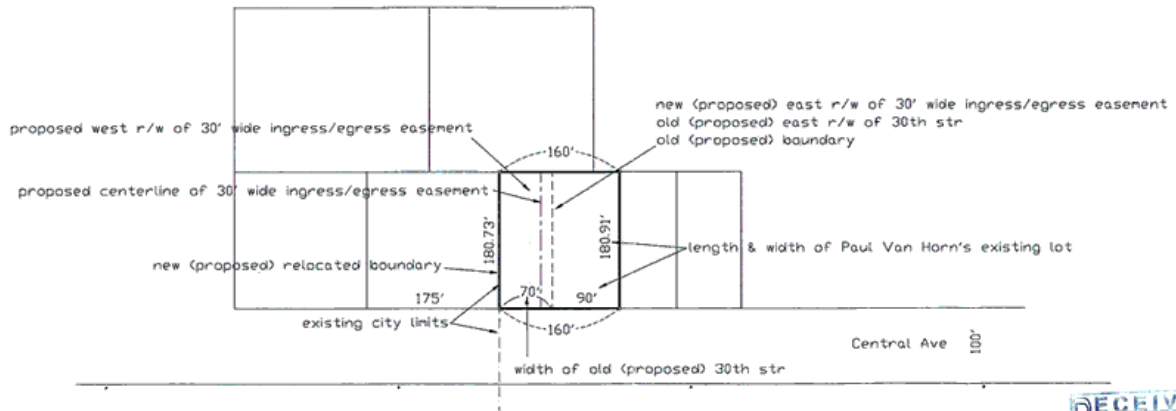


EXHIBIT OF PROPOSED RELOCATION OF BOUNDARY BETWEEN PAUL VAN HORN  
 AND VACATED 30TH STREET IN THE SUN RIVER PARK ADDITION, S09, T20N, R03E, BLOCK 009, W90' BLK 9





**Item:** Resolution 9856, Intention to Vacate 4<sup>th</sup> Alley South within Block 419, Great Falls Original Townsite

**From:** Charles Sheets, Planner I

**Initiated By:** Southern Foods Group, L.P., Owner of Abutting Private Property

**Presented By:** Bill Walters, Interim Planning Director

**Action Requested:** City Commission adopt Resolution 9856 setting a public hearing for September 1, 2009.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9856.”

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

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**Planning Board Recommendations:** During a meeting held July 14, 2009, the Planning Board passed a motion recommending the City Commission approve the vacation of 4<sup>th</sup> Alley South and the Amended Plat of Block 419, Great Falls Original Townsite, subject to the Amended Plat including: a) incorporation of correction of any errors or omissions noted by staff; b) provision of a notification clause regarding soil conditions; and c) provision of easements as recommended by the City Engineer.

**Background:** The Planning Office is in receipt of applications from Southern Foods Group, L.P., regarding the following:

- 1) Amended Plat of Lots 1-14, Block 419, Great Falls Original Townsite and vacated 4<sup>th</sup> Alley South, all in Section 12, Township 20 North, Range 3 East, Cascade County, Montana.
- 2) Vacate 4<sup>th</sup> Alley South between 3<sup>rd</sup> & 4<sup>th</sup> Streets South.

The Meadow Gold Dairies facility occupies the entire block bordered by 3<sup>rd</sup> & 4<sup>th</sup> Avenues South and 3<sup>rd</sup> & 4<sup>th</sup> Streets. The dairy has loading docks that open up on the alley which is periodically blocked with truck trailers which are being loaded and unloaded. To stream-line a part of the operation, the dairy would like to construct a concrete pad that would be elevated about 12

inches and level to place a trash compactor and trash receiver container across a portion of the existing dedicated 4<sup>th</sup> Alley South.

For additional information, please refer to the attached Vicinity/Zoning Map and reduced copy of the Amended Plat.

The applicant and City staff discussed the vacation of the alley at a pre-application meeting held on June 3, 2009. Staff concurred that discontinuation of said right-of-way would not be detrimental to the public interest provided a utility easement is retained for the existing sanitary sewer and other utilities currently located within the alley.

The dairy operation has been conducted on portions of Block 419 since 1916. Block 419 is zoned M-2 Mixed-use transitional district and the current industrial operation conducted upon said block is considered a legal conforming use. As such, the existing industrial use is allowed to expand or to be re-established, if damaged, provided development and appearance standards under the purview of the Design Review Board are met. The applicant presented the proposed Amended Plat and alley vacation to Neighborhood Council 7 during a meeting held June 8, 2009. The Council tabled the matter and reconsidered the request on July 13, 2009. At the time of writing this Agenda Report, no comments had been received from Council 7.

It is anticipated the City Commission, following the public hearing on September 1, 2009, will consider a final resolution to vacate the involved rights-of-way together with the involved Amended Plat and Findings of Fact.

**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:** Action on this item will not involve any additional services on the part of the City. Eliminating a one block length of the alley will reduce the City's maintenance responsibility ever so slightly.

**Alternatives:** The City Commission could deny Resolution 9856 and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

**Attachments/Exhibits:**

1. Vicinity/Zoning Map
2. Resolution 9856
3. Preliminary draft of the amended plat

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Mike Rattray, Community Development Director  
Kim McCleary, City Parking Supervisor  
Doug Bennyhoff, City Fire Marshal  
Meadow Gold Dairies, Jerry Moldenhauer, Plant Manager, 312 3<sup>rd</sup> Ave S, Great Falls, MT, 59405

RESOLUTION 9856

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO VACATE 4<sup>TH</sup> ALLEY SOUTH WITHIN BLOCK 419, GREAT FALLS ORIGINAL TOWNSITE, 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 subdivision plat of the Great Falls Original Townsite dedicated a twenty (20) foot wide right-of-way for 4<sup>th</sup> Alley South within Block 419; and,

WHEREAS, Southern Foods Group, L.P., owns the property adjoining said right-of-way and has submitted a petition to have said 4<sup>th</sup> Alley South vacated; and,

WHEREAS, it is determined retention of 4<sup>th</sup> Alley South within Block 419 for access by the public is not needed and an easement will suffice to accommodate public and private utilities, both buried and overhead, existing in the Alley; and,

WHEREAS, an Amended Plat of Lots 1-14, Block 419, Great Falls Original Townsite & Vacated Right-of-Way, has been prepared which reflects the aggregation of said lots and requested vacated right-of-way into a single parcel; and,

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

That Tuesday, the 1<sup>st</sup> day of September, 2009, at 7:00 P.M. in the Commission Chambers of the Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place at which the City Commission shall hear all persons relative to the proposed vacation of 4<sup>th</sup> Alley South within Block 419, Great Falls Original Townsite; and,

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of the City shall forthwith cause notice of this Resolution to be: (1) published twice in the Great Falls Tribune, the newspaper published nearest such land; and (2) posted in three public places.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,  
on this 4<sup>th</sup> day August, 2009.

\_\_\_\_\_  
Dona R. Stebbins, Mayor

ATTEST:

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

(CITY SEAL)

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 certify that I did post as required by law and as prescribed and directed by the Commission, Resolution 9856 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 4TH ALLEY SOUTH REQUESTED TO BE VACATED
-  LOTS 1-14, BLOCK 419, GREAT FALLS ORIGINAL TOWNSITE PROPOSED TO BE COMBINED WITH VACATED ALLEY AND PLATTED INTO ONE LOT.
-  R-9 Mixed residential
-  C-5 Central business periphery
-  PLI Public Lands and Institutional
-  C-4 Central business core
-  M-2 Mixed-use transitional
-  POS Parks and Open Space
-  PARCELS

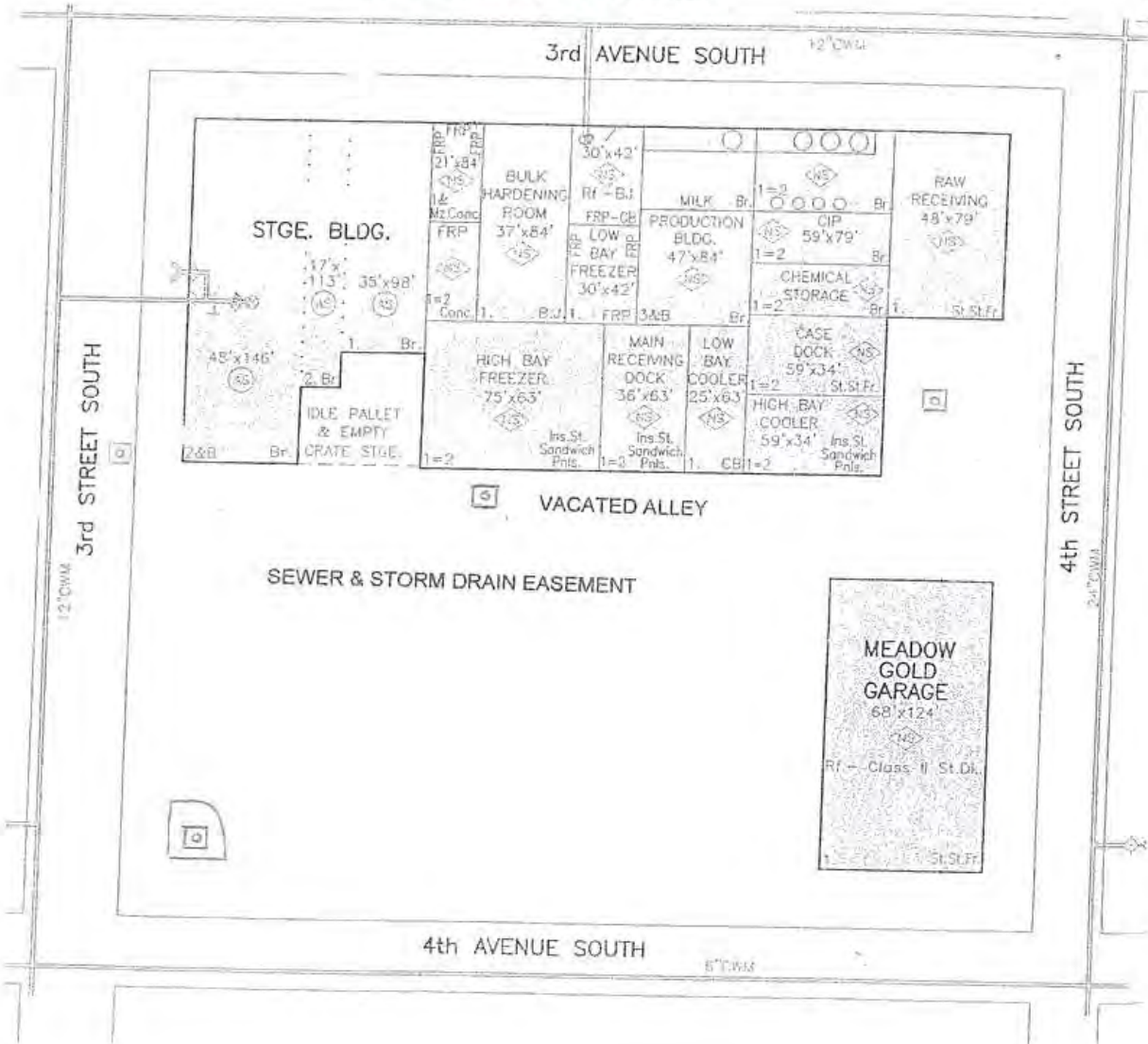


AMENDED PLAT OF BLOCK 419 GFO

LOT 1A

GREAT FALLS, MONTANA

MEADOW GOLD DAIRIES



Regular City Commission Meeting

Mayor Stebbins presiding

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

## **PLEDGE OF ALLEGIANCE**

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

**PRESENTATION:** Michael Mercer, Meteorologist, and Ben Schott, Warning Coordination Meteorologist, presented the National Weather Service's "Storm Ready Award" to Kristal Kuhn, Great Falls Fire Rescue Emergency Planner, as well as a "Storm Ready Community" sign to the Mayor.

## **NEIGHBORHOOD COUNCILS**

**NC 4.**

**1. Sandra Guynn**, NC 4, announced that NC 4's meeting is Thursday at 6:30 p.m. at the Great Falls Pre-Release Center. She extended an invitation for everyone to attend and learn about what the Pre-Release Center does to help the community.

## **PUBLIC HEARINGS**

**Res. 9838. Adopted.**

### **2. RESOLUTION 9838, INTENT TO INCREASE PROPERTY TAX.**

Assistant Fiscal Services Director Melissa Kinzler reported that state statute requires the City to hold a public hearing before passing a resolution stating its intent to increase property tax revenues. Section 15-10-420, MCA, authorizes a property tax increase of one-half of the average rate of inflation for the prior three years. The Consumer Price Index showed a 2.2245% average increase as provided by the Montana Department of Revenue. Therefore, the City is allowed and is proposing a 1.112% property tax increase. The inflationary increase amounts to \$112,728 of new revenue in the general fund. The fiscal impact of the proposed increases for inflation for a residential home with a taxable market value of \$100,000 would be approximately \$4.72 per year.

Ms. Kinzler requested that the City Commission conduct the public hearing and adopt Resolution 9838.

Mayor Stebbins declared the public hearing open.

Speaking in opposition to Resolution 9838 was **John Hubbard**, 615 7<sup>th</sup> Avenue South, due to the recession.

No one spoke in support of Resolution 9838.

Mayor Stebbins closed the public hearing.

**Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9838, Intent to Increase Property Tax.**

Mayor Stebbins asked if there was any discussion amongst the Commissioners. No one responded.

Motion carried 5-0.

**Res. 9839. Adopted.**

**3. RESOLUTION 9839, ANNUAL BUDGET RESOLUTION.**

City Manager Greg Doyon reported that the budget is described as relatively static. In light of the economy, he highlighted that the City will be able to continue to provide the same levels of service. Mr. Doyon provided an overview of the budget process. The budget work sessions and revenue outlook began on March 17<sup>th</sup>, and continued with presentations from the respective departments on March 24<sup>th</sup> and 25<sup>th</sup>, and a follow-up session was held on July 1<sup>st</sup>. The message from the Commission was that, in these tight economic times, if possible, to maintain services at the present levels and to take a look at stimulus opportunities. One major distinction in this budget is that the Commission decided to place on the ballot a public safety mill levy for both police and fire. This budget reflects as though those were passed to see the impact in the operating budget. If it doesn't pass, the revenue isn't there and the expenses are not going to be made. Mr. Doyon reported that this "maintenance" budget will keep tax and fee increases to a minimum, and the City is able to meet the contractual commitments to employees. He reminded the Commission that buyouts for senior staff are built into the budget. The golf courses and swim pools continue to be risk areas. There was a reduction in the full-time employee count due to reorganization by four. The public safety mill levy that is being considered will add 10 sworn officers to the Police Department, along with seven support staff, and 16 firefighters.

Assistant Fiscal Services Director Melissa Kinzler reported that the original proposed budget was presented June 16, 2009, at the work session. After it was presented, it was handed out to the public and has been available on the City's website. Ms. Kinzler reviewed the total City-wide revenues and expenses for the budget, as well as total general fund revenue and expenditures. In conclusion, Ms. Kinzler requested that the City Commission conduct the budget hearing, consider any budget changes, and adopt Resolution 9839. The taxable valuation will not be available until September 15, 2009.

Mayor Stebbins declared the public hearing open.

Speaking in opposition to Resolution 9839 were:

**Larry Rezendes**, 2208 1<sup>st</sup> Avenue North, suggested that the budget be tabled for the reason that he believes there were misrepresentations and inadequacies that have been presented regarding the Electric City Power budget. He requested that a cash flow financial statement and balance sheet be prepared.

**Aart Dolman**, 3016 Central Avenue, concurred with Mr. Rezendes' statements.

**Richard Liebert**, 289 Boston Coulee Road, suggested that reasonable and achievable conservation goals be set in each department. Mr. Liebert also suggested that Cable 7's budget be restored to what it was in 2008, and that a transition and exit plan be implemented for the Animal Shelter. Mr. Doyon responded that whether the private/public partnership that the City is looking to create with the Foundation will be sustainable with the Foundation's fund raising ability has been something he has been struggling with for months. Until he is convinced that a financed plan for creation of a new shelter and ongoing operations are in place, he is not going to make that transition. Mr. Doyon concluded that this matter is certainly being addressed on a regular basis with members of the Foundation. Lastly, Mr. Liebert read clauses from SME's letter regarding commencement of construction and the Fire Service Agreement and contended that SME owes for one and one-half months of fire service.

No one spoke in support of Resolution 9839.

Mayor Stebbins closed the public hearing.

**Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9839.**

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

Commissioner Jolley expressed that she shared the same concerns about the Electric City Power fund, and would have been happier if the employee raises were not 3.25%.

Commissioner Beecher believes this to be a good budget document; it has been thoroughly discussed in the public with several public meetings; and, the City is continuing to provide a good level of service. Commissioner Beecher would like to provide additional public safety coverage and that is why the public safety mill levies are put forth to the public to decide. In response to Mr. Rezendes and Mr. Dolman, Commissioner Beecher couldn't disagree more with their comments about voodoo accounting. He invited them to attend the audit presentation later this year with the CPA's.

Mayor Stebbins thanked City staff for adhering to what the Commission asked for when the budget process began, which was to make it lean and mean.

Commissioner Bronson made aware that Mr. Doyon, Ms. Patton and others went through the last budget and looked at various line items of department's that were submitted in the past. He thinks the public should be happy that there is a dedicated staff in response to the Commission's concern to present a maintenance-type budget. He would like to see some money spent on other areas, but realized there weren't funds to do it right now.

Motion carried 5-0.

### **OLD BUSINESS**

### **NEW BUSINESS**

### **ORDINANCES/RESOLUTIONS**

**Res. 9841, Adopted; Ord. 3040, Accepted on first reading and set public hearing for August 18, 2009. (Amended Plat of Block 21 & Lots 1-10, Block 22, Highland Park Addition.)**

**4A. RESOLUTION 9841, INTENT TO VACATE RIGHTS-OF-WAY.**

**4B. ORDINANCE 3040, ASSIGNS CITY ZONING AND GRANTS A CONDITIONAL USE PERMIT.**

Interim Planning Director Bill Walters reported that Williamson Fencing and Sprinklers has prepared plans to move their business to a site along 8<sup>th</sup> Street South immediately west of the City's Fire Training Center. Applications associated with development of the site include vacation of segments of 19<sup>th</sup> and 20<sup>th</sup> Avenues South and 20<sup>th</sup> and 21<sup>st</sup> Alleys South as proposed by Resolution 9841, and annexation to the City and replatting the involved property into a single 2.8 acre lot. Ordinance 3040 assigns a City zoning classification of M-1 Mixed Use District to the property requested to be annexed and grants a conditional use permit for a contractor yard, type II. Mr. Walters requested that the City Commission adopt Resolution 9841, and accept Ordinance 3040 on first reading and set a public hearing for August 18, 2009, when the final amended plat, the resolution vacating certain right-of-way, and annexation documents will also be considered.

**Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9841.**

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

Motion carried 5-0.

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher and Bronson, that the City Commission accept Ordinance 3040 on first reading, and set a public hearing for August 18, 2009.**

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

Motion carried 5-0.

**Ord. 3034. Adopted.**

**5. ORDINANCE 3034, ADD PROVISIONS FOR WIND-POWERED ELECTRICITY SYSTEMS TO THE LAND DEVELOPMENT CODE.**

Interim Planning Director reported that Ordinance 3034, which will amend the Land Development Code to permit certain types of wind-powered electricity systems within the City subject to compliance with specified standards and conditions, has received a fairly thorough review including consideration at a Work Session held May 5<sup>th</sup> and a public hearing held July 7<sup>th</sup>.

In addition, at the conclusion of a public hearing held March 10, 2009, the City Zoning Commission unanimously passed a motion recommending the City Commission adopt the provisions contained in Ordinance 3034.

**Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 3034.**

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

Commissioner Bronson stated that, since the last meeting and hearing the concerns expressed about setback requirements, he heard from one representative. After speaking to his colleagues, that representative came to conclusion that at this point in time with the general interest that there seems to be at installing small wind generation systems in this community, that it would be best to go forward with an ordinance, as it is currently drafted, and then address needed changes that may arise because of changes in technology over the next several months.

Mayor Stebbins asked if there were any inquiries from the public.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, believes this matter should have been listed under "Old Business." He further commented that this ordinance is structured so that no small wind generation can be located in Great Falls.

Motion carried 5-0.

**Ord. 3042. Accepted on first reading and set final reading for August 4, 2009.**

**6. 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 25<sup>th</sup> Alley NE, which extends from 6<sup>th</sup> Street NE to 8<sup>th</sup> 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 25<sup>th</sup> 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 stated that the Commission's positive action tonight would set the final reading for August 4, 2009.

**Commissioner Bronson moved, seconded by Commissioner Beecher and Rosenbaum, that the City Commission accept Ordinance 3042 on first reading and set final reading for August 4, 2009.**

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

Motion carried 5-0.

**Res. 9815. Adopted.**

**7. RESOLUTION 9815, RATIFYING THE SALE AND PRESCRIBING THE FORM, TERMS AND THE SECURITY OF \$2,000,000 TAX INCREMENT URBAN RENEWAL REVENUE BONDS, SERIES 2009 (FEDERAL COURTHOUSE/4<sup>th</sup> AVENUE NW PROJECT).**

Fiscal Services Director Coleen Balzarini reported that on March 3, 2009, the Commission authorized Resolution 9814 which gave City staff direction to move forward with the negotiated sale of \$2,000,000 in tax increment bonds, and approved D.A. Davidson & Co. as the underwriter for the sale. She reviewed the parameters within that Resolution. The documents were executed on July 9, 2009. Approval of Resolution 9815 would ratify and set forth the forms and terms of the bond.

Commissioner Jolley commented that the complete resolution was not included in the Friday packets. She asked for and received from the City Clerk the full 38 page resolution, but was not sure the other Commissioners received the document.

**Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9815.**

Mayor Stebbins asked if there was any further discussion amongst the Commissioners. No one responded.

Mayor Stebbins asked if there were any inquiries from the public.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that he has consistently been opposed to tax increment financing. Mr. Gessaman stated that taxpayer money is not going into the revenue being used to pay for all of the other City services, and inquired what the interest would total. Ms. Balzarini responded that she would have to look at the debt service schedule for exact numbers. She further clarified that incremental taxes only occur when the development within a district generates additional taxes. Mr. Gessaman expressed his belief that this development could have taken place without this tax increment financing.

**Brett Doney**, with the Great Falls Development Authority, residing at 3048 Delmar Drive, commented that he supports this Resolution and the use of tax increment financing for economic development. The City's history with tax increment financing has been very successful. Downtown is the oldest district and has generated over \$38 million dollars in property tax revenue that would not have existed were it not for the improvements in the district. Of that amount, \$20 million was reinvested downtown, and \$18 million was returned to the other taxing jurisdictions. He also discussed the Malt Plant district, and the West Bank Urban Renewal area. To correct some misstatements, Mr. Doney explained that the Federal Courthouse could not have been built if the City had not agreed to provide a second means of egress. The tax increment financing is being used to provide that second means of egress. All of the funds to pay for that bond are coming out of the taxes paid by the new construction there, and not costing taxpayers of the City a dime. He applauds the City for use of a good economic tool.

Commissioner Jolley stated that she doesn't believe she received the entire Resolution and, therefore, couldn't vote on something she didn't have in front of her.

Motion carried 4-1 (Commission Jolley dissenting).

**Res. 9844. Adopted.**

**8. RESOLUTION 9844, MINOR MODIFICATIONS TO SPECIAL IMPROVEMENT LIGHTING DISTRICT 1295 – COMMERCIAL LIGHTING DISTRICT (SLD-C) AND SPECIAL IMPROVEMENT LIGHTING DISTRICT 1269.**

Fiscal Services Director Coleen Balzarini reported that Resolution 9844 will authorize minor modifications to two Special Improvement Lighting Districts in the downtown area. The Kathryn Building Condos on the corner of 5<sup>th</sup> Street South and 1<sup>st</sup> Avenue South, with the assistance of the Business Improvement District, has made application for an improvement to the downtown area. Included in that is the installation of four period lights



which would extend that period lighting concept into an area where it currently does not exist. That requires a modification of the District for the period lighting and it also requires the removal of two lights from the Commercial Lighting District that the Kathryn Building is located in. There will be no boundary changes to the Commercial District. There are boundary changes to the Period Lighting District. Pursuant to state statute, it is considered minor modifications. The cost increase to one district is 0.0046%. The individual property owners will see a larger increase on the lighting costs due to the type of lights they have agreed to install. Ms. Balzarini requested that the City Commission pass Resolution 9844 to set definitive boundaries and lights clearly defined in the districts.

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9844.**

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

Motion carried 5-0.

**Consent Agenda.  
Approved.**

**CONSENT AGENDA**

9. Minutes, July 7, 2009, Commission meeting.
10. Total expenditures of \$2,510, 617 for the period of June 24 – July 15, 2009, to include claims over \$5,000, in the amount of \$2,284,852.
11. Contracts list.
12. Set public hearing for August 4, 2009, on the 2009/2010 Tourism Business Improvement District Budget and Work Plan.
13. Set public hearing for August 4, 2009, on Res. 9848 to levy and assess Special Improvement Portage Meadows Maintenance District No. 1195.
14. Set public hearing for August 4, 2009, on Res. 9847 to levy and assess Special Improvement General Boulevard Maintenance District No. 3570.
15. Set public hearing for August 4, 2009, on Res. 9846 to levy and assess Street Maintenance District.
16. Set public hearing for August 4, 2009, on 2009 Justice Assistance Grant.
17. Set public hearing for August 4, 2009, on the sale of City property described in Parcel A, NE1/4, Sec. 14, T20N, R3E, PMM.
18. Approve the cancellation of City of Great Falls checks that remain outstanding and unpaid for a period of one year or longer.
19. Approve contract with the Great Falls Housing Authority for Community Based Policing.
20. Approve Interlocal Cooperation Agreement with the City of Billings.
21. Award contract to Innoprise Software, Inc., for the maintenance and support of the City's Business and Financial software.
22. Approve FY 2010 Traffic Signal Maintenance Agreement with the

- Montana Department of Transportation.
23. Approve FY 2010 Traffic Sign Maintenance Agreement with the Montana Department of Transportation.
  24. Award construction contract to Ed Boland Construction, Inc., for the Compost Facility Water Main Extension in the amount of \$199,680. **OF 1553**
  25. Award construction contract to Kuglin Construction in the amount of \$73,711 for the 22<sup>nd</sup> Street South Storm Drain Extension. **OF 1447.1**
  26. Award construction contract to Phillips Construction, LLC, in the amount of \$878,767 for the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Avenues North Water Main Replacement. **OF 1571**
  27. Approve final payment for the 10<sup>th</sup> Street Bridge North Side Abutment Railings Grant to Dick Anderson Construction, Inc., and the State Miscellaneous Tax Fund in the amount of \$3,235. **OF 979.5**
  28. Postpone award of construction contract for the Coating Improvement at GFWWTP and Lift Station #15 until August 4, 2009. **OF 1374**
  29. Postpone award of construction contract for the 2009 CDBG Sidewalk Replacement until August 4, 2009. **OF 1565.2**
  30. Postpone construction contract for the 2009 CDBG Handicap Ramps until August 4, 2009. **OF 1565.1**
  31. Approve Addendum to Revised Memorandum of Understanding between the Great Falls Development Authority and the City of Great Falls regarding the use of Ag-Tech Industrial Tax Increment District funds for the purpose of paying for Engineering Services for Phase 2-Industrial Park Access Road Study and Design. **OF 1552**
  32. Approve Labor Agreement with the I.B.E.W.

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

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

Commissioner Jolley requested further discussion on Items 10 and 27.

With regard to a payment to Dick Anderson Construction on Item 10, and the final payment to Dick Anderson Construction on Item 27, Commissioner Jolley asked if the payments were pass-through money. Public Works Director Jim Rearden responded that was a grant from Fish, Wildlife & Parks and a matching portion from Preservation Cascade.

Commissioner Jolley also inquired about the payment for the dog park to the Animal Foundation from the Park & Recreation Special Revenue fund, and asked if the revenue for the fund came from funds in lieu of park land. Deputy Park and Recreation Director Patty Rearden responded that was correct, as well as money from the lease with the Pasta Plant, and is granted from just the interest money. Commissioner Jolley commented that the

land for the dog park was donated by the City and that wasn't mentioned in the newspaper, and the City also donated \$10,000 for the pavilion. Ms. Rearden responded that the land wasn't donated; the City still owns the land.

Mayor Stebbins asked if there were any inquiries from the public.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, commented that the story that was in the *Tribune* was that the pavilion was paid for with private funds.

With regard to Item 18, Mr. Gessaman commented that he assumed the City was not also cancelling the payees rights to come forward and collect their money. Ms. Balzarini responded that was correct; the check could be re-issued.

With regard to Item 21, Mr. Gessaman inquired what the projected costs were for training activities for use of the new software. Ms. Balzarini responded that the training is conducted by I.T. staff. Just like any other new program or operation, there is staff time involved in that learning curve.

Regarding Item 24, Mr. Gessaman commented that there are a number of private individuals expecting to get service from this line and inquired how much would be charged to these people to cover the costs for installation of the utility line. Mr. Rearden responded that there are no taps designed in the current project. Two-thirds of the project runs through un-annexed property, and the rest borders the City's 20 acres. The City will be reimbursed when the properties on either side of the City's property, and on either side of the first two-thirds of the water main, are annexed. Mr. Gessaman inquired how much would be reimbursed. Mr. Rearden responded that the first two-thirds will be totally reimbursed, and the City will be reimbursed one-half on last third when the opposite side annexes.

**Mike Witsoe**, 2612 1<sup>st</sup> Avenue South, requested more information about Item 17. Mr. Rattray described where the property was located by the Warden Bridge. It consists of 2.6 acres. Public Works will retain one-half acre to continue depositing snow during the winter, and 2.1 acres will be sold. The appraised value was \$1.00 per square foot.

Motion carried 5-0.

### **BOARDS & COMMISSIONS**

**Howard Hahn and  
Anders Blewett  
appointed to the  
Advisory Commission on  
International**

#### **33. APPOINTMENTS, ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.**

**Commissioner Bronson moved, seconded by Commissioner Beecher, to  
appoint Howard Hahn and Anders Blewett for three-year terms**

**Relationships.**

**through March 31, 2012, to the Advisory Commission on International Relationships.**

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

Motion carried 5-0.

**Olaf Stimac appointed to the Electric City Power Board of Directors.**

**34. APPOINTMENT, ELECTRIC CITY POWER BOARD OF DIRECTORS.**

**Commissioner Jolley moved that the City Commission hold open the request for board members, and to re-advertise.**

Motion failed for lack of a second.

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, to appoint Olaf Stimac to fill the remainder of a term through December 31, 2011, to the Electric City Power Board of Directors.**

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

Commissioner Jolley commented that it might look good on a resume; but that she would feel sorry for Olaf if he gets on this board.

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

Motion carried 5-0.

**35. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**CITY MANAGER**

**36. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Greg Doyon thanked Kristal Kuhn for her hard work in her capacity at the Fire Department. What the Commission saw tonight was very little of what she has been doing to get the City up to speed in terms of its emergency preparedness.

**PETITIONS AND COMMUNICATIONS**

**37. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

**ECP.**

**37A. Larry Rezendes**, 2208 1<sup>st</sup> Avenue North, disagreed with a comment made by Commissioner Beecher in response to Mr. Rezendes about ECP's accounting, and commented that at the margin there are areas of accounting that are technically correct, but do not represent the best way to do reporting to reflect the economic results of an enterprise. Mr. Rezendes disagreed with Ms. Balzarini's April and year-to-date numbers and opined that ECP's operations have cost the taxpayers another \$300,000 year-to-date.

**Public Safety Mill Levies.**

**37B. John Hubbard**, 615 7<sup>th</sup> Avenue South, stated his opposition to the public safety mill levies due to the current economic times. Mr. Hubbard read several newspaper headlines, and discussed his hardships.

**ECP Board of Directors.**

**37C. Mike Witsoe**, 2612 1<sup>st</sup> Avenue South, with regard to Item 34, Mr. Witsoe read through an advertisement that closed June 30<sup>th</sup> for ECP Board of Director applications, and asked when that ad was published. City Clerk Lisa Kunz responded that was re-advertised June 10<sup>th</sup> and the deadline to apply was June 30<sup>th</sup>. Mr. Witsoe requested that Item 34 be extended for one month and that all the individuals that applied before Mr. Gilbert be reviewed.

**Lion's Fun Day, Health Insurance Premiums, and Chamber Decorum.**

**37D. Stuart Nicholson**, 4 Volk Terrace, discussed the Lion's Fun Day activities, as well as the volunteers that made it a successful event. It was estimated that 475 people attended. He also shared positive comments about the event. Mr. Nicholson also discussed healthier lifestyles and the sharing of premiums with the City of Great Falls. He feels strongly that if people are not willing to meet criteria for living a healthier lifestyle, then, as a taxpayer, he shouldn't have to contribute any increased amount for the cost of health insurance premiums. Lastly, Mr. Nicholson discussed the behavior at City Commission meetings. He thanked the Mayor, Commissioners and City staff for doing a great job, working with a great government model and trying to make Great Falls even better. In his opinion, after watching many City Commission meetings on public television, many comments made by community members are inappropriate and should cease. The comments are degrading, inaccurate or simply not true. He suggested that guidelines be published.

**Chamber Decorum.**

**37E. Richard Liebert**, 289 Boston Coulee Road, disagreed and took offense with the previous speaker's comments.

**CITY COMMISSION****38. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins read a Proclamation of Commendation, Appreciation and Gratitude to Jim Heckel, retiring Library Director, and David Gliko, retiring City Attorney, for their years of service to the City of Great Falls.

**ADJOURNMENT**

**Adjourn.**

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the regular meeting of July 21, 2009, be adjourned at 9:03 p.m.**

Motion carried 5-0.

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Mayor Stebbins

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City Clerk

Minutes Approved: August 4, 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 16 TO JULY 22, 2009	803,899.58
MASTER ACCOUNT CHECK RUN FOR JULY 23 TO JULY 29, 2009	1,790,437.84
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JULY 1 TO JULY 16, 2009	55,474.44
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JULY 17 TO JULY 24, 2009	2,215.00
WIRE TRANSFERS FROM JULY 16 TO JULY 22, 2009	54,499.54
WIRE TRANSFERS FROM JULY 23 TO JULY 28, 2009	<u>1,912,102.20</u>
<b>TOTAL: \$</b>	<u><u>4,618,628.60</u></u>

**GENERAL FUND**

**OTHER ADMIN**

CITY COUNTY HEALTH DEPARTMENT	FIRST HALF ANNUAL CONTRIBUTION FOR 2009-2010	125,000.00
GF DEVELOPMENT AUTHORITY	SUPPORT PMT GFDA FY 2009-2010	100,000.00

**POLICE**

JOHNSON CONTROLS INC	SERVICE AGREEMENT JULY 1, 2009 TO JUNE 30, 2010 (SPLIT AMONG FUNDS)	7,014.00
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**SPECIAL REVENUE FUND**

**LIGHTING DISTRICT**

CARTEGRAPH SYSTEMS INC	CARTEFLEX 10-PK SUBSCRIPTION RENEW GEODATA CONN (SPLIT AMONG FUNDS)	1,000.00
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**911 SPECIAL REVENUE**

JOHNSON CONTROLS INC	SERVICE AGREEMENT JULY 1, 2009 TO JUNE 30, 2010 (SPLIT AMONG FUNDS)	1,002.00
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**POLICE SPECIAL REVENUE**

INVESTIGATIVE OFFICERS	INVESTIGATIVE FUNDS	10,000.00
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**STREET DISTRICT**

UNITED MATERIALS	HOT MIX ASPHALT	6,661.88
PHILLIPS CONSTRUCTION	PMT #1 OF 1557.1 MISC STORM DRAIN IMPROVEMENTS (SPLIT AMONG FUNDS)	10,716.42
ROSCOE STEEL COMPANY	PAVING FABRIC	9,357.00
CARTEGRAPH SYSTEMS INC	CARTEFLEX 10-PK SUBSCRIPTION RENEW GEODATA CONN (SPLIT AMONG FUNDS)	4,250.00

**PARK & RECREATION SPECIAL REVENUE**

ADVANTAGE TENNIS COURTS	SURFACE TWO TENNIS COURTS AT NORTH KIWANIS PARK (SPLIT AMONG FUNDS)	500.00
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**SPECIAL REVENUE FUND CONTINUED****FEDERAL BLOCK GRANTS**

KROPF CONCRETE	MATERIALS & LABOR FOR CONCRETE WORK FOR HABITAT FOR HUMANITY CDBG PROJECT	5,474.00
HOME RENOVATIONS	PROGRESS DRAW- #10 25TH AVE SW	5,750.00

**WEST BANK URBAN RENEWAL**

UNITED MATERIALS	PMT #3 OF1488 PHASE 2 WESTERLY 4TH AVE NW IMPROVEMENTS	49,345.28
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**DEBT SERVICE****IMPROVEMENT DISTRICT REVOLVING**

US BANK NA	SPECIAL IMPROVEMENT DISTRICT NO. 1301 BONDS SERIES 2005	10,761.25
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**CAPITAL PROJECTS****GENERAL CAPITAL**

ADVANTAGE TENNIS COURTS	SURFACE TWO TENNIS COURTS AT NORTH KIWANIS PARK (SPLIT AMONG FUNDS)	12,000.00
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**STREET LIGHTING CONSTRUCTION**

A T KLEMENS & SONS	PMT #3 SID 1303 BOOTLEGGER ADDITION PHASE 1	16,529.30
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**ENTERPRISE FUNDS****WATER**

THOMAS DEAN & HOSKINS	PMT #4 OF 1447 10TH AVE S WATER MAIN REPLACEMENT DESIGN	10,134.80
UNITED MATERIALS	PMT #2 OF 1570 1ST AVE N & 5TH AVE S WATER MAIN REPLACEMENT	246,411.47
BLACK & VEATCH	FINAL PAY WTP IDSE HYDRAULIC MODELING	7,129.00
DPC INDUSTRIES INC	LIQUID CHLORINE	5,688.00
JAMES TALCOTT CONSTRUCTION	PMT #2 WTP BACK WASH CLARIFIER & SCREENING SYSTEM MODIFICATIONS	142,211.03
CARTEGRAPH SYSTEMS INC	CARTEFLEX 10-PK SUBSCRIPTION RENEW GEODATA CONN (SPLIT AMONG FUNDS)	4,125.00
US BANK NA	WATER SYSTEM REV REFUNDING BONDS SERIES 2002A	750,570.00

**SEWER**

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	230,312.08
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	12,500.00
CARTEGRAPH SYSTEMS INC	CARTEFLEX 10-PK SUBSCRIPTION RENEW GEODATA CONN (SPLIT AMONG FUNDS)	2,250.00

**STORM DRAIN**

PHILLIPS CONSTRUCTION	PMT #1 OF1557.1 MISC STORM DRAIN IMPROVEMENTS (SPLIT AMONG FUNDS)	14,243.79
MERRICK & COMPANY	PMT 1 & 2 OF1572 TOPOGRAPHIC MAPS OF GREAT FALLS	51,129.13
US BANK NA	SANITARY SEWERAGE SYSTEM REVENUE REFUNDING BONDS SERIES 2002A	729,315.00
US BANK NA	SEWERAGE SYSTEM REVENUE BONDS SERIES 2005	251,065.00



**ENTERPRISE FUNDS CONTINUED****SANITATION**

ENTERPRISE SALES INC	4 DROP BOXES & 30 COMMERCIAL CONTAINERS	36,658.00
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**ELECTRIC**

SOUTHERN	PMT OF ENERGY SUPPLY EXPENSE JUNE 09	94,981.39
	CASH ON DEPOSIT JUNE 09	45,969.96

**SAFETY SERVICES**

QWEST	JULY 2009 911 CHARGES	5,710.91
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**PARKING**

APCOA/STANDARD PARKING	AUGUST 2009 COMPENSATION	23,152.17
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**CIVIC CENTER EVENTS**

SOUTHERN ALUMINUM	48- 30x96 ALULITE TABLES	14,354.46
PRETTY ONE PRODUCTIONS	CONTRACT #10-28 GREASE	25,490.60

**INTERNAL SERVICES FUND****HEALTH & BENEFITS**

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS JULY 14-20, 2009	58,354.72
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**INSURANCE & SAFETY**

MONTANA MUNICIPAL INS AUTH	PROPERTY, BOILER & MACHINERY, AND CRIME & FIDELITY INSURANCE PREMIUMS	209,679.00
MONTANA MUNICIPAL INS AUTH	GEN LIABILITY PREMIUM FY 2009-10	855,024.44

**CENTRAL GARAGE**

BISON MOTOR CO INC	2009 FORD F150 CARGO VAN	17,983.78
MOUNTAIN VIEW CO-OP	FUEL	20,832.70

**ENGINEERING**

CTA ARCHITECTS ENGINEERS	PMT #4 OF 1455.3 ENGINEERING & OPERATIONS OFFICE MODIFICATIONS	10,166.45
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**PUBLIC WORKS ADMINISTRATION**

CARTEGRAPH SYSTEMS INC	CARTEFLEX 10-PK SUBSCRIPTION RENEW GEODATA CONN (SPLIT AMONG FUNDS)	875.00
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**TRUST AND AGENCY****COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	51,209.44
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**UTILITY BILLS**

NORTHWESTERN ENERGY	JULY 2009 CHARGES	61,995.54
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**CLAIMS OVER \$5000 TOTAL:**

	\$	<u>4,364,883.99</u>
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**CITY OF GREAT FALLS, MONTANA**

**AGENDA: 17**

**COMMUNICATION TO THE CITY COMMISSION**

**DATE: August 4, 2009**

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

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

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

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

**CONTRACT LIST**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Fiscal Services	Dorsey & Whitney LLP	July 2009	511	Up to an approximate amount of \$10,000	Render an Opinion with respect to the authorization and issuance of \$750,000 Water System Revenue Bonds, consisting of \$416,300 Subordinate Lien Taxable Series 2009A Bond and \$333,700 Series 2009B Bond
<b>B</b>	Fiscal Services	U.S. Bank National Association	July 2009	394	\$350/Initial Paying Agent/Registrar Fee \$300/Annual Paying Agent/Registrar Fee	Agreement relating to Paying Agency, Registrar and Transfer Agency for Tax Increment Urban Renewal Revenue Bonds Series 2009A (West Bank Urban Renewal District)

<b>C</b>	Community Development	Habitat for Humanity	July 1, 2009 – June 30, 2010	272	\$25,000	Residential Infrastructure
<b>D</b>	Community Development	City of Great Falls Park & Recreation Department	July 1, 2009 – June 30, 2010	272	\$6,038 \$101,200 \$15,998 \$32,300	Scholarships, Recreation Center Electrical Upgrade, Natatorium ADA, Odd Fellows Park ADA Play Structure
<b>E</b>	Community Development	Neighborhood Housing Services, Inc.	July 1, 2009 – June 30, 2010	272	\$165,000	Land & Home Acquisition, New Construction & Rehabilitation Housing
<b>F</b>	Community Development	Neighborhood Housing Services, Inc.	July 1, 2009 – June 30, 2010	274	\$354,657	New Construction & Rehabilitation of Housing, Down Payment Assistance for Homeowners
<b>G</b>	Community Development	Great Falls Development Authority	July 1, 2009 – June 30, 2010	272	\$50,000	Revolving Loan Fund for Low to Moderate Income Job Creation
<b>H</b>	Community Development	CASA-CAN Children's Advocate Network	July 1, 2009 – June 30, 2010	272	\$4,438	Volunteer Training Materials, Computer & Camera
<b>I</b>	Community Development	Young Parents Education Center	July 1, 2009 – June 30, 2010	272	\$17,000	Emergency Housing and Day Care Scholarships for Young Parents
<b>J</b>	Community Development	Family Connections	July 1, 2009 – June 30, 2010	272	\$20,625	Child Care Scholarships for Low Income Families
<b>K</b>	Community Development	Quality Life Concepts	July 1, 2009 – June 30, 2010	272	\$7,966	Purchase and Install Ceiling Tracking System
<b>L</b>	Community Development	Senior Citizens Center	July 1, 2009 – June 30, 2010	272	\$7,500	Purchase & Install Handicap Accessible Door
<b>M</b>	Community Development	Hands, Inc.	July 1, 2009 – June 30, 2010	272	\$25,000	Child Care Scholarships for Low Income Families

<b>N</b>	Community Development	Gateway Community Services	July 1, 2009 – June 30, 2010	272	\$21,954	Upgrade Cooling System for Energy Efficiency
<b>O</b>	Community Development	Great Falls Baseball Foundation	July 1, 2009 – June 30, 2010	272	\$13,450	Replace Wheel Chair Lift
<b>P</b>	Park & Recreation	Chandler Communications	July 1, 2009 – June 30, 2010	Visitors Center	40% of Sales Revenue to City of Great Falls	Advertising Sales for the Visitors Center
<b>Q</b>	Public Works	Great Falls Sand & Gravel, Inc.	Summer 2009	Other Purchase Services	\$20,840	2009 Misc. Concrete Replacement <b>(OF 1485.8)</b>
<b>R</b>	Community Development	CTA Architects	Currently	671-7161-575-9399	\$16,551	Architects Services for Civic Center Partial Re-Roof <b>(OF 1525.1)</b>
<b>S</b>	Public Works	Montana Department of Transportation (MDT)	9/2008 Thru 12/2040	None	None, except for maintenance costs	Landscaping Agreement with MDT to maintain boulevard and median landscaping from 20 <sup>th</sup> to 26 <sup>th</sup> Streets on 10 <sup>th</sup> Avenue South <b>(OF 1447)</b>
<b>T</b>	Public Works	Montana Department of Transportation (MDT)	9/2008 Thru 12/2040	None	None	Construction Agreement for Highway 87 from the Bootlegger Junction northerly past the main AGRI Park entrance <b>(OF 1348.6)</b>
<b>U</b>	Civic Center Events	Great Falls Symphony and Great Falls Youth Orchestra	07/01/2009 – 06/30/2010	Events	None	Agreement for use of theatre and Convention Center
<b>V</b>	Fiscal Services	Milliman Inc	2009/2010	613	Not exceed \$12,000	Consulting regarding GASB 45

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

**AGENDA: 18  
DATE: August 4, 2009**

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

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

**ACTION REQUESTED:** Ratification of Lien Releases through the Consent Agenda

**MAYOR’S SIGNATURE:** \_\_\_\_\_

**LIEN RELEASES**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Fiscal Services	Property Owner – Len Reed	Current	237-3131-532-3599	\$200.00	Partial Release of Resolution #9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at NW/4 & S/2 of 1 & SW/4 of Lot 2, Block 546, GF6
<b>B</b>	Fiscal Services	Property Owner – Leonard D. Reed Etal	Current	237-3131-532-3599	\$200.00	Partial Release of Resolution #9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at Lot 9, Block 12, PM3



**Item:** Business Improvement District (B.I.D.) 2009/2010 Budget and Work Plan  
**From:** Lisa Kunz, City Clerk  
**Initiated By:** Business Improvement District Board of Directors  
**Presented By:** Alison Fried  
**Action Requested:** Set Public Hearing for August 18, 2009

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission set the public hearing for the 2009/2010 Business Improvement District Budget and Work Plan for August 18, 2009.

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

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**Recommendation:** The B.I.D recommends that the City Commission set the public hearing for the 2009/2010 B.I.D. budget and work plan for August 18, 2009.

**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:** 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:** Postpone Construction Contract Award

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission postpone the award of the construction contract for the 2009 CDBG Sidewalk Replacement, O. F. 1565.2 until the next City Commission meeting on August 18, 2009.”

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

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

**Background:**

Significant Impacts

Due to the pending approval of the CDBG funds on a national level, award of the construction contract will need to be postponed until approval is received. This approval is expected before the next City Commission meeting on August 18, 2009

Citizen Participation

Not Applicable

Workload Impacts

City engineering staff applied for and were awarded the grant and designed the project. The Community Development Department is administering the CDBG program and performing grant and other administrative duties.



Purpose

The City Commission authorized CDBG grant funds for this project April 21, 2009 in the amount of \$75,000. The grant is part of the American Recovery and Reinvestment Act (ARRA). The U.S Department of Housing and Urban Development (HUD) must now approve the allocation of these funds before any costs may be incurred.

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 8<sup>th</sup> Avenue North to 5<sup>th</sup> Avenue North from 15<sup>th</sup> Street to 26<sup>th</sup> Street.

Evaluation and Selection Process

Bids were received and opened for this project on June 24, 2009. Great Falls Sand and Gravel, Inc. was the low bidder on the project.

Conclusion

City staff recommends postponing the award of the construction contract until the next City Commission meeting on August 18, 2009.

**Concurrences:**

Not Applicable.

**Fiscal Impact**

This project will be funded through the CDBG grant.

**Alternatives:**

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

**Attachments/Exhibits:**

Not Applicable.



**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:** Postpone Construction Contract Award

---

**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission postpone the award of the construction contract for the 2009 CDBG Handicap Ramps, O. F. 1565.1 until the next City Commission meeting on August 18, 2009.

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

---

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

**Background:**

Significant Impacts

Due to the pending approval of the CDBG funds on a national level, award of the construction contract will need to be postponed until approval is received. This approval is expected before the next City Commission meeting on August 18, 2009

Citizen Participation

Not Applicable

Workload Impacts

City engineering staff applied for and were awarded the grant and designed the project. The Community Development Department is administering the CDBG program and performing grant and other administrative duties.

### Purpose

The City Commission authorized CDBG grant funds for this project April 21, 2009 in the amount of \$100,000. The grant is part of the American Recovery and Reinvestment Act (ARRA). The U.S Department of Housing and Urban Development (HUD) must now approve the allocation of these funds before any costs may be incurred.

### 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

Bids were received and opened for this project on June 24, 2009. Kuglin Construction was the low bidder on the project.

### Conclusion

City staff recommends postponing the award of the construction contract until the next City Commission meeting on August 18, 2009.

### **Concurrences:**

Not Applicable.

### **Fiscal Impact**

This project will be funded with the CDBG grant and through Storm Drain Funding.

### **Alternatives:**

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

### **Attachments/Exhibits:**

Not Applicable.



**Item:** Construction Contract Award: Central Avenue – 7<sup>th</sup> to 9<sup>th</sup> Street Mill and Overlay, O.F. 1573.2

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Consider Bids and Award Construction Contract

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission award a contract in the amount of \$91,900.00 to United Materials of Great Falls, Inc. for the Central Avenue – 7<sup>th</sup> to 9<sup>th</sup> Street Mill and Overlay, O. F. 1573.2, 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 mill and overlay two City blocks of Central Avenue from 7<sup>th</sup> Street to 9<sup>th</sup> Street.

Citizen Participation

Not Applicable

Workload Impacts

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

Purpose

Milling and overlaying a street helps improve the road surface and limits deterioration of the asphalt that would require a costly street reconstruction in the future.

### Project Work Scope

Approximately 5,800 square feet of asphalt will be milled and overlaid. This work includes milling down the existing asphalt four inches and then placing reinforcing fabric and a two inch thick asphalt overlay back. Since the new street grade will be lower than the existing grade several manholes and gate valves will need to be adjusted as well. The extra two inches of milling will reduce a high spot located in the middle of Central Avenue caused by previous asphalt overlays done without milling.

### Evaluation and Selection Process

One bid was received and opened for this project on July 22, 2009. United Materials of Great Falls, Inc submitted a bid of \$91,900. The engineer's estimate was \$109,600.00.

### Conclusion

City staff recommends awarding the construction contract to United Materials of Great Falls, Inc. in the amount of \$91,900.00

### **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  
Central Avenue - 7th to 9th Street Mill & Overlay  
O.F. 1573.2

Project Number \_\_\_\_\_  
Bids Taken at Civic Center  
Date: July 22, 2009  
Tabulated By: Mike Kynett

	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	n/a	n/a	√	√	√	√	\$91,900.00
2								
3								
4								
5								
6								
7								
8								
9								
10	<b>Engineer's Estimate</b>							<b>\$109,600.00</b>



**Item:** Construction Contract Award: Coating Improvements at GFWWTP and Lift Station #15, O.F. 1374

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Consider Bids and Award Construction Contract

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission award a contract in the amount of \$569,000.00 to Dick Anderson Construction, Inc. for the Coating Improvements at GFWWTP and Lift Station #15, O. F. 1374 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

The project will replace coatings in several basins of the Wastewater Treatment Plant and the wet well and stair case of Lift Station #15.

Citizen Participation

Not Applicable

Workload Impacts

NCI Engineering Co. completed the project design and will perform construction inspection and contract administration duties. City engineering staff applied for and were awarded the State Revolving Fund (SRF) Grant and Loan. City Engineering Staff and Veolia staff will assist with project administration duties

### Purpose

Areas in the Wastewater Treatment Plant and the wet well of Lift Station #15 have suffered extreme rusting and corrosion due to the caustic nature of the environment with the wastewater and the gases that are produced. Coatings in these areas have exceeded their useful design life and require replacement. These areas will be sandblasted and recoated to limit further corrosion and extend the life of the equipment and metal structures.

### Project Work Scope

This project will sandblast and recoat the Primary Clarifier walkways, Secondary Clarifier equipment, and Gravity Thickener equipment plus the wetwell and staircase in Lift Station #15.

### Evaluation and Selection Process

Five bids were received and opened for this project on July 8, 2009. The bids ranged from \$475,000.00 to \$919,300.00. The engineer's estimate was \$800,000.00. Norris Wallcovering and Painting, LLC submitted the low bid of \$475,000.00 but did not meet experience requirements specified in the contract documents, therefore their bid had to be rejected. The rejection letter to Norris Wallcovering and Painting, LLC is attached. Dick Anderson Construction, Inc. submitted the 2<sup>nd</sup> lowest bid of \$569,000.00 and met all the requirements specified in the contract documents. An outline detailing the reasons for rejection of the Norris bid and the qualifications of Dick Anderson Construction, Inc. is also attached.

### Conclusion

City staff, along with the concurrence of our consultant NCI, recommends awarding the construction contract to Dick Anderson Construction, Inc. in the amount of \$569,000.00.

### **Concurrences:**

Not Applicable.

### **Fiscal Impact**

The City Commission authorized the SRF grant and loan for this project on April 29, 2009, with the grant amount being \$390,700 and the loan amount being \$359,300. The interest rate on the loan will be 1.75%. These funds are 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.
2. Norris Rejection Letter
3. Outline Detailing Bid Rejection  
(Attachments 2 & 3 not available online; on file in City Clerk's Office.)



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

BID TABULATION SUMMARY  
 Coating Improvements at GFWWTP and Lift Station #15  
 O.F. 1374

Project Number \_\_\_\_\_  
 Bids Taken at Civic Center  
 Date: July 8, 2009  
 Tabulated By: Michael Kynett

	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	S & S Coatings, Inc PO Box 8438 Spokane Valley, WA 99203			√	√	√	√	\$919,300.00
2	Record Steel & Construction 1854 E Lanark Street Meridian, ID 83642			√	√	√	√	\$829,814.00
3	Purcell Painting & Coating 3001 SE Columbia Way Vancouver, WA 98661			√	√	√	√	Did not read bid.
4	Norris Wallcovering & Painting PO Box 2749 Great Falls, MT 59403			√	√	√	√	\$475,000.00
5	Dick Anderson Construction 4610 Tri-Hill Frontage Rd Great Falls, MT 59404			√	√	√	√	\$569,000.00
6								
7								
8								
9								
10	<b>Engineer's Estimate</b>							<b>\$800,000.00</b>



**Item:** Engineering Services Contract Amendment: Lift Station and Wastewater Treatment Plant Rehab Projects, O.F. 1374.5

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Approve Engineering Contract

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**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission approve the Engineering Contract Amendment between the City Of Great Falls and NCI Engineering Co. (NCI) for engineering services for the Lift Station and Wastewater Treatment Plant Rehab Projects, O. F. 1374.5 for a fee not to exceed \$137,870.00, 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 Engineering Contract.

**Background:**

Significant Impacts

City Staff has negotiated an amendment to a previously approved professional engineering services contract (attached) with NCI to inspect three construction projects that are currently under contract to design, plus conduct the bidding process. Also included is an amendment for extra design costs associated with one of the three projects.

Citizen Participation

Not Applicable

Workload Impacts

NCI is completing designs for the projects and will coordinate the bidding processes. Once construction begins, NCI will perform construction inspection and contract administration duties. City engineering and Veolia staff will assist with project administration duties.

### Purpose

Continuous maintenance and improvements are required to keep the City's wastewater collection and processing facilities operational at acceptable levels. Because of the corrosive nature of wastewater and its by-products, the system is under constant attack. This contract is a continuation of the process of addressing several areas of the system that need upgrades and maintenance, and design projects to remedy these needs.

### Project Work Scope

NCI has currently completed the design and bid phases for two of the four proposed projects detailed in the original engineering services contract. The four projects are as follows: replacing Lift Station #27; recoating several areas at the Wastewater Treatment Plant and at Lift Station #15; several miscellaneous improvements at the Wastewater Treatment Plant including replacing the Motor Control Center (MCC), replacement of the gravity sludge pipe, and the installation of a backflow preventer; and replacing the bar screen at Lift Station #15. Construction has been completed at Lift Station #27 with final payment being approved July 7, 2009. The coating project is scheduled for award at the August 4<sup>th</sup> City Commission meeting with construction to be complete in the fall of this year. The remaining two projects are scheduled to go to the bidding phase in the late summer or fall of this year with construction projected to be completed in the spring of 2010. Amendment No. 2 covers inspection services costs for the Coating Improvement Project, the Wastewater Treatment Plant Miscellaneous Improvements Project, and the Lift Station #15 Improvements Project and extra design costs for the Wastewater Treatment Plant Miscellaneous Improvements Project. These extra design costs were due to the complex nature of backflow preventer requirements mandated by the Montana Department of Environmental Quality (MDEQ) and incorporating these requirements into the Wastewater Plant.

### Evaluation and Selection Process

NCI was selected for this project based on the engineering selection process used by the City of Great Falls as the current qualified consultant on the rotation. The original contract value was \$277,880.00, which was approved by The City Commission June 5, 2007. Amendment No. 1 was approved April 15, 2008, for the amount of \$47,310.00, which involved inspecting the construction project to replace Lift Station #27. Amendment No. 2 will increase the contract value by \$137,870.00 to a total of \$563,260.00.

### Conclusion

City staff recommends approval of the Engineering Contract Amendment to NCI Engineering Co. in the amount of \$137,870.00

### **Concurrences:**

Not Applicable.

### **Fiscal Impact**

This contract will be funded through the Sewer Fund and an SRF loan and grant. The SRF loan and grant will cover the inspection services for the Coating Improvements at the GFWWTP and Lift Station #15, O.F. 1374.0 project for the amount of \$69,640. These funds are part of the American Recovery and Reinvestment Act (ARRA). The sewer fund will be used to fund the remaining two projects to be inspected plus the extra design work.

**Alternatives:**

The City Commission could vote to deny the approval of the Engineering Contract.

**Attachments/Exhibits:**

1. Amendment No. 2 Engineering Services Contract.  
(Not available online; on file in City Clerk's Office.)



**Item:** Final Payment: Wastewater Treatment Re-Roof Projects, O. F. 1457.4  
**From:** Engineering Division  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Approve Final Payment

---

**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission approve Final Payments in the amounts of \$8,350.40 to Treasure State Roofing and \$84.35 to the State Miscellaneous Tax Division for the Wastewater Treatment Re-Roof Projects, O. F. 1457.4, and authorize the City Manager to execute the necessary documents."

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

---

**Staff Recommendation:** Approve Final Payments.

**Background:**

Significant Impacts

This project replaced roofs on fourteen of the wastewater treatment plant buildings. The old roofs were installed between 1972 and 1975.

Citizen Participation

Not applicable.

Workload Impacts

Fusion Architecture + Design, P.C. designed the project, and performed construction inspection. City engineering staff performed contract administration duties

Purpose

This project replaced roofs and skylights that had been failing and were leaking inside the buildings.

Project Work Scope

This project was awarded on August 5, 2008 to replace approximately 4,825 square feet of built-up roofing with new single-ply EPDM roofing. By change order this project also replaced 8 skylights located in the Secondary Control Building roof and in the Westside Pump Station roof.

Evaluation and Selection Process

Not applicable.

Conclusion

City staff recommends approving final payments to Treasure State Roofing and the State Miscellaneous Tax Division. The total final construction cost is \$226,520.00, which is equal to the original contract award plus change order number one. The two-year warranty period began on January 21, 2009 when the project was substantially complete.

**Concurrences:**

Fusion Architecture + Design, P.C. has concurred with the final payments.

**Fiscal Impact:**

Replacement of these roofs and skylights will save on maintenance due to man hours and resources necessary for cleanup and repairs of water damaged property.

**Alternatives:**

The City Commission could vote to deny approval of the final payments.

**Attachments:**

Final Payments -- *Not available online; on file in City Clerk's Office.*



**Item:** Final Amended Plat of Lot 3, Twilite Theater Tracts and Accompanying Development Agreement

**From:** Charles Sheets, Planner I

**Initiated By:** Twilite L.L.C., Owner

**Presented By:** Bill Walters, Interim Planning Director

**Action Requested:** City Commission approve Final Amended Plat of Lot 3, Twilite Theater Tracts and Accompanying Development Agreement.

---

**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission (approve/deny) the Final Amended Plat of Lot 3, Twilite Theater Tracts and accompanying Development Agreement.”

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

---

**Planning Board Recommendation:** The Planning Board, during a meeting held July 14, 2009, passed a motion recommending the City Commission approve the Final Amended Plat of Lot 3, Twilite Theater Tracts, subject to fulfillment of the stipulated conditions.

**Background:** During a meeting held July 7, 2009, the City Commission conditionally approved the Preliminary Amended Plat of Lot 3, Twilite Theater Tracts, as recommended by the Planning Board.

The owner now requests approval of the Final Amended Plat of Lot 3, Twilite Theater Tracts. Said Lot 3 consists of 7.514 acres located along the north side of Smelter Avenue between Division Road and 4<sup>th</sup> Street NE and is addressed as 207 Smelter Ave NE. The amended plat proposes to subdivide said Lot 3 into 8 smaller lots wherein commercial development has occurred on three of the lots and five lots remain to be developed. Lot 3 was planned to accommodate numerous condominium structures for commercial space, parking areas, driveways, landscaped areas and storm water detention facilities all within a single parcel. To date, this is how the property was marketed and developed. The owner would like to alter that plan in order to allow for potential development on individual lots and a common association to continue the shared parking areas, driveways, landscaped areas and storm water detention. If approved, the parcels are still dependent upon each other for a number of items stated above and requires the creation of a property owners association, covenants and reciprocal easement to

address and maintain the intertwined elements of property within Amended Plat of Lot 3, Twilite Theater Tracts.

For additional information, please refer to the attached Vicinity/Zoning Map, draft final amended plat and site plan attached to the Development Agreement as Exhibit "A".

Access to the subdivision will continue to be provided through three approaches to Smelter Avenue. Additional public roadway improvements for Smelter Avenue are in the design phase, with construction possibly in 2012. Through previous agreement, the owner of Lot 3 is obligated to pay for curb, gutter and sidewalk in Smelter Avenue abutting the amended plat.

Water and sanitary sewer mains were installed previously and service lines will be required to serve each lot within the amended plat. Storm water detention facilities were also installed as a part of the development that has occurred to date. As the remaining five lots are developed, a storm water plan will be reviewed by the City.

Said Lot 3 is zoned C-2 General commercial district. This district is intended to accommodate high-traffic businesses that focus on vehicle traffic.

Based on the information provided by the applicant and the characteristics of the developing vicinity, the subdivision of said Lot 3 into 8 individual lots for commercial development will not be any more intrusive to the neighborhood than the original conceptual plan.

The owner will be required to adhere to all standard review and recommendations for development of buildings, parking and landscaping as required by the City. Attached is a memo by Kim McCleary, Design Review/Parking Supervisor, and dated 5/29/2009.

Attached to this report is a letter responding to the proposed development from Montana Department of Transportation, District Traffic Engineer, James A. Combs, P.E. On July 14, 2009, the Planning Board passed a motion recommending the City Commission approve the Final Amended Plat of Lot 3, Twilite Theater Tracts, subject to the following conditions being fulfilled by the applicant:

- 1) The Amended Plat shall provide for additional access and storm water easements, incorporate notice of soil and groundwater and correction of any errors or omissions noted by staff.
- 2) Entering into the attached Development Agreement.
- 3) All applicable fees owed as a condition of plat approval shall be paid upon filing of the amended plat, including:
  - a) improvement agreement fee 200.00
  - b) recording fees for agreement documents (\$11 per page) to be determined

At the time of writing this report, items 2) and 3) have been completed by the applicant and item 1) will be completed prior to filing the amended subdivision 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 to the commercial development in the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

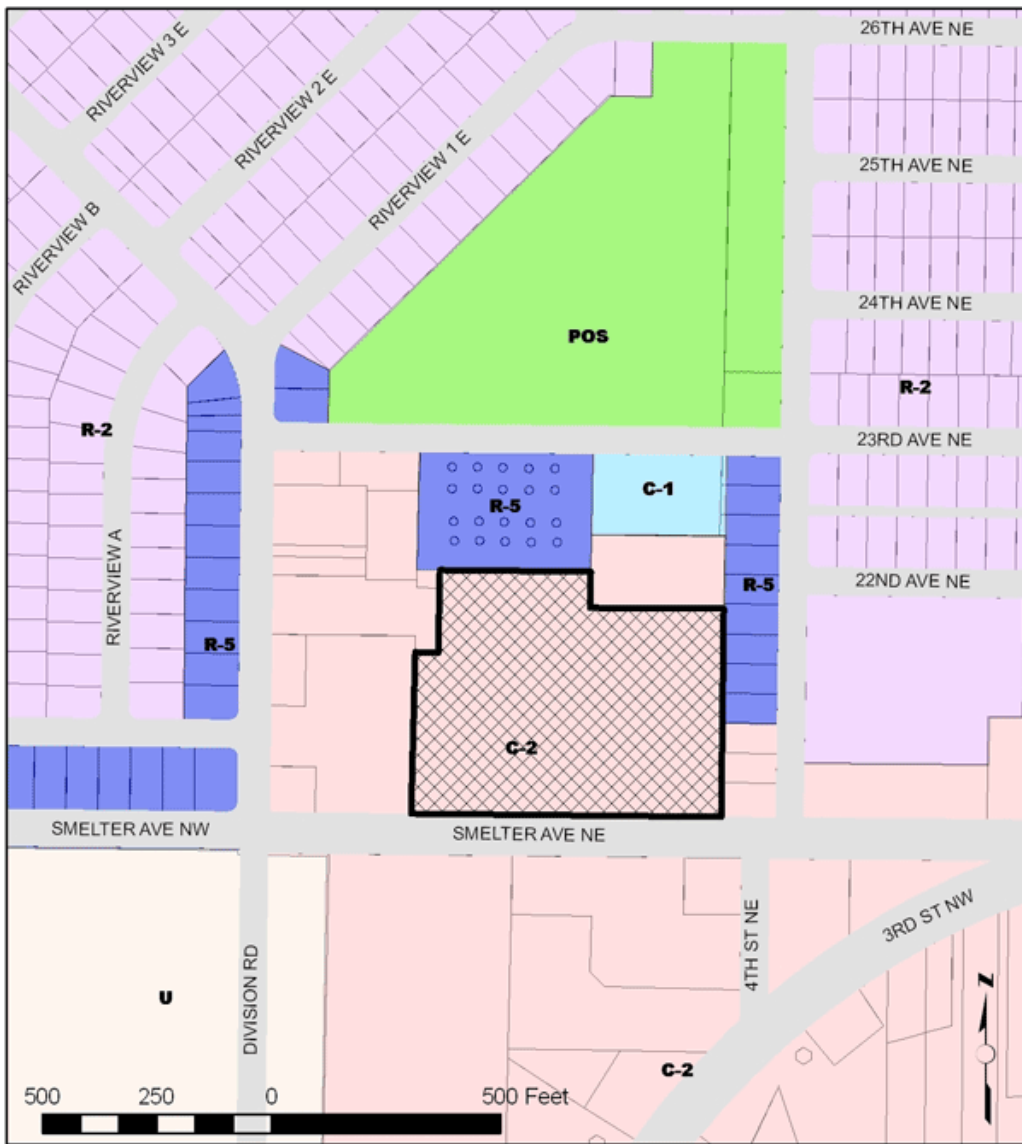
**Alternatives:** The City Commission could either, deny the final amended plat; approve the final amended plat without conditions; or approve the final amended plat with modified or additional conditions to the extent allowed in City Code and State Statute.

**Attachments/Exhibits:**



1. Vicinity/Zoning Map
2. Draft Final Amended Plat
3. Memo dated 5/29/2009, Kim McCleary, Design Review/Parking Supervisor
4. Letter dated 6/8/2009, James A. Combs, P.E., Montana Department of Transportation
5. Development Agreement

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Kim McCleary, Design Review/Parking Supervisor  
Twilite, L.L.C., 207 Smelter Ave NE, Great Falls, MT 59404

# VICINITY/ZONING MAP



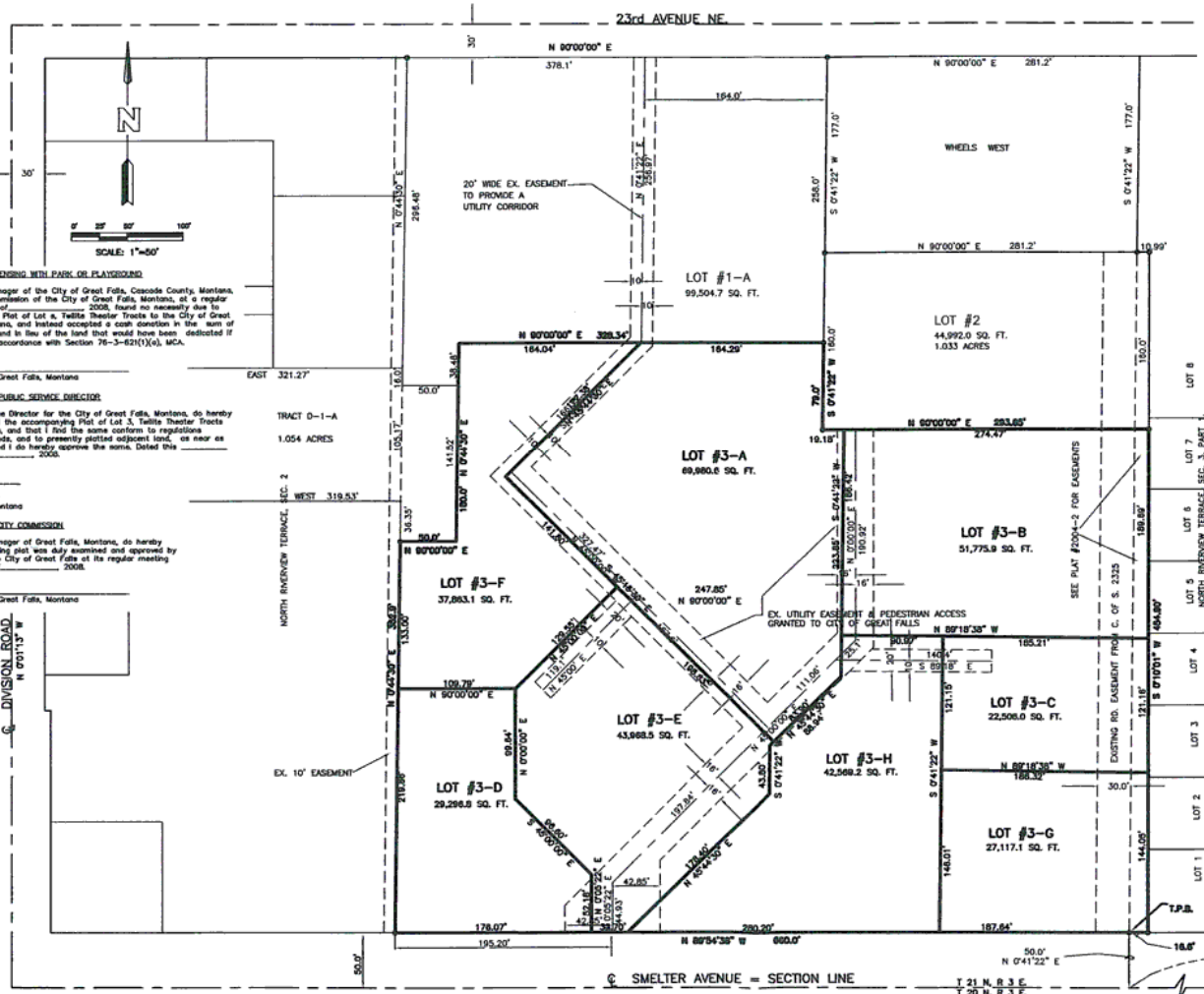
 LOT 3, TWILITE THEATER TRACTS, PROPOSED TO BE SUBDIVIDED INTO EIGHT SMALLER LOTS.

- |  |   |   |
|--|---|---|
|  R-2 Single-family medium density |  C-1 Neighborhood commercial |  POS Parks and Open Space |
|  R-5 Multi-family medium density  |  C-2 General commercial      |  U Unincorporated enclave |

# AMENDED SUBDIVISION PLAT OF LOT 3, TWILITE THEATER TRACTS

IN THE S 1/2, SE 1/4, SECTION 35, T 21 N, R 3 E, P.M.M.,  
CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA.

GALLATIN PARK



**CERTIFICATE DISPENSING WITH PARK OR PLAYGROUND**  
I, Gregory T. Doyen, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, found no necessity due to the size and location of the Plat of Lot 3, Twilight Theater Tracts to the City of Great Falls, Cascade County, Montana, and instead accepted a cash donation in the sum of \$\_\_\_\_\_ for the park land in lieu of the land that would have been dedicated if a dedication were made, in accordance with Section 76-3-621(1)(a), M.C.A.

**CERTIFICATE OF PUBLIC SERVICE DIRECTOR**  
I, Jim Rearden, Public Service Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying Plat of Lot 3, Twilight Theater Tracts and the survey it represents, and that I find the same conform to regulations governing the platting of lands, and to presently platted adjacent land, as near as circumstances will permit and I do hereby approve the same. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**CERTIFICATE OF CITY COMMISSION**  
I, Gregory T. Doyen, City Manager of Great Falls, Montana, do hereby certify that the accompanying plat was duly examined and approved by the City Commission of the City of Great Falls at the regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**CERTIFICATE OF SURVEY**  
We, the undersigned property owner(s), do hereby certify that we have caused to be surveyed, subdivided and plotted into lots as shown by the plat hereunto included, the following described land in the City of Great Falls, Cascade County, Montana, to wit:  
The purpose of this Amendment of Lot 3, Twilight Theater Tracts (Plat #2000-33 and Plat #2000-2), in the City of Great Falls, Montana, is to subdivide Lot 3 into 8 lots, which makes this a minor subdivision.  
These 8 new lots are presently served by public water and sanitary sewer systems.

**LOT 3, TWILITE THEATER TRACTS**  
BEGINNING at the Southeast corner of Section 35, T 21 N, R 3 E, P.M.M., Cascade County, Montana; Thence N 89°54'38" E, 600.0 ft. to the East boundary of the Twilight Theater Tracts and the True Point of Beginning; Thence N 89°54'38" W, 600.0 ft. to the East boundary of North Riverview Terrace, Sec. 3; Thence N 0°41'22" E, 332.9 ft.; Thence N 80°00'00" E, 50.0 ft.; Thence N 0°41'22" E, 100.0 ft.; Thence N 80°00'00" E, 328.34 ft.; Thence S 0°41'22" W, 78.0 ft.; Thence N 80°00'00" E, 293.65 ft. to the West boundary of North Riverview Terrace, Sec. 3, Part 1; Thence S 0°00'00" W, 454.90 ft.; Thence N 89°54'38" W, 16.6 ft. to the TRUE POINT OF BEGINNING. This Lot 3 contains 7.514 acres.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**TWILITE LLC (LOT 3)**  
State of Montana  
County of Cascade  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2008,  
before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared \_\_\_\_\_ known to me to be the person who executed the foregoing Certificate of Survey, and he acknowledged to me that he executed the same.

**Notary Public for the State of Montana**  
Reading of Great Falls, Montana  
My commission expires \_\_\_\_\_

**CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES**  
I, Gregory T. Doyen, City Manager of the City of Great Falls, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, found that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available to the above described property, namely the said Subdivisions of the City of Great Falls, Montana, and this certificate is made pursuant to section 76-4-124 M.C.A., permitting the Clerk and Recorder of Cascade County, Montana, to record the accompanying plat.

City Manager, City of Great Falls, Montana

**CERTIFICATE OF GREAT FALLS PLANNING BOARD**  
We, the undersigned, John Harding, President of said Great Falls City Planning Board, Cascade County, Montana, and Benjamin M. Raup, Secretary of said Great Falls City Planning Board, do hereby certify that the accompanying Subdivisions Plat of Lot 3, Twilight Theater Tracts to Great Falls, Cascade County, Montana has been submitted to the said Great Falls City Planning Board of Great Falls, Cascade County, Montana, for examination by them and was approved of a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

President, Great Falls Planning Board  
ATTEST:  
Secretary, Great Falls Planning Board

**CERTIFICATE OF SURVEYOR**  
State of Montana  
County of Cascade  
I, Dwight L. Aulston, a registered Land Surveyor, do hereby certify that I have performed the survey on the attached Amended Plat of the Twilight Theater Tracts to Great Falls, that such survey was made on 14 day of May, 2008; that said survey is true and complete as shown, and that the monuments found and set are of the character and occupy the position shown thereon.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Dwight L. Aulston  
Registration No. 0541 LS

**CERTIFICATE OF COUNTY TREASURER**  
I, Jess Anderson, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records pertaining to the above described land and find that all taxes on same have been paid up to date.  
Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Jess Anderson



## AMENDED SUBDIVISION PLAT OF LOT 3, TWILITE THEATER TRACTS

DESIGNED BY: DAWN I. B.L.A.  
CHECKED BY: \_\_\_\_\_  
SCALE: \_\_\_\_\_  
DATE: 14 MAY, 2008  
JOB NO. \_\_\_\_\_ SHEET 1 OF 1



## Community Development Department

# Memo

**To:** Charlie Sheets, Planner 1

**From:** Kim McCleary, Design Review/Parking Supervisor 

**Date:** 5/29/2009

**Re:** Lot 3, Twilite Theatre Tracts

---

I reviewed the proposed subdivision of Lot 3 into 8 individual lots for parking and landscape code requirements. The site information provided on the Amended Grading Plan showed the proposed parking and landscape square footage for each lot. My review consisted of reviewing the number of parking spaces proposed, and the proposed landscape square footage for each lot. Other parking and landscape requirements would be reviewed at the time the lots are developed.

The parking currently exists for all of the proposed lots except Lots 3D, 3E and 3F, and met the parking code requirements at the time they were built, however the plan does not show an adequate number of handicap spaces on each of the eight lots. Because handicap spaces are larger than non-accessible parking stalls, the installation of the required handicap parking spaces could be an issue for Lots 3A and 3F.

Parking requirements are based on the use of the parcel. The eight lots were reviewed to assure there is an adequate amount of parking stalls on each parcel for a professional office/business use since the actual use has not been established on some of the lots. The parking plan proposed meets the parking stall requirements for each of the eight lots, with the exception of handicap stalls. Any use that requires the same density of parking stalls as a professional office/business or requires less parking would be able to utilize the lots and be in compliance with the code requirements for parking stalls.

The landscape code requires that 15% of a commercially developed lot be landscaped. I reviewed the proposed lot square footage and the amount of lot that the developer is presenting as either installed (for lots already developed) or is proposing to landscape. The amount of landscape square footage presented on the Amended Grading Plan meets the landscape code requirements. There are additional commercial landscape requirements that cannot be reviewed until a final landscape plan is submitted at the time the lot is developed.

If you have any questions, please contact me at extension 405.

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

June 8, 2009

Bill Walters  
Great Falls Planning Board  
City of Great Falls  
P.O. Box 5021  
Great Falls, MT 59403

Subject: Twilite Theater Tracts Amended Subdivision Plat Application

Thank you for providing MDT an opportunity to comment on the subject plat amendment application. MDT has a project currently in design to reconstruct Smelter Avenue along the frontage of the property in question.

Access into the lot may be modified and/or relocated but our intention is to perpetuate existing access into Lot 3. Design of this project is too preliminary to say with certainty what features will be included with the project, where the alignment will be and what additional right-of-way may be required. However, our intention at this time is to design a curb and gutter roadway section with 5' sidewalks and possibly a bike path. Additional access points create additional conflict points between all traffic users. Additional conflict points amongst traffic create additional traffic hazards. Internal circulation of traffic within the existing Lot 3 will help minimize traffic hazards. As such, we request that the City restrict additional access along the frontage of the existing Lot 3. We would also request the developer be required to coordinate development of their infrastructure improvements with MDT to avoid conflicts with Smelter Avenue roadway improvements.

Please contact me at 455-8327 if I may be of further assistance with this matter.

James A. Combs, P.E.  
District Traffic Engineer

copies: Mick Johnson, District Administrator – Great Falls  
Steve Prinzing, P.E., District Engineering Services Supervisor – Great Falls  
Christie McOmer, P.E., District Projects Engineer – Great Falls  
Brendan Scott, Designer – Great Falls  
File



DEVELOPMENT AGREEMENT FOR  
AMENDED PLAT OF LOT 3, TWILITE THEATER TRACTS,  
IN THE S½SE¼ OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 3 EAST,  
CASCADE COUNTY, MONTANA

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between TWILITE L.L.C., a Limited Liability Corporation of the State of Montana, hereinafter referred to as "Owner," and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as "City", regarding the requirements for filing the Amended Plat of Lot 3, Twilite Theater Tracts, in the S½SE¼ of Section 35, Township 21 North, Range 3 East, Cascade County, Montana, hereinafter referred to as "Amended Plat."

WITNESSETH;

WHEREAS, Owner presently owns Lot 3, Twilite Theater Tracts, in the S½SE¼ of Section 35, Township 21 North, Range 3 East, Cascade County, Montana as described on the Amended Plat filed January 15, 2004, under P-20040000002 in the Office of the Clerk and Recorder for Cascade County, Montana; and,

WHEREAS, Owner has petitioned City to approve the Amended Plat which subdivides Lot 3 into 8 parcels; and,

WHEREAS, City has agreed to approve the Amended Plat, subject to the Owner entering into an agreement regarding development standards and requirements.

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED as follows:

1. Owner hereby agrees to install any public/private utilities and street improvements, as needed for proposed building(s) on lots being created by Amended Plat. Said public/private utilities and street improvements shall be in accordance with plans and specifications approved by the City Public Works Department.
2. Installation of the public utilities and street improvements described herein, shall be subject to City's infrastructure inspection policy in place at the time of installation.
3. Owner hereby agrees to waive its right to protest any future special improvement district for the extension of City storm drainage facilities in the vicinity of the Amended Plat that may be lawfully created in accordance with the laws of the State of Montana. Owner further agrees to pay its proportionate share of the costs of said storm drainage facilities, whether installed with or without a special improvement district.
4. Owner hereby agrees to submit and obtain City Public Works Department approval of a storm drainage plan for parcels within the Amended Plat in conjunction with any building permit issuance. Owner further agrees to adhere to said drainage plan, as said parcels are developed.
5. Owner agrees to all terms of the previously approved Improvement Agreement for Minor Plat of Twilite Theater Tracts, dated 15<sup>th</sup> day of December, 1999, and recorded with the Cascade County Clerk & Recorder as R-0001524, on 3/12/2001.
6. Owner hereby agrees 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 Amended Plat.
7. Owner hereby agrees that development upon lots within said Amended Plat, 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.
8. Owner will create and permanently maintain a property owner's association consisting of the owners of lots in the Amended Plat to address issues held in common including access, parking, landscaping and storm water detention.
9. Owner hereby agrees to pay proportionate share of curb, gutter and sidewalk to be installed in the abutting Smelter Avenue Northeast when deemed necessary by City. Accordingly, Owner hereby provides a certificate of deposit in the name of Owner and City, in the amount of \_\_\_\_\_. At such time Owner's proportionate share of the actual cost of the above referenced curb, gutter and sidewalk is definitely determined, an amount equal to said costs shall be transferred from the above referenced account to



City. Upon said transfer, any remaining balance in the above referenced account shall be released to the manager of the property owner's association as defined in the Covenants, Conditions and Restrictions and Grant of Mutual and Reciprocal Easement.

10. The provisions, covenants and terms of this Agreement shall be filed and recorded with the Cascade County Clerk & Recorder, shall run with the land and shall be binding upon all devisees, heirs, successors and assigns of the signatures affixed hereto.

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

\_\_\_\_\_  
Gregory T. Doyon, City Manager,

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
City Attorney



TWILITE L.L.C.,

\_\_\_\_\_  
Authorized signature

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

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year Two thousand and nine A. D., before me, the undersigned, a Notary Public for the State of Montana, personally appeared, \_\_\_\_\_ of Twilite L.L.C., known to me to be the person whose name is subscribed to the instrument within and acknowledged to me that he executed the same.

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

\_\_\_\_\_  
Notary Public for the State of Montana

(NOTARIAL SEAL)

\_\_\_\_\_  
Notary Public (Printed)  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_, 20\_\_\_\_

H-G  
L-27th  
A-F

Phil Korrel  
868-4065

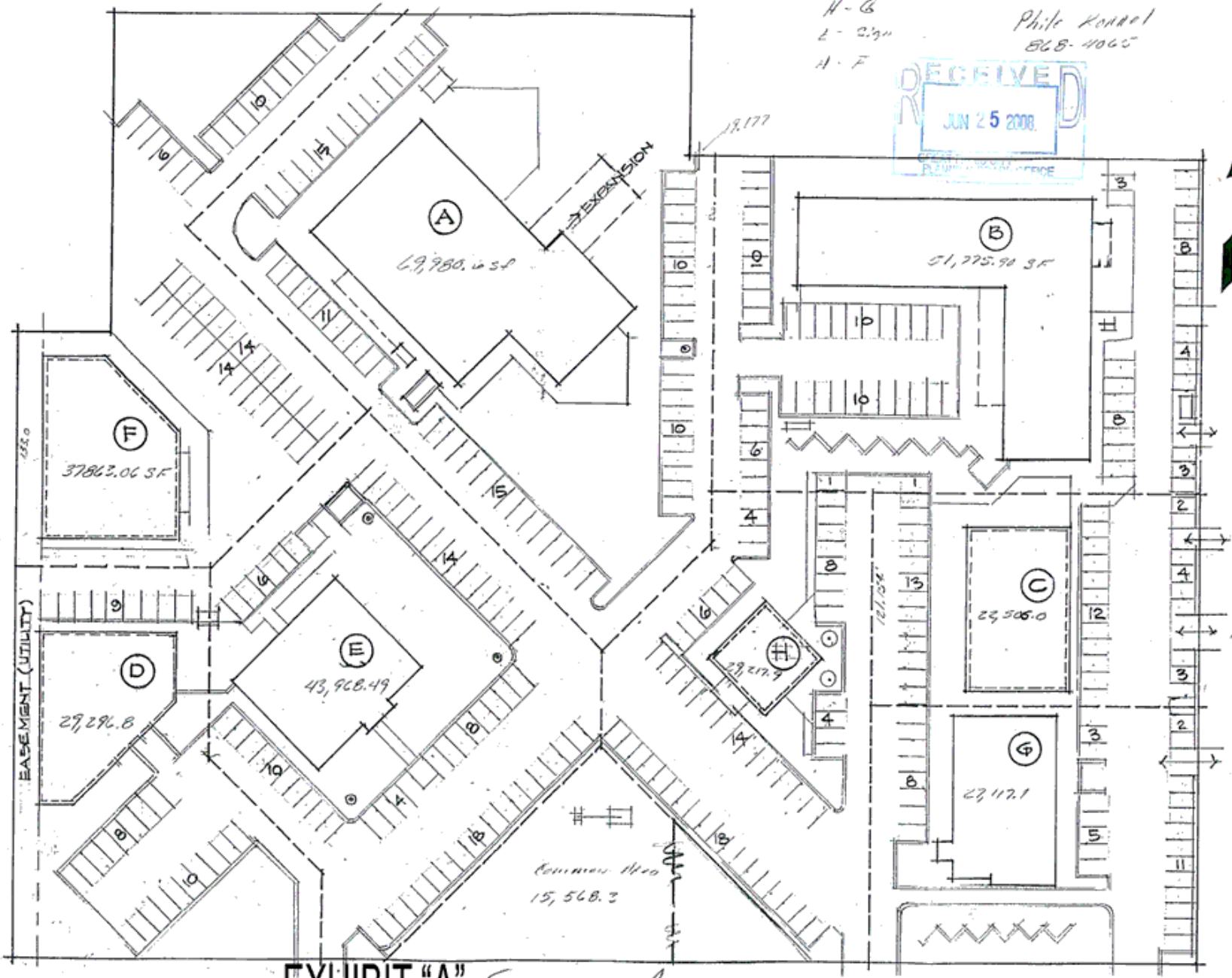


EXHIBIT "A" SMELTER AVENUE