



# City Commission Agenda

for

## April 7, 2009

---

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

**\*\*REVISED\*\***

**CALL TO ORDER:** 7:00 P.M.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PROCLAMATION**

Fair Housing Month

**NEIGHBORHOOD COUNCILS**

1. Swearing In Ceremony, ~~Stan Meyer, NC 5~~, Jack Stuckman, NC 6.
2. Miscellaneous reports and announcements.

**PUBLIC HEARINGS**

3. 2009/2010 Community Development Block Grant Annual Action Plan. Action: Conduct public hearing and schedule action on the Final Annual Action Plan for April 21, 2009. **(Presented by: Chris Imhoff)**
4. East Ridge Addition, Phase 5. **(Presented by: Bill Walters)**
  - A. Res. 9817, Annexation of property. Action: Conduct joint public hearing and adopt or deny Res. 9817 and approve the Minor Subdivision Plat, Findings of Fact and Annexation Agreement.
  - B. Ord. 3032, Assigns zoning classification to property. Action: Conduct joint public hearing and adopt or deny Ord. 3032.
5. Res. 9818, Conditional Use Permit to allow an Animal Shelter on Lot 4AA, Block 1, North Riverview Terrace 7<sup>th</sup> Supplement (826 25<sup>th</sup> Avenue NE). Action: Conduct public hearing and adopt or deny Res. 9818. **(Presented by: Bill Walters)**

**OLD BUSINESS**

6. Great Falls Development Authority Early Loan Payoff Request. Action: Approve or deny request. **(Presented by: Greg Doyon)**

**NEW BUSINESS**

7. Land Exchange Agreement with Cascade County. Action: Approve or deny MOU. **(Presented by: Jim Rearden)**
8. Right-of-Way Agreement for 3<sup>rd</sup> Avenue Northwest. Approves Right-of-Way Agreement with Talcott Properties. Action: Approve or deny agreement. **(Presented by: Jim Rearden)**

9. American Recovery and Reinvestment Act (ARRA) – CTEP Projects. Approves the Sun River Connector Trail and 3<sup>rd</sup> Avenue NW Landscaping projects for funding with ~~ARRP~~ **ARRA** funds. Action: Accept or deny use of funds. **(Presented by: Bill Walters)**

#### **ORDINANCES/RESOLUTIONS**

10. BNSF Railroad Right-of-Way and Service District No. 2 of Upper/Lower River Road Water & Sewer District. **(Presented by: Bill Walters)**
  - A. Res. 9820, Intent to Annex. Action: Adopt or deny Res. 9820 and set public hearing for May 5, 2009.
  - B. Ord. 3033, Establish City Zoning. Action: Accept Ord. 3033 on first reading and set public hearing for May 5, 2009.

**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.*

11. Minutes, March 17, 2009, Commission meeting.
12. Total Expenditures of \$2,109,853 for the period of March 12-April 1, 2009, to include claims over \$5000, in the amount of \$1,889,840.
13. Contracts list.
14. Lien Release list.
15. Set public hearing for April 21, 2009, on Res. 9827 Swimming Pool fees.
16. Approve professional service agreement with Thomas, Dean & Hoskins, Inc. in the amount of \$68,349 for the design of 10<sup>th</sup> Avenue South Water Mains Replacement.
17. Award construction contract to United Materials of Great Falls, Inc. in the amount of \$306,644.50 for the 3<sup>rd</sup> Avenue Northwest Roadway Improvements – Phase 2.
18. Award construction contract to United Materials of Great Falls, Inc. in the amount of \$736,695 for the 1<sup>st</sup> Avenue North and 5<sup>th</sup> Avenue South Water Main Replacements.
19. Award construction contract to Planned and Engineered Construction, Inc. in the amount of \$185,940 for the Sanitary Sewer Trenchless Rehabilitation, Phase 13.
20. Award construction contract to Dick Anderson Construction, Inc. in the amount of \$36,235 for the 10<sup>th</sup> Street Bridge North Railing Improvements.
21. Award bid for one new 2009 Asphalt Distributor to Tri-State Truck & Equipment of Great Falls in the amount of \$125,748.
22. Approve Addendum Agreements for Eagle's Crossing Addition, Phases II & III.
23. Review Memorandum of Understanding with Cascade County and set public hearing on the Justice Assistance Grant recommendation for May 5, 2009.

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

**BOARDS & COMMISSIONS**

24. Appointment, Design Review Board. Appoint one member to a three-year term through March 31, 2012.
25. Miscellaneous reports and announcements.

**CITY MANAGER**

26. 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)*

27. Miscellaneous reports and announcements.

**CITY COMMISSION**

28. Miscellaneous reports and announcements.

**MOTION TO ADJOURN**



**Item:** 2009/2010 Annual Action Plan Public Hearing  
**From:** Community Development Department  
**Initiated By:** Chris Imhoff, CDBG/HOME Administrator  
**Presented By:** Chris Imhoff, CDBG/HOME Administrator  
**Action Requested:** Conduct public hearing

---

**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 to schedule action on the Final Annual Action Plan for April 21, 2009.”

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

**Staff Recommendation:**

Staff recommends the City Commission conduct the public hearing to receive citizen input regarding the proposed Annual Action Plan required by HUD including the proposed use of 2009/2010 Community Development Block Grant and HOME Investment Partnership program funds and take comments heard under consideration for final action on April 21, 2009.

**Background:**

The Consolidated Plan is a five year planning and reporting document required by the U.S. Department of Housing & Urban Development which was completed and Commission approved in April, 2005. This Plan includes a community needs assessment, housing market analysis, strategic plan and an annual action plan submitted each year. The Annual Action Plan portion of the Consolidated Plan includes the proposed use of CDBG and HOME funds for the approaching fiscal year.

Community Development Block Grant and HOME Grant project applications were received in January 2009. The Community Development Council reviewed the

applications and made recommendations for the proposed use of funds to the City Commission on March 17, 2009.

#### Significant Impacts

The U.S. Department of Housing & Urban Development regulations require one public hearing be held on the proposed Annual Action Plan which includes the use of the 2009/2010 CDBG and HOME funds, in order for the City to secure federal grant dollars.

#### Citizen Participation

The Proposed Annual Action Plan is being made available to the citizens of Great Falls for review and comment for a 30 day period beginning March 20, 2009, continuing through April 19, 2009. A copy of the Proposed Annual Action Plan is available for review in the City Community Development Office, the Great Falls Public Library, and the City of Great Falls web page.

#### Workload Impacts

Not applicable

#### Purpose

The purpose of the public hearing on April 7 is to provide a forum to allow the citizens of Great Falls the opportunity to express their views on the proposed use of federal Community Development Block Grant and HOME Program dollars and each program's policies and performance.

#### Project Work Scope

Not applicable

#### Evaluation and Selection Process

The Commission will be asked to give consideration to citizen comments received during this public hearing in taking final action on the Annual Action Plan. At the end of the 30-day comment period, the City Commission must accept or amend the proposed Annual Action Plan and authorize submittal of the Plan which HUD must receive on or before May 15, 2009.

#### Conclusion

The public hearing provides citizens an important opportunity for input regarding the proposed HUD Annual Action Plan for 2009/2010

**Concurrences:** The Community Development Council reviewed the applications and made funding recommendations included in the proposed Annual Action Plan to the City Commission on 3/17/09.

**Fiscal Impact:** Conducting the public hearing is a pre-condition for the city receiving its annual allocation of HUD CDBG and HOME grant funds.

**Alternatives:** The hearing is a required for the city to be awarded 2009-2010 CDBG and HOME funding.

**Attachments/Exhibits:** CDBG, American Recovery and Reinvestment Act CDBG, and HOME Program Proposed use of funds

**2009/2010 USE OF FEDERAL GRANT FUNDS  
COMMUNITY DEVELOPMENT BLOCK GRANT**

***Affordable Housing***

	<u>Requested</u>	<u>CDBG Proposed</u>	<u>ARRA* Proposed</u>
<b>GREAT FALLS CITY COMMUNITY DEVELOPMENT— REHABILITATION SPECIALIST</b>	\$61,845	\$61,845	
Provision of rehab counseling, loan processing, inspections and construction monitoring for all CDBG-funded City revolving loan housing programs for low income people			
<b>NEIGHBORHOOD HOUSING SERVICES, INC.</b>	\$165,000	\$165,000	
Revolving loan fund to provide down payment assistance, new construction, purchase and rehabilitation of houses and other activities addressing neighborhood revitalization activities in their CBDO-designated neighborhoods			

***Economic Development***

<b>GREAT FALLS DEVELOPMENT AUTHORITY</b>	\$50,000	\$50,000	
Expand revolving loan fund to provide gap financing to existing and start-up businesses to create new jobs for persons from low/moderate income households, agency located at 300 Central Avenue			
<b>GREAT FALLS INTERNATIONAL AIRPORT AUTHORITY</b>	\$100,000	\$0	
Upgrade hangar to provide aircraft paint facility at 1922 Airport Court to create job opportunities for persons from low/moderate income families			

***Public Facility Improvements***

<b>BOYS &amp; GIRLS CLUB OF CASCADE COUNTY</b>	\$100,000	\$0	
Replace heating and cooling system with energy efficient system in building located at 600 1 <sup>st</sup> Avenue Southwest which has programs to serve at-risk youth			
<b>CENTER FOR MENTAL HEALTH</b>	\$126,169	\$59,203	\$61,000
Replace roofs in 3 buildings; replace exterior doors, screen doors, windows and heating/cooling units in 12 units (Wing B) of transitional living facility for people with severe mental illnesses located at 626 Central Avenue West Fund doors, windows & HVAC for 12 units Wing B with regular CDBG funds; fund roofs with ARRA funds			

\*ARRA – American Reinvestment & Recovery Act

	<u>Requested</u>	<u>CDBG Proposed</u>	<u>ARRA* Proposed</u>
<b>GATEWAY COMMUNITY SERVICES</b> Replace air conditioning unit with energy efficient unit in facility located at 1220 Central Avenue which houses agency that provides comprehensive community-based alcohol and drug abuse treatment services and agency that provides health care services for urban Native Americans	\$22,963	\$21,954	
<b>GREAT FALLS BASEBALL FOUNDATION</b> Replace wheelchair lift to provide handicap and elderly accessibility at Centene Stadium in Legion Park located at 1015 25 <sup>th</sup> Street North	\$13,450	\$13,450	
<b>GREAT FALLS CITY PARK &amp; RECREATION—COMMUNITY RECREATION CENTER</b> Upgrade electrical system panel and wiring at Community Recreation Center located at 801 2 <sup>nd</sup> Avenue North	\$101,200	\$101,200	
<b>GREAT FALLS CITY PARK &amp; RECREATION—MORONY NATATORIUM</b> Purchase and install handicap accessible entrance doors, replace entrance flooring and replace handicap pool lift at public pool facility located at 111 12 <sup>th</sup> Street North	\$15,998	\$15,998	
<b>GREAT FALLS CITY PARK &amp; RECREATION—ODDFELLOWS PARK</b> Purchase and install handicap accessible play structure, 2 benches and borders for play area at Oddfellows Park located at 9 <sup>th</sup> Avenue South & River Drive South	\$32,300	\$32,300	
<b>GREAT FALLS CITY PUBLIC WORKS—HANDICAP RAMPS</b> Install handicap ramps (curb cuts) to provide handicap accessibility on 8 <sup>th</sup> Avenue North from 21 <sup>st</sup> to 25 <sup>th</sup> Street and 7 <sup>th</sup> Avenue North from 15 <sup>th</sup> Street to 25 <sup>th</sup> Street and other areas at request of disabled citizens	\$100,000	\$0	\$100,000
<b>GREAT FALLS CITY PUBLIC WORKS—SIDEWALK REPLACEMENT</b> Grant program to provide assistance to low income homeowners to remove and replace hazardous sidewalks in Census Tract 3 (15 <sup>th</sup> to 25 <sup>th</sup> Street North between 6 <sup>th</sup> and 8 <sup>th</sup> Avenue North) and other areas at request of low income homeowners	\$75,000	\$0	\$75,000
<b>GREAT FALLS SENIOR CITIZENS CENTER</b> Purchase and install handicap accessible entrance door on west side entry of facility located at 1004 Central Avenue which houses programs to serve the elderly	\$7,500	\$7,500	

\*ARRA – American Reinvestment & Recovery Act

	<u>Requested</u>	<u>CDBG Proposed</u>	<u>ARRA* Proposed</u>
<p><b>HABITAT FOR HUMANITY</b> Install sewer and water lines, excavate for foundation and install sidewalks and parking pads at 2525 Castle Pines Way and 1235 8<sup>th</sup> Avenue Northwest; install sidewalk and parking pad at 1429 1<sup>st</sup> Avenue Northwest</p>	\$25,000	\$25,000	
<p><b>KAIROS YOUTH SERVICES</b> Replace windows at Portage Place, a co-ed therapeutic youth home for severely emotionally disturbed adolescents located at 4513 7<sup>th</sup> Avenue North</p>	\$6,000	\$6,000	
<p><b>WHITTIER PTA</b> Purchase and install handicap accessible playground equipment at southeast playground of Whittier Elementary School located at 305 8<sup>th</sup> Street North</p>	\$36,600	\$36,600	
<b><i>Public Service Activities</i></b>			
<p><b>AREA VIII AGENCY ON AGING</b> Purchase food for Meals on Wheels, a citywide home delivery meal program for seniors who are handicapped or unable to prepare meals</p>	\$25,000	\$25,000	
<p><b>BOYS &amp; GIRLS CLUB OF NORTH CENTRAL MONTANA</b> Recreational/educational scholarships for summer program for children from low income families; administered at 2 Weed &amp; Seed Safe Haven locations (Great Falls Housing Authority—1722 Chownen Springs Loop and Westside Unit—600 1<sup>st</sup> Avenue Southwest)</p>	\$34,620	\$31,483	
<p><b>CASA-CAN CHILDREN’S ADVOCATE NETWORK</b> Purchase computer, camera, volunteer training materials and provide speakers and training conference expenses to expand volunteer program located at 415 2<sup>nd</sup> Avenue North which provides advocates for abused and neglected children in the legal system</p>	\$5,938	\$4,438	
<p><b>FAMILY CONNECTIONS</b> Provide child care scholarships for low income families; program administered through agency located at 600 Central Plaza</p>	\$28,125	\$20,625	

\*ARRA – American Reinvestment & Recovery Act



	<u>Requested</u>	<u>CDBG Proposed</u>	<u>ARRA* Proposed</u>
<b>GREAT FALLS CITY PARK &amp; RECREATION— COMMUNITY RECREATION CENTER</b>	\$7,900	\$6,038	
Provide scholarships for low income children for after school child care program, summer camp programs and lifeguard certification; programs offered at community center located at 801 2 <sup>nd</sup> Avenue North and Morony Natatorium located at 111 12 <sup>th</sup> Street North Fund lifeguard scholarships @ \$1,000, balance toward other scholarships			
<b>HANDS, INC.</b>	\$25,000	\$25,000	
Provide child care scholarships for children from low income families; program offered at all Great Falls elementary schools			
<b>QUALITY LIFE CONCEPTS</b>	\$15,772	\$7,966	
Purchase and install ceiling track system and elevated bath tub at group home for people with developmental disabilities located at 144 Treasure State Drive Fund track system & asbestos inspection			
<b>YOUNG PARENTS EDUCATION CENTER</b>	\$17,000	\$17,000	
Provide day care scholarships and emergency housing scholarships for low income teen or young adult parents completing high school or GED programs; programs located at alternative high school at 2400 Central Avenue			
<b><i>Administration</i></b>			
<b>CDBG PROGRAM ADMINISTRATION</b>	\$183,414	\$183,414	\$12,881
General oversight, promotion, financial accountability, monitoring, reporting, and coordination of the CDBG program including activities to further fair housing and the Continuum of Care for Homelessness			
<b>TOTAL CDBG FUNDING REQUESTED</b>	<b>\$1,198,380</b>		
<b>TOTAL CDBG FUNDING RECOMMENDATION</b>		<b>\$917,014</b>	
<b>TOTAL ANTICIPATED CDBG GRANT</b>		<b>\$917,014</b>	
<b>TOTAL AVAILABLE CDBG GRANT FUNDS</b>		<b>\$917,014</b>	
<b>TOTAL CDBG ARRA FUNDING RECOMMENDATION</b>			<b>\$248,881</b>
<b>TOTAL AVAILABLE CDBG ARRA* FUNDS</b>			<b>\$248,881</b>
<b>TOTAL AVAILABLE CDBG &amp; ARRA FUNDS</b>			<b>\$1,165,895</b>

\*ARRA – American Reinvestment & Recovery Act

**2009/2010 USE OF FEDERAL GRANT FUNDS  
HOME INVESTMENT PARTNERSHIP PROGRAM**

	<u>Requested</u>	<u>HOME Proposed</u>
<b>NEIGHBORHOOD HOUSING SERVICES, INC.</b>	\$354,657	\$354,657
Owners in Partnership XVII—construct and rehabilitate single family houses and provide down payment and closing cost assistance for low income home buyers on citywide basis		
<b>HOME PROGRAM ADMINISTRATION</b>	\$39,400	\$39,400
General oversight, management, promotion, financial accountability, monitoring, and coordination of the HOME program		
<b>TOTAL HOME FUNDING REQUESTED</b>	<b>\$394,057</b>	
<b>TOTAL HOME FUNDING RECOMMENDATION</b>		<b>\$394,057</b>
<b>TOTAL ANTICIPATED HOME GRANT</b>		<b>\$394,057</b>
<b>TOTAL AVAILABLE HOME FUNDS</b>		<b>\$394,057</b>



**Item:** Public Hearing – Resolution 9817 to Annex and Ordinance 3032 to Assign City Zoning to East Ridge Addition, Phase 5

**From:** Charles Sheets, Planner 1

**Initiated By:** C & W Development, Inc., Property Owner and Developer

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

**Action Requested:** City Commission adopt/approve Resolution 9817, Ordinance 3032, the Minor Subdivision Plat, Findings of Fact and Annexation Agreement all pertaining to East Ridge Addition, Phase 5.

---

**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 9817 and (approve/disapprove) the Minor Subdivision Plat, Findings of Fact and Annexation Agreement.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3032.”

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 and the Minor Subdivision Plat of East Ridge Addition, Phase 5 and accompanying Findings of Fact. The Zoning Commission has recommended to the City Commission that Lot 1, Block 1 and Lot 1, Block 2, of said Minor Subdivision Plat be zoned PUD Planned unit development district and that Lot 2, Block 2 be zoned R-2 Single-family medium density district, upon annexation to the City.

**Background:** The Planning Office is in receipt of applications from C & W Development Inc., regarding the following:

- 1) Annexation of the area contained within Certificate of Survey 4534, also known as Mark 1K, in N½ Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana.
- 2) Establishing City zoning of PUD Planned unit development district and R-2 Single-family medium density district, upon annexation of said tract.
- 3) Minor Subdivision Plat of East Ridge Addition, Phase 5, in N½ Sec. 16, T20N, R4E, P.M.M., Cascade County, Montana.

Certificate of Survey 4534 consists of 2.4 acres in the vicinity of 12<sup>th</sup> Avenue South and 47<sup>th</sup> Street South. The applicant is subdividing subject property as East Ridge Addition, Phase 5, to create 3 lots. Two of the lots located on either side of 12<sup>th</sup> Avenue South will be zoned PUD Planned unit development district and accommodate four residential condominiums units each. Plans for potential development of the southern lot created by the minor subdivision plat are presently unknown. The applicant intends to sell said southern lot to an adjoining property owner.

The Minor Subdivision Plat dedicates right-of-way for 12<sup>th</sup> Avenue South and the west half of the southerly extension of 47<sup>th</sup> Street South. The area needed for the east half of the involved portion of 47<sup>th</sup> Street South is owned by another party. It is anticipated the east half of the involved portion of 47<sup>th</sup> Street South will be dedicated at the time the presently unincorporated property east of Phase 5 is annexed and/or subdivided.

For additional information, please refer to the attached Vicinity/Zoning Map and preliminary Minor Subdivision Plat.

The portion of 12<sup>th</sup> Avenue South within Phase 5 is improved to City standards. The applicant and the City Public Works Department have agreed that the portion of 47<sup>th</sup> Street South abutting Block 1 will be paved with curb and gutter. A water main and storm sewer main will be installed prior to construction. The westerly portion of 47<sup>th</sup> Street South abutting Block 2 will be dedicated by the minor subdivision plat and will remain unimproved with the applicant escrowing their proportionate share of the estimated cost of standard City water main, storm sewer, curb, gutter and paving for the future improvements. As the area develops, the escrowed funds will be combined with the abutting owners' proportionate share of the cost to complete the improvements. The Annexation Agreement commits the owner of Lot 2, Block 2 to pay the proportionate share of improvements of 13<sup>th</sup> Avenue South when extended easterly along the south boundary of Block 2. The applicant is requesting an access easement to serve Lot 2, Block 2 across the City owned tract of land bordering the south boundary of the Subdivision.

It is proposed that Lot 1, Block 1 and Lot 1, Block 2, be zoned PUD Planned unit development district and that Lot 2, Block 2 be zoned R-2 Single-family medium density district, upon annexation to the City. Subject property is located on the fringe of the City, which has been attracting high quality condominium units and single-family dwellings.

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

- a) is designed in accordance with the growth policy (comprehensive plan);
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;
- e) will provide adequate light and air;
- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;

- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;
- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

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

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

Applicable policy statements include “residential land uses should be planned and located so that they do not result in adverse impacts upon one another” and “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 February 10, 2009, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of PUD Planned unit development district to Lot 1, Block 1, and Lot 1, Block 2, and R-2 Single-family medium density district to Lot 2, Block 2, East Ridge Addition Phase 5, and the Planning Board recommends the City Commission approve the Minor Subdivision Plat of East Ridge Addition, Phase 5, the annexation of the area contained therein and the accompanying Findings of Fact subject to and the following conditions being fulfilled by the applicant:

- 1) The Minor Plat of East Ridge Addition, Phase 5, shall incorporate correction of any errors or omissions noted by staff including provision of a notification clause to purchasers regarding soil conditions.
- 2) The final engineering drawings, specifications and cost estimates for the remaining required public improvements in 47<sup>th</sup> Street South shall be submitted to the City Public Works Department for review and approval prior to consideration of the annexation by the City Commission.
- 3) An Annexation Agreement shall be prepared containing terms and conditions for annexation of the area within the Minor Plat, including agreement by applicant to:
  - a) install, within two years of the date of annexation the public improvements referenced in Paragraph 2) above;
  - b) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
  - c) to adhere to the attached PUD Site Plan in conjunction with the development of Lot 1, Block 1 and Lot 1 Block 2; and
  - d) to adhere to the restrictions on Lot 2, Block 2.

- 4) All applicable fees owed as a condition of annexation or plat approval shall be paid, including:
- |  |                   |
|--|-------------------|
| a) annexation resolution fee                               | \$ 100.00         |
| b) annexation agreement fee                                | 200.00            |
| c) storm sewer fee (\$250/acre x 2.4)                      | 600.00            |
| d) recording fees for annexation documents (\$11 per page) | to be determined. |

- 5) A financial surety (i.e. personal check or certificate of deposit) shall be established in the name of the applicant and City to cover the proportionate share of the costs for future roadway, water and storm sewer improvements for the portion of 47<sup>th</sup> Street South abutting Block 2. The amount of said surety shall be submitted to the City Public Works Department for review and approval prior to consideration of the annexation by the City Commission.

No citizens spoke as proponents or opponents during the hearing.

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

**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 condominium units and the single-family lot in the minor 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:** 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 9817
2. Ordinance 3032
3. Vicinity/Zoning map
4. Preliminary Minor Plat
5. PUD Site Plan
6. Findings of Fact
7. Annexation Agreement (Not available online; on file in City Clerk’s Office)

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
C & W Development, 1725 41<sup>st</sup> St S, Great Falls MT 59405

RESOLUTION 9817

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE EAST RIDGE ADDITION, PHASE 5, IN N½ SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA.

\* \* \* \* \*

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

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

East Ridge Addition, Phase 5, in N½ Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana and containing 2.4 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.

NOW, THEREFORE, the City Commission now finds that the herein requested annexation meets the criteria cited in Section 17.16.7.050 of the Unified Land Development

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "EAST RIDGE ADDITION, PHASE 5, IN N½ SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 7<sup>th</sup> day of April, 2009.

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

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
David V. Gliko, City Attorney



ORDINANCE 3032

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT TO LOT 1, BLOCK 1, AND LOT 1, BLOCK 2, AND R-2 SINGLE-FAMILY MEDIUM DENSITY DISTRICT TO LOT 2, BLOCK 2, EAST RIDGE ADDITION, PHASE 5, IN THE N½ OF SECTION 16, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, C & W Development, Inc., has petitioned the City of Great Falls to annex East Ridge Addition, Phase 5, located in the N½ of Section 16, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, C & W Development, Inc., has petitioned Lot 1, Block 1, and Lot 1, Block 2, East Ridge Addition, Phase 5, be assigned a zoning classification of PUD Planned unit development district and Lot 2, Block 2, East Ridge Addition, Phase 5, be assigned a zoning classification of R-2 Single-family medium density district upon annexation to the City; and,

WHEREAS, notice of assigning said zoning classifications to East Ridge Addition, Phase 5, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 7<sup>th</sup> day of April, 2009, before final passage of said Ordinance herein; and,

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

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 classification of Lot 1, Block 1, and Lot 1, Block 2, East Ridge Addition, Phase 5, be designated as PUD Planned unit development district, subject to the building envelopes and setbacks attached hereto as Exhibit "A" and by this reference made a part hereof, and Lot 2, Block 2, be designated as R-2 Single-family medium density district.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing East Ridge Addition, Phase 5, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

APPROVED by the City Commission on first reading March 17, 2009.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading April 7, 2009.

---

Dona R. Stebbins, Mayor

ATTEST:

---

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

---

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 certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3032 in three conspicuous places within the limits of said City to-wit:

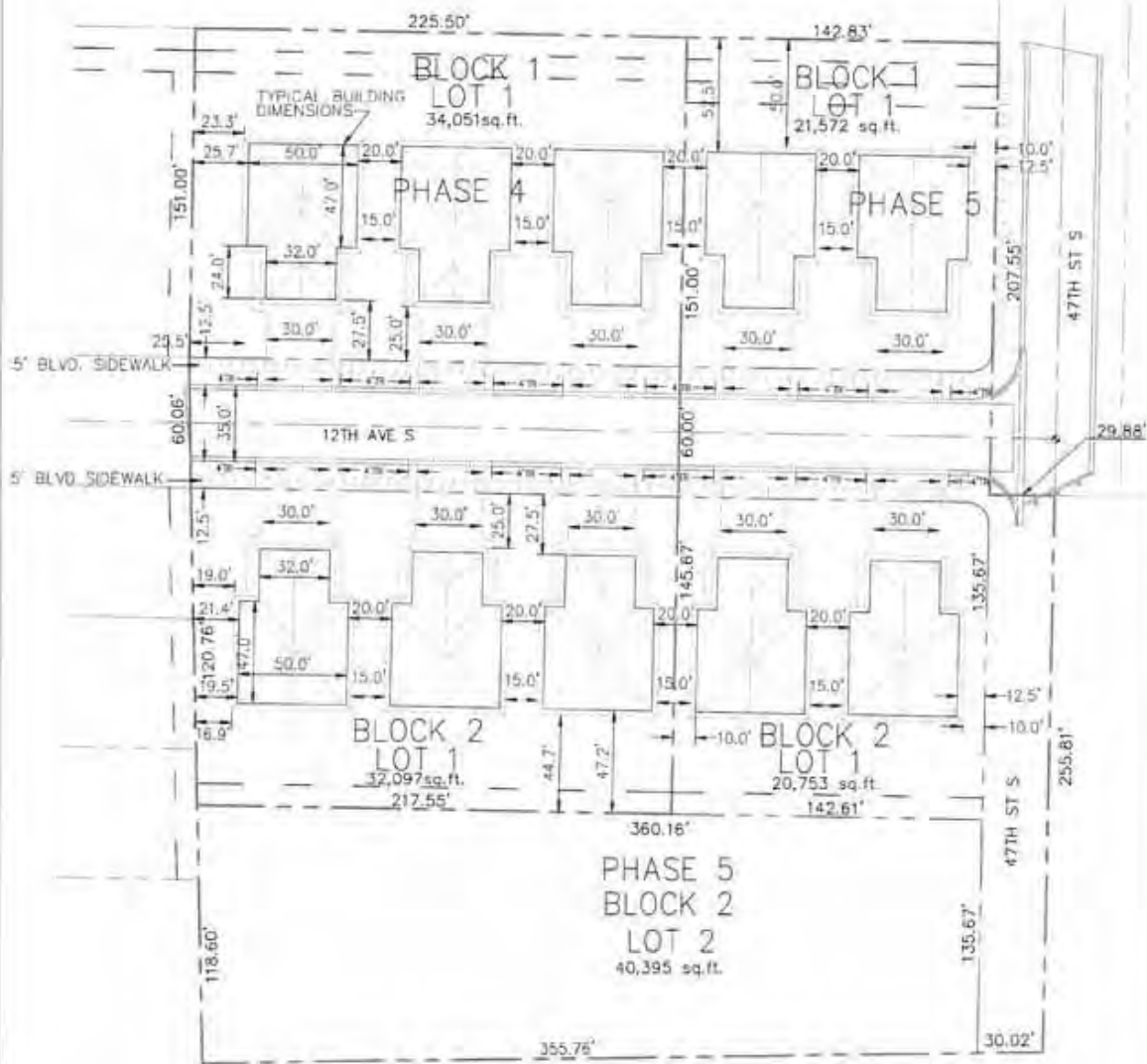
On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Court House;  
On the Bulletin Board, Great Falls Public Library

---

Lisa Kunz, City Clerk

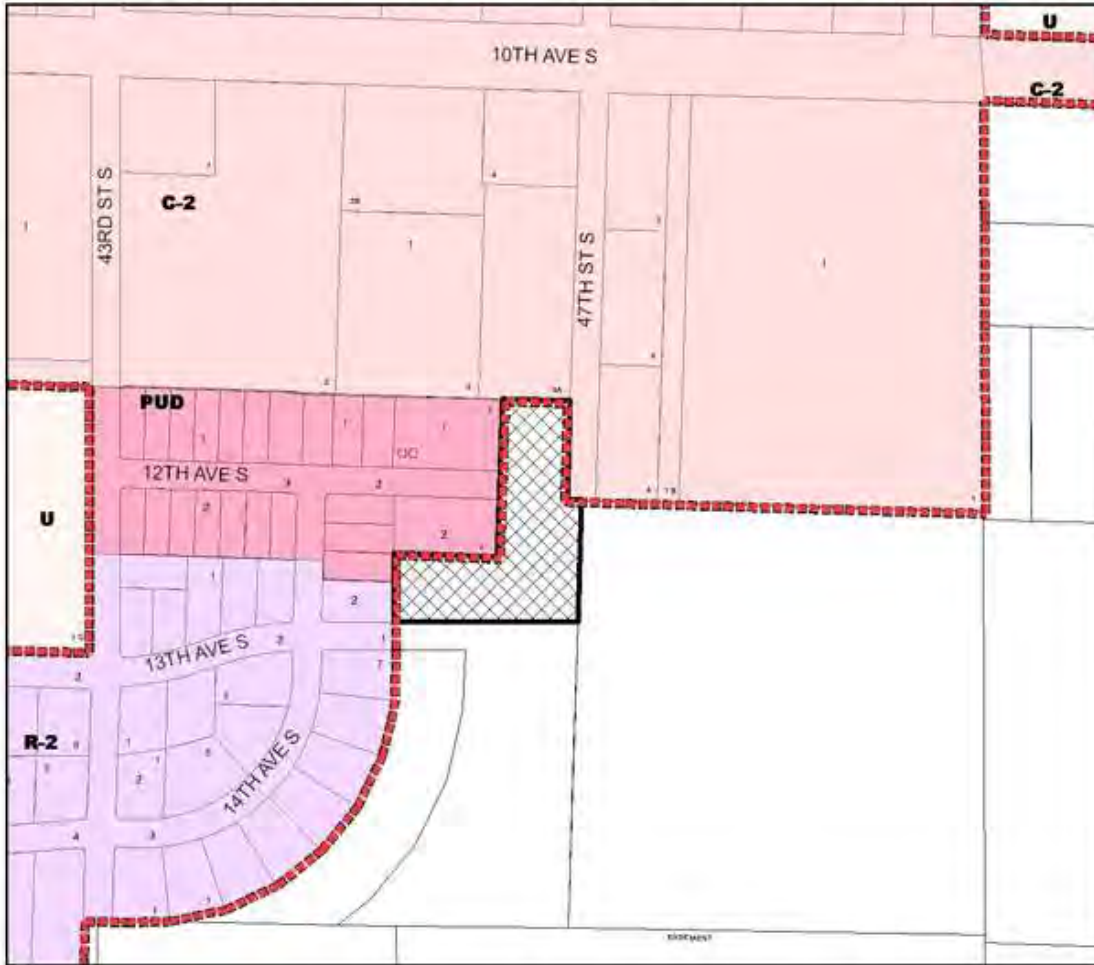
(CITY SEAL)


P.U.D. SITE PLAN  
 EAST RIDGE 4&5  
 EXHIBIT "A"









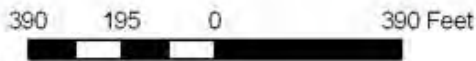
BUILDING HEIGHTS SHALL BE RESTRICTED TO A MAXIMUM OF 35'.  
 MAXIMUM LOT COVERAGE WILL BE 70%

# VICINITY/ZONING MAP



 AREA BEING PLATTED AS EAST RIDGE ADDITION, PHASE 5 TO BE ANNEXED TO THE CITY AND ASSIGNED A CITY ZONING CLASSIFICATION OF "PUD" PLANNED UNIT DEVELOPMENT DISTRICT AND "R-2" SINGLE-FAMILY MEDIUM DENSITY DISTRICT

-  City Limits
-  C-2 General commercial
-  U Unincorporated enclave
-  R-2 Single-family medium density
-  PUD Planned unit development
-  Tracts of land outside City



# PRELIMINARY PLAT OF EAST RIDGE ADDITION PHASE 5

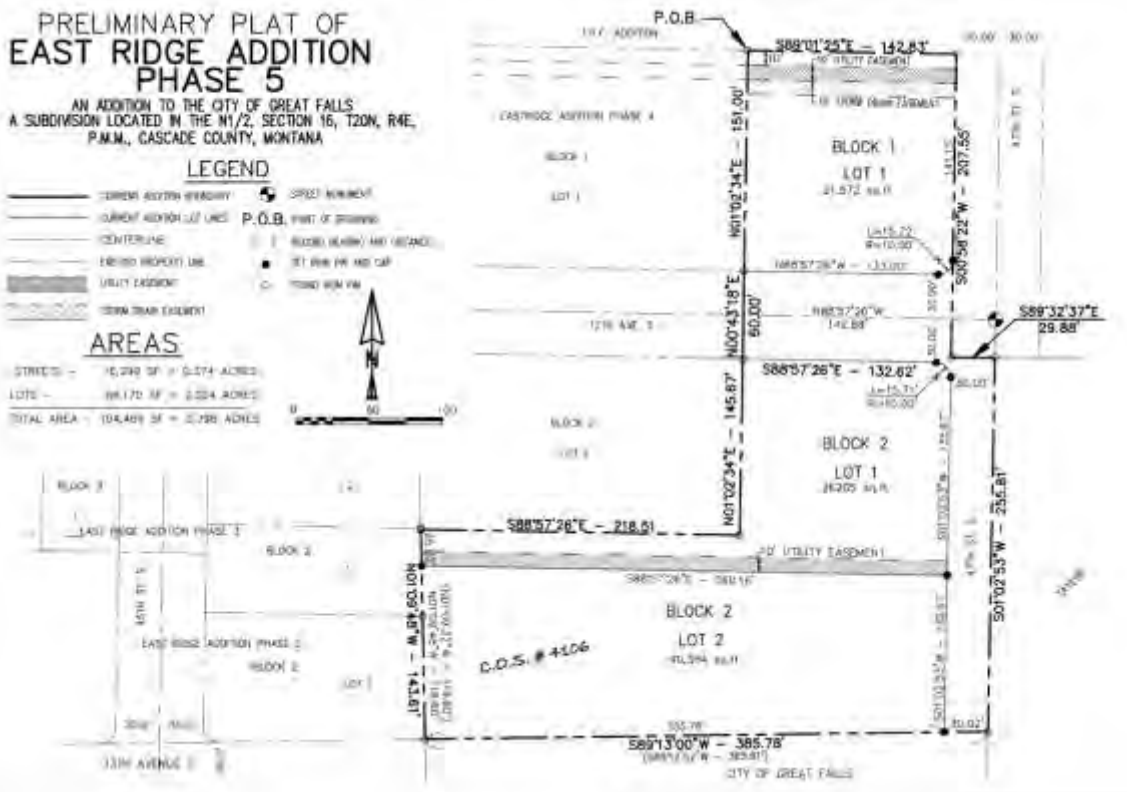
AN ADDITION TO THE CITY OF GREAT FALLS  
A SUBDIVISION LOCATED IN THE N1/2, SECTION 16, T20N, R4E,  
P.M.M., CASCADE COUNTY, MONTANA

## LEGEND

CORNER ADDITION BOUNDARY	STREET MONUMENT
CORNER ADDITION 1/2 ACRES	P.O.B., POINT OF BEGINNING
CENTERLINE	RECORD BLANK AND VACANT
EXISTING PROPERTY LINE	SET BACK FOR W/2 CAP
UTILITY EASEMENT	TYPICAL SIGN V&B
UTILITY EASEMENT	
CORNER BEAR EASEMENT	

## AREAS

STREET - 16,288 SF = 0.374 ACRES  
 LOTS - 88,170 SF = 2.024 ACRES  
 TOTAL AREA - 104,458 SF = 2.398 ACRES



**FINDINGS OF FACT**  
**FOR MINOR PLAT OF EAST RIDGE ADDITION, PHASE 5, IN THE N½,**  
**SECTION 16, TOWNSHIP 20, NORTH, RANGE 4 EAST TO GREAT FALLS,**  
**CASCADE COUNTY, MONTANA**  
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)

I. PRIMARY REVIEW CRITERIA

**Effect on Agricultural**

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

**Effect on Local Services**

Lot 1, Block 1 and Lot 1, Block 2 of the subdivision will connect to City water and sewer systems. The subdivider will pay the cost of extending the utility system. The City should not experience an appreciable increase in maintenance and operating costs. The occupants of eventual condominium homes within said two lots will pay regular water and sewer charges.

The subdivision will receive law enforcement and fire protection service from the City of Great Falls. The nearest fire station is two miles from the subdivision site. Providing these services to the condominiums in the subdivision is expected to be a negligible cost to the City. Increased tax revenues from improved properties will likely cover any increase costs.

Public streets abutting Block 1 of the subdivision will be improved to City standards by the subdivider.

Development of Lot 2, Block 2 of the subdivision would necessitate the easterly extension of 13<sup>th</sup> Avenue South involving cost participation by the City as an abutting property owner.

**Effect on the Natural Environment**

The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Any excess surface runoff will flow southeasterly to a City owned parcel at the east terminus of 13<sup>th</sup> Avenue South where a storm water detention facility is planned to be constructed.

**Effect on Wildlife and Wildlife Habitat**

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

**Effect on Public Health and Safety**

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

II. REQUIREMENTS OF MONTANA SUBDIVISION AND PLATTING ACT, UNIFORM STANDARDS FOR MONUMENTATION, AND LOCAL SUBDIVISION REGULATIONS

The subdivision meets the requirements of the Montana Subdivision and Platting Act and the surveying requirements specified in the Uniform Standards for Monumentation, and conforms to the design standards specified in the local subdivision regulations. The subdivider and the local government have complied with the subdivision review and approval procedures set forth in the local subdivision regulations.

III. EASEMENT FOR UTILITIES

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

IV. LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision is provided by the easterly extension of 12<sup>th</sup> Avenue South and the southerly extension of the west half of 47<sup>th</sup> Street South. The segments of 12<sup>th</sup> Avenue South and 47<sup>th</sup> Street South abutting Block 1 of the subdivision will be improved to City standards and maintained by the City. The portion of 47<sup>th</sup> Street South abutting Block 2 of the subdivision will for the interim remain unimproved.



**Item:** Public Hearing - Resolution 9818 for Conditional Use Permit to allow an Animal Shelter on Lot 4AA, Block 1, North Riverview Terrace 7<sup>th</sup> Supplement (826 25<sup>th</sup> Avenue NE)

**From:** Charles Sheets, Planner 1

**Initiated By:** Animal Foundation of Great Falls

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

**Action Requested:** City Commission adopt Resolution 9818.

---

**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 9818.”

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

**Zoning Commission Recommendation:** At the conclusion of a public hearing held February 24, 2009, the Zoning Commission passed a motion recommending the City Commission grant a conditional use permit to allow placement of an animal shelter on Lot 4AA, Block 1, North Riverview Terrace 7<sup>th</sup> Supplement, addressed as 826 25<sup>th</sup> Avenue Northeast.

**Background:** The Animal Foundation of Great Falls intends to build and operate an animal shelter upon subject lot.

For additional information, please refer to the attached Vicinity/Zoning Map and conceptual site plan provided by the applicant.

Subject property comprises a portion of a large vacant land area located across 25<sup>th</sup> Avenue Northeast from North Middle School. The property’s east boundary abuts a warehouse/contractor yard. Subject property is zoned C-2 General Commercial district wherein

an animal shelter is permitted upon processing and approval of a conditional use permit. The definition in the Unified Land Development Code for animal shelter is “a place and/or building, or portion thereof that is used or is intended to temporarily house stray pets.”

The attached conceptual site plan shows the primary building, parking, memorial garden, and exercise yard. The exercise yard will be full dog runs. The visiting and play yard is a long range feature. Access to the proposed facility is provided by 25<sup>th</sup> Avenue NE, a fully improved road maintained by the City. The abutting portion of 25<sup>th</sup> Avenue NE also contains City water, sanitary sewer and storm sewer mains.

Development upon Lot 4AA will be subject to the review and approval of the City’s Community Development Department and Design Review Board, which considers such features as building architecture, exterior materials, colors, facade design, outdoor lighting and landscaping.

Neighborhood Council 3 discussed the proposed new animal shelter during its meeting on January 8, 2009. The Council minutes are attached.

The procedure for processing a conditional use is identical to that for a City zone change. Following a public hearing and recommendation by the Zoning Commission, the City Commission shall conduct a public hearing and arrive at a final decision regarding the conditional use application. The City Commission may, through a written agreement with the applicant, establish such conditions and restrictions upon the construction, maintenance and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with standards and requirements.

The City Zoning Code lists the seven following criteria to be applied to a request for a conditional use for evaluation purposes.

1. The conditional use is consistent with City’s growth policy and applicable
2. That the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.
3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the neighborhood.
4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.
6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.



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

A goal in the land use element of the Growth Policy is “to preserve and enhance the character, quality, and livability of existing neighborhoods”. The Growth Policy states proposed land use changes should be evaluated according to the type of neighborhood affected, which in this case, is vacant commercially zoned land that abuts an industrial district and is 300 feet from the nearest residence. Land use changes should be compatible with the type, scale, and physical character of the neighborhood.

Staff concludes no significant negative aspects, associated with the seven above mentioned criteria, should result from the approval of the conditional use permit, provided the property is developed in compliance with City codes. Establishing an animal shelter at this location would not be intrusive to the neighborhood and with the new building and facilities will provide a needed service to the community.

During the public hearing before the Zoning Commission, Ron Gessaman, 1006 36<sup>th</sup> Avenue Northeast, asked about the surface drainage pond that is located along 25<sup>th</sup> Avenue Northeast and within Lot 4AA. City Engineer Dave Dobbs explained the pond was only constructed as a temporary collection pond and the installation of a storm sewer piping and inlets within 25<sup>th</sup> Avenue Northeast eliminates the need for the temporary pond.

**Concurrences:** The Community Development Department and Public Works Department have been involved throughout the review and approval process for this project.

**Fiscal Impact:** Granting the conditional use permit will not result in any changes to providing City services to the area.

**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 9818
2. Vicinity/Zoning Map
3. Development Review Application for Conditional Use Permit
4. Conceptual Site Plan provided by applicant
5. Copy of Minutes from Neighborhood Council #3, dated January 8, 2009

Cc: Mike Rattray, Community Development Director  
Kim McCleary, City Parking Supervisor  
Animal Foundation of Great Falls, P.O. Box 3426, Great Falls, Montana 59403

RESOLUTION 9818

A RESOLUTION APPROVING A  
CONDITIONAL USE PERMIT TO ALLOW  
PLACEMENT OF AN ANIMAL SHELTER ON  
LOT 4AA, BLOCK 1, NORTH RIVERVIEW  
TERRACE, 7<sup>TH</sup> SUPPLEMENT TO GREAT  
FALLS, ADDRESSED AS 826 25<sup>TH</sup> AVENUE  
NORTHEAST.

\* \* \* \* \*

WHEREAS, the Animal Foundation of Great Falls owns Lot 4AA, Block 1, North Riverview Terrace, 7<sup>th</sup> Supplement to Great Falls, addressed as 826 25<sup>th</sup> Avenue Northeast; and

WHEREAS, said Owner intends to construct and operate an animal shelter on said Lot 4AA; and

WHEREAS, subject property is zoned C-2 General Commercial district wherein an animal shelter is permitted upon processing and approval of a conditional use permit; and

WHEREAS, Owner has applied for a conditional use permit to construct and operate an animal shelter on Lot 4AA, Block 1, North Riverview Terrace, 7<sup>th</sup> Supplement to Great Falls, addressed as 826 25<sup>th</sup> Avenue Northeast; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on February 24, 2009, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending a conditional use permit be granted to allow placement of an animal shelter on Lot 4AA, Block 1, North Riverview Terrace, 7<sup>th</sup> Supplement to Great Falls, addressed as 826 25<sup>th</sup> Avenue Northeast.

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

Section 1. It is determined that the herein requested conditional use permit will meet the criteria cited in Section 17.16.36.040 of the Unified Land Development Code of the City of Great Falls.

Section 2. That a conditional use permit to allow placement of an animal shelter on Lot 4AA, Block 1, North Riverview Terrace, 7<sup>th</sup> Supplement to Great Falls, addressed as 826 25<sup>th</sup> Avenue Northeast, is hereby approved.

Section 3. That this Resolution shall become effective immediately upon its passage and approval.

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on April 7, 2009.

---

Dona R. Stebbins, Mayor

ATTEST:

---

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

---

David V. Gliko, City Attorney



**Item:** Great Falls Development Authority Loan Forgiveness Amendment

**From:** Greg Doyon – City Manager

**Initiated By:** Brett Doney – President GFDA

**Presented By:** Greg Doyon – City Manager

**Action Requested:** Amend prior Commission action accelerating loan repayment and forgiveness.

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission amend its prior loan repayment and forgiveness arrangement with GFDA and establish the following terms conditions:

1. Accept a lump sum payment from GFDA of \$64,632.14;
2. Accelerate the loan forgiveness amount of \$138,000 with the condition that should GFDA operate at a loss for any of the next three years, the City would then reduce its budget allocation by \$46,166.67 annually, over the next three years.

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

---

**Staff Recommendation:** Accept revisions to the prior loan forgiveness agreement with the Great Falls Development Authority dated October 6, 2008.

**Background:** On October 6, 2008 the City Commission considered a request from the GFDA to forgive a portion of a loan granted to High Plains Financial (April 15, 2003). The Commission offered an alternative to the forgiveness.

The Commission approved the loan payment arrangement below:

1. Credit interest and payments made back against the original principal reducing the amount owed from \$250,000 to \$203,132.14;
2. Provide for an interest free loan from inception and going forward;
3. Defer all payments until July 1, 2009; and,

4. If GFDA operates at a profit for each fiscal year of a three year period ending June 30, 2011, then the City agrees to credit back to GFDA each July, beginning July 1, 2009, one-third of the \$135,500 (sic) GFDA investment into the EDA loan fund (\$46,166.67 each year).

In a letter dated March 11, 2009, President Doney of the GFDA, requests that the Commission consider a revision to the prior agreement. Indicating the need for the availability of additional loan capital and based on GFDA budget performance, they are seeking to accelerate the loan payoff and forgiveness.

GFDA is proposing the following:

1. Lump sum payment of \$64,632.14.
2. Accelerate the forgiveness of debt in the amount of \$138,500.
3. Include the provision that if GFDA operates at a loss for any of the next three years, the City would then reduce its budget allocation (historically \$100,000) by \$46,166.67 which is one third of the \$138,500 of debt forgiveness.

**Fiscal Impact:** Early repayment and forgiveness would allow GFDA to become more competitive for securing additional loan funds for economic development initiatives. The City would also have \$64,632.14 placed in its economic development account for additional economic development projects.

The change from the prior loan repayment arrangement is that the debt forgiveness is advanced with the caveat that GFDA has no losses for three years. The Commission has already structured the loan repayment so that any prior interest paid was credited, so essentially, some interest has been applied, but moving forward, the city will not collect any interest on loan unless GFDA does not perform.

**Alternatives:**

1. Reject proposal and maintain existing loan forgiveness arrangement.

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

1. Letter from GFDA President Brett Doney dated March 11, 2009.
2. Staff Report October 6, 2008.



**Item:** Land Exchange Agreement with Cascade County, O. F. 1488  
**From:** Engineering Division  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Approve Land Exchange Agreement

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission approve/deny the Land Exchange Agreement with Cascade County and authorize the City Manager to execute the agreement and deeds of transfer.”

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

---

**Staff Recommendation:** Staff recommends the City Commission approve the Land Exchange Agreement with Cascade County.

**Background:**

Significant Impacts

This Land Exchange Agreement allows for the construction of the 3<sup>rd</sup> Avenue Northwest roadway.

Purpose

This Agreement describes the terms of the transfers of land between Cascade County and the City in order for the City to construct the 3<sup>rd</sup> Avenue Northwest access to the new Federal Courthouse and West Bank Park. This agreement supersedes the memorandum of understanding (MOU) between the City and County approved at the March 17, 2009, City Commission meeting. It does not change the terms of the March 17 MOU that applied to the Montana Cowboy’s Association (MCA). The MCA has approved the section of the MOU that applied to their portions of that agreement.

Project Work Scope

The design of the roadway improvements is complete and the first phase of construction

(east of the railroad tracks) is well under way. Bids for the second phase of construction were opened on March 27, 2009, and are awaiting Commission consideration. The roadway is targeted for completion by May 15, 2009, to accommodate the opening of the new Federal Courthouse.

Evaluation and Selection Process

Since the approval of the MOU, City staff has negotiated the attached Land Exchange Agreement with the County Commissioners and County staff. Since there have been additional factors added to the agreement that were not anticipated earlier, City Staff recommends that the attached agreement be considered for action by the Commission.

Conclusion

This agreement provides a method for the City to construct the improvements for this vital project.

**Concurrences:**

This agreement was reviewed by Legal Counsel.

**Fiscal Impact:**

The cost for certificates of survey, deeds, and recording will be funded through Tax Increment Funds.

**Alternatives:**

The City Commission could vote not to approve the agreement.

**Attachments/Exhibits:**

1. Land Exchange Agreement (Exhibits to the agreement not available online; on file in City Clerk's Office.)

# LAND EXCHANGE AGREEMENT

Between *Cascade County* and *City of Great Falls*.

---

**WHEREAS** the City is undertaking a project, 3<sup>rd</sup> Avenue Northwest Improvements, to construct a roadway from West Bank Park to 3<sup>rd</sup> Street Northwest as shown on Exhibit A attached hereto and by this reference made a part hereof; and

**WHEREAS** the County is interested in acquiring certain land adjacent to the Montana ExpoPark; and

**WHEREAS** the County is interested in undertaking a project on 4<sup>th</sup> Street between 2<sup>nd</sup> Avenue North and 3<sup>rd</sup> Avenue North to increase the availability of parking for County and State employees; and

**WHEREAS** MCA Section 7-8-101(3)(a) allows the County to trade property with the City without an appraisal of the property traded or purchased; and

**WHEREAS** the following terms and conditions are mutually advantageous to the County and City;

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements contained herein, the receipt and sufficiency of which are hereby acknowledged, the undersigned parties hereby agree as follows:

## I. BASIC TERMS OF AGREEMENT

1. Montana Cowboys Association (Cowboys) will transfer to the City by separate instrument 10,978.84 square feet of land on the southern end of their property (Parcel 1, Exhibit A) for the 3<sup>rd</sup> Avenue Northwest right of way.
2. As partial compensation for the transfer by Cowboys, County will transfer to Cowboys by separate instrument 19,551.88 square feet of land (Parcel 2A) on the southern end of County property. City may pay Cowboys additional cash compensation for the transfer described in paragraph 1 above.
3. County will transfer to City by separate instrument 4,665.94 square feet of land on the southern end of their property (Parcel 2) for the 3<sup>rd</sup> Avenue Northwest right of way.
4. City anticipates acquiring Parcels 3 and 3A, as depicted in Exhibit A, from James Talcott Construction in the near future. Upon acquiring these properties, City will transfer these parcels to County as partial compensation for the transfers by County set forth in paragraphs 2 and 3 above. City will reserve an easement on Parcel 3 for roadway and utilities and will assume all roadway and utility maintenance responsibilities on this Parcel. Parcel 3A, consisting of 2,391.44 square feet of land, will be transferred with no reservations or encumbrances except for utility easements.
5. As further compensation to County for the transfers described in paragraphs 2 and 3 above, City will transfer to County by separate instrument 68,964.33 square feet of land adjacent to the Fairgrounds (Assessor's Parcel No. 1878500).



6. As further compensation to County for the transfers described in paragraphs 2 and 3 above, City agrees to vacate 4<sup>th</sup> Street North from 2<sup>nd</sup> Avenue North to 3<sup>rd</sup> Avenue North to allow County to reconfigure its downtown campus and increase parking availability for County and State employees. The City will remove all parking meters. City will perform the necessary public process to vacate this street section, but County will pay for any planning, reconfiguration including traffic signals, improvements, and maintenance.

## II. ADDITIONAL TERMS AND CONDITIONS

1. Except as set forth in paragraph II.2 below, City will retain the responsibility for any remediation and/or mitigation of pre-existing contamination on the land adjacent to the Fairgrounds (assessor's Parcel No. 1878500); and County will retain the responsibility for any remediation and/or mitigation of pre-existing contamination on the land adjacent to the Cascade County Shops property. The City and County agree to indemnify each other for costs or claims incurred as a result of pre-existing contamination. Prior to transfer of the properties, City and County reserve the right to conduct an environmental baseline assessment to better identify the scope of pre-existing contamination. This clause is not intended to inure to the benefit of any third parties.
2. During construction of the 3<sup>rd</sup> Avenue Northwest improvements, including installation of all utilities, City assumes responsibility for removal, remediation and/or mitigation of all pre-existing contamination to the edge of the City's easement exposed during construction.
3. City agrees to provide certificates of survey and property deeds, pay recording fees and administer the construction project for all land transfers related to the above transactions, except the closure of 4<sup>th</sup> Street North.
4. Waiver: Failure of either party to enforce any of the provisions of this Agreement shall in no way be construed to be a waiver of such provisions. Such failure shall not in any way affect the right of such party to thereafter enforce each and every provision of this Agreement. No waiver of any breach of any provision of this Agreement shall constitute a waiver of any other subsequent breach of any provision of this Agreement.
5. Entire Agreement and Modification: This Agreement represents the entire agreement of the parties pertaining to the exchange of the subject property and supersedes any and all prior agreements or negotiations. This Agreement may not be modified in any manner unless said modification is reduced to writing and executed by both parties.
6. Remedies: If either party fails to perform its obligations under this Agreement, the non-breaching party may either: Rescind the agreement and obtain restitution for its damages plus attorney fees; or enforce this Agreement by seeking specific performance, plus money damages and attorney fees.
7. Mutual Assent: City and County hereto mutually assent to the terms of this Agreement and have signed this Agreement on the day and year first written above.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2009.



**Attest**

On this \_\_\_ day of \_\_\_\_\_ 2009, I hereby attest the above-written signatures of the Board of Cascade County Commissioners.

\_\_\_\_\_  
Rina Fontana Moore, Clerk and Recorder



**Item:** Right-of-Way Agreement for 3<sup>rd</sup> Avenue Northwest, O. F. 1488

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Approve Agreement

---

**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission approve the Right-of-Way Agreement for 3<sup>rd</sup> Avenue Northwest with Talcott Properties, and authorize the City Manager to execute the agreement."

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

---

**Staff Recommendation:** Approve the right-of-way agreement.

**Background:**

Significant Impacts

This agreement begins the process for the City to acquire land needed for construction of the roadway. Two separate parcels of land, totaling 16,043.98 square feet, will be purchased from Talcott Properties for \$216,600.

Purpose

This agreement will allow the city to provide the City's contractor access to the site to begin construction of the roadway to serve the West Bank area. For the project to proceed the City must acquire the right-of-way, thus this is the first of the paperwork to allow transfer of ownership. A deed will be prepared for signatures of all parties (this agreement gives the City Manager the ability to execute on behalf of the City) involved in this land transfer.

Project Work Scope

Street improvements will include site grading, storm drainage, curb and gutter, asphalt pavement, sidewalks, pavement markings and signing. Installation of new 8-inch water

REVISED

main will be included.

Conclusion

City staff recommends approval of the right-of-way agreement with Talcott Properties.

**Concurrences:**

Talcott properties has signed the agreement. Public Works, Fiscal Services, Community Development and the City Manager's office have been involved in the negotiations.

**Fiscal Impact:**

This project will be funded through Tax Increment Funds.

**Alternatives:**

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

**Attachments/Exhibits:**

1. Right-of-Way Agreement is attached.

CITY OF GREAT FALLS  
Engineering Division  
Public Works Department

**Right-Of-Way AGREEMENT**

PROJECT ID: O.F. 1488

DESIGNATION : 3<sup>rd</sup> Avenue North West –  
Great Falls

LAND ID:

Cascade County  
COUNTY

Parcel	Subdivision	Section	Township	Range
3	SE 1/4SW1/4 2 20N 3E			
4				

---

List Names & Addresses of the Grantors  
(Contract Purchaser, Contract Seller, Lessee, etc.)

Talcott Properties, LLC /West Bank Properties  
LLC/James Talcott Construction, Inc. Hereinafter  
"Talcott." as Right-of-Way Grantor  
P. O. Box 2493  
Great Falls, Montana 59403

1. In consideration of the payments herein set forth and the specific agreements to be performed by the parties hereto and written in this agreement, the parties bind themselves to the terms and conditions stated herein. No verbal representations or agreements shall be binding upon either party. Grantor certifies that any encumbrances on the property conveyed by Talcott are shown on this agreement. This agreement is effective upon execution by the City of Great Falls City Manager following a Resolution of the City Commission approving the same. Access possession to the property is granted to the City of Great Falls (Hereinafter "City") upon execution of this Agreement.

2. COMPENSATION FOR LAND AND IMPROVEMENTS TO BE ACQUIRED BY CITY FROM TALCOTT: (List acreage and improvements to be acquired.)

Parcel 3 as described on Exhibit "A" \$186,778.03  
13,835.41 Square Feet as described in Exhibit "A" as parcels 3 and 3A,  
acquired by fee in the name of Cascade County, Montana  
(13,835.41 Sq Feet x Price per Sq Ft of \$13.50) = \$186,778.03

Parcel 4 as described on Exhibit "A" \$29,815.70  
2,208.57 Square Feet acquired by fee in the name of the City of Great Falls,  
Montana  
(2,208.57 Sq Feet x Price per Sq Ft of \$13.50) = \$29,815.70

3. TOTAL COMPENSATION: From City to Talcott: \$216,600.00 (Rd)

4. IT IS UNDERSTOOD AND AGREED THE CITY SHALL MAKE PAYMENT AS FOLLOWS:

A check to be made payable to: As directed by Talcott at P. O. Box 2493, Great Falls, Montana 59403

5. The City agrees to vacate that portion of Railroad Street abutting Talcott properties to the east as described on Exhibit "B" as soon as Talcott Properties acquires the Pizza Hut property located on the West side of Railroad Street shown on Exhibit "C". City further agrees to deed Railroad Street to Talcott Properties LLC at that time. Once Talcott Properties acquires the above-referenced Pizza Hut property and the City receives a vacation petition from any adjacent property owner, the City shall vacate and deed to adjoining property owners the platted alley located between Central Avenue West and 1st Avenue Northwest adjacent to the Pizza Hut property as shown on Exhibit "C".

6. The City agrees to allow 10% of the parking spaces to be included on the site master plan that will be submitted by Talcott to be shared parking spaces. Shared parking spaces are defined as parking spaces that service two or more Business's described on the master plan.

7. It is understood and agreed that Talcott intends to acquire property from the Burlington Northern Santa Fe Railroad adjacent to the Staybridge Hotel Development Project. At the time Talcott acquires such property in fee or by lease agreement with BNSF for a strip of land located to the east of Talcott Properties as shown on Exhibit "B", the City shall approve and allow this leased land to be used as parking spaces for any and all business developments proposed by Talcott and/or for the placement of storm water detention pond(s).

8. From tax increments generated from the Staybridge Hotel Development Project or from tax increment bond proceeds, subject to the execution and the terms of a development agreement executed by the City and the Grantors or an affiliate of the Grantors (the "Developer"), the City will reimburse the Developer an amount up to \$900,000.00 of approved costs incurred from the design and construction of streets, sidewalks, curb and gutters (excluding all parking lots), power lines, storm drain systems, city water and sanitary sewer mains and other utilities (including Bresnan Communications, Qwest and Energy West) on the property as shown on the master plan Exhibit "B".

If and when Talcott acquires the property currently owned by Pizza Hut, the City agrees it shall pay any unused balance of the \$900,000.00 TIF monies to reimburse Talcott or the Developer to fund the design and construction of the underground power lines and all other City utilities running across the current Pizza Hut property. See: Exhibit "C."

It is further understood that TIF monies have not been approved for the demolition of existing improvements or parking lots.

9. In consideration for the foregoing covenants, Talcott hereby grants the City the right to enter and construct 3 Avenue North West within the proposed right of way, as shown on Exhibit "A" (attached) as of the date of execution of this Agreement when approved by Resolution of the City Commission.

10. The parties understand and agree that because the right-of-way being conveyed to the City is at a square foot value less than the collateral valuation being used to obtain financing for the Staybridge Hotel Project, this Agreement is subject to approval by Talcott's lending institution.

11. It is further agreed by the parties that each will undertake its obligations herein in good faith and fair dealing, and execute any documents necessary to accomplish and effectuate the terms of this Agreement, and expedite the progress and completion of the Staybridge Hotel Development Project.

THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT ON THE DATES SHOWN:

We understand that we are required by law to provide our correct taxpayer identification number(s) to the City of Great Falls Failure to comply may subject Grantor to fines and penalties.

Brad Talcott \_\_\_\_\_ 4-7-09  
Signature--Grantor: Taxpayer Identification Number Date:

Approved for and on Behalf of City:

\_\_\_\_\_  
Lisa Kunz - City Clerk Date:

\_\_\_\_\_  
Gregory T. Doyon - City Manager Date

APPROVED FOR LEGAL FORM AND CONTENT:

\_\_\_\_\_  
David V. Gliko - City Attorney Date

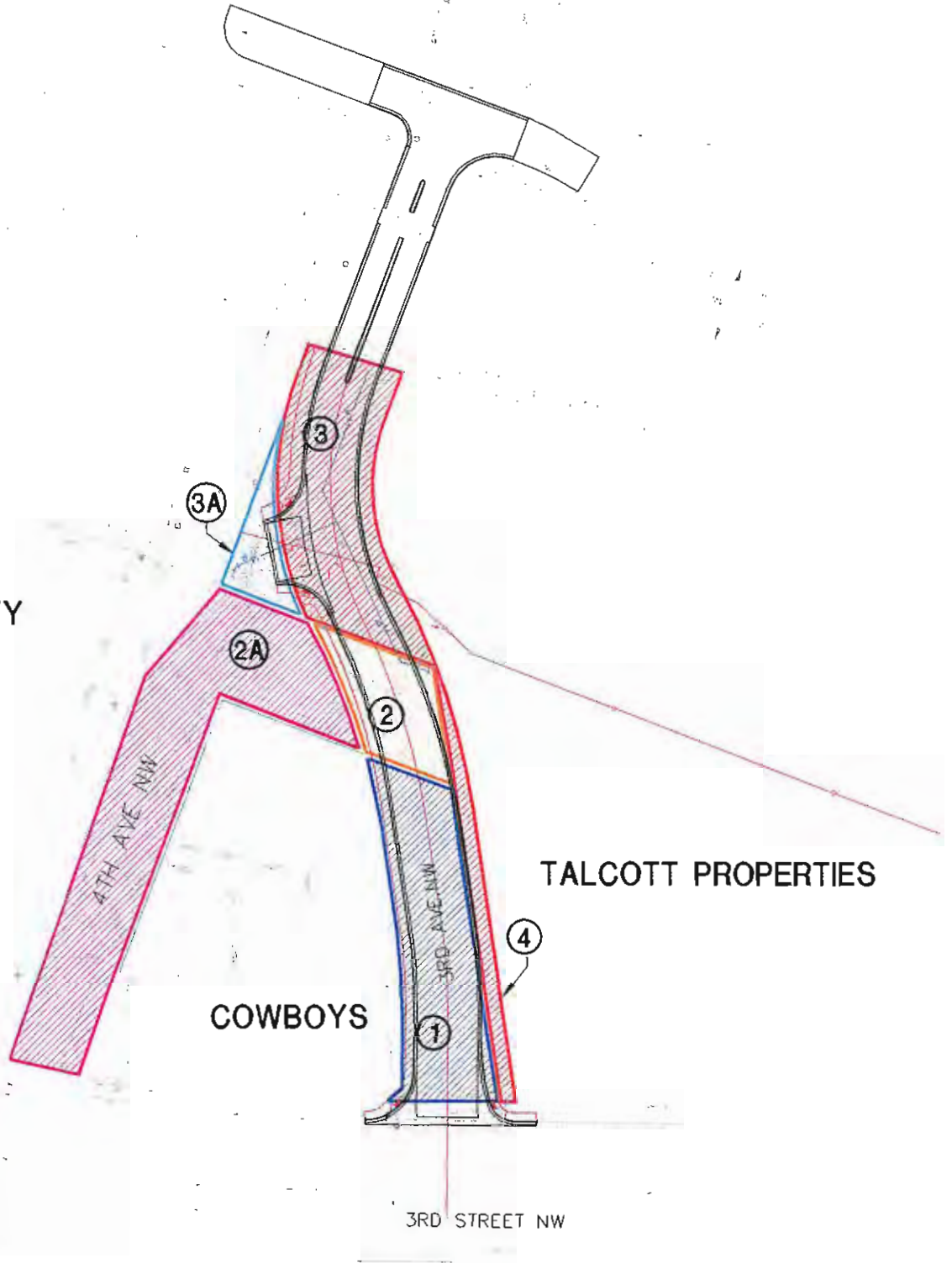
J. Michael Young \_\_\_\_\_ April 7, 2009  
J. Michael Young - Attorney for Talcott Date





WEST BANK

CASCADE COUNTY



TALCOTT PROPERTIES

COWBOYS

3RD STREET NW





T... J. I.

1891 Plat

3rd St. NW

1/4 Cor.

0. X 70

70

50	50	50	50	50	50	50
125	1	2	3	4	5	6
125	7					125

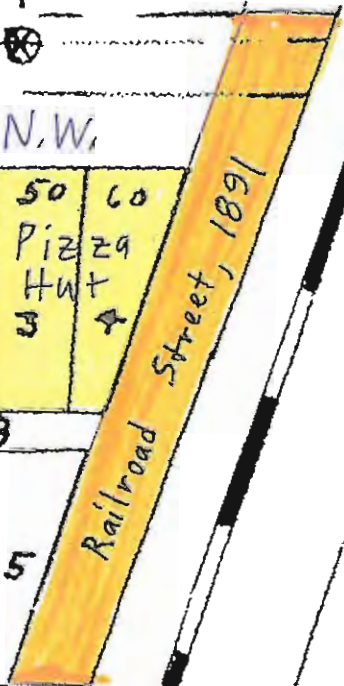
50	50	50	60
125	1	2	3
125			

599

598

50			50			50
125	14	13	12	11	10	9
125	8					8
50	50	50	50	50	50	50

125	7		
125			
50	50		



Central Ave. W,

50

50	50	50	50	50	50	50
125	2	3	4	5	6	7
125						125

86.8"	
270	597

596

125	13	12	11	10	9	8
125						125
50	50	50	50	50	50	50

190 D

119.5

STREET

STREET

EXHIBIT C



**Item:** American Recovery and Reinvestment Act (ARRA) – CTEP Projects

**From:** Andrew Finch, Senior Transportation Planner

**Initiated By:** Planning Department

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

**Action Requested:** City Commission approve the Sun River Connector Trail and 3<sup>rd</sup> Avenue NW Landscaping projects for American Recovery and Reinvestment Act funding

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/deny) the Sun River Connector Trail and 3<sup>rd</sup> Avenue NW Landscaping projects for funding with Transportation Enhancement funds available through the American Recovery and Reinvestment Act of 2009.”

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

---

**Staff Recommendation:** That the Commission concur in staff’s recommendation for selection of the Sun River Connector Trail and 3<sup>rd</sup> Avenue NW Landscaping projects for use of ARRA enhancement funds.

**Background:** The American Recovery and Reinvestment Act of 2009 (ARRA) includes a requirement that 3% of surface transportation funds provided to states through the Act be spent on Transportation Enhancement activities. For Montana, this equates to approximately \$6 million for eligible projects. In Montana, enhancement projects are typically developed through the Community Transportation Enhancement Program (CTEP), although that is not a strict requirement for ARRA funds.

Through the assistance of our local legislators, most especially Rep. Mehlhoff and Sen. Schmidt, Great Falls secured \$1,000,000 in ARRA funds for local enhancement projects, and this commitment has been approved by the Montana Transportation Commission. One project was specifically requested by staff and local bicycling interests, as well as the above named legislators, and has been confirmed as a priority project by the Montana Department of Transportation. This project is referred to as the “Sun River Connector Trail.”

The Sun River Connector Trail was approved for partial funding through CTEP by the Commission in 2008. It is a key component in the Great Falls pedestrian/bicycle network, and will safely connect the Fox Farm and Southwest neighborhoods with 10<sup>th</sup> Avenue South via the Warden Bridge. It will also connect to the trail underpass to be built this year at the south end of the 6<sup>th</sup> Street Southwest bridge, safely taking non-motorized users under 6<sup>th</sup> Street Southwest. The cost of the connector project is estimated at \$804,000 and, if the Commission concurs, would be 100% funded through ARRA. The

previously committed \$94,000 in City CTEP funds would be freed for re-allocation by the Commission for other CTEP work.

For the remaining \$196,000 ARRA funds, staff has generated a list of candidate projects, listed below:

- 1) Landscaping of the new 3<sup>rd</sup> Avenue NW roadway & addition of period lighting;
- 2) Repair Civic Center roof, exterior façade repair and facade lighting;
- 3) Replace street trees in boulevard district that were removed by Dutch Elm and have not yet been replaced;
- 4) Gibson Park lighting and tree planting;
- 5) Period lighting for 1<sup>st</sup> Avenue South downtown;
- 6) Artists competition to repaint 1<sup>st</sup> Avenue North underpass;
- 7) Acquire and remove billboards (buy out leases) on Myre property at Central Avenue West and 3<sup>rd</sup> Street Northwest; and,
- 8) Landscape and beautify west end of the Weissman Memorial Bridge.

In reviewing the possibilities, the landscaping of the new 3<sup>rd</sup> Avenue Northwest roadway appears to be the project that would provide the most benefit to the Great Falls community. It would beautify and formalize the new access into West Bank Park and encourage future re-development of properties in the vicinity – especially the Cascade County property immediately to the north. However, the other candidate projects have merit to varying degrees, and all would provide benefits to the citizens of Great Falls.

The Montana Department of Transportation has a need to proceed quickly with programming the ARRA funds for specific projects, and has asked for a timely response from Great Falls.

**Concurrences:** Representatives from City Planning and Administration prepared the list of candidate projects through consideration of eligible activities and projects of community interest. The Sun River Connector Trail project is listed in the Great Falls Area Transportation Plan and supported by the Great Falls Bicycle Club, as well as Recreational Trails, Inc.

**Fiscal Impact:** There would be no fiscal impact to the City, other than staff time to guide development of the projects. The projects would be developed as CTEP project through administration by the City Planning Department, with assistance by the City Engineering and Park & Recreation Departments.

ARRA projects are 100% funded, with no local match requirement. In addition, \$94,000 in previously committed CTEP allocations would be freed for new projects.

**Alternatives:** For use of ARRA enhancement funds, the City Commission could:

- 1) deny support for the Sun River Connector Trail project; and/or,
- 2) deny support for the 3<sup>rd</sup> Avenue NW Landscaping project; and/or,
- 3) select another eligible project(s); and/or,
- 4) not select any projects.

Attachment: Sun River Connection Bike/Ped Path Map

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Marty Basta, Park & Recreation Director









**Item:** Resolution 9820, Intent to Annex Segment of BNSF Railroad R/W and Ordinance 3033 to Establish City Zoning for Service District No. 2 of Upper/Lower River Road Water & Sewer District

**From:** Charles Sheets, Planner 1

**Initiated By:** Upper/Lower River Road Water & Sewer District Board and Property Owners within Service District No. 2

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

**Action Requested:** Commission Adopt Resolution 9820, which sets Public Hearing for May 5, 2009, and Accept Ordinance 3033 on First Reading and Set Hearing

---

**Suggested Motions:** (Each motion to be separately considered)

1. Commissioner moves:

“I move the City Commission (adopt/deny) Resolution 9820.”

And,

“I move that the City Commission (accept/deny) Ordinance 3033 on first reading and set a public hearing for May 5, 2009.”

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

---

**Planning Board and Zoning Commission Recommendations:** At the conclusion of a public hearing held March 10, 2009, the Planning Board passed a motion recommending the City Commission approve the annexation of Service District No.2 of the ULRRWSD located in Sections 13, 14, 23 and 24, Township 20 North, Range 3 East, Cascade County, Montana and as depicted on the attached Vicinity Map, subject to compliance to the Memorandum of Understanding dated January 16, 2007, and the Interlocal Agreement dated April 1, 2008, between the City and the ULRRWSD. The Zoning Commission passed a motion recommending the City Commission approve establishing City zoning classifications of R-1 Single-family suburban, R-3 Single-family high density, R-10 Mobile home park, M-2 Mixed use transitional and I-1 Light industrial districts to the various properties within Service District No. 2 as depicted on the attached zoning map.

*Note:* A second resolution to annex Service District No. 2 of the ULRRWSD will be submitted to the City Commission for consideration simultaneously with Resolution 9820 and Ordinance 3033 on May 5, 2009. (The statute being used to annex said Service District No. 2 does not require adoption of a resolution of intent as does annexing railroad right-of-way.)

**Background:** This item pertains to the annexation to the City of Great Falls of Service District No. 2 of the Upper/Lower River Road Water & Sewer District, located in Sections 13, 14, 23 and 24, Township 20 North, Range 3 East, Cascade County, Montana, commonly referred to as Service District No. 2. Subject property, which includes Sunny Lane Tracts, Pleasant Park Mobile Home Court, Big Sky Village Mobile Home Court and portions of McLean Garden Tracts, Grandview Tracts, Westfall Tracts, Burlington Northern Santa Fe Railroad right-of-way and portions of Upper and Lower River Roads, totals approximately 122 acres and consists of 81 parcels involving 54 owners.

This item also addresses assigning City zoning classifications of R-1 Single-family suburban, R-3 Single-family high density, R-10 Mobile home park, M-2 Mixed use transitional and I-1 Light industrial districts to the various properties within the District.

For additional information, please refer to the attached Vicinity Map showing the ULRRWSD & Service District No. 2 proposed to be annexed.

Beginning in 1996 the Cascade County City-County Health Department and State Department of Environmental Quality initiated an 18-month groundwater pollution study in the Upper and Lower River Road and Donovan Park areas. Subject area is occupied by about 3,000 residents and is the largest area in Cascade County with this type of density having neither a public water nor sewage system. No imminent health hazards were found as a result of the study. However, it was determined that impacts to the area groundwater were being caused from individual sewage septic systems and two aging sewage lagoons serving the Pearson Addition and the Trailer Terrace Mobile Home Court in the Donovan Park area. The study recommended area residents alleviate potential public health problems by developing an official sewer and water district in order to be eligible for state and federal grants for the planning and construction of public water and sewer systems. In addition, such a district would have contracting authority for any interlocal agreements that might be possible with the City of Great Falls for connection to City water and sewer lines already present in a portion of the study area. The study was divided into two separate geographic areas (Lower and Upper River Road and Donovan Park). Although problems were noted during the study in both areas, the worst problems were noted in the northern portion of the study area along Lower and Upper River Road, and therefore, focus was directed to correcting the problems in that area. The Donovan Park area is generally located a mile and a half south of the Lower and Upper River Road area.

In 2001, property owners along Lower and Upper River Roads voted to create a water and sewer district and subsequently elected a five-member board of directors to find the best solutions to the water and sewer problems and the money to pay for it. The District and the City entered into a Memorandum of Understanding dated August 19, 2003, wherein, it was noted the most cost effective manner of providing water and sewer services to serve the District was to connect to the City's water and sewer systems, thereby requiring annexation to the City.



In November, 2003, voters in the defined District, roughly bounded by the Missouri River, 41<sup>st</sup> Avenue South, 4<sup>th</sup> Street South, and the city limit at 19<sup>th</sup> Avenue South, defeated a \$5.7 million bond to pay for extension of City water and sewer lines into the area. Subsequently and to reduce the per household cost of the project, the District was divided into smaller service areas.

On August 12, 2004, the electors of Service District No. 1 authorized the issuance of \$938,000 in revenue bonds to finance a portion of the design and construction costs to serve the District with City water and sewer systems. The engineering documents for the planned infrastructure to serve the District were prepared by the District's engineer and conditionally approved by the City's Public Works Department in the summer of 2005. The District awarded a contract to Western Municipal Construction of Billings, which completed installation of the water and sewer infrastructure in the winter of 2006. Annexation of Service District No. 1 was approved by the City Commission on March 6, 2007.

Similar to Service District No. 1 of the ULRRWSD, the Board and the City entered into a Memorandum of Understanding dated January 16, 2007, wherein, it was noted the most cost effective manner of providing water and sewer services to serve Service District No. 2 was to connect to the City's water and sewer systems, thereby requiring annexation to the City. On April 1, 2008, the District and the City entered into an Inter-local Agreement for Service District No. 2. This agreement specifically addresses the implementation of the construction of the water and sewer improvements, how properties will be connected, how annexation will occur and other related matters.

On September 25, 2006, the electors of Service District No. 2 authorized the issuance of \$960,000 in revenue bonds to finance a portion of the design and construction costs to serve the District with City water and sewer systems. The engineering documents for the planned infrastructure to serve the District were prepared by the District's engineer and conditionally approved by the City's Public Works Department in the summer of 2007. The District awarded a contract to United Materials of Great Falls, which completed installation of the water and sewer infrastructure in the fall of 2008.

As a prerequisite to obtaining City water and sewer services, property owners in Service District No. 2 were required to sign several documents, including an annexation petition. To date, the owners of a majority (more than 50%) of the parcels in Service District No. 2 have signed and submitted annexation petitions to the City. By statute, this is a sufficient percentage to proceed with annexation.

All of the parcels within Service District No. 2 are being annexed under MCA Section 7-2-4601. As such, if more than 50% of the resident electors owning real property in the area to be annexed; or the owners of 50% of the real property in the area to be annexed petition for annexation, then the governing body may approve the annexation by adopting a resolution. A 6900 foot segment of BNSF right-of-way is being annexed under MCA Section 7-2-4311.

It is proposed City zoning classifications of R-1 Single-family suburban, R-3 Single-family high density, R-10 Mobile home park, M-2 Mixed use transitional and I-1 Light industrial districts be assigned to the various properties within Service District No. 2 as depicted on the zoning map attached to Ordinance 3033 as Exhibit "A". The two existing mobile home courts (Pleasant Park and Big Sky Village) are proposed to be zoned R-10 Mobile home park; the former Hall Transit

bus barn and two storage facilities are proposed to be zoned M-2 Mixed-use transitional; and the business Montana Lines, Inc. is proposed to be zoned I-1 Light industrial which matches the existing County zoning on subject property.

Section 76-2-304 Montana Code Annotated lists criteria and guidelines which must be considered in conjunction with rezoning and 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.

The Environmental Element of the City of Great Falls Growth Policy notes that the only significant groundwater problem in the immediate vicinity of Great Falls is located near Upper/Lower River Road and advocates finding an acceptable solution to the groundwater problems. A goal of the Environmental Element is “To maintain and improve the quality of the area’s air and water, even as the community grows”.

Goals of the Land Use Element of the City Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.
- To preserve and enhance the character, quality, and livability of existing neighborhoods.
- To support and encourage a compatible mix of land uses in newly developing areas.

Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

For the most part, the proposed zoning assignments recognize and conform to existing land uses on the parcels proposed to be annexed and will not, without processing of separate applications, result in additional development. Existing legal land uses, which are not permitted by right in the zoning classifications proposed to be assigned to the properties occupied by such uses, will continue to be recognized and allowed as legal nonconforming uses.

The proposed assignments of City zoning to the predominately developed areas, coincides with few exception to existing County zoning designations. Therefore, staff concludes the above-cited criteria are substantially met.

**Conclusion:** The proposed annexation of Service District No. 2 of the ULRRWSD is the culmination of a 12 year process to address public health and utility service problems in the area. With the recent extension of City water and sewer services to most of the 81 serviceable parcels in Service District No. 2, annexation will bring the involved area into compliance with City policies and codes regarding provision of such services. However, it should be recognized and understood that the City, by accepting and approving the annexation, is incurring significant responsibilities and liabilities. Some public infrastructure, including roadways, paving, curbs, gutters, sidewalks, and storm sewer/drainage is nonexistent or substandard. There are undoubtedly several instances of buildings not complying with City building codes, mobile home parks not complying with current applicable design standards or yards not complying with property improvement standards. However, to require full compliance at the time of annexation could create extreme hardship for property owners and could jeopardize the ability to ever annex these properties. Therefore, per a Memorandum of Understanding between the City and the ULRRWSD, the City has agreed to phase in additional improvements and code compliance requirements involving a schedule and financial plan palatable to the property owners. Additionally, as properties in the District are further subdivided, rezoned, subjected to conditional use permit requirements, and subjected to building permit requirements, opportunities will arise to gradually improve the area to City standards.

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

**Fiscal Impact:** Please refer to the Conclusion section which explains the responsibilities and liabilities the City is incurring in conjunction with this annexation.

**Alternatives:** The City Commission could deny adoption of Resolution 9820 and acceptance of Ordinance 3033 on first reading and not set the public hearing. However, such action would deny the ULRRWSD Board and property owners within Service District No. 2 due process and consideration of a public hearing, as provided for in City Code and State Statute.

**Attachments/Exhibits:**

1. Vicinity Map showing the ULRRWSD & Service District No. 2 proposed to be annexed.
2. Resolution 9820
3. Ordinance 3033

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Mike Rattray, Community Development Director  
Martha Cappis, Fiscal Services, Operations Supervisor  
Lyle Meeks, Neil Consultants, 4509 North Star Blvd, 59405  
John Stephenson-Love, 300 Central Ave, 7<sup>th</sup> Floor, 59401

RESOLUTION 9820

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND SAID CITY BOUNDARIES TO INCLUDE A SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY, LOCATED ALONG UPPER AND LOWER RIVER ROADS IN SECTIONS 14 AND 23, TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.M. CASCADE COUNTY, MONTANA, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 7-2-4311, MONTANA CODE ANNOTATED

\* \* \* \* \*

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

WHEREAS, there is contiguous to said City, but outside the boundaries thereof, a segment of the Burlington Northern and Santa Fe Railroad Right-of-Way, located along Upper and Lower River Road, located in Sections 14 and 23, Township 20 North, Range 3 East, M.P.M. Cascade County, Montana, containing 16.772 acres, all as shown on the Certificate of Survey filed the 31<sup>st</sup> day of December, 2008 under S-0004580 in the Clerk and Recorder's Office of Cascade County, Montana; and,

WHEREAS, Section 7-2-4311, Montana Code Annotated, provides that whenever any unplatted land that has been surveyed and for which a certificate of survey has been filed, may be incorporated and included in the municipality to which it is contiguous.

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

That in its judgment it will be to the best interest of said City of Great Falls and the inhabitants thereof that the boundaries of said City of Great Falls shall be extended so as to include: "A SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY, LOCATED ALONG UPPER AND LOWER RIVER ROADS IN SECTIONS 14 AND 23, TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.M. CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION: That Tuesday, the 5<sup>th</sup> day of May, 2009, at 7:00 P.M., in the Commission Chambers at the Great Falls Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place for a public hearing at which time the Great Falls City Commission shall hear all persons and all things relative to the proposed annexation of "A SEGMENT OF BURLINGTON NORTHERN AND SANTA FE RAILROAD RIGHT-OF-WAY, LOCATED ALONG UPPER AND LOWER RIVER ROADS IN SECTIONS 14 AND 23, TOWNSHIP 20 NORTH, RANGE 3 EAST, M.P.M. CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of said City shall, at the aforesaid public hearing before the said City Commission and after expiration of a twenty (20)

day period following the first publication of notice of passage of this Resolution, lay before the City Commission all communications in writing by her so received pertaining to said annexation.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 7<sup>th</sup> day of April, 2009.

---

Dona R. Stebbins, Mayor

ATTEST:

---

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

---

David V. Gliko, City Attorney

ORDINANCE 3033

AN ORDINANCE ASSIGNING ZONING CLASSIFICATIONS OF R-1 SINGLE-FAMILY SUBURBAN, R-3 SINGLE-FAMILY HIGH DENSITY, R-10 MOBILE HOME PARK, M-2 MIXED USE TRANSITIONAL AND I-1 LIGHT INDUSTRIAL DISTRICTS, FOR SERVICE DISTRICT NO. 2 WITHIN UPPER/LOWER RIVER ROAD WATER & SEWER DISTRICT, IN SECTIONS 13, 14, 23, AND 24, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, numerous property owners along Lower and Upper River Roads in Sections 13, 14, 23, and 24, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, have elected to create a water and sewer district known as the Upper/Lower River Road Water & Sewer District; and,

WHEREAS, more than fifty per cent (50%) of the 54 property owners within what is described as Service District No. 2 of the Upper/Lower River Road Water & Sewer District have executed and submitted applications to annex their properties to the City of Great Falls; and,

WHEREAS, the Great Falls Zoning Commission, at the conclusion of a public hearing held March 10, 2009, passed a motion recommending the City Commission approve establishing City zoning classifications of R-1 Single-family suburban, R-3 Single-family high density, R-10 Mobile home park, M-2 Mixed use transitional and I-1 Light industrial districts to the various properties within Service District No. 2 being annexed to the City of Great Falls, as depicted on the zoning map attached hereto as Exhibit "A" and by this reference made a part hereof.

WHEREAS, notice of assigning zoning classifications of R-1 Single-family suburban, R-3 Single-family high density, R-10 Mobile home park, M-2 Mixed use transitional and I-1 Light industrial districts, to Service District No. 2 within the Upper/Lower River Road Water Sewer District being annexed to the City, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 5<sup>th</sup> day of May, 2009, before final passage of said Ordinance herein; and,

WHEREAS, following said public hearing, it was found and recommended that the said zoning designations 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 described zoning designations 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 Service District No. 2 of the Upper/Lower River Road Water & Sewer District, be designated as R-1 Single-family suburban, R-3 Single-family high density, R-10 Mobile home park, M-2 Mixed use transitional and I-1 Light industrial districts as depicted on the attached Exhibit "A".

Section 3. This ordinance shall be in full force and effect either 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 Service District No. 2 of the Upper/Lower River Road Water & Sewer District, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

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

PASSED, APPROVED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on second reading May 5, 2009.

---

Dona R. Stebbins, Mayor

ATTEST:

---

Lucy Hallett, Acting City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

---

David V. Gliko, City Attorney

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

I, Lucy Hallett, Acting 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 3033 in three conspicuous places within the limits of said City to-wit:

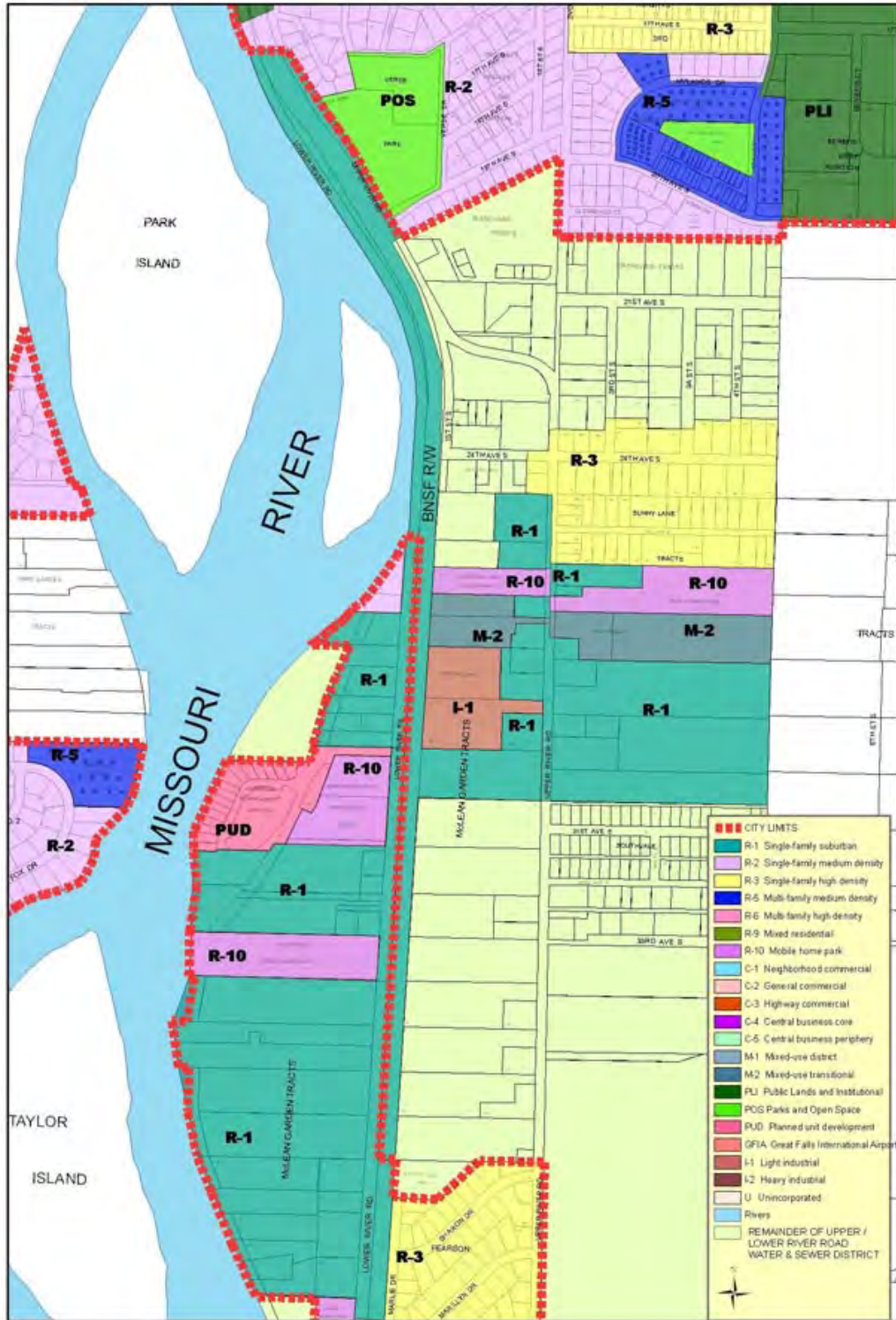
On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Court House;  
On the Bulletin Board, Great Falls Public Library

---

Lucy Hallett, Acting City Clerk

(CITY SEAL)

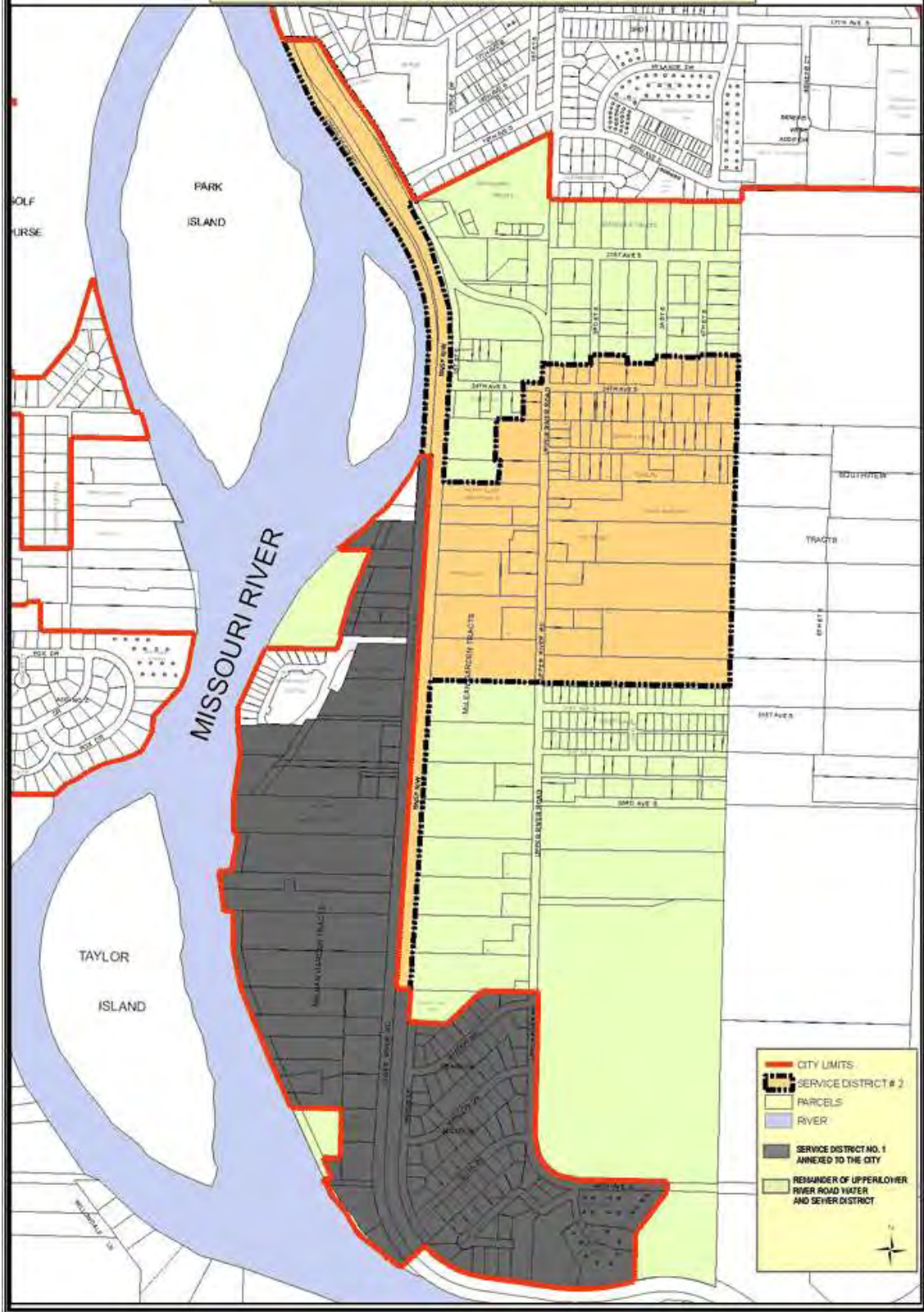
PROPOSED ZONING FOR SERVICE DISTRICT NO. 2  
 UPPER / LOWER RIVER ROAD WATER & SEWER DISTRICT  
 EXHIBIT "A"





# SERVICE DISTRICT NO. 1 AND 2

Upper/Lower River Road  
Water & Sewer District



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, Assistant City Manager, City Attorney, Directors of Community Development, Fiscal Services, Library, Park and Recreation, Planning, Public Works, the Fire Chief, Police Chief, and the City Clerk.

**PRESENTATIONS:** The Government Finance Officers Association of the United States and Canada (GFOA) has presented a Distinguished Budget Presentation Award to the City of Great Falls for its annual budget for the 16<sup>th</sup> year. On behalf of the City Commission, said award was presented to Melissa Kinzler and Krista Artis of the budget office.

## **NEIGHBORHOOD COUNCILS**

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

## **PUBLIC HEARINGS**

### **OLD BUSINESS**

**Proposed use of funds for inclusion in the appropriate Annual Action Plan accepted, and public hearing set for April 7, 2009, on the Proposed Annual Action Plan.**

#### **2. CDBG AND HOME PROGRAM PROPOSED USE OF FUNDS AND PUBLIC HEARING DATE FOR HUD REQUIRED ANNUAL ACTION PLAN.**

CDBG Administrator Chris Imhoff reported that the funding recommendations of the Community Development Council were presented during the Work Session and are summarized in the agenda. Staff recommends the City Commission (1) accept recommendations for funding 2009/2010 Community Development Block Grant projects and CDBG funds provided by the American Recovery and Reinvestment Act, (2) accept funding recommendations for the HOME program projects; and (3) set April 7, 2009, as the public hearing date for the Proposed 2009/2010 Annual Action Plan.

**Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission accept the proposed use of funds for the 2009/2010 Community Development Block Grant Program, for the American Recovery and Reinvestment Act and for the 2009/2010 HOME Program for inclusion in the Annual Action Plan and set the public hearing for April 7, 2009, on the 2009/2010 Proposed Annual Action Plan.**

Mayor Stebbins asked if there was any discussion amongst the Commissioners or inquiries from the public. No one responded. Motion carried 5-0.

**NEW BUSINESS****Great Falls Area  
Transportation Plan -  
2009 adopted.****3. GREAT FALLS AREA TRANSPORTATION PLAN – 2009 WITH  
INCLUSION OF PUBLIC COMMENTS.**

Senior Transportation Planner Andrew Finch reported that in 2003, after a year-long effort, major updates were made to the Great Falls Area Transportation Plan. What is before the City Commission for consideration now is minor updates made to that plan to be in conformance with new federal transportation planning requirements. Mr. Finch pointed out that three new sections were included as a result of the new Federal Transportation Act – a security element, a safety element, and an environmental mitigation element. There was also increased emphasis on fiscal constraint.

After a public hearing held March 10, 2009, the Great Falls Planning Board recommended that the City Commission approve the Great Falls Area Transportation Plan-2009, with inclusion of public comments. The Cascade County Planning Board is a partner in the process. That Board has recommended adoption of the plan that the County Commission will consider at its next meeting. The Transportation Advisory Committee has approved the plan and recommended that the Policy Coordinating Committee approve the plan.

Mayor Stebbins asked if there were any questions for Mr. Finch.

Commissioner Beecher asked for clarification of the fourth public comment. Mr. Finch explained projects taken out of the plan are moved into the Transportation Improvement Plan (capital improvement program) to move forward on project development. The project costs and estimates can then be more refined.

Commissioner Jolley inquired if the supplemental informational packet containing recommended textual edits to the Great Falls Area Transportation Plan-2009 was also included in what the Commission was voting on. Mr. Finch answered affirmatively.

**Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission approve the Great Falls Area Transportation Plan – 2009, with inclusion of public comments.**

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

**Kerry Gray**, 2201 47<sup>th</sup> Avenue SW, discussed traffic issues at various locations. Mr. Gray disagreed with the plan's recommendation of the south arterial and suggested the City Commission look at the north arterial

feasibility study.

Motion carried 5-0.

### **ORDINANCES/RESOLUTIONS**

**Ord. 3032. Accepted on first reading and set public hearing for April 7, 2009.**

**4. ORDINANCE 3032, TO ASSIGN CITY ZONING TO EAST RIDGE ADDITION, PHASE 5.**

Interim Planning Director Bill Walters reported that C & W Development Inc. has requested to annex and subdivide a 2.4 acre tract of land in the vicinity of 12<sup>th</sup> Avenue South and 47<sup>th</sup> Street. The subdivision consists of three lots. Two of the lots will be zoned Planned Unit Development District and each will accommodate four residential condominium units. The third lot will be zoned R-2 Single-Family Medium Density District.

The Zoning Commission, at the conclusion of a public hearing held February 10, 2009, passed a motion recommending the City Commission assign City zoning to East Ridge Addition, Phase 5, as provided in Ordinance 3032.

Mr. ~~Rangel~~ Walters requested that the City Commission accept Ordinance 3032 on first reading, and set a public hearing for April 7, 2009, when the subdivision plat and annexation documents will also be considered.

**Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 3032 on first reading, and set public hearing for April 7, 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. 9819. Adopted. SILD 1303.**

**5. RESOLUTION 9819, AUTHORIZING THE LOAN AGREEMENT WITH THE MONTANA BOARD OF INVESTMENTS FOR \$36,346 TO FUND THE INSTALLATION COST OF EIGHT CITY-OWNED STREET LIGHTS IN BOOTLEGGERS ADDITION-PHASE I.**

Fiscal Services Director Coleen Balzarini reported that on November 18, 2008, the City Commission approved the creation of this special lighting district. A.T. Klemens was the lowest bidder for installation of the lights. The funding source is a loan from the Montana Board of Investments at a variable interest rate. This year the rate on this loan is 3.25%.

**Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9819.**

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

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

**Kathy Gessaman**, 1006 36<sup>th</sup> Avenue NE, asked if the lights would be night sky friendly. Ms. Balzarini responded that the lights contain a downward shield to somewhat deflect the light.

Motion carried 5-0.

**Consent Agenda.  
Approved.**

### **CONSENT AGENDA**

6. Minutes, March 3, 2009, Commission meeting.
7. Total expenditures of \$1,076,360 for the period of February 26 through March 11, 2009, to include claims over \$5,000, in the amount of \$895,701.
8. Contracts list.
9. Set public hearing for April 7, 2009, on Resolution 9818, Conditional Use Permit to allow an animal shelter at 826 25<sup>th</sup> Avenue NE.
10. Award professional services contract in the amount of \$122,580 to Merrick & Company for the Digital Imagery and Topographic Mapping of the City of Great Falls and surrounding area. **OF 1572.**
11. Approve the 3<sup>rd</sup> Avenue Northwest Memorandum of Understanding. **OF 1488.** (The reference to Cascade County in this MOU is being superseded by a separate Land Exchange Agreement for consideration April 7, 2009.)
12. Award bid for two new 2009 ¾ ton extended cab trucks with utility bodies to Bison Ford of Great Falls in the amount of \$53,759.62.

**Commissioner Jolley moved, seconded by Commissioners Beecher and Bronson, with the exception of Item 8, that the City Commission approve the Consent Agenda as presented.**

Mayor Stebbins asked if there was any 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, stated he had questions regarding Items 7, 10 and 12. Mr. Gessaman pointed out that the numbers do not add up to the total on Item 7. Fiscal Services Director Coleen Balzarini responded that, without adding, the range used to calculate the total might have missed something. With regard to Item 10, Mr. Gessaman suggested that the various departments pay for this expense instead of charging the full cost to the storm drain fund. With regard to Item 12, Mr. Gessaman inquired why there was an upgrade to larger trucks. Park and Recreation Director Marty Basta responded that the trucks carry the Park and



Recreation mowing crews and equipment. Previously, some crew members had to ride in the box of the trucks. For their safety, the trucks were upgraded to extended cabs. Additionally, the trucks are pulling larger mowing equipment and a larger size truck will add longevity.

With regard to Item 8, Commissioner Jolley inquired if Payne Financial was paying the City the amount of \$5,000 as an Ice Breaker sponsor. Mr. Basta responded affirmatively and added the cash is for advertising during the Ice Breaker.

**Commissioner Jolley moved, seconded by Commissioner Bronson, to amend her prior motion and recommend that the City Commission approve the Consent Agenda as presented.**

Motion as amended carried 5-0.

### **BOARDS & COMMISSIONS**

**Robin Baker  
reappointed and  
Shannon Newth  
appointed to the  
Advisory Commission on  
International  
Relationships.**

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

**Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission reappoint Robin Baker for a three-year term through March 31, 2012, and appoint Shannon Newth for a three-year term beginning April 1, 2009, and ending on 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.

**Joella Bloomgren  
appointed to the Native  
American Local  
Government  
Commission.**

#### **14. APPOINTMENT, NATIVE AMERICAN LOCAL GOVERNMENT COMMISSION.**

**Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission appoint Joella Bloomgren to the Native American Local Government Commission for a four-year term through August 1, 2013.**

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

Motion carried 5-0.

#### **15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**CITY MANAGER****16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Gregory T. Doyon reported that staff participated in a table top exercise this morning concerning a 6.0 magnitude earthquake in Augusta. He thanked the Fire Department for taking staff through the exercise that demonstrated the need to be prepared and work together through a disaster in the community. Staff also continues to attend NIMS training.

With regard to the stimulus monies, Mr. Doyon reported that projects that have collaboration between State, County and Local entities will receive a more favorable response in terms of receiving an allocation. Also, there has been a shift into talking with state legislators.

Park and Recreation Director Marty Basta reported that representatives from the City, County, and School District met with Neighborhood Council 5 regarding noxious weed control within the City. The City relies on state law and Cascade County Weed Control to control those weeds. The parties came up with an innovative approach to noxious weed control within the NC 5 district that involves a weed pull day that would be supported by the City, County and the School District. If successful, he hopes other Neighborhood Council districts will want to take on a similar project.

**PETITIONS AND COMMUNICATIONS****17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

***Tribune* articles.**

**17A. Ron Gessaman**, 1006 36<sup>th</sup> Avenue NE, discussed two articles reported in the *Tribune* on Monday entitled “City, critics debate security of investment” and “City, accountant debate energy figures.”

**Taxes.**

**17B. John Hubbard**, 615 7<sup>th</sup> Avenue South, stated his opposition to any new taxes and emphasized that the country is in a recession.

**CITY COMMISSION****18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**ADJOURNMENT**

**Adjourn.**

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Bronson, that the regular meeting of March 17, 2009, be adjourned at 7:40 p.m.**

Motion carried 5-0.

\_\_\_\_\_  
Mayor Stebbins

\_\_\_\_\_  
City Clerk

Minutes Approved: April 7, 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 MARCH 12 TO MARCH 18, 2009	672,492.78
MASTER ACCOUNT CHECK RUN FOR MARCH 19 TO MARCH 25, 2009	109,443.65
MASTER ACCOUNT CHECK RUN FOR MARCH 26 TO APRIL 1, 2009	351,586.15
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MARCH 7 TO MARCH 13, 2009	69,039.36
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MARCH 14 TO MARCH 20, 2009	2,006.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MARCH 21 TO MARCH 27, 2009	1,720.00
WIRE TRANSFERS FROM MARCH 12 TO MARCH 18, 2009	715,898.75
WIRE TRANSFERS FROM MARCH 19 TO MARCH 30, 2009	187,666.01
<b>TOTAL: \$</b>	<b>2,109,852.70</b>

**SPECIAL REVENUE FUND**

**PLANNING**

GREAT FALLS TRANSIT DISTRICT	1ST QUARTER REIMBURSEMENT	21,732.71
------------------------------	---------------------------	-----------

**LIBRARY**

SIRSI	REPLACE LIBRARY SIRSI SERVER	20,471.00
-------	------------------------------	-----------

**FEDERAL BLOCK GRANTS**

NEIGHBORWORKS	2008/09 CDBG BLOCK GRANT FINAL DRAW	44,531.85
DICK OLSON CONSTRUCTION INC	FINAL PMT HEISEY LOCKER ROOM PRJCT	7,519.00

**ECONOMIC REVOLVING**

GREAT FALLS DEVELOPMENT AUTHOR	B.A.S.E REIMBURSEMENT OF TRAVEL TO WASHINGTON DC	5,901.47
--------------------------------	--	----------

**ENTERPRISE FUNDS**

**WATER**

DPC INDUSTRIES INC	CHLORINE & AMMONIA	5,688.00
DANA KEPNER CO - BILLINGS	725 ECR WATER METERS	98,650.00
THATCHER CO	LIQUID ALUMINUM SULFATE	5,442.71
THATCHER CO	LIQUID ALUMINUM SULFATE	5,243.66
DICK ANDERSON CONSTRUCTION	PMT #3 WTP HEADHOUSE FLOOR REPLACEMENT	151,173.57
L A TECHNICAL SALES INC	24" INCH CHECK VALVE TO REPLACE FAILED VALVE	5,083.00

**ENTERPRISE FUNDS CONTINUED**

---

**SEWER**

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	230,312.08
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	12,500.00
MT DEPT OF ENVIRONMENTAL QUALITY	DISCHARGE PERMIT ANNUAL FEE INCLUDING 25% DISCOUNT FOR NO VIOLATIONS	18,836.00

**STORM DRAIN**

MORRISON MAIERLE CORP	PMT #12 OF 1476 N GTF SANITARY SEWER & STORM DRAINAGE MASTER PLAN	16,767.04
-----------------------	---	-----------

**ELECTRIC**

SME	PMT OF ENERGY SUPPLY EXPENSE FEB 09	650,000.00
-----	-------------------------------------	------------

**SAFETY SERVICES**

QWEST	MARCH 2009 911 CHARGES	5,708.03
-------	------------------------	----------

**PARKING**

APCOA/STANDARD PARKING	APRIL 2009 COMPENSATION	23,152.17
------------------------	-------------------------	-----------

**RECREATION**

JACKS ATHLETIC SUPPLY	3,704 2009 ICE BREAKER TEE SHIRTS	16,886.15
-----------------------	-----------------------------------	-----------

**CIVIC CENTER EVENTS**

CLUB BIGHOUSE	TICKET PROCEEDS YUNG JOC 09-133	18,808.60
WELLS FARGO BROKERAGE SERVICE	PMT 9 EXPO PARK TICKETING SYSTEM	13,858.44
GREAT FALLS PUBLIC SCHOOLS	PAY OUT TICKET RECEIPTS (BRASS)	9,727.88

**INTERNAL SERVICES FUND**

---

**HEALTH & BENEFITS**

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS MAR 10 TO 16, 2009	65,898.75
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS MAR 17 TO 23, 2009	183,910.90

**FISCAL SERVICES**

POSTMASTER	POSTAGE CHRGS FOR UTILITY BILLING JAN 12 TO MAR 4, 2009	14,061.12
------------	---	-----------

**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	FUEL	24,397.12
HUMANE SOCIETY OF CASCADE CO	3 CHEVY S10'S & 3 ANIMAL UTILITY BOXES	10,000.00

**TRUST AND AGENCY**

---

**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	66,844.36
---------------------	---------------------------------	-----------

**UTILITY BILLS**

---

ENERGY WEST	FEBRUARY CHARGES	65,647.21
NORTHWESTERN ENERGY	FEB-MARCH 2009 CHARGES	71,086.91

<b>CLAIMS OVER \$5000 TOTAL:</b>		<b>\$ <u>1,889,839.73</u></b>
----------------------------------	--	-------------------------------

COMMUNICATION TO THE CITY COMMISSION

DATE: April 7, 2009

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

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

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

**MAYOR’S SIGNATURE:** \_\_\_\_\_

**CONTRACT LIST**

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
<b>A</b>	Public Works/ Engineering	Jeff Poncelet	07/01/2008- 06/30/2009	N/A (other Party to pay recording and filing fees)	N/A	Utility Easement for Sanitary Sewer Main Extension (Community Hall Addition, S1/2, S10, T20N, R3E)
<b>B</b>	Public Works	Montana Department of Transportation	04/2008 – 2010	No funding required	N/A	Utilities Agreement with MDT to adjust a water valve near the Malt Plant entrance from Highway 87/JCT Bootlegger Trail <b>OF 1348.6</b>

<b>C</b>	Park and Recreation/ Mansfield Events Office	VisionOne 6781 N. Palm Ave. #120, Fresno, CA 93704	03/06/2009	571	\$4,500 (paid to City)	Addendum to Lead Development Contract dated July 16, 2004
<b>D</b>	Public Works	Montana Department of Transportation	04/2007 - 2010	Water Utility	\$250,000 (Estimated)	Construction Agreement with MDT for reconstruction of the Smelter Avenue and 10 <sup>th</sup> Street North intersection <b>OF 1444.1</b>

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

**AGENDA: 14  
DATE: April 7, 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 Clerks 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 – Washington Mutual Mortgage Pass Through (formerly Kelly D. Gallencamp)	Current	513-3165-531-3599	\$948.92	Partial Release of Resolution #9765 to Levy and Assess Properties for Unpaid Sewer, Fire, Hydrant, Storm Drain and Sanitation charges at 923 2 <sup>nd</sup> Avenue North. Parcel #124950. Lot 9, Blk 258, GFO.

<b>B</b>	Fiscal Services	Property Owner – Amy Coe (formerly Andrew T. Austad)	Current	451-7121-572-3599	\$5,823	Full Release of Resolution #9703 for Assessing the Costs Incurred in Razing and Cleaning of the property at 1416 4 <sup>th</sup> Avenue North. Parcel #111450. Lot 5, Blk 236, GF 1 <sup>st</sup> Addition.
<b>C</b>	Fiscal Services	Property Owner – Harvey & Evelyn Forrest	Current	237-3131-532-3599	\$200	Partial Release of Resolution #9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 1717 15 <sup>th</sup> Avenue South. Parcel #808300. Lot 10, Blk 31, Fairview to Great Falls Addition.
<b>D</b>	Fiscal Services	Property Owner – First Community Bank (formerly Kirk & Kelly Gallenkamp)	Current	237-3131-532-3599	\$200	Partial Release of Resolution #9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 1706 5 <sup>th</sup> Avenue North. Parcel #89700. Lot 2, Blk 204, GF 3 <sup>rd</sup> Addition.
<b>E</b>	Fiscal Services	Property Owner – Stephen & Randie Swingley (formerly John E. Wadsworth)	Current	237-3131-532-3599	\$300	Partial Release of Resolution #9358 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 2713 Huckleberry Drive. Parcel #424500. Lot 12, Blk 10, Belview Palisades.



**Item:** Resolution 9827, Swimming Pool Fees  
**From:** Park & Recreation Department  
**Prepared By:** Patty Rearden, Deputy Park & Recreation Director  
**Presented By:** Marty Basta, Park & Recreation Director  
**Action Requested:** Set Public Hearing for Resolution 9827

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission set a public hearing for April 21, 2009, to consider adoption of Resolution 9827.”

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

---

**Staff Recommendation:**

Staff recommends the City Commission set a public hearing for April 21, 2009, to consider adoption of Resolution 9827, Swimming Pool Fees.

**Proposed Fees:**

	<u>Current Fees</u>	<u>Proposed Fees</u>
<b>Mitchell Pool Access</b>		
Adult	3.00	4.00
Youth 3-17	2.00	3.00
Children 2 & under	Free – 1 child per paying adult, \$1 each add'l child	
<b>Mitchell Pool Access with Water Slide</b>		
Adult	5.00	6.50
Youth 3-17	4.00	5.50
<b>Mitchell Pool Access with Water Slide with Electric City Wave</b>		
Adult	9.00	11.00
Youth 3-17	8.00	10.00
<b>Mitchell Pool Access with Water Slide with Electric City Wave</b>		
Twilight Swim (M-F only, 6-8 p.m.)	2.00 discount	2.00 discount
<b>Mitchell Pool Electric City Wave Tube &amp; Board Rental</b>		
Tube – Single	1.00	1.00
Tube – Double	2.00	2.00
Board	2.00	2.00

**Water Tower/Jaycee/Natatorium Access Open Swim**

Adult	2.50	3.50
Youth 3-17	1.50	2.50
Children 2 & under	Free – 1 child per paying adult, \$1 each add'l child	

**Water Exercise**

Daily	3.00	3.00
Monthly Pass	30.00	30.00
Punch Card (10 times)	30.00	30.00

**Adult Lap Swim**

Daily	2.50	2.50
Monthly Pass	25.00	25.00
With Water Exercise Program	35.00	35.00

**Electric City Water Park/Mitchell Pool/Water Slide Rental**

Water Park, Two Hours (Up to 499 people)	500.00	600.00
500-999 people		700.00
1,000-1,199		900.00
1,200 – 1,500		1,200.00
Water Park, Additional Hour	200.00	400.00
Mitchell only, 2 hours (500 people maximum)	250.00	400.00
Flow Rider only, 2 hours (400 people maximum)	350.00	400.00

**Jaycee/Water Tower Private Rental**

Two Hours 50 people & under	70.00	120.00
Two Hours 50 people & over	90.00	150.00

**Natatorium Private Rental**

Two Hours 50 people & under	70.00	100.00
Two Hours 50 people & over	90.00	130.00

**Background:**

Mitchell Pool admission fees were last raised in 2001 (\$.50) and the Electric City Water Park pass fees were set with the addition of the Flow Rider. ECWP or Mitchell Pool fees have not been raised since 2001. Neighborhood pool fees were increase by \$.50 in 2002. In 2005 lap swimming fees and pool rental fees were increased slightly at the Natatorium and the monthly fee for water aerobics and lap swimming were implemented.

**Fiscal Impact:**

The proposed increases could generate up to \$77,000 in additional revenue for the swimming pools based on comparable attendance in 2008. (Revenues at the outdoor pools are weather dependent.) Historically, the swimming pools have been supported by general fund subsidy. This fee increase will reduce the amount of subsidy needed to support the pools.

**Alternatives:**

Alternatives would include increased general fund subsidy or a reduction in services and/or facilities.

**Attachments/Exhibits:**

1. Resolution 9827



**RESOLUTION 9827**  
**A RESOLUTION TO ESTABLISH SWIMMING POOL FEES**  
**FOR ELECTRIC CITY WATER PARK, WATER TOWER, JAYCEE, AND**  
**NATATORIUM SWIMMING POOLS**

**BE IT RESOLVED** by the City Commission of the City of Great Falls, Cascade County, Montana; that all past fee structures for swimming pools as established in Resolution 9463 are hereby amended.

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

The fees for swimming pools to be as follows:

**Mitchell Pool Access**

Adult	4.00
Youth 3-17	3.00
Children 2 & under	Free – 1 child per paying adult, \$1 each add'l child

**Mitchell Pool Access with Water Slide**

Adult	6.50
Youth 3-17	5.50

**Mitchell Pool Access with Water Slide with Electric City Wave**

Adult	11.00
Youth 3-17	10.00

**Mitchell Pool Access with Water Slide with Electric City Wave**

Twilight Swim (M-F only, 6-8 p.m.)	2.00 discount
------------------------------------	---------------

**Mitchell Pool Electric City Wave Tube & Board Rental**

Tube – Single	1.00
Tube – Double	2.00
Board	2.00

**Water Tower/Jaycee/Natatorium Access Open Swim**

Adult	3.50
Youth 3-17	2.50
Children 2 & under	Free – 1 child per paying adult, \$1 each add'l child

**Water Exercise**

Daily	3.00
Monthly Pass	30.00
Punch Card (10 times)	30.00

**Adult Lap Swim**

Daily	2.50
Monthly Pass	25.00
With Water Exercise Program	35.00

**Electric City Water Park/Mitchell Pool/Water Slide Rental**

Water Park, Two Hours (Up to 499 people)	600.00
500-999 people	700.00
1,000-1,199	900.00
1,200 – 1,500	1,200.00
Water Park, Additional Hour	400.00
Mitchell only, 2 hours (500 people maximum)	400.00
Flow Rider only, 2 hours (400 people maximum)	400.00

**Jaycee/Water Tower Private Rental**

Two Hours 50 people & under	120.00
-----------------------------	--------

Two Hours 50 people & over	150.00
<b>Natatorium Private Rental</b>	
Two Hours 50 people & under	100.00
Two Hours 50 people & over	130.00

Passed and adopted by the City Commission of the City of Great Falls, Montana on this 21<sup>st</sup> day of April, 2009.

---

Dona R. Stebbins, Mayor

ATTEST

---

Lisa Kunz, City Clerk

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

---

David V. Gliko, City Attorney



**Item:** Professional Services Agreement: 10<sup>th</sup> Avenue South Water Mains Replacement, O.F. 1447

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Approve Agreement

---

**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission approve the attached professional services agreement in the amount of \$68,349.00 with Thomas, Dean & Hoskins, Inc. for the design of 10<sup>th</sup> Avenue South Water Mains Replacement, O.F. 1447, and authorize the City Manager to execute the agreement."

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

---

**Staff Recommendation:** Approve professional services agreement.

**Background:**

Significant Impacts

This project will provide an evaluation of present and future water main requirements, as well as the replacement and upgrade of existing water transmission and distribution mains in conjunction with Montana Department of Transportation's (MDT) reconstruction of 10<sup>th</sup> Avenue South.

Citizen Participation

Not applicable

Workload Impacts

Thomas, Dean & Hoskins, Inc. (TD&H) will complete the project design and coordinate with MDT's design staff to include the water main plans in with the highway reconstruction plans. City public works staff will provide input, review the design, and coordinate activities with MDT and TD&H staffs.

Purpose

This project is part of a continuing improvement and maintenance program to the City's water system in conjunction and cooperation with the MDT's reconstruction program in the City of Great Falls. MDT is scheduled to reconstruct 10<sup>th</sup> Avenue South from 18<sup>th</sup> to 26<sup>th</sup> Streets into six concrete travel lanes in 2010. The City has water transmission and distribution mains that will be affected by the construction. TD&H will evaluate and recommend options for replacement of the water mains in the construction area.

Evaluation and Selection Process

TD&H was selected in accordance with the Architects Engineers Surveyors Selection Policy. This agreement was then successfully negotiated. TD&H has performed satisfactorily on past projects for the City and has an excellent working relationship with MDT. The estimated cost for services is comparable to previous project engineering costs.

**Concurrences:**

Not Applicable.

**Fiscal Impact:**

The consultant will be paid from water utility funds.

**Alternatives:**

The City Commission could vote to deny award of the consultant agreement.

**Attachments/Exhibits:**

1. Professional Services Agreement (2 originals) (Not available online; on file in City Clerk's Office)



**Item:** Construction Contract Award: Third Avenue Northwest Roadway Improvements - Phase 2, O. F. 1488

**From:** Engineering Division

**Initiated By:** Public Works Department

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

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

---

**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission award a contract in the amount of \$306,644.50 to United Materials of Great Falls, Inc. for the Third Avenue Northwest Roadway Improvements - Phase 2, O.F. 1488, and authorize the City Manager to execute the construction contract documents."

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 install the second phase of improvements for water, storm drainage and roadway to serve the West Bank area.

Citizen Participation

Not applicable

Workload Impacts

NCI Engineering, Inc. (NCI) completed the project design and will perform environmental inspection duties. City engineering staff will provide project inspection and contract administration duties.

### Purpose

This is the second phase of construction improvements providing access to the new Federal Courthouse and West Bank Park. During the first phase of construction, the utilities and roadway base were constructed from the north end of the Mitchell Development property, north to the relocated West Bank parking lot and west across the railroad right-of-way. Phase 2 of the improvements will construct the roadway from the railroad right-of-way west to the connection with 3<sup>rd</sup> Street Northwest. Phase 2 work will also install the asphalt pavement, signage, and pavement markings for the entire newly constructed roadway.

### Project Work Scope

Street improvements will include site grading, storm drainage, curb and gutter, asphalt pavement, sidewalks, pavement markings and signing. Approximately 300 feet of new 8-inch water main will be installed, including a tie-in to an existing waterline in 4<sup>th</sup> Avenue Northwest.

### Evaluation and Selection Process

Four bids were received and opened for this project on March 25, 2009. The bids ranged from \$306,644.50 to \$455,000.24. The engineer's estimate was \$421,735.00. United Materials of Great Falls, Inc. (United) submitted the low bid and has executed all the necessary documents. United is an established and responsible contractor.

### Conclusion

NCI recommends, and City staff concurs in, awarding the construction contract to United in the amount of \$306,644.50.

### **Concurrences:**

Not Applicable.

### **Fiscal Impact:**

The attached bid tabulation summarizes bids that were received. This project will be funded through Tax Increment Funds.

### **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

3rd Avenue Northwest Roadway Improvements Ph 2-Westerly  
 OF 1488

Project Number \_\_\_\_\_  
 Bids Taken at Civic Center  
 Date: March 25, 2009  
 Tabulated By: Jason Handl

	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	√	√	√	√	√	√	\$306,644.50
2	Shumaker Trucking Company P.O. Box 1279 Great Falls, MT 59403-1279	√	√	√	√	√	√	\$393,518.50
3	Phillips Construction 795 Ulm-Vaughn Rd. Great Falls, MT 59404	√	√	√	√	√	√	\$396,395.00
4	Liggett Construction 3000 Diviion Road Great Falls, MT 59404	√	√	√	√	√	√	\$455,000.24
5								
6								
7								
8								
9								
10	<b>Engineer's Estimate</b>							<b>\$421,735.00</b>



**Item:** Construction Contract Award: 1<sup>st</sup> Avenue North and 5<sup>th</sup> Avenue South Water Main Replacements, O. F. 1570

**From:** Engineering Division

**Initiated By:** Public Works Department

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

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

---

**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission award a contract in the amount of \$736,695.00 to United Materials of Great Falls, Inc. for the 1<sup>st</sup> Avenue North and 5<sup>th</sup> Avenue South Water Main Replacements, O. F. 1570, and authorize the City Manager to execute the construction contract documents."

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

---

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

**Background:**

Significant Impacts

This project will replace portions of the water system located in 1<sup>st</sup> Avenue North, 5<sup>th</sup> Avenue South and 6<sup>th</sup> Avenue North. Most of these water mains were installed in the 1890's thru the 1920's, except for the 1<sup>st</sup> Avenue North main which was installed in 1988.

Citizen Participation

This project is being completed in cooperation with the Department of Environmental Quality (DEQ), using the Drinking Water State Revolving Fund (DWSRF) and Federal Stimulus Funds administered thru DEQ for financing.

Workload Impacts

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



### Purpose

This project will replace water mains that have been failing and are damaging roadways and disrupting water service to local residences and businesses. Also, Montana Department of Transportation (MDT) has scheduled an asphalt overlay project on 1<sup>st</sup> Avenue North from Park Drive to 9<sup>th</sup> Street. A portion of water main in this segment has been increasing in the frequency of water main breaks and needs to be replaced prior to MDT's project which is scheduled to begin in June of 2009.

The breaks are primarily due to corrosive soils, type of pipe material used, and age.

### Project Work Scope

This project will replace approximately 5,650 lineal feet of 6- and 8-inch water main, 10 fire hydrants and 121 water service connections; 4,750 square yards of gravel, and 5,800 square yards of six-inch and four-inch asphalt for road repairs.

The mains are located in 1<sup>st</sup> Avenue North from 5<sup>th</sup> Street to 13<sup>th</sup> Street; 12<sup>th</sup> Street from 1<sup>st</sup> Avenue North to 2<sup>nd</sup> Avenue North; 5<sup>th</sup> Avenue South from 6<sup>th</sup> Street to 9<sup>th</sup> Street; and 6<sup>th</sup> Avenue North from 23<sup>rd</sup> Street to 24<sup>th</sup> Street.

### Evaluation and Selection Process

Five bids were received and opened for this project on March 25, 2009. This project was bid in two separate schedules. Schedule I was bid using "made in America" language and Schedule II was without "made in America" language. The bids for Schedule I ranged from \$736,695.00 to \$950,848.50 and bids for Schedule II ranged from \$732,550.00 to \$956,413.50. United Materials of Great Falls, Inc. (United) submitted the low bid for both schedules.

The engineer's estimate for Schedule I is \$918,235.00 and \$894,000.00 for Schedule II. United Materials is an established responsible local contractor and has done many projects within the City. United Materials has the resources and the manpower to complete this project.

### Conclusion

A requirement to qualify for Federal Stimulus funds is to use "made in America" materials. Therefore, City staff recommends awarding the Schedule I contract to United Materials of Great Falls, Inc. in the amount of \$736,695.00. United has executed all the necessary documents.

### **Concurrences:**

DEQ has reviewed and approved the plans and specifications for this project, and has given their approval on the selected bidder.

### **Fiscal Impact:**

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

The price for this project, approximately \$130.00 per foot, is quite a bit lower than the engineers estimate of approximately \$162.00 per foot. This appears to be due to the lack of work around the state and the increased number of bidders, not only local, but also from Bozeman and Helena. By comparison, here are some projects bid and completed recently: Sunnyside water main replacement, awarded on April 1, 2008, was \$718,890.00 which is approximately \$143.00 per foot; and 7<sup>th</sup> & 3<sup>rd</sup> Avenues North water main replacement constructed in late 2007 at a cost of \$880,718.70 which is approximately \$150.00 per foot.

DWSRF funds are available and it is anticipated Federal Stimulus funds will be available for funding this project also. Federal Stimulus funds are distributed as a grant and low interest loan. Federal Stimulus funds are administered by DEQ and they have the final determination on actual grant amount and loan interest. The current draft from DEQ has set the grant amount at approximately 50% and the loan interest rate at 1.75%.

The attached bid tabulation summarizes bids that were received.

**Alternatives:**

The City Commission could vote to deny award of the construction contract and re-bid the project or do nothing and continue to repair main breaks as they occur.

**Attachments/Exhibits:**

1. Bid tabulation is attached.

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

BID TABULATION SUMMARY

1st Avenue North and 5th Avenue South Water Main Replacements  
 O.F. 1570

Project Number \_\_\_\_\_  
 Bids Taken at Civic Center  
 Date: March 25, 2009  
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid Schedule I	Total Bid Schedule II
1	Liggett Construction 3000 Division Rd Great Falls, MT 59405	√	√	√	√	√	\$910,000.00	\$909,999.99
2	MT Underground 1340 Ponderosa Road Helena, MT 59602	√	√	√	√	√	\$950,848.50	\$956,413.50
3	Omdahl Excavation Bozeman, MT 59715	√	√	√	√	√	\$875,202.00	\$872,877.00
4	United Materials, Inc. P.O. Box 1690 Great Falls, MT 59403	√	√	√	√	√	\$736,695.00	\$732,550.00
5	Phillips Construction 795 Ulm-Vaughn Rd. Great Falls, MT 59404	√	√	√	√	√	\$886,688.00	\$872,846.00
6								
7								
8								
9								
10	<b>Engineer's Estimate</b>						<b>\$918,235.00</b>	<b>\$894,000.00</b>



**Item:** Construction Contract Award: Sanitary Sewer Trenchless Rehabilitation, Phase 13, O. F. 1566

**From:** Engineering Division

**Initiated By:** Public Works Department

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

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

---

**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission award a contract in the amount of \$185,940.00 to Planned and Engineered Construction, Inc. for the Sanitary Sewer Trenchless Rehabilitation, Phase 13, O. F. 1566, 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 is a continuation of an ongoing program to rehabilitate existing sanitary sewer mains utilizing trenchless technology methods. This year’s project will rehabilitate sewer mains that have gradually deteriorated over the years. A total of 4,440 linear feet of main will receive liners, greatly extending the main’s useful life and reducing routine maintenance costs.

Citizen Participation

Not Applicable

Workload Impacts

The City’s Public Works Department, utility division, completed preliminary sewer main inspections that were used to identify and prioritize which mains need rehabilitation. City engineering staff designed the project, prepared the plans, specifications and estimates for this project and will perform construction inspection.

### Purpose

The mains are made of vitrified clay and are past their expected useful lifespan. The mains have begun to crack and in some cases pieces of pipe have broken away, causing holes to form in the sewers. This causes an environmental concern and also maintenance problems in keeping the lines flowing and in proper working order.

This project will make use of the trenchless technology installation method of installing Cured-In-Place-Pipe (CIPP) liner into existing pipes. Trenchless technology was chosen for this project for several reasons; including lower cost, ease of installation, greatly reduced surface disruption, and elimination of utility conflicts.

### Project Work Scope

This project will rehabilitate 4,440 linear feet of 8-inch and 9-inch diameter mains that are located in ten locations spread around the City.

### Evaluation and Selection Process

Two bids were received and opened for this project on March 18, 2009. The bids were \$160,901.00 and \$185,940.00. The Engineer's estimate was \$207,631.00. Due to irregularities in the submission of the low bid, it had to be rejected.

### Conclusion

City staff recommends awarding the construction contract to Planned and Engineered Construction, Inc. in the amount of \$185,940.00.

**Concurrences:** The City's utility division has been consulted throughout the design phase of the project and has made their recommendations, which have been incorporated into the contract. The City's legal staff was consulted and concurred with the decision to reject the irregular bid.

**Fiscal Impact:** The attached bid tabulation summarizes bids that were received. This project will be funded through Sewer Capital Funds.

**Alternatives:** The City Commission could choose to reject both bids and re-bid the project. This would delay construction. Possible cost savings might be realized, although there is no guarantee that the savings would be all of the difference between current bids from Insituform Technologies, Inc. and Planned and Engineered Construction, Inc. Future bids could also be higher than the current Planned and Engineered Construction, Inc. bid. Several thousand dollars would be needed for re-advertising, updating and printing contract documents.

### **Attachments/Exhibits:**

1. Bid tabulation is attached.

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

BID TABULATION SUMMARY  
 Sanitary Sewer Trenchless Rehabilitation  
 O.F. 1566

Project Number \_\_\_\_\_  
 Bids Taken at Civic Center  
 Date: March 18, 2009  
 Tabulated By: \_\_\_\_\_

	Name & Address of Bidder	Acknowledge Addendum #1	Certificate of Familiarization	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	Insuitiform echnologies 9654 Titan Ct Littleton, CO 80125	√	√	√	√	√	√	\$160,901.00
2	Planned & Engineered Const. 3400 Centennial Drive Helena, MT 59601	√	√	√	√	√	√	\$185,940.00
3								
4								
5								
6								
7								
8								
9								
10	<b>Engineer's Estimate</b>							<b>\$207,631.00</b>



**Item:** Construction Contract Award: 10<sup>th</sup> Street Bridge North Railing Improvements, O. F. 979.5

**From:** Public Works Administration

**Initiated By:** Public Works Department

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

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

---

**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission award a contract in the amount of \$36,235.00 to Dick Anderson Construction, Inc. for the 10<sup>th</sup> Street Bridge North Railing Improvements, O. F. 979.5, and authorize the City Manager to execute the construction contract documents."

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 install new railings on the north end of the 10<sup>th</sup> Street Bridge. The original north abutment had solid curvilinear concrete railings that have deteriorated or been removed. This project will replace those railings with new cast-in-place concrete railings. The new railings will edge a future plaza area to be constructed at a later date.

Citizen Participation

This project is being completed in cooperation with the State Historic Preservation Office and through the use of a Fish, Wildlife and Parks grant obtained by Preservation Cascade, Inc.

Workload Impacts

Lacy & Ebeling Engineering, Inc. designed the project and will perform construction inspection and contract administration duties.

Purpose

This project is a continuation of projects to restore the historic 10<sup>th</sup> Street Bridge.

Project Work Scope

This project will replace a total of approximately 35 lineal feet of railing on upstream and downstream faces of the north bridge abutment. Also included as alternates, are three abutment overhang and wall repairs.

Evaluation and Selection Process

Three quotes were received for this project. The project was bid in two separate schedules. Schedule I included the railing sections and Schedule II included the alternate repair items. The bids for Schedule I ranged from \$33,235.00 to \$53,800.00 and bids for Schedule II ranged from \$3,010.00 to \$6000.00. Dick Anderson Construction, Inc. submitted the low bid for both schedules.

Conclusion

Therefore, City staff recommends awarding both schedules to Dick Anderson Construction, Inc. in the amount of \$36,235.00.

**Concurrences:**

The State Historic Preservation Office and Fish, Wildlife and Parks have reviewed and approved the plans and specifications for this project, and have given their approval on the selected bidder.

**Fiscal Impact:**

The budget for the project is as follows:

<u>Available funds</u>	
Fish, Wildlife and Parks Grant	\$30,150
Preservation Cascade, Inc.	<u>\$11,080</u>
TOTAL	\$41,230
 <u>Project Costs</u>	
Lacy & Ebeling Engineering	\$ 4,995
Dick Anderson Construction	<u>\$36,235</u>
TOTAL	\$41,230

The attached bid tabulation summarizes bids that were received.

**Alternatives:**

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

**Attachments/Exhibits:**

1. Bid tabulation is attached.



LONG FORM BID TABULATION SUMMARY

**10th Street Bridge Northside Abutment Railings**

PREPARED BY CITY ENGINEERS OFFICE  
3/2/2009

ITEM	DESCRIPTION	EST QTY UNIT	<i>Dick Anderson</i>		<i>Kuglin Const.</i>		<i>Lapke Construction</i>		UNIT BID PRICE	BID AMOUNT
			UNIT BID PRICE	BID AMOUNT	UNIT BID PRICE	BID AMOUNT	UNIT BID PRICE	BID AMOUNT		
1	NE side overhang and railing removal and repl.	1 L.S.	\$19,935.00	\$19,935.00	\$24,300.00	\$24,300.00	\$38,500.00	\$38,500.00		
2	New NW side cast in place concrete rail	1 L.S.	\$13,290.00	\$13,290.00	\$20,000.00	\$20,000.00	\$15,300.00	\$15,300.00		
3										
4	<b>Optional Additions</b>									
5	Light Box cover per Detail 1 on S1.2	1 L.S.	\$60.00	\$60.00	\$300.00	\$300.00	\$800.00	\$800.00		
6	Wall corner repair per Detail 2 on S1.2	1 L.S.	\$250.00	\$250.00	\$975.00	\$975.00	\$1,200.00	\$1,200.00		
7	Bridge Overhang Repair per Detail 3 on S1.2	1 L.S.	\$1,200.00	\$1,200.00	\$625.00	\$625.00	\$2,500.00	\$2,500.00		
8	Wall Repair Per Detail 4 on S1.2	1 L.S.	\$1,500.00	\$1,500.00	\$1,600.00	\$1,600.00	\$1,500.00	\$1,500.00		
9										
<b>TOTAL BID:</b>				<b>\$36,235.00</b>		<b>\$47,800.00</b>		<b>\$59,800.00</b>		<b>\$0.00</b>



**Item:** One New 2009 Asphalt Distributor  
**From:** Tom Hugg, Vehicle Maintenance Supervisor  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Award Bid

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission award the bid for one new 2009 Asphalt Distributor to Tri-State Truck & Equipment of Great Falls for \$125,748.

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

---

**Staff Recommendation:** Staff recommends that the City Commission award the bid for one new 2009 Asphalt Distributor to Tri-State Truck & Equipment of Great Falls for \$125,748.

**Background:**

Significant Impacts

The current Asphalt Distributor was purchased in 1979. Parts for this piece of equipment are no longer available.

Purpose

This unit will be used in the Street Division. The primary function of the asphalt distributor will be to provide pavement preservation maintenance, specifically for chip sealing and tack coat.

Evaluation and Selection Process

The specifications were advertised two times in the Great Falls Tribune, placed on the City of Great Falls website, and mailed to three prospective bidders. The bids were opened on March 25, 2009 with three bidders responding. One bid was rejected due to non-compliance. The low

bid did not offer a trade-in allowance therefore, the 1978 Ford C900, #832, C90LVCDQ993, License 2-655 will be sold at a later date.

Conclusion

The bid by Tri-State Truck & Equipment of Great Falls meets specifications for the asphalt distributor.

**Fiscal Impact:** Funds for its purchase are provided in the FY 2009 Central Garage Budget.

**Alternatives:** Reject the bids for the purchase of one new 2009 asphalt distributor.

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

**ASPHALT DISTRIBUTOR  
BID LIST**

1. Modern Machinery  
PO Box 16660  
Missoula, MT 59808
  
2. Western Plains Machinery  
1728 Old Hardin Road  
Billings, MT 59107
  
3. Tri State Truck & Equipment  
5024 Tri-Hill Frontage Road  
Great Falls, MT 59404





**Item:** Addendum Agreements for Eagle's Crossing Addition, Phases II & III

**From:** Charles Sheets, Planner 1

**Initiated By:** Eagle's Crossing, Inc., Property Owner and Developer

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

**Action Requested:** City Commission approve Addendum Agreements for Eagle's Crossing Addition, Phases II & III

---

**Suggested Motion:**

1. Commissioner moves:

"I move that the City Commission approve the Addendum Agreements for Eagle's Crossing Addition, Phases II & III."

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

---

**Staff Recommendation:** Representatives of the Public Works and Planning Departments recommend the City Commission approve the Addendum Agreements for Eagle's Crossing Addition, Phases II & III.

**Background:** The City Commission during two separate public hearings held March 6, 2007, approved the Annexation Agreements related to Eagle's Crossing Addition, Phases II & III. Said Agreements obligate the Owner to complete the installation of public infrastructure to serve said subdivisions within two years of the date of the above mentioned Annexation Agreements or March 6, 2009.

Attached is a communication dated January 16, 2009, from Matthew M. Rosendale, Sr., President of Eagle's Crossing, Inc. in which he requests to extend the deadline for installation of remaining public infrastructure in Eagle's Crossing, Phases II & III, for twenty four (24) months or until March 6, 2011. City Staff review of the request found no adverse effects should result by granting the extensions.

For additional information, please refer to the attached Vicinity/Zoning Map, reduced copy of the Final Plat approved by the City Commission and Addendum Agreements.

**Concurrences:** Public Works and Planning Department staffs have reviewed and concur in approving the requested extension.

**Fiscal Impact:** Approval of the Addendum Agreements is not expected to have any financial impact to the City.

**Alternatives:** The City Commission could disapprove the Addendum Agreements, but that would create a noncompliant situation for the developer.

**Attachments/Exhibits:**

1. Vicinity/Zoning Map
2. Reduced copy of final plat
3. Communication from Matthew M. Rosendale, Sr., Eagles Crossing, Inc.
4. Addendum Agreement for Eagle's Crossing Addition, Phase II
5. Addendum Agreement for Eagle's Crossing Addition, Phase III

Cc: Jim Rearden, Public Works Director,  
Dave Dobbs, City Engineer  
Matthew M. Rosendale, Sr., Eagles Crossing, Inc., 1954 Hwy 16, Glendive, MT 59330

# VICINITY/ZONING MAP



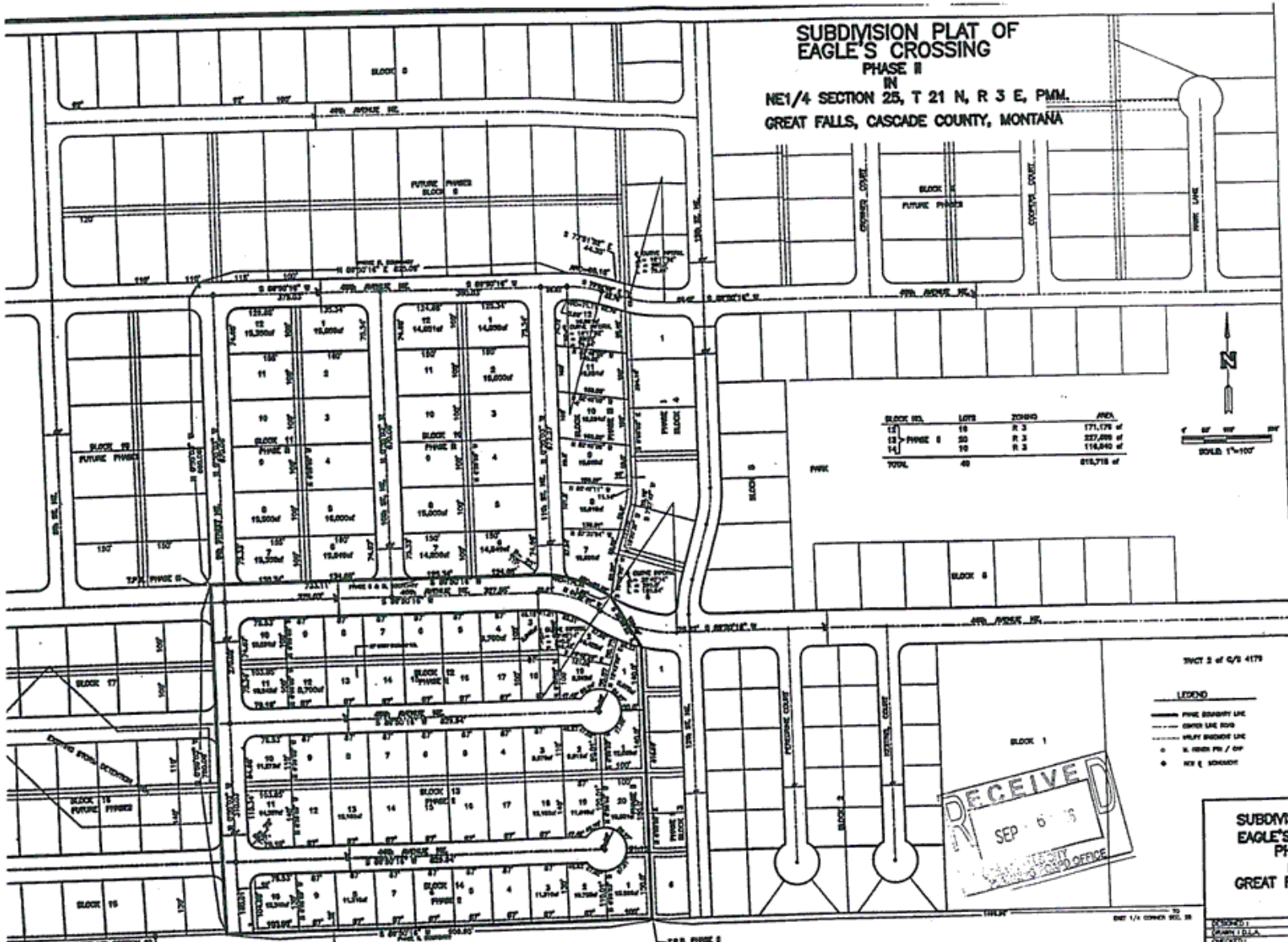
- |                                  |  |                              |
|----------------------------------|--|------------------------------|
| EAGLE'S CROSSING PHASE II        | PRELIMINARY PLAT OF NORTHVIEW PHASES 2 - 7 |                              |
| EAGLE'S CROSSING PHASE III       |  |                              |
| CITY LIMITS                      | R-5 Multi-family medium density            | PUD Planned unit development |
| Tracts of land outside City      | R-9 Mixed residential                      | I-2 Heavy industrial         |
| R-2 Single-family medium density | R-10 Mobile home park                      |                              |
| R-3 Single-family high density   | POS Parks and Open Space                   |                              |



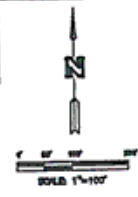
EXHIBIT "A" 1,000 500 0 1,000 Feet



**SUBDIVISION PLAT OF  
EAGLE'S CROSSING  
PHASE II**  
IN  
NE1/4 SECTION 25, T 21 N, R 3 E, PMM.  
GREAT FALLS, CASCADE COUNTY, MONTANA

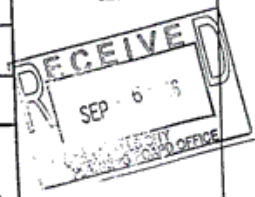


BLOCK NO.	LOTS	ZONING	AREA
12	18	R 3	171,176 sf
13 - PHASE II	20	R 3	227,498 sf
14	10	R 3	116,640 sf
<b>TOTAL</b>	<b>48</b>		<b>515,314 sf</b>



SHEET 2 of 4/5 4179

- LEGEND**
- PINE EIGHTY LINE
  - CENTER LINE ROAD
  - WELLY BRIDGE LINE
  - U. FRONT PIN / TOP
  - NTS & SMOAKS



**SUBDIVISION PLAT OF  
EAGLE'S CROSSING  
PHASE II**  
IN  
GREAT FALLS, MONTANA

DESIGNED BY: DELTA ENGINEERING P.  
 CHECKED BY: P. J. BOYD  
 DRAWN BY: J. BOYD  
 DATE: JANUARY, 2008  
 SHEET NO. 1 OF 1

January 16, 2009

City of Great Falls  
Attention: Bill Walters  
Senior Planner  
Great Falls Planning Dept.  
Great Falls, Montana

Bill,

I would like to request a modification to the Annexation Agreements that I entered into with the City of Great Falls for the approval of Phase II and Phase III of the Eagle's Crossing Subdivision. There were a total of 79 lots approved for subdivision and annexed into the city in both phases combined. At the present time, streets, utilities, and required infrastructure has been built and provided to 41 of those lots, via the extension of 46<sup>th</sup> Ave. NE and the construction of 44<sup>th</sup> Ave. NE and 11<sup>th</sup> Street NE. 28 of those lots have already been sold and built upon.


The annexation agreement calls for me to complete the balance of those improvements by March of 2009. I anticipate that I will complete 44<sup>th</sup> Ave. NE and 10<sup>th</sup> Street NE some time this summer which would provide the infrastructure to an additional 32 lots. This would only leave 9<sup>th</sup> Street NE to complete.

The economic climate has changed dramatically nationwide as we are all aware. Although the impact has not been as severe in Great Falls, it certainly has had an impact. Your department, no doubt has experienced a dramatic reduction in request for building permits on new homes. I have anticipated this slowdown and kept my inventory of finished lots at levels that could realistically be absorbed by the market place. By doing so now, and in years past, I have been able to weather several downturns in the economy and my company continues to do well. This does, however, place me in a position of not fulfilling my obligation to complete the required improvements by the March 2009 deadline.

At this time, I would like to request a modification to the Phase II and the Phase III Annexation Agreements to extend the deadline for installation of the balance of the required improvements and infrastructure for 24 months. That will give me ample time to market the lots and complete the improvements on a time line that is financially prudent.

Extending the time with which I have to complete the improvements **will not** adversely effect the existing improvements or homes. The infrastructure was constructed in such a way that if additional improvements were never made it's use and maintenance would not be negatively impacted. Additionally, lots were only sold and homes were only built on locations where 100 percent of the improvements had been completed. So no homeowner is waiting for improvements to be finished.

Thank you for your consideration.



Matthew M. Rosendale, Sr.  
President Eagle's Crossing, Inc.

## ADDENDUM AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between EAGLE'S CROSSING, INC., a Montana corporation, 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".

WITNESSETH;

WHEREAS, on the 6th day of March, 2007, Owner and City entered into an Annexation Agreement for Eagle's Crossing, Phase II, a subdivision in the NE1/4 of Section 25, Township 21 North, Range 3 East, Cascade County, Montana; and,

WHEREAS, Paragraph 6. of said Agreement obligates Owner to complete the installation of public infrastructure to serve said subdivision within two years of the date of the above mentioned Annexation Agreement or March 6, 2009; and,

WHEREAS, Owner has petitioned City to extend the deadline for installation of remaining public infrastructure in Eagle's Crossing, Phase II, for twenty four (24) months or until March 6, 2011;

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

1. That Paragraph 6. of the Annexation Agreement for Eagle's Crossing, Phase II, dated March 6, 2007, is hereby amended to read as follows:

PUBLIC IMPROVEMENTS

*Owner hereby agrees to complete by March 6, 2011, the installation of the sanitary sewer, storm sewer and water improvements, street paving, conduit for wiring for potential future public roadway lighting facilities, and curb and gutter to serve Subdivision, according to plans referenced in the Paragraph 3B . above and filed in the City Engineer's office and in accordance with standards of City.*

2. That all other terms and conditions contained in said Annexation Agreement dated March 6, 2007, excepting Paragraph 6., remain in full force and effect.
3. The provisions, covenants and terms of this Agreement shall be placed of record in the records of Cascade County, Montana, shall run with the land and shall be binding upon all devisees, heirs, successors and assigns of the signators 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

(Seal of the City)

APPROVED FOR LEGAL CONTENT:

---

City Attorney, David V. Gliko

OWNER

By: \_\_\_\_\_  
Matthew M. Rosendale, Sr.  
President, Eagle's Crossing, Inc.

STATE OF MONTANA)  
:ss.  
County of \_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 2009, before me, the undersigned, a Notary Public for the State of Montana, appeared MATTHEW M. ROSENDALE, SR., known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.

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

\_\_\_\_\_  
Notary Public (Printed or Typed)  
Residing at \_\_\_\_\_, Montana  
My Commission expires: \_\_\_\_\_

(NOTARIAL SEAL)

## ADDENDUM AGREEMENT

THIS AGREEMENT, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2009, by and between EAGLE'S CROSSING, INC., a Montana corporation, 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".

WITNESSETH;

WHEREAS, on the 6th day of March, 2007, Owner and City entered into an Annexation Agreement for Eagle's Crossing, Phase III, a subdivision in the NE1/4 of Section 25, Township 21 North, Range 3 East, Cascade County, Montana; and,

WHEREAS, Paragraph 6. of said Agreement obligates Owner to complete the installation of public infrastructure to serve said subdivision within two years of the date of the above mentioned Annexation Agreement or March 6, 2009; and,

WHEREAS, Owner has petitioned City to extend the deadline for installation of remaining public infrastructure in Eagle's Crossing, Phase III, for twenty four (24) months or until March 6, 2011;

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

1. That Paragraph 6. of the Annexation Agreement for Eagle's Crossing, Phase III, dated March 6, 2007, is hereby amended to read as follows:

PUBLIC IMPROVEMENTS

*Owner hereby agrees to complete by March 6, 2011, the installation of the sanitary sewer, storm sewer and water improvements, street paving, conduit for wiring for potential future public roadway lighting facilities, and curb and gutter to serve Subdivision, according to plans referenced in the Paragraph 3B . above and filed in the City Engineer's office and in accordance with standards of City.*

2. That all other terms and conditions contained in said Annexation Agreement dated March 6, 2007, excepting Paragraph 6., remain in full force and effect.
3. The provisions, covenants and terms of this Agreement shall be placed of record in the records of Cascade County, Montana, shall run with the land and shall be binding upon all devisees, heirs, successors and assigns of the signators 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

(Seal of City)

APPROVED FOR LEGAL CONTENT:

---

City Attorney, David V. Gliko

OWNER

By: \_\_\_\_\_  
Matthew M. Rosendale, Sr.  
President, Eagle's Crossing, Inc.

STATE OF MONTANA)  
:ss.  
County of \_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 2009, before me, the undersigned, a Notary Public for the State of Montana, appeared MATTHEW M. ROSENDALE, SR., known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year hereinabove first written.

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

\_\_\_\_\_  
Notary Public (Printed or Typed)  
Residing at \_\_\_\_\_, Montana  
My Commission expires: \_\_\_\_\_

(NOTARIAL SEAL)





**Item:** 2009 Justice Assistance Grant  
**From:** Great falls Police Department  
**Initiated By:** Cloyd A. Grove, Chief of Police  
**Presented By:** Cloyd A. Grove

**Action Requested:** Set a date for public comment on the recommended use of the Justice Assistance Grant (JAG) for 2009.

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission review the attached Memorandum of Understanding between the City of Great Falls and Cascade County and set a public hearing on the Justice Assistance Grant recommendation for May 5<sup>th</sup>, 2009.”

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

---

**Staff Recommendation:** It is recommended the City Commission accept staff’s recommendation to set a public hearing to receive public comment on staff’s recommendation to expend the funds to purchase Mobile Video Cameras and a server for the Cascade County Sheriff’s Office and related equipment for both agencies

**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. The allocation is base on the following formula.

The JAG formula includes a *state allocation* consisting of a minimum base allocation with the remaining amount determined on population and Part 1 violent crime statistics, and a *direct allocation* to units of local government. Once the state allocation is calculated, 60% of the funding is awarded to the state and 40% to eligible units of local government. State allocations also have a *variable pass through* requirement to locals, calculated by the Bureau of Justice Statistics (BJS) from each state’s crime expenditures.

JAG funds can be used for state and local initiatives, technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice for any one or more of the following purpose areas:

- Law enforcement programs
  - Prosecution and court programs
  - Prevention and education programs
  - Corrections and community corrections programs
  - Drug treatment programs
  - Planning, evaluation, and technology improvement programs
- \*Any law enforcement or justice initiative previously eligible for funding under Byrne or LLEBG is eligible for JAG funding.

The 2009 Justice Assistance Formula Grant has been announced and an application for funding has been entered into the grant system. This grant requires that we share the proceeds with the Cascade County Sheriff's based upon a mutually agreed upon Memorandum of Understanding. Staff from the Sheriff's Office and the Police Department has agreed that the funds this year should be used to provide mobile video equipment that is compatible with each Department's current equipment.

Significant Impacts:

This grant will provide mobile video equipment for both agencies.

Citizen Participation:

Not Applicable

Workload Impacts:

The equipment will allow street officers the ability to video record activity as it takes place.

**Concurrences:** The Cascade County Sheriff's staff concurs with this Memorandum of Understanding. They will submit the original Memorandum to the Cascade county Commissioners.

**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



**Item:** Appointment to the Design Review Board

**From:** City Manager's Office

**Initiated By:** Design Review Board

**Presented By:** City Commission

**Action Requested:** Appoint one member to the Design Review Board for a three-year term through March 31, 2012.

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission appoint \_\_\_\_\_ to the Design Review Board for a three-year term through March 31, 2012.”

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

---

**Staff Recommendation:** It is recommended that the City Commission appoint one member to the Design Review Board for a three-year term through March 31, 2012.

**Background:** Ordinance 2722 was approved at the March 18, 1997, Commission meeting which amended Titles 2 and 15 of the Official Codes of the City of Great Falls and established the Design Review Board. The adoption of Ord. 2923 in September of 2005, the Land Development Code, re-established the Design Review Board.

Donn Bailey was appointed to the Design Review Board in March of 2006. Mr. Bailey is not interested in reappointment. Therefore, it is necessary to appoint one new member to fill this vacancy.

Purpose

The purpose of the Board is to further promote the health, safety and general welfare of the City. The Board has the authority and responsibility to review specified types of development proposals to ensure that the design and aesthetics conform to the review criteria contained in Title 17. The Board's composition should achieve a diversity of expertise, background, and interest. The Land Development Code states that it is preferred the board includes two architects and three individuals chosen for their demonstrated interest in and expertise in design or community aesthetics.

Members must reside in the City of Great Falls.

Evaluation and Selection Process

Announcements regarding the openings were placed in the *Great Falls Tribune* and on the City's Website. Applications are submitted to the City Commission for their consideration in making appointments.

Continuing members of this board are:

David Cantley (architect)  
Bruce Forde  
Jean Price  
Jule Stuver (architect)

Citizens interested in serving on this Board:

Todd Humble  
Trevor Mikkelsen  
Christopher Ward

**Concurrences:** Design Review Board members expressed their opinion that it would be beneficial to have a civil engineer serve on the Board to assist in reviewing site elevations, topography, drainage, and safe traffic circulation.

**Fiscal Impact:** Not applicable.

**Alternatives:** Continue advertising to seek further citizen input.

**Attachments/Exhibits:**

Board Applications; email from K. McCleary (Not available online; on file in City Clerk's Office.)