



City Commission Agenda

for

September 16, 2008

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

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATIONS

Vets 4 Vets
Constitution Week
National Public Land Day
American Indian Heritage Week

PRESENTATION

New Directions

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Res. 9767, Levy Special Assessments on Properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1308. Action: Conduct public hearing and adopt or deny Res. 9767. **(Presented by: Coleen Balzarini)**
3. Res. 9768, Levy Special Assessments on properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1310. Action: Conduct public hearing and adopt or deny Res. 9768. **(Presented by: Coleen Balzarini)**
4. Res. 9769, Levy and Assess Special Improvement Lighting Districts. Action: Conduct public hearing and adopt or deny Res. 9769. **(Presented by: Coleen Balzarini)**
5. Ord. 3014, To Change the Title of the Airport Zoning Classification from GFIA Great Falls International Airport to AI Airport Industrial District. Action: Conduct public hearing and adopt or deny Ord. 3014. **(Presented by: Ben Rangel)**
6. Ord. 3015, To Rezone Parcel Mark No. P1, Section 5, T20N, R4E (City-owned parcel previously used as compost site). Action: Conduct public hearing and adopt or deny Ord. 3015. **(Presented by: Ben Rangel)**
7. Res. 9772, Conditional Use Permit to Allow Antennae on Water Tank at Dudley Anderson Park. Action: Conduct public hearing and adopt

or deny Res. 9772 and approve or disapprove accompanying Agreement. **(Presented by: Ben Rangel)**

OLD BUSINESS

NEW BUSINESS

8. Amendments to Water Rights 41Q-105494, 41Q-123409, 41Q-105493, 41Q-110040 and Authorization for City Manager to Execute Documents For Submittal to Department of Natural Resources and Conservation Related to the Amendments. Action: Approve or deny authorization. **(Presented by: Coleen Balzarini)**

ORDINANCES/RESOLUTIONS

9. Ord. 3016, to Establish City zoning on Foxwood Estates. Assigns zoning classification of R-1 Single-family suburban district. Action: Accept Ord. 3016 on first reading and set public hearing for October 6, 2008. **(Presented by: Ben Rangel)**
10. Res. 9770, to Assess Business Improvement District. Action: Adopt or deny Res. 9770. **(Presented by: Coleen Balzarini)**

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, September 2, 2008, Commission meeting.
12. Total Expenditures of \$1,499,385 for the period of August 27 through September 10, 2008, to include claims over \$5000, in the amount of \$1,216,003.
13. Contracts list.
14. Lien Release List.
15. Reschedule regularly scheduled City Commission Work Session and Meeting on October 7, 2008.
16. Set public hearing for October 6, 2008, on Res. 9779, Parking Meter Rate and Meter Violation Fine Increases.
17. Approve Tax Increment Application Process and Forms.
18. Approve Memorandum of Understanding with the Animal Foundation of Great Falls for operation of the dog park.
19. Postpone bid award for one-year Animal Shelter Medical Director contract.
20. Approve Change Order No. 1 in the amount of \$2,818.20 and Final Payment to Kuglin Construction and the State Miscellaneous Tax Division in the amount of \$663.05 for the 2007 CDBG Sidewalk Replacement project.
21. Award Construction Contract in the amount of \$644,485 to Phillips Construction, LLC for the 14th Street Southwest and 5th Avenue Southwest Water Main Replacements.
22. Award Construction Contract in the amount of \$49,000 to United Materials of Great Falls, Inc., for the 2008 CDBG Sidewalk Replacement project.

23. Award Construction Contract in the amount of \$100,650 to Kuglin Construction for the 2008 CDBG Handicap Ramps project.
24. Award Construction Contract to Dick Olson Construction, Inc. in the amount of \$234,794 and approve the use of \$68,143 in additional CTEP funds for the Library Landscaping project.

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

BOARDS & COMMISSIONS

25. Amended Plat of Medley Addition. Action: Approve or deny Amended Plat and the Accompanying Findings of Fact. **(Presented by: Ben Rangel)**
26. Appointments, Electric City Power Board of Directors. Appoint two members to fill the remainder of terms through December 31, 2009, and December 31, 2011.
27. Appointments, Business Improvement District. Reappoint Julie Duffy for a four-year term through June 30, 2012, and appoint two new members for four-year terms through June 30, 2012.
28. Miscellaneous reports and announcements.

CITY MANAGER

29. 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)*

30. Miscellaneous reports and announcements.

CITY COMMISSION

31. At the September 2, 2008, City Commission meeting, a public hearing on Ord. 3018 was set for October 7. Due to the regularly scheduled October 7 City Commission meeting being moved to October 6, the public hearing on Ord. 3018 is also reset for October 6, 2008.
32. Miscellaneous reports and announcements.

MOTION TO ADJOURN



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 9767 to Levy Special Assessments on Properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1308

From: Judy Burg, Account Technician

Initiated By: Annual Assessment Process

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: City Commission Conduct Public Hearing and Adopt Resolution 9767

Public Hearing:

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

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (adopt/deny) Resolution 9767.”

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

Staff Recommendation: Staff recommends following the public hearing and barring sufficient protests, that the City Commission adopt Resolution 9767 to Levy Special Assessments on properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1308.

Background: Staff received a signed petition from the developer of Eagles Crossing Phase II and III Addition requesting installation of roadway lighting. The petition was for the installation of thirteen (13) 150 watt HPS street lighting units on 20 foot steel poles with underground wiring, which meets the requirements set forth in Resolution 9506 the City’s Street Light Policy for new roadway lighting districts.

July 17, 2007, the City Commission duly passed and adopted Resolution 9653 creating Special Improvement Lighting District – City-Owned Residential Lighting No. 1308. City Staff held a bid opening for all interested contractors and vendors willing to submit a bid for the installation

of the roadway and the bid contract was awarded under separate action to United Electric at the commission meeting held on November 6, 2007.

On November 20, 2007, the City Commission adopted Resolution 9712, authorizing the City to enter into a loan agreement with the Montana Board of Investments up to \$46,600 to fund the cost to install the roadway lighting in Eagles Crossing Phase II and III. Property owners located within Special Improvement Lighting District – City-Owned Residential Lighting No. 1308 will have a special assessment for the installation cost of the improvements for a term not to exceed 15 years and will also have an ongoing annual maintenance assessment for the roadway lighting.

The budget development process begins in January of each year when the Fiscal Services Department receives their midyear financial reports. The midyear reports are used to determine the current financial position of Special Improvement Lighting District No. 1308, which is the basis for projecting future earnings and expenditures. The lighting district's assessed cost is based upon existing rates, cash balance and proposed increases provided by Southern Montana Electric Generation & Transmission Cooperative, Inc. and by Northwestern Energy. Information is gathered regarding the actual and anticipated expenses, goals and objectives of the lighting district. After determining financial factors pertinent to the operation of the Lighting District an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commissioners for approval.

As part of the annual budget development and adoption procedures the Special Improvement Lighting District No. 1308 Assessment Resolution must be submitted for City Commission action. A public notice and hearing is required prior to final passage of the assessment resolution.

Concurrences: Fiscal Services staff is responsible for the operational expenses and for assessing and collecting the revenues necessary to carry out the operations of the Special Improvement Lighting District No. 1308. The City Commissioners have received information regarding the operation of the district during the annual budget process.

Fiscal Impact: Adoption of Resolution 9767 will allow the City to fund the installation, operation and maintenance costs required to be made each year in the Special Improvement Lighting District No. 1308.

ASSESSMENT ANTICIPATED

The anticipated assessment amount for Special Improvement Lighting District No. 1308 for the next fiscal year is the amount projected through the creation process and the Budget Development Process. Fiscal Year 08/09 projects charges based on actual billings for the district and adjustments for cash balances from prior fiscal years.

Public roadway lighting for Special Improvement Lighting District No. 1308 has been completed as provided in Resolution 9652, for a total assessable cost of FORTY-SIX THOUSAND ONE HUNDRED FORTY-NINE DOLLARS and 73/100, (\$46,149.73.) The special assessment for the installation cost of the improvements shall be payable over a term not to exceed 15 years.

In addition, the ongoing annual energy and maintenance costs for said improvements for Fiscal Year 08/09 were determined to be FOUR THOUSAND FOUR HUNDRED NINE DOLLARS, (\$4,409.)

Resolution 9767 effectively places a lien on each property within the district for the proportionate share of the installation costs as well as assesses each property for the annual energy and maintenance costs.

Alternatives: The City Commission could choose to not set the public hearing and thereby deny the adoption of Resolution 9767 to Levy and Assess Special Improvement Lighting District No. 1308; however, the reduction in services to the community could be hazardous to the safety and welfare of the general public.

Attachments/Exhibits: Resolution 9767
Notice of Public Hearing
Boundary Map of Special Improvement Lighting District #1308

RESOLUTION 9767

A RESOLUTION TO LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO.1308, TO INCLUDE PROPERTIES LOCATED WITHIN EAGLES CROSSING PHASE II AND III ADDITION – FIRST PHASE CONSTRUCTION

WHEREAS, the City Commission of the City of Great Falls created Special Improvement Lighting District 1308, by Resolution 9653 duly passed on July 17, 2007, reference to which Resolution is hereby made, for installing and maintaining necessary public roadway lighting, as provided by 7-12-4301, MCA; and,

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

WHEREAS, improvements have been completed as provided for in said Resolution for the design and installation at a total assessable cost of FORTY-SIX THOUSAND ONE HUNDRED FORTY-NINE DOLLARS and 73/100 (\$46,149.73); and,

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

WHEREAS, the properties are to be assessed for the improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9652, Resolution of Intent to Create Special Improvement Lighting District 1308, Exhibit B; and,

WHEREAS, the properties in said Special Improvement Lighting District 1308 are to be assessed for the ongoing annual maintenance costs of said improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9652, Resolution of Intent to Create Special Improvement Lighting District 1308, Exhibit C.

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

Section 1 – Installation Costs Assessed

The costs of the improvements made from the proceeds of the Montana Board of Investments Intercap Loan, are to be repaid from special assessments to be levied against the properties located within Eagles Crossing Phase II and III, First Phase Construction, which properties will be specially benefited by the public roadway lighting improvements. Therefore, there is levied an assessment upon the properties in said Special Improvement Lighting District 1308, for the sum of FORTY-SIX THOUSAND ONE HUNDRED FORTY-NINE DOLLARS and 73/100, (\$46,149.73) payable with interest over a term not to exceed fifteen (15) years.

Section 2 – Maintenance Costs Assessed

The costs of the ongoing annual maintenance, energy and administrative costs, are to be payable from assessments to be levied against the properties located within Eagles Crossing, Phase II and III, First Phase Construction, which properties will be specially benefited by the public roadway lighting. The annual costs in said Special Improvement Lighting District 1308 will appear as assessments for Special Maintenance Lighting Districts and are annually submitted for public hearing and City Commission action.

Section 3 – Assessment Method

The description of each lot or parcel of land within said Special Improvement Lighting District which is hereby levied upon and assessed with the name of the current owner of record and the amount of each partial payment to be made in Special Improvement Lighting District 1308, is as set out in the Special Assessment List for installation costs attached as Exhibit A, and for maintenance costs attached as Exhibit B, which said lists are incorporated herein and made a part of this Resolution by this reference.

Section 4 – Assessments Due Date

The installation assessments are payable in two semi-annual payments, and will become delinquent at 5:00 o'clock p.m. on November 30, 2008 through 2023 and May 31, 2009 through 2023. The ongoing annual maintenance assessments are payable in two semi-annual payments and will become delinquent at 5:00 o'clock p.m. on November 30th of each year and May 31st of each year.

Section 5 – Maintenance Fund

The above-described assessments are to be deposited into funds known as “Special Improvement Lighting District No. 1308 Fund – SILD-1308” for the installation costs referred to in Section 1, and “Special Maintenance Lighting District No. 1308 Fund – SMLD 1308” for the maintenance costs referred to in Section 2, and from which all eligible expenses will be paid.

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

THAT, the City Commission will hear objections to the final adoption of this resolution at 7:00 o'clock p.m., September 16, 2008 in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

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

THAT, said City Clerk be, and is hereby authorized and directed, to publish twice, with at least 6

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

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

PASSED by the Commission of the City of Great Falls, Montana, on this 16th day of September, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9767 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 16th day of September, 2008, and approved by the Mayor of said City on the 16th day of September, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 16th day of September, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

RESOLUTION 9767 - EXHIBIT "A"

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1308 INSTALLATION COSTS

Total Construction Costs: \$ 46,149.73

Improvements: THIRTEEN (13) - 150 WATT HPS ON 20' STEEL POLES
WITH UNDERGROUND WIRING RESIDENTIAL STREET LIGHTING

15 Year Assessment

Beginning Nov: 2008

Ending May: 2023

Fixed Interest Rate: 5.00%

Interest Start Date: 3/28/2008

Days thru 6/30/2009: 459

Total Square Footage Cost: 0.102116535

PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	ANNUAL INTEREST	1st Year TOTAL ANNUAL PYMT
740636	12	1	Eagles Crossing Phase II	Eagles Crossing Inc	9,687	989.20	65.95	62.20	128.15
740638	12	2	Eagles Crossing Phase II	Eagles Crossing Inc	10,422	1,064.26	70.95	66.92	137.87
740640	12	3	Eagles Crossing Phase II	Eagles Crossing Inc	8,640	882.29	58.82	55.48	114.30
740642	12	4	Eagles Crossing Phase II	O'Leary Builders Inc.	8,700	888.41	59.23	55.86	115.09
740644	12	5	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	888.41	59.23	55.86	115.09
740646	12	6	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	888.41	59.23	55.86	115.09
740648	12	7	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	888.41	59.23	55.86	115.09
740650	12	8	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	888.41	59.23	55.86	115.09
740652	12	9	Eagles Crossing Phase II	Montana Pride Builders I	8,700	888.41	59.23	55.86	115.09
740654	12	10	Eagles Crossing Phase II	Eagles Crossing Inc	10,234	1,045.06	69.67	65.71	135.38
740656	12	11	Eagles Crossing Phase II	Steven & Michelle Gomt	10,243	1,045.98	69.73	65.77	135.50
740658	12	12	Eagles Crossing Phase II	Montana Pride Builders I	8,700	888.41	59.23	55.86	115.09
740660	12	13	Eagles Crossing Phase II	Montana Pride Builders I	8,700	888.41	59.23	55.86	115.09
740662	12	14	Eagles Crossing Phase II	Montana Pride Builders I	8,700	888.41	59.23	55.86	115.09
740663	12	15	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	888.41	59.23	55.86	115.09
740664	12	16	Eagles Crossing Phase II	Robert & Cathryn Brunn	8,700	888.41	59.23	55.86	115.09
740666	12	17	Eagles Crossing Phase II	Anthony & Esther Allen	8,700	888.41	59.23	55.86	115.09
740668	12	18	Eagles Crossing Phase II	Jerry & Sheila Lawson	8,700	888.41	59.23	55.86	115.09
740670	12	19	Eagles Crossing Phase II	Eagles Crossing Inc	8,235	840.93	56.06	52.87	108.93
740672	13	1	Eagles Crossing Phase II	Eagles Crossing Inc	11,680	1,192.72	79.51	74.99	154.50
740674	13	2	Eagles Crossing Phase II	Marketing Concepts Inc.	8,758	894.34	59.62	56.23	115.85
740676	13	3	Eagles Crossing Phase II	Gary E. Arno, Jr.	9,570	977.26	65.15	61.45	126.60
740678	13	4	Eagles Crossing Phase II	Montana Pride Builders I	9,570	977.26	65.15	61.45	126.60
740680	13	5	Eagles Crossing Phase II	John D. Dowson, Sr.	9,570	977.26	65.15	61.45	126.60
740682	13	6	Eagles Crossing Phase II	Jaramy Westhoff	9,570	977.26	65.15	61.45	126.60
740684	13	7	Eagles Crossing Phase II	Montana Pride Builders I	9,570	977.26	65.15	61.45	126.60
740686	13	8	Eagles Crossing Phase II	Philip & Elma Ruf	9,570	977.26	65.15	61.45	126.60
740688	13	9	Eagles Crossing Phase II	Freedom Home Group L	9,570	977.26	65.15	61.45	126.60
740690	13	10	Eagles Crossing Phase II	Elizabeth & Eric Buss	11,273	1,151.16	76.74	72.38	149.12
740732	4	7	Eagles Crossing Phase III	Eagles Crossing Inc	15,006	1,532.36	102.16	96.35	198.51
740734	4	8	Eagles Crossing Phase III	Eagles Crossing Inc	15,010	1,532.77	102.18	96.38	198.56

RESOLUTION 9767 - EXHIBIT "A"

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1308 INSTALLATION COSTS

Total Construction Costs: \$ 46,149.73
 Improvements: THIRTEEN (13) - 150 WATT HPS ON 20' STEEL POLES
 WITH UNDERGROUND WIRING RESIDENTIAL STREET LIGHTING

15 Year Assessment
 Beginning Nov: 2008
 Ending May: 2023

Fixed Interest Rate: 5.00%
 Interest Start Date: 3/28/2008
 Days thru 6/30/2009: 459

Total Square Footage Cost: 0.102116535

PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	ANNUAL INTEREST	1st Year TOTAL ANNUAL PYMT
740736	4	9	Eagles Crossing Phase III	Robert & Janet Fairchild	15,008	1,532.56	102.17	96.36	198.53
740738	4	10	Eagles Crossing Phase III	Eagles Crossing Inc	15,924	1,626.10	108.41	102.24	210.65
740740	4	11	Eagles Crossing Phase III	Eagles Crossing Inc	15,924	1,626.10	108.41	102.24	210.65
740742	4	12	Eagles Crossing Phase III	Michael & Donna Raile	16,091	1,643.16	109.54	103.32	212.86
740744	10	1	Eagles Crossing Phase III	Eagles Crossing Inc	14,858	1,517.25	101.15	95.40	196.55
740746	10	2	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	1,531.75	102.12	96.31	198.43
740748	10	3	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	1,531.75	102.12	96.31	198.43
740750	10	4	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	1,531.75	102.12	96.31	198.43
740752	10	5	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	1,531.75	102.12	96.31	198.43
740754	10	6	Eagles Crossing Phase III	Geraldine J. Gertson Tr.	14,849	1,516.33	101.09	95.34	196.43
					451,932	\$46,149.73	\$3,076.65	\$2,901.75	\$5,978.40

RESOLUTION 9767 - EXHIBIT "B"

SPECIAL MAINTENANCE LIGHTING DISTRICT 1308 ANNUAL ASSESSMENT

13 - 150 WATT HPS ON 20' STEEL POLES WITH UNDERGROUND WIRING

\$ 4,009.00

COST OF OPERATION AND ROUTINE MAINTENANCE
 10% ADMINISTRATION FEE
 TOTAL ANNUAL COST TO THE DISTRICT =

4,009.00
 400.90
\$ 4,409.90

ASSESSMENT BASED ON 12 MONTHS -
 ANNUAL ASSESSMENT FOR AN AVERAGE
 11,023 SQ.FT. LOT IS \$67.75

ANNUAL SQUARE FOOT COST =

0.009757884

	PARCEL	BLOCK	LOT	SUB-DIVISION	PROPERTY OWNER	SET UP AREA (SQUARE FEET)	ANNUAL COST
1	740636	12	1	Eagles Crossing Phase II	Eagles Crossing Inc	9,687	94.52
2	740638	12	2	Eagles Crossing Phase II	Eagles Crossing Inc	10,422	101.70
3	740640	12	3	Eagles Crossing Phase II	Eagles Crossing Inc	8,640	84.31
4	740642	12	4	Eagles Crossing Phase II	O'Leary Builders Inc.	8,700	84.89
5	740644	12	5	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	84.89
6	740646	12	6	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	84.89
7	740648	12	7	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	84.89
8	740650	12	8	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	84.89
9	740652	12	9	Eagles Crossing Phase II	Montana Pride Builders Inc.	8,700	84.89
10	740654	12	10	Eagles Crossing Phase II	Eagles Crossing Inc	10,234	99.86
11	740656	12	11	Eagles Crossing Phase II	Steven & Michelle Gombar	10,243	99.95
12	740658	12	12	Eagles Crossing Phase II	Montana Pride Builders Inc.	8,700	84.89
13	740660	12	13	Eagles Crossing Phase II	Montana Pride Builders Inc.	8,700	84.89
14	740662	12	14	Eagles Crossing Phase II	Montana Pride Builders Inc.	8,700	84.89
15	740663	12	15	Eagles Crossing Phase II	Eagles Crossing Inc	8,700	84.89
16	740664	12	16	Eagles Crossing Phase II	Robert & Cathryn Brunn	8,700	84.89
17	740666	12	17	Eagles Crossing Phase II	Anthony & Esther Allen	8,700	84.89
18	740668	12	18	Eagles Crossing Phase II	Jerry & Sheila Lawson	8,700	84.89
19	740670	12	19	Eagles Crossing Phase II	Eagles Crossing Inc	8,235	80.36
20	740672	13	1	Eagles Crossing Phase II	Eagles Crossing Inc	11,680	113.97
21	740674	13	2	Eagles Crossing Phase II	Marketing Concepts Inc.	8,758	85.46
22	740676	13	3	Eagles Crossing Phase II	Gary E. Arno, Jr.	9,570	93.38
23	740678	13	4	Eagles Crossing Phase II	Montana Pride Builders Inc.	9,570	93.38
24	740680	13	5	Eagles Crossing Phase II	John D. Dowson, Sr.	9,570	93.38
25	740682	13	6	Eagles Crossing Phase II	Jaramy Westhoff	9,570	93.38
26	740684	13	7	Eagles Crossing Phase II	Montana Pride Builders Inc.	9,570	93.38
27	740686	13	8	Eagles Crossing Phase II	Philip & Elma Ruf	9,570	93.38
28	740688	13	9	Eagles Crossing Phase II	Freedom Home Group LLC	9,570	93.38
29	740690	13	10	Eagles Crossing Phase II	Elizabeth & Eric Buss	11,273	110.00
30	740732	4	7	Eagles Crossing Phase III	Eagles Crossing Inc	15,006	146.43
31	740734	4	8	Eagles Crossing Phase III	Eagles Crossing Inc	15,010	146.47

RESOLUTION 9767 - EXHIBIT "B"

SPECIAL MAINTENANCE LIGHTING DISTRICT 1308 ANNUAL ASSESSMENT

13 - 150 WATT HPS ON 20' STEEL POLES WITH UNDERGROUND WIRING

\$ 4,009.00

COST OF OPERATION AND ROUTINE MAINTENANCE

4,009.00

10% ADMINISTRATION FEE

400.90

TOTAL ANNUAL COST TO THE DISTRICT =

\$ 4,409.90

ASSESSMENT BASED ON 12 MONTHS -

ANNUAL ASSESSMENT FOR AN AVERAGE

11,023 SQ.FT. LOT IS \$67.75

ANNUAL SQUARE FOOT COST =

0.009757884

	PARCEL	BLOCK	LOT	SUB-DIVISION	PROPERTY OWNER	SET UP AREA (SQUARE FEET)	ANNUAL COST
32	740736	4	9	Eagles Crossing Phase III	Robert & Janet Fairchild	15,008	146.45
33	740738	4	10	Eagles Crossing Phase III	Eagles Crossing Inc	15,924	155.38
34	740740	4	11	Eagles Crossing Phase III	Eagles Crossing Inc	15,924	155.38
35	740742	4	12	Eagles Crossing Phase III	Michael & Donna Raile	16,091	157.01
36	740744	10	1	Eagles Crossing Phase III	Eagles Crossing Inc	14,858	144.98
37	740746	10	2	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	146.37
38	740748	10	3	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	146.37
39	740750	10	4	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	146.37
40	740752	10	5	Eagles Crossing Phase III	Eagles Crossing Inc	15,000	146.37
41	740754	10	6	Eagles Crossing Phase III	Geraldine J. Gertson Trust	14,849	144.89

451,932

4,409.90

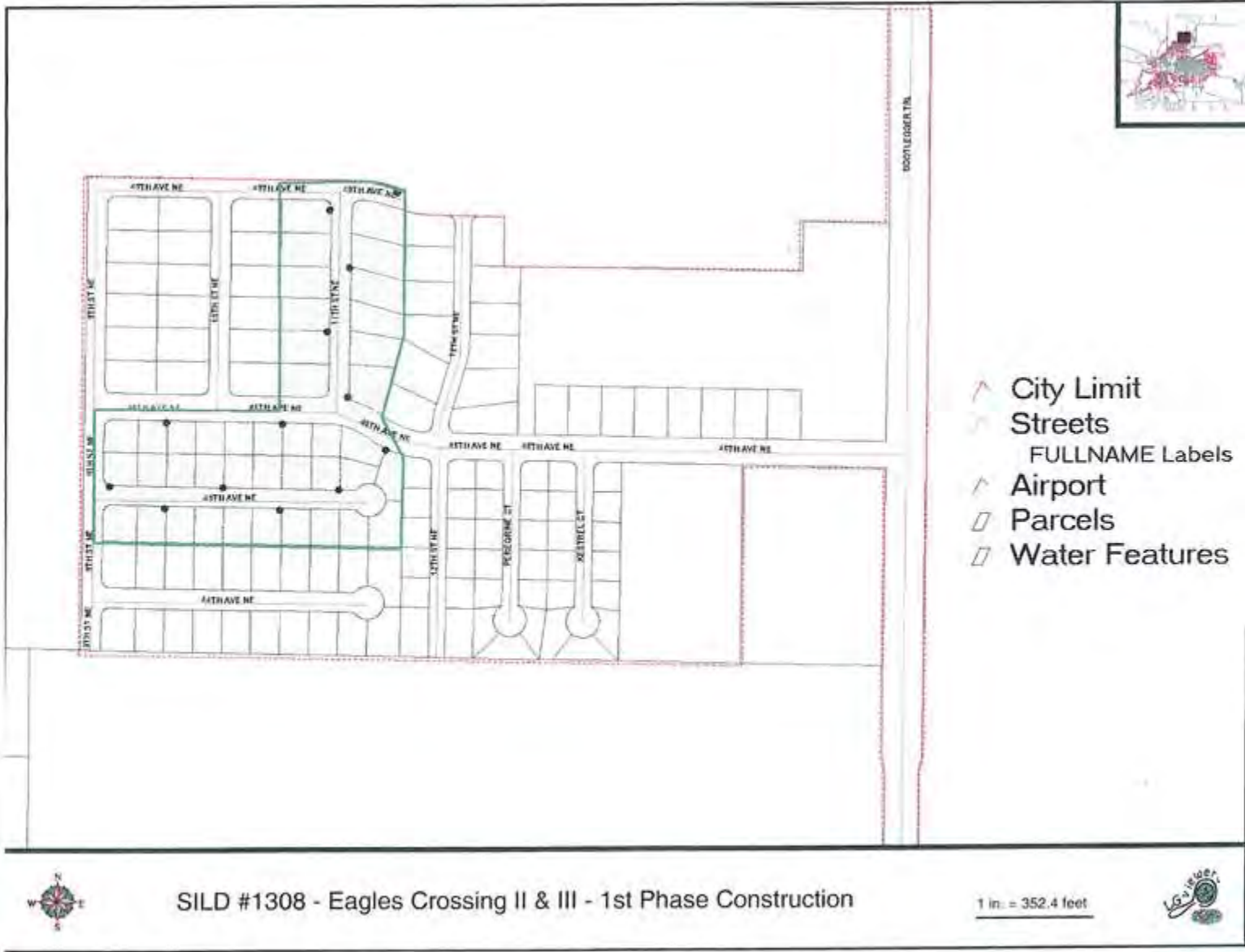
**PUBLIC NOTICE – LEVY AND ASSESS ASSESSMENTS IN
SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1308**

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on Resolution 9767 which pertains to levying and assessing properties within Special Improvement Lighting District No. 1308. The public hearing will be held on September 16, 2008 at 7:00 o'clock p.m. in the Commission Chambers of the Civic Center located at 2 Park Drive South. Copies of Resolution 9767 are available in the City Clerk's office located at 2 Park Drive South, Room 202 or by calling 455-8451.

The lighting district is located within Eagles Crossing Phase II and III, First Phase Construction. The assessment will levy costs related to the installation and annual maintenance of the lighting district.

/s/ Lisa Kunz, City Clerk

Publication Date: August 29, 2008 and September 5, 2008





**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 9768 to Levy Special Assessments on Properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1310

From: Judy Burg, Account Technician

Initiated By: Annual Assessment Process

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: City Commission Conduct Public Hearing and Adopt Resolution 9768

Public Hearing:

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

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (adopt/deny) Resolution 9768.”

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

Staff Recommendation: Staff recommends following the public hearing and barring sufficient protests, that the City Commission adopt Resolution 9768 to Levy Special Assessments on properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1310.

Background: Staff received a signed petition from the developer of Meadowlark Addition No. 5 requesting installation of roadway lighting. The petition was for the installation of twelve (12) 100 watt HPS street lighting units on 17 foot fiberglass poles with underground wiring, which meets the requirements set forth in Resolution 9506 the City’s Street Light Policy for new roadway lighting districts.

October 16, 2007, the City Commission duly passed and adopted Resolution 9692 creating Special Improvement Lighting District – City-Owned Residential Lighting No. 1310. City Staff obtained quotes from all interested contractors and vendors willing to submit a quote for the

installation of the roadway and the bid contract was awarded under separate action to United Electric at the commission meeting held on December 18, 2007.

On December 18, 2007, the City Commission adopted Resolution 9720, authorizing the City to enter into a loan agreement with the Montana Board of Investments up to \$29,900 to fund the cost to install the roadway lighting in Meadowlark Addition No. 5. Property owners located within Special Improvement Lighting District – City-Owned Residential Lighting No. 1310 will have a special assessment for the installation cost of the improvements for a term not to exceed 15 years and will also have an ongoing annual maintenance assessment for the roadway lighting.

The budget development process begins in January of each year when the Fiscal Services Department receives their midyear financial reports. The midyear reports are used to determine the current financial position of Special Improvement Lighting District No. 1310, which is the basis for projecting future earnings and expenditures. The lighting district's assessed cost is based upon existing rates, cash balance and proposed increases provided by Southern Montana Electric Generation & Transmission Cooperative, Inc. and by Northwestern Energy. Information is gathered regarding the actual and anticipated expenses, goals and objectives of the lighting district. After determining financial factors pertinent to the operation of the Lighting District an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commissioners for approval.

As part of the annual budget development and adoption procedures the Special Improvement Lighting District No. 1310 Assessment Resolution must be submitted for City Commission action. A public notice and hearing is required prior to final passage of the assessment resolution.

Concurrences: Fiscal Services staff is responsible for the operational expenses and for assessing and collecting the revenues necessary to carry out the operations of the Special Improvement Lighting District No. 1310. The City Commissioners have received information regarding the operation of the district during the annual budget process.

Fiscal Impact: Adoption of Resolution 9768 will allow the City to fund the installation, operation and maintenance costs required to be made each year in the Special Improvement Lighting District No. 1310.

ASSESSMENT ANTICIPATED

The anticipated assessment amount for Special Improvement Lighting District No. 1310 for the next fiscal year is the amount projected through the creation process and the Budget Development Process. Fiscal Year 08/09 projects charges based on actual billings for the district and adjustments for cash balances from prior fiscal years.

Public roadway lighting for Special Improvement Lighting District No. 1310 has been completed as provided in Resolution 9692, for a total assessable cost of TWENTY-NINE THOUSAND THREE HUNDRED TWENTY-FOUR DOLLARS and 84/100, (\$29,324.84.) The special assessment for the installation cost of the improvements shall be payable over a term not to exceed 15 years.

In addition, the ongoing annual energy and maintenance costs for said improvements for Fiscal Year 08/09 were determined to be TWO THOUSAND FOUR HUNDRED SEVENTY-EIGHT DOLLARS, (\$2,478.)

Resolution 9768 effectively places a lien on each property within the district for the proportionate share of the installation costs as well as assesses each property for the annual energy and maintenance costs.

Alternatives: The City Commission could choose to deny the adoption of Resolution 9768 to Levy and Assess Special Improvement Lighting District No. 1310; however, the reduction in services to the community could be hazardous to the safety and welfare of the general public.

Attachments/Exhibits: Resolution 9768
Notice of Public Hearing
Boundary Map of Special Improvement Lighting District #1310

RESOLUTION 9768

A RESOLUTION TO LEVY SPECIAL ASSESSMENTS ON PROPERTIES WITHIN SPECIAL IMPROVEMENT LIGHTING DISTRICT – CITY OWNED RESIDENTIAL LIGHTING NO.1310, ALONG DELEA DRIVE WITHIN MEADOWLARK ADDITION NO. 5

WHEREAS, the City Commission of the City of Great Falls created Special Improvement Lighting District 1310, by Resolution 9692 duly passed on October 16, 2007, reference to which Resolution is hereby made, for installing and maintaining necessary public roadway lighting, as provided by 7-12-4301, MCA; and,

WHEREAS, the costs of the improvements were paid from the proceeds of a Montana Board of Investments Intercap Loan as approved by the City Commission, which is to be payable primarily from special assessments to be levied against the properties located along DeLea Drive within Meadowlark Addition No. 5, which properties will be specially benefited by the improvements; and,

WHEREAS, improvements have been completed as provided for in said Resolution for the design and installation at a total assessable cost of TWENTY-NINE THOUSAND THREE HUNDRED TWENTY-FOUR DOLLARS and 84/100 (\$29,324.84); and,

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

WHEREAS, the properties are to be assessed for the improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9691, Resolution of Intent to Create Special Improvement Lighting District 1310, Exhibit B; and,

WHEREAS, the properties in said Special Improvement Lighting District 1310 are to be assessed for the ongoing annual maintenance costs of said improvements in proportion to which its area bears to the area of the district improved, as determined by the square foot method, and further as provided more particularly and set forth in Resolution 9691, Resolution of Intent to Create Special Improvement Lighting District 1310, Exhibit C.

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

Section 1 – Installation Costs Assessed

The costs of the improvements made from the proceeds of the Montana Board of Investments InterCap Loan, are to be repaid from special assessments to be levied against the properties located along DeLea Drive within Meadowlark Addition No. 5, which properties will be specially benefited by the public roadway lighting improvements. Therefore, there is levied an assessment upon the properties in said Special Improvement Lighting District 1310, for the sum of TWENTY-NINE THOUSAND THREE HUNDRED TWENTY-FOUR DOLLARS and 84/100, (\$29,324.84) payable with interest over a term not to exceed fifteen (15) years.

Section 2 – Maintenance Costs Assessed

The costs of the ongoing annual maintenance, energy and administrative costs, are to be payable from assessments to be levied against the properties located along DeLea Drive within Meadowlark Addition No. 5, which properties will be specially benefited by the public roadway lighting. The annual costs in said Special Improvement Lighting District 1310 will appear as assessments for Special Maintenance Lighting Districts and are annually submitted for public hearing and City Commission action.

Section 3 – Assessment Method

The description of each lot or parcel of land within said Special Improvement Lighting District which is hereby levied upon and assessed with the name of the current owner of record and the amount of each partial payment to be made in Special Improvement Lighting District 1310, is as set out in the Special Assessment List for installation costs attached as Exhibit A, and for maintenance costs attached as Exhibit B, which said lists are incorporated herein and made a part of this Resolution by this reference.

Section 4 – Assessments Due Date

The installation assessments are payable in two semi-annual payments, and will become delinquent at 5:00 o'clock p.m. on November 30, 2008 through 2023 and May 31, 2009 through 2023. The ongoing annual maintenance assessments are payable in two semi-annual payments and will become delinquent at 5:00 o'clock p.m. on November 30th of each year and May 31st of each year.

Section 5 – Maintenance Fund

The above-described assessments are to be deposited into funds known as “Special Improvement Lighting District No. 1310 Fund – SILD-1310” for the installation costs referred to in Section 1, and “Special Maintenance Lighting District No. 1310 Fund – SMLD 1310” for the maintenance costs referred to in Section 2, and from which all eligible expenses will be paid.

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

THAT, the City Commission will hear objections to the final adoption of this resolution at 7:00 o'clock p.m., September 16, 2008 in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

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

THAT, said City Clerk be, and is hereby authorized and directed, to publish twice, with at least 6 days separating each publication in a newspaper published in the City of Great Falls, Montana, a notice

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

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

PASSED by the Commission of the City of Great Falls, Montana, on this 16th day of September, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9768 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 16th day of September, 2008, and approved by the Mayor of said City on the 16th day of September, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 16th day of September, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

RESOLUTION 9768 - EXHIBIT "A" - REVISED

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1310 INSTALLATION COSTS

Total Construction Costs: \$ 29,324.84

Improvements: **TWELVE (12) 100 WATT HPS UNITS ON 17 FOOT FIBERGLASS POLES WITH UNDERGROUND WIRING RESIDENTIAL STREET LIGHTING**

15 Year Assessment

Beginning Nov: 2009

Ending May: 2024

Variable Interest Rate: 5.00%

Interest Start Date: 5/30/2008

Days thru 6/30/2009: 396

Total Square Footage Cost: 0.138203463

PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP	REVISED	TOTAL ASSESSMENT	PRINCIPAL PER YEAR	ANNUAL INTEREST	1st Year TOTAL ANNUAL PYMT
					AREA (SQUARE FEET)	AREA (SQUARE FEET)				
1079080	3	10	Meadowlark #5	Meadowlark Partners LLP	11,943	11,944	1,650.70	110.05	89.54	199.59
1079082	3	11	Meadowlark #5	Meadowlark Partners LLP	10,350	10,350	1,430.41	95.36	77.59	172.95
1079084	3	12	Meadowlark #5	Meadowlark Partners LLP	11,500	11,500	1,589.34	105.96	86.22	192.18
1079086	3	13	Meadowlark #5	Meadowlark Partners LLP	9,200	9,200	1,271.47	84.76	68.97	153.73
1079088	3	14	Meadowlark #5	Joshua L. Rowe	10,350	10,350	1,430.41	95.36	77.59	172.95
1079090	3	15	Meadowlark #5	Howard Cary	11,500	11,500	1,589.34	105.96	86.22	192.18
1079092	3	16	Meadowlark #5	Meadowlark Partners LLP	9,200	9,200	1,271.47	84.76	68.97	153.73
1079094	3	17	Meadowlark #5	Meadowlark Partners LLP	10,350	10,350	1,430.41	95.36	77.59	172.95
1079096	3	18	Meadowlark #5	Meadowlark Partners LLP	10,264	10,264	1,418.52	94.57	76.95	171.52
1079098	4	1	Meadowlark #5	Meadowlark Partners LLP	10,136	10,136	1,400.83	93.39	75.99	169.38
1079100	4	2	Meadowlark #5	Karl Birky	10,263	10,263	1,418.38	94.56	76.94	171.50
1079102	4	3	Meadowlark #5	Terrance & Helen Reistad	9,156	9,157	1,265.53	84.37	68.65	153.02
1079104	4	4	Meadowlark #5	Meadowlark Partners LLP	11,470	11,471	1,585.33	105.69	86.00	191.69
1079106	4	5	Meadowlark #5	Daves Big Sky Builders Inc.	10,356	10,356	1,431.24	95.42	77.64	173.06
1079108	4	6	Meadowlark #5	Meadowlark Partners LLP	9,234	9,232	1,275.89	85.06	69.21	154.27
1079110	4	7	Meadowlark #5	Meadowlark Partners LLP	11,574	11,575	1,599.71	106.65	86.78	193.43
1079112	4	8	Meadowlark #5	Meadowlark Partners LLP	10,449	10,450	1,444.23	96.28	78.34	174.62
1079114	4	9	Meadowlark #5	Meadowlark Partners LLP	12,276	12,277	1,696.72	113.11	92.04	205.15
1079116	5	2	Meadowlark #5	Meadowlark Partners LLP	10,254	10,254	1,417.14	94.48	76.87	171.35
1079118	6	1	Meadowlark #5	Lance & Rosanne Hatzenbeller	10,085	12,357	1,707.78	113.85	92.64	206.49
					209,907	212,186	\$29,324.84	\$1,954.99	\$1,590.74	\$3,545.73

RESOLUTION 9768 - EXHIBIT "B" - REVISED

SPECIAL MAINTENANCE LIGHTING DISTRICT 1310 ANNUAL ASSESSMENT

12 - 100 WATT HPS ON 17' FIBERGLASS POLES WITH UNDERGROUND WIRING \$ 2,252.80

COST OF OPERATION AND ROUTINE MAINTENANCE 2,252.80
 10% ADMINISTRATION FEE 225.28
 TOTAL ANNUAL COST TO THE DISTRICT = \$ 2,478.08

ASSESSMENT BASED ON 12 MONTHS -
 ANNUAL ASSESSMENT FOR AN AVERAGE
 10,609 SQ.FT. LOT IS \$123.90.

ANNUAL SQUARE FOOT COST = 0.0116788

	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	REVISED AREA (SQUARE FEET)	ANNUAL COST
1	1079080	3	10	Meadowlark #5	Meadowlark Partners LLP	11,943	11,944	139.49
2	1079082	3	11	Meadowlark #5	Meadowlark Partners LLP	10,350	10,350	120.88
3	1079084	3	12	Meadowlark #5	Meadowlark Partners LLP	11,500	11,500	134.31
4	1079086	3	13	Meadowlark #5	Meadowlark Partners LLP	9,200	9,200	107.45
5	1079088	3	14	Meadowlark #5	Joshua L. Rowe	10,350	10,350	120.88
6	1079090	3	15	Meadowlark #5	Howard Cary	11,500	11,500	134.31
7	1079092	3	16	Meadowlark #5	Meadowlark Partners LLP	9,200	9,200	107.45
8	1079094	3	17	Meadowlark #5	Meadowlark Partners LLP	10,350	10,350	120.88
9	1079096	3	18	Meadowlark #5	Meadowlark Partners LLP	10,264	10,264	119.87
10	1079098	4	1	Meadowlark #5	Meadowlark Partners LLP	10,136	10,136	118.38
11	1079100	4	2	Meadowlark #5	Karl Birky	10,263	10,263	119.86
12	1079102	4	3	Meadowlark #5	Terrance & Helen Reistad	9,156	9,157	106.94
13	1079104	4	4	Meadowlark #5	Meadowlark Partners LLP	11,470	11,471	133.97
14	1079106	4	5	Meadowlark #5	Daves Big Sky Builders Inc.	10,356	10,356	120.95
15	1079108	4	6	Meadowlark #5	Meadowlark Partners LLP	9,234	9,232	107.82
16	1079110	4	7	Meadowlark #5	Meadowlark Partners LLP	11,574	11,575	135.18
17	1079112	4	8	Meadowlark #5	Meadowlark Partners LLP	10,449	10,450	122.04
18	1079114	4	9	Meadowlark #5	Meadowlark Partners LLP	12,276	12,277	143.38
19	1079116	5	2	Meadowlark #5	Meadowlark Partners LLP	10,254	10,254	119.75
20	1079118	6	1	Meadowlark #5	Lance & Rosanne Hatzenbeller	10,085	12,357	144.32

TOTAL: 209,907 212,186 \$2,478.08

**PUBLIC NOTICE – LEVY AND ASSESS ASSESSMENTS IN
SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1310**

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on Resolution 9768 which pertains to levying and assessing properties within Special Improvement Lighting District No. 1310. The public hearing will be held on September 16, 2008 at 7:00 o'clock p.m. in the Commission Chambers of the Civic Center located at 2 Park Drive South. Copies of Resolution 9768 are available in the City Clerk's office located at 2 Park Drive South, Room 202 or by calling 455-8451.

The lighting district is located along DeLea Drive in Meadowlark Addition No. 5. The assessment will levy costs related to the installation and annual maintenance of the lighting district.

/s/ Lisa Kunz, City Clerk

Publication Date: August 29, 2008 and September 5, 2008





**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 9769 to Levy and Assess Special Improvement Lighting Districts

From: Judy Burg, Account Technician

Initiated By: Annual Assessment Process

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: City Commission Conduct Public Hearing and Adopt Resolution 9769

Public Hearing:

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

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (adopt/deny) Resolution 9769.”

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

Staff Recommendation: Staff recommends following the public hearing and barring sufficient protests, that the City Commission adopt Resolution 9769 to Levy and Assess Special Improvement Lighting Districts.

Background: There are currently 24 Special Improvement Lighting Districts (SLD's) with approximately 9,404 roadway lights, lighting over 76% of the city. The Special Improvement Lighting District Funds are administered by the Fiscal Services Department. The purpose of the fund is to maintain and furnish electrical current for the Lighting Districts throughout the year.

The budget development process begins in January of each year when the Fiscal Services Department receives their midyear financial reports. The midyear reports are used to determine the current financial position of the Special Improvement Lighting District Funds, which is the basis for projecting future earnings and expenditures. Each lighting district's assessed cost is based upon existing rates, cash balances and proposed increases provided by Southern Montana Electric Generation & Transmission Cooperative, Inc. and by Northwestern Energy. Information

is gathered regarding the actual and anticipated expenses, goals and objectives of the lighting districts. After determining financial factors pertinent to the operation of the Lighting Districts an assessment amount for the next fiscal year is calculated, proposed and presented to the City Commissioners for approval.

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

Concurrences: Fiscal Services staff is responsible for the operational expenses and for assessing and collecting the revenues necessary to carry out the operations of the Special Improvement Lighting Districts. The City Commissioners have received information regarding the operation of the Lighting Districts and the Lighting District Funds during the annual budget process.

Fiscal Impact: Adoption of Resolution 9769 will allow the City to fund the operational and maintenance costs required to be made each year in the Special Improvement Lighting Districts.

ASSESSMENT ANTICIPATED

The anticipated assessment amount for Special Improvement Lighting District funds for the next fiscal year is the amount projected through the Budget Development Process. The maintenance and administrative fee equal to 10% of the estimated costs for the districts as presented in the annual budget will remain the same. The \$1,277,587 assessment for Fiscal Year 08/09 projects charges based on actual billings for the district and adjustments for cash balances from prior fiscal years.

A comparison of Special Improvement Lighting District annual assessments since 2005 is provided:

<u>BUDGETED</u> <u>TOTAL ASSESSMENT</u>	<u>FISCAL YEAR</u>
\$1,117,034	04/05 (19 Districts) ¹
\$1,151,930	05/06 (19 Districts) ²
\$1,165,547	06/07 (19 Districts)
\$1,180,235	07/08 (22 Districts) ³
\$1,277,587	08/09 (24 Districts) ⁴

- ¹ One new district was created – Special Lighting District – Industrial Lighting “SLD-I” No. 1298. First year using Electric City Power as the City’s default supplier for electric energy.
- ² Modification to Special Improvement Lighting District – Alley Lighting “SLD-A” No. 1294 – four new alley lights were added to the district.
- ³ Three new City-owned Residential Lighting Districts were created in FY 06/07 – Special Improvement Lighting Districts No. 1302, No. 1304 and No. 1306.
- ⁴ Two new City-owned Residential Lighting Districts were created in FY 07/08 – Special Improvement Lighting Districts No. 1308 and No. 1310, and are being assessed under Resolutions No. 9767 and No. 9768, respectively.

The 08/09 assessment per district is indicated on the attached projection sheet.

Alternatives: The City Commission could choose to deny the adoption of Resolution 9769 to Levy and Assess Special Improvement Lighting Districts; however, the reduction in services to the community could be hazardous to the safety and welfare of the general public.

Attachments/Exhibits: Resolution 9769
Notice of Public Hearing
Map of Street Lighting within the City of Great Falls
Special Lighting Districts Budget Worksheet

RESOLUTION 9769

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING SPECIAL LIGHTING DISTRICTS NUMBERED 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1304 AND 1306 IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2008 AND ENDING JUNE 30, 2009.

WHEREAS, the City Commission or prior City Council of the City of Great Falls did create, by various resolutions on file and recorded in the Office of the City Clerk of the City of Great Falls, the special improvement lighting districts (SLD's) and such SLD's were subsequently consolidated into Special Improvement Lighting Districts No. 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1304 and 1306;

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

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

WHEREAS, on July 3, 2007, the Commission of the City of Great Falls adopted its annual budget resolution in which the estimated costs of such lighting system maintenance within said SLD's at a total of ONE MILLION TWO HUNDRED SEVENTY-SEVEN THOUSAND FIVE HUNDRED EIGHTY-SEVEN DOLLARS (\$1,277,587.)

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

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

2. The cost of said lighting system maintenance in the SLD's totaling \$1,277,587 is hereby assessed upon the property in said SLD's. Each lot and parcel within each SLD is hereby assessed a proportion of the maintenance costs attributed to the SLD in the proportion to which it's assessable area (individual square feet) bears to the area of the whole improvement district (total square feet), exclusive of streets, avenues, alleys and public places. An assessment projection summary of each district, describing total cost, is attached hereto and by this reference incorporated herein as set forth in full. The description of each lot or parcel of land within each SLD and the respective assessments are set forth in the records of the Fiscal Services Office of the City of Great Falls, Montana and by this reference is also incorporated herein as if set forth in full;

3. Starting September 11, 2008, for a period of five days before the related public hearing, this resolution shall be on file in the Office of the City Clerk and the assessment list, identified in Section 2, above, shall be on file in the Fiscal Services Office of the City of Great Falls;
4. These assessments are payable in two payments and will become delinquent at 5:00 P.M., on November 30, 2008 and May 31, 2009;
5. The City Commission will hear objections to the final adoption of this resolution at 7:00 p.m., September 16, 2008, in the Commission Chambers of the Civic Center Building, Great Falls, Montana;
6. In accordance with Section 7-12-4329, M.C.A., the City Clerk is hereby authorized and directed to provide for publication of the Notice of Resolution for Assessment within five days preceding the assessment hearing.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above-entitled and foregoing Resolution be, and the same is hereby passed and adopted, and the special assessments therein provided for be, and the same are hereby levied and assessed accordingly, and that said assessments are payable in two payments and will become delinquent, as appears in this said Resolution.

PASSED by the Commission of the City of Great Falls, Montana, on this 16th day of September 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9769 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 16th day of September, 2008, and approved by the Mayor of said City on the 16th day of September, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 16th day of September, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

SPECIAL LIGHTING DISTRICTS BUDGET WORKSHEET FOR 2008/2009

Revised 08/15/2008											TOTAL INTERNAL SERVICE CHARGES FOR FY 2008/2009																								
											ACCT CHARGES 107,001																								
											GENERAL 0																								
											ACCOUNTING 107,001																								
FISCAL YEAR 2007/2008											FISCAL YEAR 2008/2009																								
											2				3						1														
DISTRICT	TYPE	FUND	FY 07/08								FY 08/08								FY 07/08								FY 08/08								SEE FOOTNOTE #
			BUDGETED		7/1/2007	PROJECTED		FISCAL	MAINT &	PROJECTED	ASSSESS	PROJECTED	2.00%	6/30/2008	7/1/2008	Assessment	UTILITY	FISCAL	TOTAL	UTILITY	FISCAL	MAINT &	TOTAL	ENDING	ASSESSMENT	Last Year's	ASSESSMENT								
			EXPENSE	BEGINNING	UTILITY	SER CHG	INSUR	REVENUE	INTEREST	ENDING	CASH	DELINQUENCIES	EXPENSE	SER CHG	EXPENSE	CASH	As of 2/11/08	EXPENSE	SER CHG	EXPENSE	EXPENSE	SER CHG	INSUR	EXPENSE	AVERAGE	INTEREST	INTEREST	CASH	REVENUE	Assessment	SELECTED				

- 1) Assessment Revenue needed for desired ending cash balance is negative or considerably less than the 07/08 assessment. Last year's assessment amount selected to assess this year.
- 2) Assessment Revenue needed for desired ending cash balance is greater than or equal to the maximum assessment allowed. Maximum assessment amount selected.
- 3) Assessment Revenue needed for desired ending cash balance is less than the maximum assessment allowed. Assessment Revenue needed for desired ending cash balance selected.

NOTICE

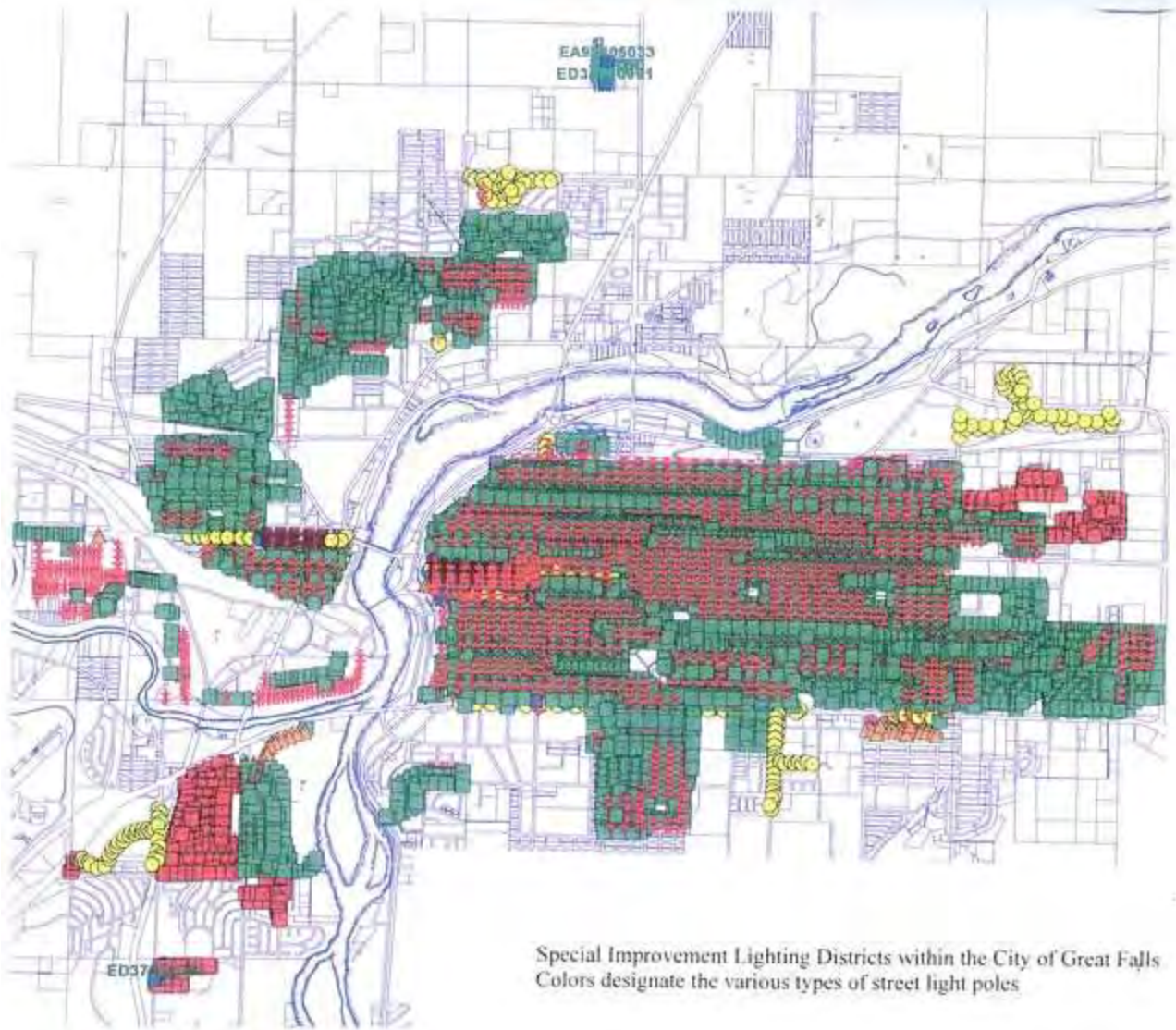
NOTICE IS HEREBY GIVEN that the Great Falls City Commission in Regular Session at 7:00 o'clock p.m. on the 19th day of August 2008, in the Commission Chambers did accept Resolution 9769 entitled:

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING SPECIAL IMPROVEMENT LIGHTING DISTRICTS NUMBERED 18, 650, 651, 912, 973, 1067A, 1105, 1230, 1255, 1261, 1269, 1270, 1289, 1290, 1294, 1295, 1296, 1297, 1298, 1302, 1304 AND 1306 IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2008 AND ENDING JUNE 30, 2009.

The above-designated Resolution 9769 and the assessment list therein mentioned are on file in the office of the City Clerk, Lisa Kunz, (406) 455-8451 and the Fiscal Services Department, Judy Burg, (406) 455-8477 in the Civic Center Building, 2 Park Drive, Great Falls, MT 59401 and are subject to inspection up to a period of five days before the public hearing. The City Commission will hear objections to the final adoption of said Resolution 9769 or any part thereof and the assessments therein provided for when convened in special session in the Commission Chambers on September 16, 2008, at 7:00 o'clock p.m., at which time and place the City Commission will consider Resolution 9769 for final adoption.

/s/Lisa Kunz, City Clerk

Publication Date: August 29, 2008 and September 5, 2008



Special Improvement Lighting Districts within the City of Great Falls
Colors designate the various types of street light poles



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Public Hearing - Ordinance 3014 to change the title of the Airport zoning classification from GFIA Great Falls International Airport to AI Airport Industrial District

From: Bill Walters, Senior Planner

Initiated By: Great Falls International Airport Authority

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Ordinance 3014

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) Ordinance 3014.”

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

City Zoning Commission Recommendation: The City Zoning Commission has recommended the City Commission approve the request to amend Section 17.20.2.040.A.18 of the City of Great Falls Land Development Code by changing the title of the zoning classification currently assigned to the Great Falls International Airport from “GFIA Great Falls International Airport” district to “AI Airport Industrial” district.

Background: The Great Falls International Airport Authority has requested Section 17.20.2.040.A.18 of the City of Great Falls Land Development Code be amended by changing the title of the zoning classification currently assigned to the Great Falls International Airport from “GFIA Great Falls International Airport” district to “AI Airport Industrial” district.

The proposed amendment is a prerequisite in conjunction with the efforts of the Great Falls International Airport Authority, in concert with the Great Falls City Commission, to establish a

Tax Increment Financing Industrial District encompassing the Great Falls International Airport. No other changes are being proposed to the zoning regulations pertaining to the Great Falls International Airport including changes to allowable uses or zoning standards. The current zoning classification of GFIA Great Falls International Airport only applies to the International Airport and not to any other properties in the City.

Concurrences: All agencies affected by the zoning district title change, including the Airport Authority, City Zoning Commission and City Commission, have been directly involved with Ordinance 3014.

Fiscal Impact: Changing the title of the zoning classification assigned to International Airport should not result in any fiscal impact to the City.

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:

Ordinance 3014

Vicinity/Zoning Map

Cc: Cynthia Schultz, Airport Director
Kathy Harris, Stelling Engineers, Inc.

ORDINANCE 3014

AN ORDINANCE AMENDING SECTION 17.20.2.040.A.18 OF THE LAND DEVELOPMENT CODE CHANGING THE TITLE OF THE ZONING CLASSIFICATION CURRENTLY ASSIGNED TO THE GREAT FALLS INTERNATIONAL AIRPORT FROM "GFIA GREAT FALLS INTERNATIONAL AIRPORT" DISTRICT TO "AI AIRPORT INDUSTRIAL" DISTRICT

* * * * *

WHEREAS, the Great Falls Airport Authority has petitioned the City of Great Falls to amend Section 17.20.2.040.A.18 of the City of Great Falls Land Development Code by changing the title of the zoning classification currently assigned to the Great Falls International Airport from "GFIA Great Falls International Airport" district to "AI Airport Industrial" district; and,

WHEREAS, the proposed amendment is a prerequisite in conjunction with the efforts of the Great Falls Airport Authority, in concert with the Great Falls City Commission, to establish a Tax Increment Financing Industrial District encompassing the Great Falls International Airport; and,

WHEREAS, the City of Great Falls Planning Board/Zoning Commission has held a public hearing and has recommended the City Commission approve the request to amend Section 17.20.2.040.A.18 of the City of Great Falls Land Development Code by changing the title of the zoning classification currently assigned to the Great Falls International Airport from "GFIA Great Falls International Airport" district to "AI Airport Industrial" district; and,

WHEREAS, notice of amending Section 17.20.2.040.A.18 of the Land Development Code by changing the title of the zoning classification currently assigned to the Great Falls International Airport from "GFIA Great Falls International Airport" district to "AI Airport Industrial" district was published in the Great Falls Tribune, advising that a public hearing on the proposed amendment would be held on the 16th day of September, 2008, before final passage of said Ordinance herein, NOW THEREFORE,

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

Section 1. Section 17.20.2.040.A.18 of the Land Development Code is hereby amended to change the title of the zoning classification currently assigned to the Great Falls International Airport from "GFIA Great Falls International Airport" district to "AI Airport Industrial" district.

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

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

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 16th day of September, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

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 hereby certify that the foregoing Ordinance 3014 was placed on its final passage and passed by the City Commission of the City of Great Falls, Montana at a meeting thereof held on the 16th day of September, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 16th day of September, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

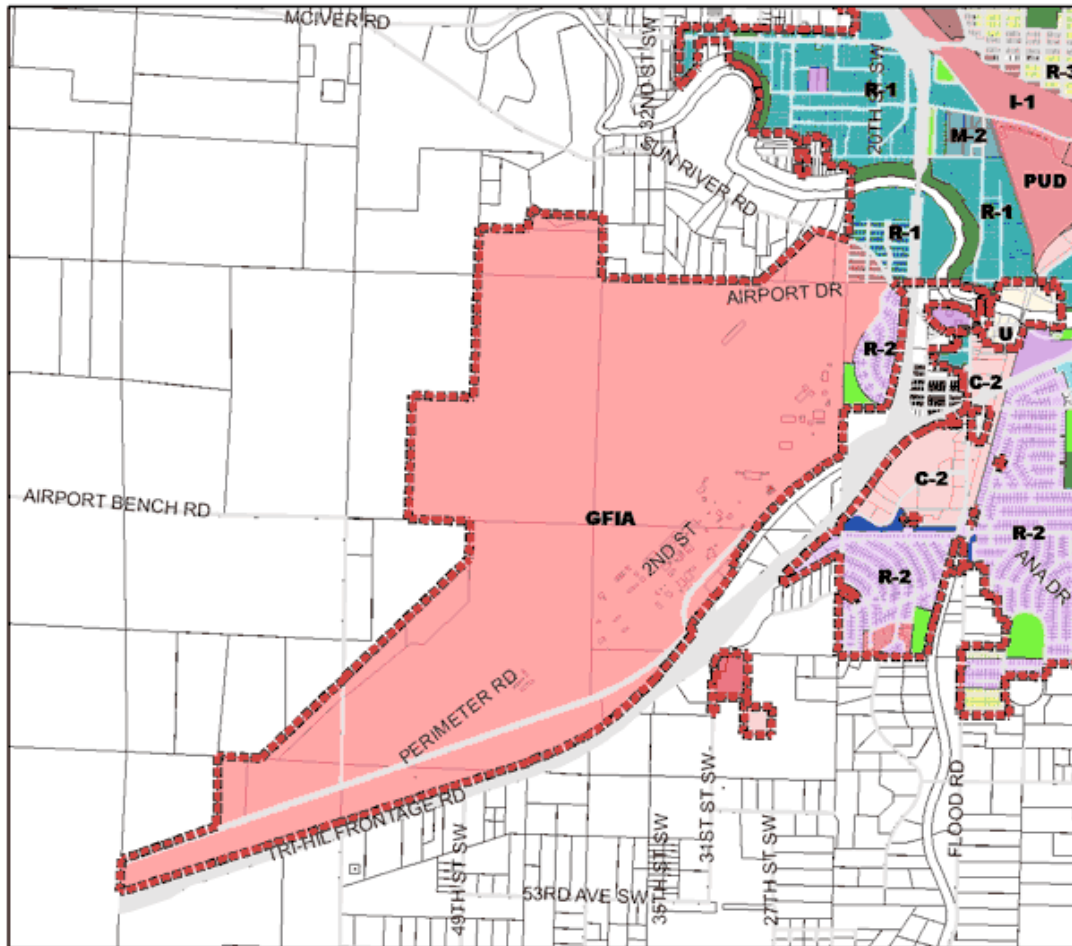
Lisa Kunz, being first duly sworn, deposes and says: That on the 16th day of September, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3014 of the City of Great Falls, 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

(SEAL OF CITY)

VICINITY/ZONING MAP





**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Public Hearing - Ordinance 3015 to rezone Parcel Mark No. P1, Section 5, T20N, R4E (City-owned parcel previously used as compost site)

From: Bill Walters, Senior Planner

Initiated By: City Administration

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Ordinance 3015

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: (Alternative motions for Commission consideration.)

1. Commissioner moves:
 - a) "I move that the City Commission (adopt/deny) Ordinance 3015."
or
 - b) "I move that the City Commission postpone final action on Ordinance 3015 until October 6, 2008, to give Neighborhood Council 8 opportunity to discuss the proposed zone change."
 2. Mayor calls for a second, discussion, and calls for the vote.
-

City Zoning Commission Recommendation: The City Zoning Commission, at the conclusion of a public hearing held July 22, 2008, passed a motion on a 4 to 2 vote recommending the City Commission rezone Parcel Mark No. P1, Section 5, T20N, R4E, from POS Parks and open space district to M-2 Mixed-use transitional district.

Background: The City is the owner of a 10.64 acre tract of land legally described as Parcel Mark No. P1, Section 5, Township 20 North, Range 4 East, Cascade County, Montana. Subject parcel is located at the southwest corner of the intersection of 38th Street North and River Drive. Interest has been expressed in having the parcel rezoned from POS Parks and open space district to M-2 Mixed-use transitional district to make the property more marketable for development. The M-2 Mixed-use transitional district allows commercial, residential, and institutional uses and public spaces. The zoning district does not permit light or heavy industrial uses.

Please refer to the attached Vicinity/Zoning Map.

The City purchased the parcel from a subsidiary of Montana Power Company in 1992. The Park and Recreation Department used it for several years as a compost site until the operation was relocated a few years ago. The Department is not aware of any provision requiring the parcel to be retained or maintained for park or recreational uses. Additionally, the parcel was purchased using economic revolving funds with the purpose of land banking it for future possible economic development, provided any future use would be compatible with the adjoining golf course and other recreational uses in the area. No City Department has indicated a need for the parcel, either short or long term.

City water and sanitary sewer mains exist in the abutting portion of 38th Street North. Vehicular access is currently provided by via 38th Street North.

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

- a) is designed in accordance with the 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.

Parcel Mark No. P1 is bordered on the north and east sides by industrial related facilities and on the south and west sides by outdoor recreational facilities (golf course and baseballs fields).

Two primary goals of the economic development element of the City of Great Falls *Growth Policy* are:

- ◆ Attract new businesses.
- ◆ Encourage businesses and industries that will utilize existing infrastructure.

Two primary goals of the land use element of the *Growth Policy* are:

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

The *Growth Policy* also encourages compatible infill and redevelopment which offer the community the highest degrees of efficiency and sustainability. Land use changes should be compatible with the type, scale, and physical character of the neighborhood.

In addition, development upon Parcel Mark No. P1 will be subject to the review and approval of the City's Design Review Board, which considers such features as building architecture, exterior materials, colors, façade design and elevations, outdoor lighting and landscaping.

Considering the remaining procedural steps to insure quality of the built environment, staff concludes all of the above cited criteria are or can substantially be met.

As no City Department has indicated a need for subject property, either short or long term, it appears to be ideally suited for private development involving both commercial or light manufacturing and assembly use(s). Rezoning the property to M-2 Mixed-use transitional district is a step towards accommodating and facilitating the above stated goals, as well as the purpose for which the parcel was initially purchased.

Two citizens spoke during the Public Hearing before the Zoning Commission on July 22, 2008. They were Mr. Brett Doney of the Great Falls Development Authority who spoke in favor of the rezoning and Ms. Mary Gettel, 3419 Fairway Drive, who spoke in opposition to the rezoning. Ms. Gettel thought the rezoning would be an encroachment allowing industrial type uses closer to the recreational and residential uses west of 38th Street North. The Minutes of the Zoning Commission Hearing held July 22 are attached.

Neighborhood Council 4 considered the rezoning during a meeting held August 28, 2008, and passed a motion recommending the zoning for Parcel Mark No. P1 remain POS Parks and open space district. The Council Chairperson proposes to present the recommendation at the public hearing. Additionally, Parcel Mark No. P1 is actually located in Neighborhood Council 8. As such, the Council Chairperson has requested the Council be given opportunity to discuss the zone change before final consideration.

Concurrences: Other City Departments including Public Works, Community Development, Park and Recreation and Fire have been consulted regarding the rezoning.

Fiscal Impact: Approval of the rezoning could eventually result in private development of the property which will enhance the tax base.

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:

Ordinance 3015

Vicinity/Zoning Map

Minutes of the Zoning Commission Hearing held July 22, 2008

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Marty Basta, Park and Recreation Director
Neighborhood Council 8, Karen Grove, Chair, 1816 1st Avenue North
Neighborhood Council 4, Sandra Guynn, Chair, P O Box 7047
Brett Doney, GF Development Authority

ORDINANCE 3015

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION ON PARCEL MARK NO. P1, SECTION 5, TOWNSHIP 20 NORTH, RANGE 4 EAST, CASCADE COUNTY, MONTANA, LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF 38TH STREET NORTH AND RIVER DRIVE, FROM POS PARKS AND OPEN SPACE DISTRICT TO M-2 MIXED-USE TRANSITIONAL DISTRICT

* * * * *

WHEREAS, on the 6th day of September, 2005, the City Commission of the City of Great Falls, Montana, adopted a certain Ordinance designated as Ordinance 2923 entitled: “AN ORDINANCE ADOPTING TITLE 17 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS, MONTANA, PERTAINING TO LAND DEVELOPMENT CODES AND REPEALING ANY AND ALL PREVIOUS ORDINANCES OR INTERIM ORDINANCES,”; and,

WHEREAS, said Ordinance 2923 became effective the 6th day of October, 2005; and,

WHEREAS, said Ordinance 2923 has placed the following described property situated in the City of Great Falls, Cascade County, Montana, in a POS PARKS AND OPEN SPACE DISTRICT, as defined therein:

Parcel Mark No. P1, Section 5, Township 20 North, Range 4 East, Cascade County, Montana, located at the southwest corner of the intersection of 38th Street North and River Drive.

WHEREAS, notice of rezoning the above-mentioned property from the existing POS PARKS AND OPEN SPACE DISTRICT to a M-2 MIXED-USE TRANSITIONAL DISTRICT was published in the Great Falls Tribune, advising that a public hearing on this proposed change in zoning would be held on the 16th day of September, 2008, before final passage of said Ordinance herein; and,

WHEREAS, pursuant to said Ordinance 2923, a hearing was duly held after notice thereof was first duly given according to said Ordinance 2923, for the purpose of considering changing said zoning designation on said property to a M-2 MIXED-USE TRANSITIONAL DISTRICT; and,

WHEREAS, following said public hearing, it was found and recommended that the said zone change 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 zone change 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 designation on the property hereinabove described be changed from a POS PARKS AND OPEN SPACE DISTRICT to a M-2 MIXED-USE TRANSITIONAL DISTRICT.

Section 3. All Ordinances and parts of Ordinances in conflict herewith, are hereby repealed.

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 6th day of October, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

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 hereby certify that the foregoing Ordinance 3015 was placed on its final passage and passed by the City Commission of the City of Great Falls, Montana at a meeting thereof held on the 6th day of October, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 6th day of October, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

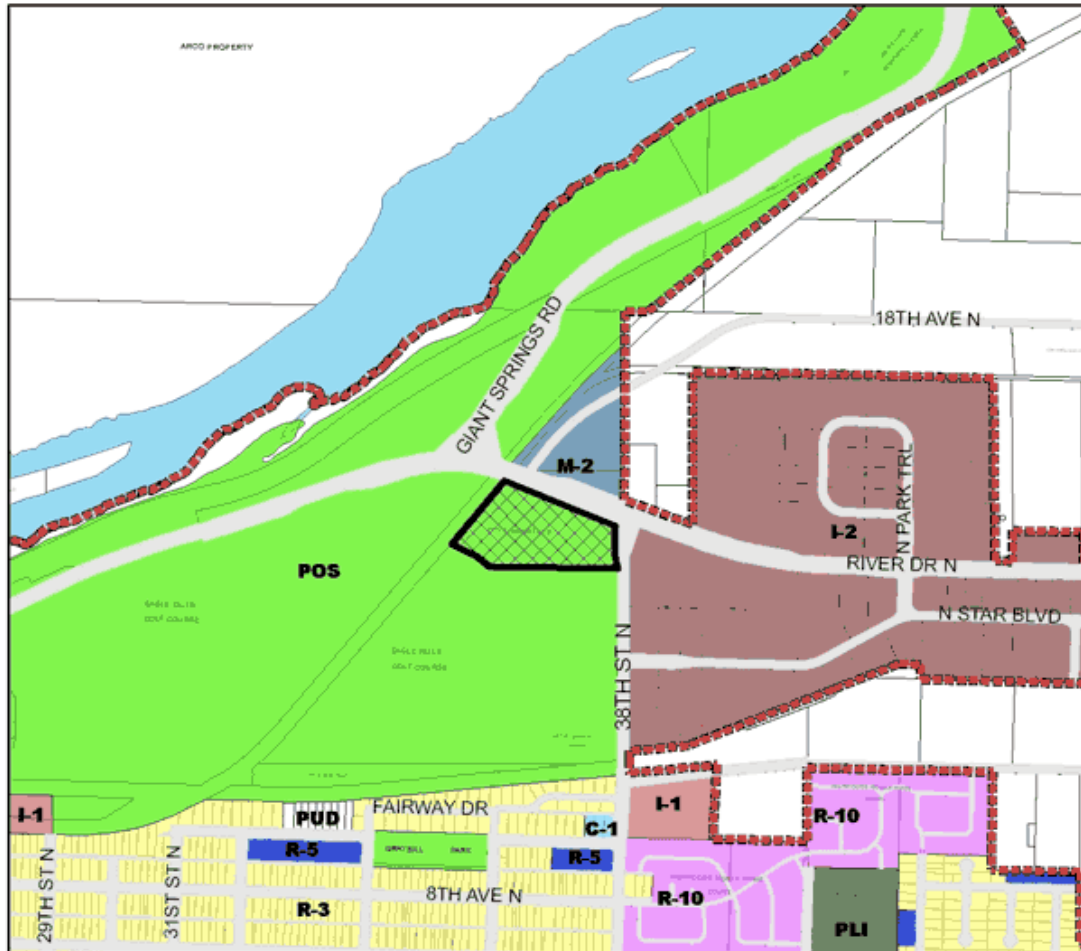
Lisa Kunz, being first duly sworn, deposes and says: That on the 6th day of October, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3015 of the City of Great Falls, 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

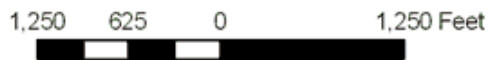
(SEAL OF CITY)

VICINITY/ZONING MAP



 MARK P1, SECTION 5, TOWNSHIP 20 NORTH, RANGE 4 EAST, PROPOSED TO BE REZONED FROM "POS" PARKS AND OPEN SPACE DISTRICT TO "M-2" MIXED-USE TRANSITIONAL DISTRICT

- | | | |
|---|--|---|
|  City Limits |  C-1 Neighborhood commercial |  I-1 Light industrial |
|  R-3 Single-family high density |  M-2 Mixed-use transitional |  I-2 Heavy industrial |
|  R-5 Multi-family medium density |  PLI Public Lands and Institutional |  Tracts of land outside City |
|  R-10 Mobile home park |  POS Parks and Open Space | |



GREAT FALLS ZONING COMMISSION

MINUTES OF THE PUBLIC HEARING REZONING MARK NO. P1, SECTION 5, T20N, R4E July 22, 2008

CALL TO ORDER

The public hearing was called to order at 3:06 p.m. in the Commission Chambers of the Civic Center by Chairman John Harding.

ROLL CALL & ATTENDANCE

Planning Board/Zoning Commission Members present:

Mr. Art Bundtrock
Ms. Dana Duffy
Mr. John Harding
Mr. Terry Hilgendorf
Mr. Joe Schaffer
Mr. Wyman Taylor

Planning Board/Zoning Commission Members absent:

Mr. Ron Kinder
Dr. Greg Madson
Mr. Bill Roberts

Planning Staff Members present:

Ms. Sherry Marshall, Transportation Planner I
Ms. Deb McNeese, Administrative Assistant
Mr. Ben Rangel, Planning Director
Mr. Charlie Sheets, Planner I
Mr. Bill Walters, Senior Planner

Others present:

Mr. Dave Dobbs, City Engineer

A copy of the attendance list, as signed by those present, is attached and incorporated by reference.

EXPLANATION OF HEARING PROCEDURES

Mr. Harding advised that agendas are available on the table at the back of the room and the agenda will be followed. He requested that everyone present sign the attendance list, which was also on the table. There will be an opportunity for proponents and opponents to speak. Mr. Harding asked those intending to speak to come to the rostrum, state their name, address and whom they represent. He requested remarks be on the subject before the Board at this hearing and be limited to a reasonable length of time to allow everyone equal opportunity to speak. The Chairman reserves the right to determine reasonable time. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

READING OF PUBLIC NOTICE

As there was no response to Mr. Harding's question on whether anyone present wished to have the public notice read, the public notice was not read.

PLANNING STAFF REPORT & RECOMMENDATION

After reviewing the staff report and recommendation, Mr. Walters offered to respond to any questions from the Board.

Mr. Harding asked if the City planned to sell this property to a private developer, and if the M-2 zoning would allow condominium or multi-family uses.

Mr. Walters answered that having the appropriate zoning already in place would make the property more marketable to a private developer and that residential uses were permitted in an M-2 Mixed-use transitional district.

PROponents OPPORTUNITY TO SPEAK

Mr. Brett Doney, 3048 Delmar Drive, with the Great Falls Development Authority (GFDA), stated that the GFDA initiated this rezoning. He believes that if this premium property is properly zoned, it will attract a quality development. Because outside developers consider the need to rezone a significant risk, he encouraged the Board to approve this request.

OPponents OPPORTUNITY TO SPEAK

Ms. Mary Gettel, 3419 Fairway Drive, asked Mr. Walters how the property was zoned prior to being purchased by the City. Mr. Walters believed it was originally zoned suburban residential and was changed to POS Parks and open spaces when the entire City was rezoned in 2005. Ms. Gettel sees this action as an encroachment of the industrial park and is opposed to the rezoning. She feels the property was originally purchased by the City for future recreational and public use and should not be changed to private use.

OTHER PUBLIC COMMENT

There was no other public comment.

ZONING COMMISSION DISCUSSION & ACTION

Mr. Hilgendorf stated he has always been in favor of development, but he is not convinced this is the correct zoning for the property. He echoed Ms. Gettel's views of encroachment across 38th Street North by the industrial park, and fears it might progress into the baseball fields. He did not see the logic in putting a light industrial use next to spaces children use, and would like a more transitional zoning district assigned. He opposed this request.

Mr. Schaffer disagreed. He stated he believes a strong economy builds a strong community and feels relatively safe with the rules and regulations already in place which oversee all projects. He is a strong proponent for this type of movement, if it helps Great Falls to diversify and strengthen the economy.

Ms. Duffy stated that Great Falls needs to protect the river. Mr. Bundtrock asked Ms. Duffy how the river could be protected, when there are already industrial uses to the east of this property along with a railroad line. He did not see how development of this property could obstruct the river, and viewed its development as an extension of North Park.

Mr. Harding said the M-2 Mixed-use transitional zoning district was created specifically for this type of area, wherein an industrial use abuts potential open space or residential areas. He noted no one complained when this property was purchased and used for compost for the last 10 years. This zone classification would control the industrial encroachment, and soften the transition for other land uses.

Mr. Taylor thought 38th Street North should be the barrier line for commercial and industrial uses. He did not want any heavy industrial on the subject property, and asked if there was any control in the type of project that could be placed in the M-2 zoning district.

Mr. Rangel stated that M-2 allows for a mixture of commercial, residential and institutional uses, and standards must be met for each type. Parking, landscaping and other code requirements are overseen by the Design Review Board. Mr. Rangel noted that the conclusion section of the staff report indicates this area is ideally suited for private development involving commercial or light manufacturing and assembly, which should not be confused with industrial uses.

There followed further discussion of the structure and authority of the Design Review Board.

MOTION: That the Zoning Commission recommend to the City Commission that Parcel Mark No. P1 in Section 5, T20N, R4E, be rezoned from POS Parks and open space district to M-2 Mixed-use transitional district.

Minutes of the July 22, 2008
Public Hearing
Rezoning Parcel Mark No. P1, Section 5, T20N, R4E
Page 4
Made by: Mr. Schaffer
Second: Mr. Bundtrock

Mr. Harding remarked that, as there is already industrial activity across 38th Street North, heavy traffic on River Drive North, and an active rail line that will become more active as North Park grows, M-2 zoning would be the best choice.

Vote: The motion passed on a vote of 4-2

Roll Call Vote: Yes: Mr. Bundtrock, Mr. Harding, Mr. Schaffer & Mr. Taylor
No: Ms. Duffy & Mr. Hilgendorf

Mr. Walters said staff will forward this recommendation to the City Commission. He anticipated the first reading in front of the City Commission would occur at the first meeting in August.

ADJOURNMENT

The hearing adjourned at 3:36 p.m.

CHAIRMAN

SECRETARY



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Public Hearing - Resolution 9772 for Conditional Use Permit to Allow Antennae on Water Tank at Dudley Anderson Park

From: Bill Walters, Senior Planner

Initiated By: Verizon Wireless

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolution 9772 and approve accompanying Agreement.

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 9772 and (approve/disapprove) the accompanying Agreement.”

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

City Zoning Commission Recommendation: The City Zoning Commission, at the conclusion of a public hearing held June 24, 2008, unanimously passed a motion recommending the City Commission grant a conditional use permit to allow concealed antennae to be mounted to the rim of the water tank and installation of an equipment building next to the existing utility building at Dudley Anderson Park, subject to fulfillment of specified conditions.

Background: Verizon Wireless, through its agent, RealCom Associates, has applied for a conditional use to permit concealed antennas to be mounted to the rim of the water tank and installation of an equipment building next to the existing utility building at Dudley Anderson Park containing water pumping equipment operated by the City.

Dudley Anderson Park is zoned POS Parks and open space district wherein a telecommunication facility is permitted upon processing and approval of a conditional use application.

The accompanying site plans, elevation view and photo simulation show the proposed antennae and ground equipment building. The antennae will be concealed behind stealth panels to blend into the water tank and painted to match. The equipment building will be located next to an on-site utility building along the west side of the Park and designed to match the architecture.

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. Following each is staff's response to the criteria.

1. The conditional use is consistent with City's growth policy and applicable neighborhood plans, if any.

Response: The City's Growth Policy notes there is no overall strategic plan for upgrading telecommunications technologies and access. No neighborhood plans have been adopted for this area that addresses telecommunication uses.

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.

Response: The proposed facility is an unoccupied, passive use, which will not generate significant off-site nuisances with the only traffic generated being routine maintenance visits, typically once a month.

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.

Response: The proposed wireless communication facility will be an unoccupied, passive use, which will not be injurious to the use and enjoyment of property in the immediate vicinity. The proposed facility will utilize stealth panels, color, architecture, existing structures and distance to minimize its visual impact from surrounding properties and roads. As the site is designed to blend in with the existing water tank and onsite utility building, the economic impact on the community property values will be negligible. Benefits of improved wireless service could provide a positive impact on property values throughout the area.

4. The conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

Response: The proposed facility is a passive use which will not impede the normal and ordinary development and improvement of the surrounding property. The improved service provided by the proposed communication facility will help stimulate balanced development of surrounding properties by providing them with improved access to wireless communication services.

5. Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided.

Response: Adequate telephone and electric infrastructure exists to operate the proposed telecommunication facility.

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.

Response: The proposed wireless communications facility will be unstaffed and operated remotely with the only traffic generated by the facility being a monthly maintenance visit.

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.

Response: The proposed facility will conform to the applicable regulations of the POS zoning district.

Staff concludes no significant negative aspects, associated with the seven above mentioned criteria, should result from the approval of the conditional use, provided the conditions accompanying the recommendation are fulfilled and enforced.

The only citizen who spoke during the Public Hearing before the Zoning Commission on June 24 was Paul Slotemaker of Portland, Oregon, representing Verizon Wireless. No proponents or opponents spoke during the Hearing.

The attached Agreement containing terms and conditions associated with the conditional use permit has been executed by the applicant.

Concurrences: Other City Departments including Public Works, Community Development and Park and Recreation as well as the Water Plant Supervisor have been consulted regarding the conditional use permit. Neighborhood Council 9 has considered the proposed telecommunication antennae and reacted favorably to the application.

Fiscal Impact: Approval of the conditional use permit as well as the lease and/or permit processed through the City Park and Recreation and Water Departments allowing private telecommunication facilities on City property will be a revenue source for the City.

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:

Resolution 9772

Vicinity/Zoning Map

Photo Simulation

Agreement with attached Site Plan (C-2), Enlarged Site Plan (C-3) & South Elevation (C-4)

Cc: Jim Rearden, Public Works Director

Dave Dobbs, City Engineer

Mike Jacobson, Water Plant Supervisor

PaulSlotemaker, pslotemaker@realcomassoc.com

Marty Basta, Park and Recreation Director

Kim McCleary, Parking/Zoning Supervisor

RESOLUTION 9772

A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
TO ALLOW TELECOMMUNICATION ANTENNAE TO BE PLACED
ON THE WATER TANK AT DUDLEY ANDERSON PARK

* * * * *

WHEREAS, Dudley Anderson Park is located between 7th and 9th Avenues South and 33rd and 35th Streets South and is currently occupied by park land, a swimming pool, a water tank, and a utility building with a pumping station; and

WHEREAS, Gold Creek Cellular of Montana Limited Partnership d/b/a Verizon Wireless By Cellular Inc. Network Corporation, Its General Partner (the Proprietor) desires to mount concealed antennae to the rim of the water tank and install an equipment building next to the existing utility building at Dudley Anderson Park; and

WHEREAS, said Dudley Anderson Park is presently zoned as POS Parks and open space district wherein a telecommunication facility is permitted upon processing and approval of a conditional use application; and

WHEREAS, the Proprietor has applied for a conditional use permit to allow telecommunication antennae to be mounted to the rim of the water tank and installation of an equipment building next to the existing utility building at Dudley Anderson Park; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on June 24, 2008, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending the City Commission grant a conditional use permit to allow telecommunication antennae to be mounted to the rim of the water tank and installation of an equipment building next to the existing utility building at Dudley Anderson Park, subject to terms and conditions;

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 telecommunication antennae to be mounted to the rim of the water tank and installation of an equipment building next to the existing utility building at Dudley Anderson Park, is hereby approved.

Section 3. That the mounting of telecommunication antennae to the rim of the water tank and installation of an equipment building next to the existing utility building at

Dudley Anderson Park shall be in accordance with City Codes, Ordinances and other requirements and the Agreement dated _____, 2008, between the City of Great Falls and Gold Creek Cellular of Montana Limited Partnership d/b/a Verizon Wireless by Cellular Inc. Network Corporation, Its General Partner.

Section 4. That this Resolution shall become effective immediately upon its passage and approval.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 16th day of September, 2008.

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 hereby certify that the foregoing Resolution 9772 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 16th day of September, 2008, wherein it was approved by said Commission.


IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 16th day of September, 2008.








Lisa Kunz, City Clerk

(CITY SEAL)


VICINITY/ZONING MAP



 DUDLEY ANDERSON PARK - ZONED POS PARKS AND OPEN SPACE DISTRICT WHEREIN A TELECOMMUNICATION FACILITY IS PERMITTED UPON PROCESSING AND APPROVAL OF A CONDITIONAL USE APPLICATION.

- | | | |
|---|---|--|
|  R-3 Single-family high density |  C-1 Neighborhood commercial |  PUD Planned unit development |
|  R-5 Multi-family medium density |  C-2 General commercial | |
|  R-6 Multi-family high density |  POS Parks and Open Space | |

550 275 0 550 Feet




AGREEMENT

THIS AGREEMENT made and entered into on this _____ day of _____, 2008, by and between GOLD CREEK CELLULAR OF MONTANA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS BY CELLULAR INC. NETWORK CORPORATION, ITS GENERAL PARTNER, hereinafter referred to as "Proprietor" and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as "City."

WITNESSETH:

WHEREAS, Dudley Anderson Park was dedicated in conjunction with the subdivision plat of Dudley-Anderson Addition to Great Falls Townsite, filed of record in the Clerk and Recorders Office of Cascade County, Montana; and

WHEREAS, Dudley Anderson Park is presently partially occupied by a water tank and a utility building containing a water pumping station; and

WHEREAS, Proprietor desires to mount telecommunication antennas on the rim of the water tank and install an equipment building next to the existing utility building at Dudley Anderson Park; and

WHEREAS, Dudley Anderson Park is presently zoned as POS Parks and open space district wherein a telecommunication facility is permitted upon processing and approval of a conditional use application; and

WHEREAS, Proprietor has applied for a conditional use permit to allow telecommunication antennas to be mounted to the rim of the water tank and installation of an equipment building next to the existing utility building at Dudley Anderson Park; and

WHEREAS, the Great Falls Zoning Commission conducted a public hearing on June 24, 2008, to consider said conditional use permit application and at the conclusion of said hearing, passed a motion recommending City grant a conditional use permit to allow concealed telecommunication antennas to be mounted to the rim of the water tank and installation of an equipment building next to the existing utility building at Dudley Anderson Park, subject to the following terms and conditions;

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

1. Adherence to Site Plan
Proprietor hereby agrees that placement of telecommunication antennas on the rim of the water tank and installation of an equipment building at Dudley Anderson Park shall be substantially in accordance with: a) the Site Plan, Enlarged Site Plans and Elevation attached hereto as Exhibits C-2, C-3 and C-4 respectively, and by this reference made a part hereof; and b) applicable City Codes.
2. Design Review Board Approval
Prior to issuance of a building permit for the telecommunication facility, Proprietor shall obtain the approval of the City's Design Review Board of the planned facility.
3. City Acceptance
City hereby agrees to approve Resolution 9772 granting a conditional use permit to allow placement of concealed telecommunication antennas on the rim of the water tank and installation of an equipment building at Dudley Anderson Park.
4. Unforeseen Potentialities
It is mutually recognized, understood and agreed by City and Proprietor that subsequent to the time this agreement was entered into, events may occur and actions may be taken which were unforeseen by the hereinabove mentioned parties. In this perspective, it is, therefore, agreed that the parties may by mutual subsequent agreement modify the terms, conditions and covenants of this Agreement.
5. Expiration of Approval
The conditional use permit authorized by Resolution 9772 shall expire one year after the date of this Agreement unless substantial work has commenced under the permit and continues in good faith to completion.
6. Binding Effect
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 signatories affixed hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year set forth on page one hereof.

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

Gregory T. Doyon, City Manager

STATE OF MONTANA)
 : ss.
County of Cascade)

On this _____ day of _____, 2008, before me, the undersigned, a Notary Public for the State of Montana, appeared Gregory T. Doyon, known to me to be the City Manager of the City of Great Falls, is the person whose name is subscribed to the instrument within and acknowledged to me that he executed the same.

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

Notary Public for the State of Montana

Notary Public (Printed or Typed)
Residing at Great Falls, Montana
My Commission expires: _____

(NOTARIAL SEAL)

Approved for Legal Content:

David V. Gliko, City Attorney

PROPRIETOR

Gold Creek Cellular of Montana Limited Partnership
d/b/a Verizon Wireless By Cellular Inc. Network Corporation,
Its General Partner

STATE OF _____)
: ss.
County of _____)

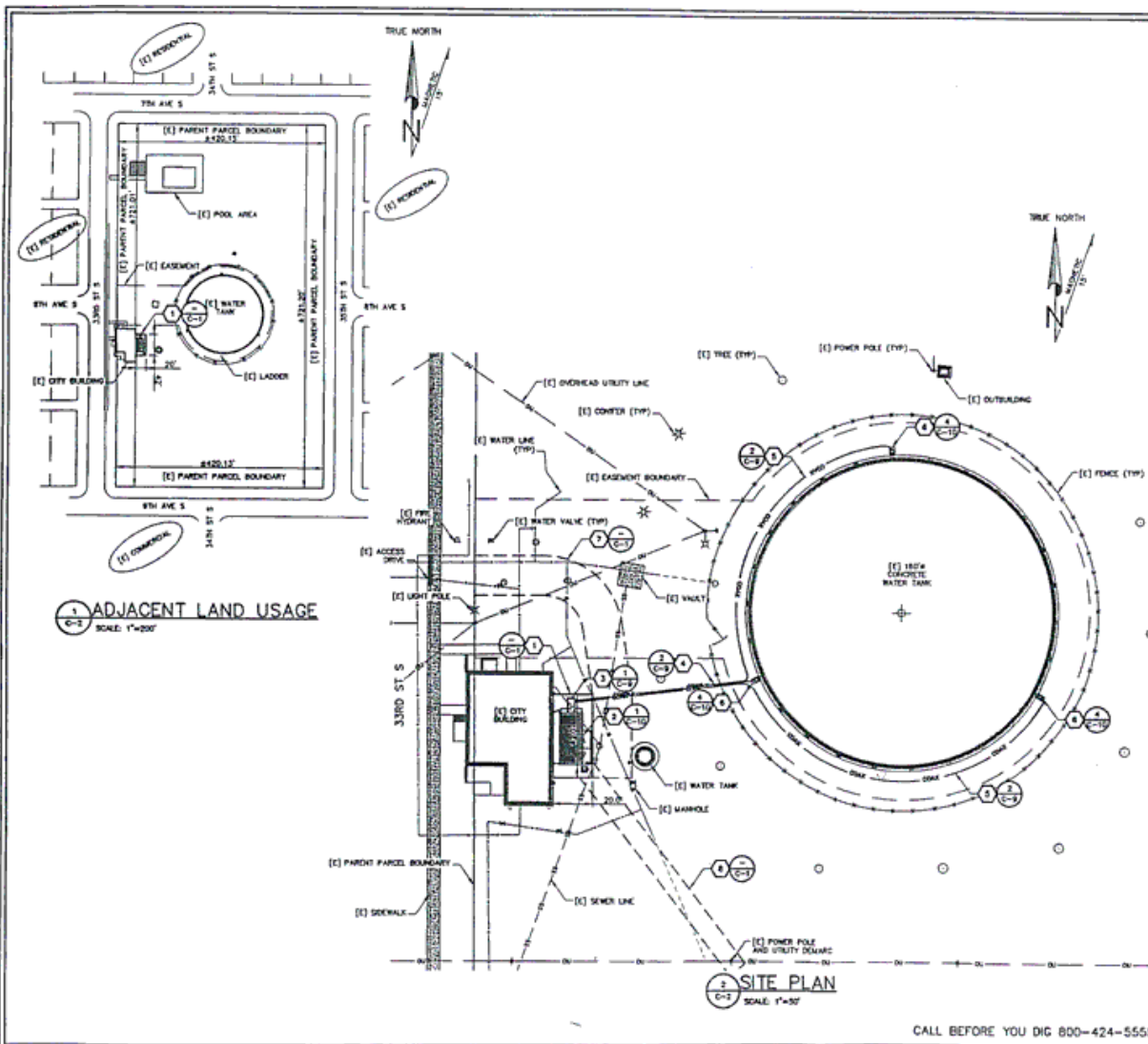
On this _____ day of _____, 2008, before me, the undersigned, a Notary Public for the State of _____, appeared _____, known to me to be the person whose name is subscribed to the instrument within and acknowledged to me that (s)he executed the same.

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 _____

Notary Public (Printed or Typed)
Residing at _____
My Commission expires: _____

(NOTARIAL SEAL)



PROPOSED CONSTRUCTION KEYED NOTES

- 1) VERIZON WIRELESS PROJECT AREA, 20' x 42'
- 2) 11'-0" x 24' VZW EQUIPMENT BUILDING, DIESEL GENERATOR SETS, CEE WALLS SHALL BE BRICK VENEER BY FULLY TESTED FINISH SYSTEMS. COLOR SHALL BE RED BLEND VELOUR
- 3) CABLE SHROUD AT VZW EQUIPMENT BUILDING WITH OPS ANTENNA, PAINTED TO MATCH EQUIPMENT BUILDING
- 4) (6) 6" UNDERGROUND COAXIAL CABLE CONDUITS
- 5) (3) 6" UNDERGROUND COAXIAL CABLE CONDUITS
- 6) CABLE SHROUD AT WATER TANK, TEXTURED AND PAINTED TO MATCH (2) ARCHITECTURE
- 7) 20' ACCESS EASEMENT
- 8) 10' UTILITY EASEMENT

SYMBOLS AND ABBREVIATIONS

- POWER LINE
- - - TELEPHONE LINE
- OVERHEAD UTILITY LINE
- - - GAS
- - - UNDERGROUND GAS LINE
- - - UNDERGROUND WATER LINE
- - - FENCE LINE
- (E) EXISTING
- (P) PROPOSED
- +/- WITH
- V.F. VERIFY IN FIELD
- E CENTERLINE
- M WATER VALVE
- U UTILITY POLE
- + POWER POLE +/- TRANSFORMER
- QTY ANCHOR
- LUMINAIRE
- ASPHALT
- CONCRETE
- BUILDING
- ANTENNA
- 1/2 DETAIL NUMBER
- 1/2 SHEET NUMBER

SITE NOTES

verizonwireless

AC
ADAMS & CLARK INC.
1321 N. POWERS AVE.
SPOKANE, WA 83401
P.O. BOX 107480 PAC 98117-0480

AC PROJECT # 2008-01-023

MONTANA
RANDY LILABERE
1413 PE
LICENSED PROFESSIONAL ENGINEER

APPROVALS

THE ENGINEER _____
BY ENGINEER _____
REAL ESTATE _____
AREA MANAGER _____
PROPERTY OWNER _____
ZONING _____
CONSTRUCTION DIRECTOR _____

REVISIONS

△	07/26/08	FINAL CD
△	07/26/08	PRELIMINARY CD

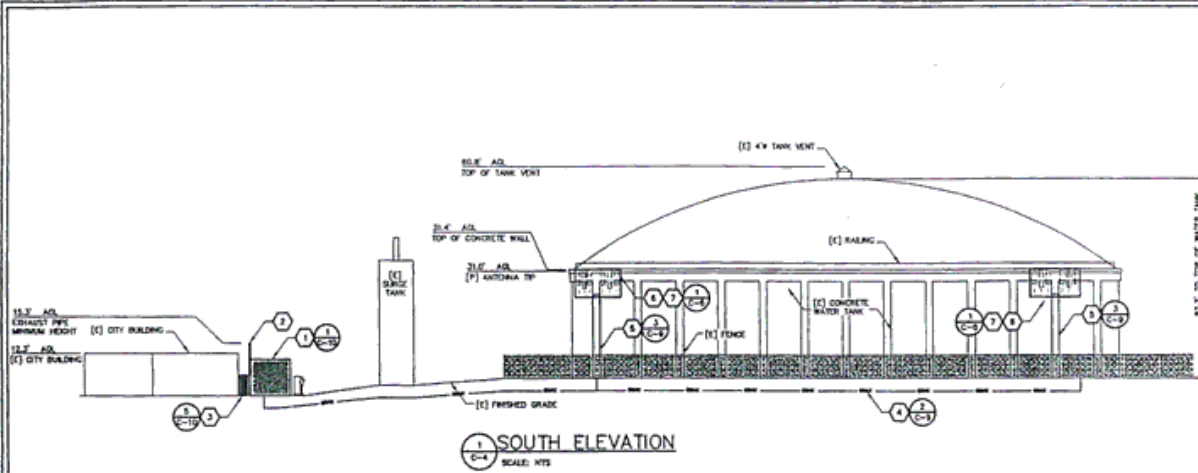
THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY AND CONFIDENTIAL. BY NATURE, USE OR DISCLOSURE BY PARTIES NOT DIRECTLY ASSOCIATED WITH Verizon Wireless IS STRICTLY PROHIBITED.

SITE

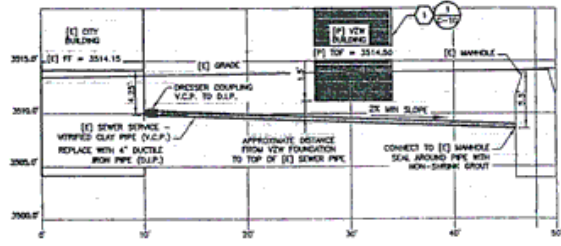
GFA ELLA
3301 S 8TH AVE
GREAT FALLS, MT

SHEET TITLE
SITE PLAN

C-2



1 SOUTH ELEVATION
SCALE: NTS



2 [E] SEWER LINE PROFILE
SCALE: 1"=10'
VSCALE: 1"=10'

CALL BEFORE YOU DIG 800-424-5555

PROPOSED CONSTRUCTION KEYED NOTES

- 1 11'-0" x 26' VIEW EQUIPMENT BUILDING, DIESEL GENERATOR LEFT; EXT. WALLS SHALL BE BRICK VENEER BY FULLERTON FINISH SYSTEMS. COLOR SHALL BE RED BLEND MELLOW.
- 2 EXTEND EXHAUST PIPE 3' ABOVE EXISTING CITY BUILDING ROOF. BRACE AS NEEDED.
- 3 CMU SCREEN WALL PAINTED TO MATCH (C) ARCHITECTURE.
- 4 BURIED COAXIAL CABLE.
- 5 (3) CABLE TRAYS MOUNTED ON WATER TANK PLASTER, TEXTURED AND PAINTED TO MATCH (C) ARCHITECTURE.
- 6 VIEW ANTENNA ARRAY MOUNTED ON (C) CONCRETE WATER TANK CONCEALED BY 20" HIGH 1' 8" HIGH STEALTH PANELS.
- 7 STEALTH PANELS SHALL BE STEALTHSHIELD V9 BY PANELS, PAINTED TO MATCH (C) ARCHITECTURE, AND SUPPLIED BY STEALTH NETWORK TECHNOLOGIES INC. (925) 552-0553.

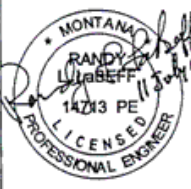
SYMBOLS AND ABBREVIATIONS

- POWER LINE
- TELEPHONE LINE
- OVERHEAD UTILITY LINE
- GAS UNDERGROUND GAS LINE
- UNDERGROUND WATER LINE
- FENCE LINE
- (C) EXISTING
- (P) PROPOSED
- w/ WITH
- TOP TOP OF FOUNDATION
- CL CENTERLINE
- M WATER VALVE
- U UTILITY POLE
- + POWER POLE +/- TRANSFORMER
- GUY ANCHOR
- LUMINAIRE
- ASPHALT
- CONCRETE
- BUILDING
- ANTENNA
- DETAIL NUMBER
- DETAIL NUMBER

SITE NOTES



A/C PROJECT # 2008-01-033



APPROVALS

P/E ENGINEER _____
 P/E ENGINEER _____
 REAL ESTATE _____
 AREA MANAGER _____
 PROPERTY OWNER _____
 ZONING _____
 CONSTRUCTION DIRECTOR _____

REVISIONS

NO.	DATE	DESCRIPTION
1	07/10/08	FINAL CD
2	07/29/08	PRELIMINARY CD

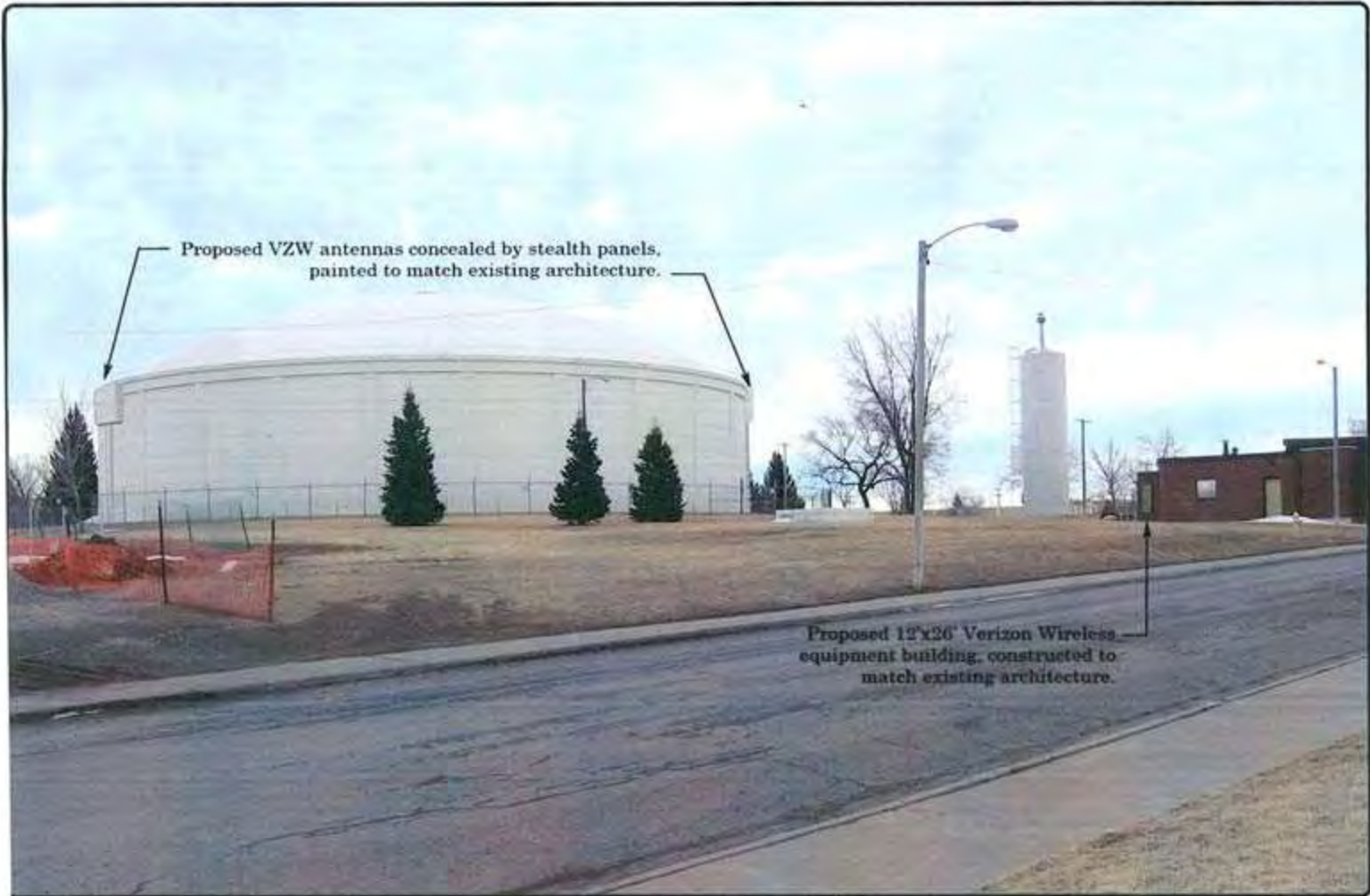
THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY AND CONFIDENTIAL BY NATURE. USE OR DISCLOSURE BY PARTIES NOT DIRECTLY ASSOCIATED WITH Verizon Wireless IS STRICTLY PROHIBITED.

SITE

GFA ELLA
3301 S 9TH AVE
GREAT FALLS, MT

SHEET TITLE
ELEVATION

C-4



Proposed VZW antennas concealed by stealth panels,
painted to match existing architecture.

Proposed 12'x26' Verizon Wireless
equipment building, constructed to
match existing architecture.



PHOTO SIMULATION
GFA ELLA
Northwest Elevation
Great Falls, Montana





**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

- Item:** Amendments to City Water Rights 41Q-105494, 41Q-123409, 41Q-105493, 41Q-110040 and Summary of Water Right Solutions Review of Other Water Right Claims in 41QJ Basin
- From:** Coleen Balzarini, Fiscal Services Director
- Initiated By:** City Commission Authorized Review of City and Other Water Rights in the 41Q and 41QJ Basin by Water Right Solutions, Inc
- Presented By:** Coleen Balzarini, Fiscal Services Director and David Schmidt, Water Right Solutions, Inc.
- Action Requested:** Approve Amendments to City Water Rights 41Q-105494, 41Q-123409, 41Q-105493, 41Q-110040, and Authorize City Manager to Execute Documents for Submittal to Montana Department of Natural Resources and Conservation.
-

Optional Motions:

1. Commissioner moves:

“I move that the City Commission accept/reject the amendments to City Water Rights 41Q-105494, 41Q-123409, 41Q-105493, 41Q-110040, and authorize the City Manager to execute the necessary documents for submittal to Montana Department of Natural Resources and Conservation.

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

Staff Recommendation: The City Commission was presented with reports from Water Rights Solutions, Inc., on November 19, 2002, July 20, 2004, January 8, 2008, July 15, 2008 and August 5, 2008 regarding review and findings of the City’s water reservations and offering recommendations.

Staff recommends the City Commission approve the prepared amendments and authorize the City Manager to execute the necessary documents for submittal to DNRC.

Background: At the Tuesday, April 15, 2008, Commission Meeting, the Commission approved a new contract and the first amendment to that contract with Water Right Solutions, Inc. The amendment authorized the review of City water rights and water rights of others that had a

potential impact on the City's Claims. This review is precipitated by the adjudication of Basin 41Q.

City Water Right Amendments: At the Tuesday, August 5, 2008 Work Session, David Schmidt of Water Rights Solutions presented specific recommended water right amendments to the City Commission. The recommendations and amendments are attached.

Analysis of Review of Basin 41QJ: On February 6, 2008, the MT Department of Natural Resources and Conservation (DNRC) Montana Water Court issued a Notice of Entry of Temporary Preliminary Decree for the Missouri River, From Holter Dam to Sun River (Basin 41QJ). This basin has 2,584 water right claims on file with DNRC. The City has three water right claims in this basin as well as additional water rights in the downstream 41Q Basin. Staff recommended that the City evaluate and if necessary exercise its right to object to information contained in the Temporary Preliminary Decree that may have an adverse impact on the City's water rights.

All interested parties, including the City, have an opportunity to review their own water rights, as well as the water rights of other parties, during the Temporary Preliminary Decree time period. The Temporary Preliminary Decree Period has been granted an extension to November 11, 2008. The evaluation considered potential impacts to City water rights in relation to others and in relation to conflicting information related to City water rights, in Basin 41QJ. The analysis summary is attached.

Alternatives: The City Commission may opt to not approve the amendments to City water rights. The adjudication process has already identified some of the issues that are now being recommended for amending. The issues must be resolved in one way or another prior to completion of the adjudication process. If the City does not amend voluntarily, the process to be followed will include interactions with DNRC and/or the Water Court.

The City may opt to file objections to water right claims of others due to potential concern in relation to the City's water rights. Other options are to wait until the decree is actually published when consideration may be given to whether to file a notice of intent to appear, or do nothing. A notice of intent to appear allows the City to go on record with concerns, but is a less aggressive approach than an objection. The do nothing option may be the preferred course in an instance where the areas of concern have already been objected to or identified by others.

Attachments and References:

Summary of Recommendations and Proposed Amendments for Claims

1. 41Q-105494
2. 41Q-123409
3. 41Q-105493
4. 41Q-110040

5. Narrative Section of "Analysis of Claims for Objection Purposes", Prepared by Water Right Solutions, dated August 7, 2008

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

MCA 85-2-227 details the law associated with the adjudication processes

http://data.opi.mt.gov/bills/mca_toc/85.htm.



Item: Ordinance 3016 to Establish City Zoning on Foxwood Estates
From: Bill Walters, Senior Planner
Initiated By: Dahlquist Realtors d.b.a. Foxwood Estates, Owner & Developer
Presented By: Benjamin Rangel, Planning Director
Action Requested: City Commission accept Ordinance 3016 on first reading and set a public hearing for October 6, 2008.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3016 on first reading and set a public hearing for October 6, 2008.”

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

City Zoning Commission Recommendation: The City Zoning Commission, at the conclusion of a public hearing held March 11, 2008, passed a motion recommending the City Commission approve establishing a City zoning classification of R-1 Single-family suburban district on Foxwood Estates Subdivision upon annexation to the City.

Background: Dahlquist Realtors d.b.a. Foxwood Estates, has submitted applications regarding the following:

- 1) Subdivision Plat of Foxwood Estates, located in the NW1/4 of Section 23, Township 20 North, Range 3 East, Cascade County, Montana.
- 2) Annexation to the City of Great Falls of the 6.75 acres contained in the proposed Foxwood Estates.
- 3) Establishing a City zoning classification of R-1 Single-family suburban district on Foxwood Estates, upon annexation.

Said Subdivision Plat consists of 14 lots ranging in size from 20,598 sq ft to 21,530 sq ft located south of Park Garden Road between Park Garden Estates and Park Garden Lane. Also proposed to be annexed simultaneously with the Foxwood Estates Subdivision is the abutting unincorporated portion of Park Garden Lane.

For additional information please refer to the attached Vicinity/Zoning Map and Plat of Foxwood Estates Subdivision.

Access to the subdivision will be provided by a private interior road connected to Park Garden Road on the north and Park Garden Lane near the southeast corner of the development. The interior road is proposed to have 21 feet of pavement with curb and gutter.

City water and sanitary sewer mains will be installed in the 50-ft easement accommodating the private road within the subdivision. The sewer system will connect to the existing City system immediately west of Park Garden Estates.

Surface runoff from the subdivision will be directed toward the internal private roadway where it will be detained and piped to the City's existing storm sewer system in Park Garden Road.

The applicant intends to fulfill the subdivision's park obligation by paying \$10,572.40 in lieu of dedicating land.

Subject property is presently zoned in the County as "R-1" Suburban Residential District and it is proposed it be zoned R-1 Single-family suburban district, upon annexation to the City.

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 "annexation should be logical and efficient extension of the City's boundaries and service area." The Growth Policy also encourages infill development, which this project manifests as it is a part of an unincorporated enclave surrounded by the City Limits.

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

It is anticipated the planned single family use of the property will be compatible with neighboring uses. Therefore, staff concludes the above-cited criteria are substantially met.

The Planning Board/Zoning Commission initiated the public hearing on the subdivision/annexation on February 26, 2008, and continued the hearing until March 11, 2008, at the request of the applicant to allow time to resolve and clarify fill and floodplain issues associated with the project. During the hearing on March 11, Mr. Joe Murphy, Big Sky Civil and Environmental, spoke on behalf of the applicant. No proponents or opponents spoke or public comments were expressed during the hearing. At the conclusion of the public hearing, the Zoning Commission unanimously passed a motion recommending the City Commission assign a zoning classification of R-1 Single-family suburban district to Foxwood Estates upon annexation to the City.

The final engineering documents relative to the planned infrastructure necessary to serve Foxwood Estates have been prepared by the project engineer and approved by the State Department of Environmental Quality and reviewed by the City Public Works Department. A report stipulating the requirements for compacted fill material where load bearing footings will be located has been prepared and submitted to the City's Building Official. Documentation demonstrating the cumulative effect of the proposed development under a flood condition and a certification from an engineer that any development is designed in compliance with Federal, State and City floodplain regulations have been submitted to the City's Floodplain Administrator. The annexation agreement has been drafted and is nearly complete. Staff concludes that the basic conditions set forth in the conditional approval of the preliminary plat are being met by the developer in the overall process of final plat, final engineering and Annexation Agreement preparation for Foxwood Estates.

Concurrences: Other City Departments including Public Works, Community Development, Park and Recreation and Fire have been involved in the review and approval of the proposed subdivision and annexation.

Fiscal Impact: Approval of the development will eventually result in the building of 14 upper scale residences which will enhance the tax base. However, the City will assume maintenance responsibility of an approximate 1,000 foot unimproved segment of Park Garden Lane which will be a fiscal impact to the City.

Alternatives: The City Commission could deny acceptance of Ordinance 3016 on first reading and not set the public hearing. However, such action would deny the applicants due process and consideration of a public hearing, as provided for in City Code and State Statute.

Attachments/Exhibits:

Ordinance 3016

Vicinity/Zoning Map

Reduced Copy of Plat of Foxwood Estates Subdivision

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Dahlquist Realtors, Attn: Brett Haverlandt, 500 Country Club Blvd, G. F., 59404
Joe Murphy, Big Sky Civil & Environmental, PO Box 3625, G. F., 59403

ORDINANCE 3016

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-1 SINGLE-FAMILY SUBURBAN DISTRICT TO FOXWOOD ESTATES SUBDIVISION, IN SECTION 23, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, the owner of tracts of land being platted as Foxwood Estates Subdivision located in Section 23, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, has petitioned the City of Great Falls to annex said Addition; and,

WHEREAS, the owner of tracts of land being platted as said Foxwood Estates Subdivision has petitioned subject property be assigned a City zoning classification of R-1 Single-family suburban district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-1 Single-family suburban district, to said Foxwood Estates Subdivision, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 6th day of October, 2008, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of Foxwood Estates Subdivision, be designated as R-1 Single-family suburban district classification.

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 Foxwood Estates Subdivision, into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 6th day of October, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

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 hereby certify that the foregoing Ordinance 3016 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of October, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 6th day of October, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

Lisa Kunz, being first duly sworn, deposes and says: That on the 6th day of October, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3016 of the City of Great Falls, 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

(SEAL OF CITY)

EXHIBIT "A"

VICINITY/ZONING MAP



PROPOSED FOXWOOD ESTATES SUBDIVISION TO BE ANNEXED TO THE CITY AND ASSIGNED A CITY ZONING CLASSIFICATION OF "R-1" SINGLE-FAMILY SUBURBAN DISTRICT



ABUTTING PORTION OF PARK GARDEN LANE TO BE ANNEXED INTO THE CITY SIMULTANEOUSLY WITH SAID SUBDIVISION



EXISTING CITY LIMITS



R-5 Multi-family medium density



POS Parks and Open Space



R-1 Single-family suburban



R-10 Mobile home park



PUD Planned unit development



R-2 Single-family medium density



PLI Public Lands and Institutional



U Unincorporated



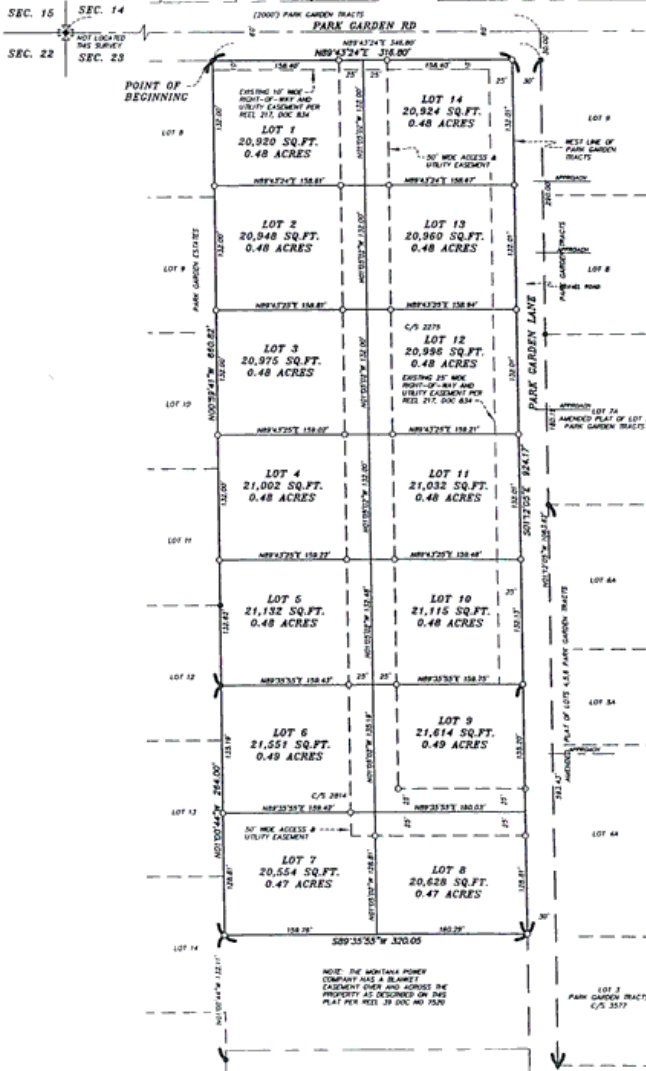
Tracts of land outside City

890 445 0 890 Feet



FOXWOOD ESTATES SUBDIVISION

A SUBDIVISION IN COV'T LOT 2 OF SECTION 23, T20N, R3E, P.M.M., CITY OF GREAT FALLS, MONTANA



SCALE:



BASIS OF BEARINGS:
CPS OBSERVATION

LEGEND

- = FOUND AS NOTED
- = SET 5/8" REBAR W/IPC "MILBURN 1453715"
- () = RECORD PER C/S 416

CONSENT OF MORTGAGEE

The undersigned mortgagee then hereby join in and consent to the subdivision shown on the attached plat.

Dated this _____ day of _____, 200__.

STOCKMAN BANK

By _____

STATE OF MONTANA

County of CASCADE

This Consent of Mortgagee was acknowledged before me on this _____ day of _____, 200__ by _____.

Notary Public, State of _____
My Commission expires _____
Residing at _____

CERTIFICATE OF SURVEY

I, Jeremy T. Milburn, Professional Land Surveyor, do hereby certify that the survey shown on this plat, and that said survey is true and correct.

Dated this _____ day of _____, 20__.

INWORS: SCOTT RUMPFELD AND BRETT HAVERLAND

TOTAL PLAT AREA: 6.75 ACRES

DATE SURVEYED: JULY, 2007 - DECEMBER, 2007



Item: Resolution 9770 to Assess Business Improvement District
From: Judy Burg, Account Technician
Initiated By: Annual Assessment Process
Presented By: Coleen Balzarini, Fiscal Services Director
Action Requested: City Commission Adopt Resolution 9770

Suggested Motion:

1. Commissioner moves:

“I move the City Commission (adopt/postpone/deny) Resolution 9770.”

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

Staff Recommendation: Staff recommends the City Commission adopt Resolution 9770 to assess the Business Improvement District.

Background: The Business Improvement District was created in 1989 for ten years by petition of the property owners within the District. Its overall purpose is to utilize assessments through the Business Improvement District tax assessment and direct those monies back into the district to improve and revitalize the downtown area. The current district boundaries and the assessment formula have not changed since its origination date. In 1999, by petition of the property owners within the District, the Business Improvement District was recreated for another ten years. By the end of July 2009, the District is expected to be recreated.

As required by State statute MCA 7-12-1132, the Business Improvement District is to present a proposed work plan, budget, and recommend a method of levying an assessment on the properties within the district that best ensures the assessment on each lot or parcel is equitable in proportion to the benefits to be received for fiscal year 2008/2009. During the public hearing on August 5, 2008, Tonya Jorgensen, Business Improvement District Office Manager presented the 2009 Work Plan, proposed budget and assessment method for the Business Improvement District. Following the public hearing, the City Commission moved to adopt the 2009 Work Plan and budget for the Business Improvement District.

Concurrences: The Business Improvement District partners with several organizations, such as the Downtown Great Falls Association, Storefront University, First Night Great Falls and the

Urban Art Project to provide results and follow the overall purpose of improving and revitalizing the downtown area. Fiscal Services staff is responsible for assessing and collecting the revenues necessary to carry out the work plan as presented by the Business Improvement District.

Fiscal Impact: The assessment formula as presented to the property owners and recommended to the City Commission is as follows:

- a flat fee of \$200.00 for each lot or parcel,
- an assessment of \$.00165 times the phase-in market valuation as provided for by the 1997 and 1999 Montana State Legislatures and
- an assessment of \$.015 times the square footage of the land area.

The assessment requested for 2008/2009 is based on the above assessment formula and will generate approximately ONE HUNDRED SIXTY-EIGHT THOUSAND TWO HUNDRED EIGHTY-FOUR DOLLARS and 60/100 (\$168,284.60) in assessment revenue. The 2008/2009 assessment per lot or parcel is indicated on the assessment projection summary as Exhibit "A" incorporated and made a part of Resolution 9770.

Alternatives: The City Commission could choose to postpone the adoption of Resolution 9770 to assess the property owners within the Business Improvement District. However, the postponement would create a delay in the annual process of conveying City assessment information to the County Treasurer's Office, which information is necessary to be included on the tax bills scheduled for mailing by November 1st.

The City Commission could choose to deny the adoption of Resolution 9770 to assess the property owners within the Business Improvement District. However, on August 5, 2008, the City Commission approved the Business Improvement District budget which identifies the Business Improvement District assessment as 72% of the operating revenues. Denial of Resolution 9770 will prevent the Business Improvement District from carrying out the City Commission previously approved budget.

Attachments/Exhibits: Resolution 9770
Map of the Great Falls Business Improvement District Boundaries
Exhibit "A" – BID Assessment for FY 2008/2009

Cc: Tonya Jorgenson, Office Manager

RESOLUTION 9770

A RESOLUTION LEVYING AN ASSESSMENT ON ALL PROPERTY IN THE GREAT FALLS BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the City Commission of the City of Great Falls, is authorized to create and administer a business improvement district as provided by 7-12-1101 through 7-12-1151 M.C.A.; and,

WHEREAS, the purpose of a Business Improvement District is to promote the health, safety, prosperity, security and the general welfare of the inhabitants thereof and the people of this state; and will be of special benefit to the property within the boundaries of the district created; and,

WHEREAS, on July 20, 1999, the City Commission approved Resolution 9026, recreating a Business Improvement District in Great Falls, Montana; and,

WHEREAS, a Board of Trustees for the Business Improvement District has been appointed and said Board has developed and submitted a Work Plan and Proposed Budget to the City Commission of the City of Great Falls; and,

WHEREAS, the City Commission of the City of Great Falls, is authorized to annually assess and collect the entire cost of the district against the entire district using a method which best ensures that the assessment on each lot or parcel is equitable in proportion to the benefits to be received as provided by 7-12-1133 M.C.A.

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

Section 1

That on August 5, 2008, the City Commission of the City of Great Falls held a public hearing on any objections to the Work Plan and Proposed Budget with the understanding that approval of the two documents would necessitate the levying of an assessment on all the property in the district;

Section 2

That the assessment formula has been presented to the property owners and recommended to the City Commission as follows:

- a flat fee of \$200.00 for each lot or parcel,
- an assessment of \$.00165 times the phase-in market valuation as provided for by the 1997 and 1999 Montana State Legislatures, and an
- assessment of \$.015 times the square footage of the land area.

Section 3

That, due to overwhelming support for a Business Improvement District and concurrence with the assessment formula, the City Commission of the City of Great Falls hereby approves the levying of the assessment as indicated on the assessment projection summary attached to this resolution as Exhibit A.

PASSED by the Commission of the City of Great Falls, Montana, on this 16th day of September, 2008.

Dona R. Stebbins, Mayor

Attest:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9770 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 16th day of September, 2008, and approved by the Mayor of said City on the 16th day of September, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 16th day of September, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

YEAR 2008-2009

B. I. D. TOTAL ASSESSMENT FOR FY 2008-2009

\$ 168,284.60

PARCEL NO.	PROPERTY OWNER	SUB DIV	LOT	BLOCK	TOTAL SQ.FT.	SQ.FT. COST .015	MARKET VAL. LAND	MARKET VAL. IMPS.	TOTAL MARKET VAL.	TOTAL PARCEL .00165 X VAL.	FLAT FEE	TOTAL B. I. D. ANN. ASS.
161250	BIG BROTHERS HOLDING COMPANY LLC	GFO	14	315	7,500	\$112.50	38,887.00	102,977.00	\$141,864.00	\$234.08	200.00	\$546.58
161300	STOCKMAN BANK OF MONTANA	GFO	1,2	316	15,000	\$225.00	77,775.00	823,055.00	\$900,830.00	\$1,486.37	200.00	\$1,911.37
161450	MASON MARILYN ETAL	GFO	W1/2 3	316	3,750	\$56.25	19,444.00	42,491.00	\$61,935.00	\$102.19	200.00	\$358.44
161600	LITTLE WILLIAM L & SHONNA L	GFO	E1/2 3-5 W1/2 6	316	22,500	\$337.50	116,662.00	308,932.00	\$425,594.00	\$702.23	200.00	\$1,239.73
161650	SILVER STATE PARTNERS LLC	GFO	E1/2 6,7	316	11,250	\$168.75	58,331.00	451,669.00	\$510,000.00	\$841.50	200.00	\$1,210.25
161700	TIMES SQUARE INC	GFO	8-10	316	22,500	\$337.50	116,662.00	524,152.00	\$640,814.00	\$1,057.34	200.00	\$1,594.84
161750	EVERSON VICKI S	GFO	11	316	7,500	\$112.50	38,887.00	113,007.00	\$151,894.00	\$250.63	200.00	\$563.13
161800	WALKER, GARY A	GFO	12 & 13	316	15,000	\$225.00	77,775.00	589,560.00	\$667,335.00	\$1,101.10	200.00	\$1,526.10
162050	MOTELS INCORP INC	GFO	8,9	317	15,000	\$225.00	77,775.00	427,805.00	\$505,580.00	\$834.21	200.00	\$1,259.21
162100	LEMIRE LESLIE & DANNY J	GFO	10	317	7,500	\$112.50	38,887.00	164,985.00	\$203,872.00	\$336.39	200.00	\$648.89
162150	BARTRAM ROBERT A	GFO	E30' 11	317	4,500	\$67.50	23,332.00	28,177.00	\$51,509.00	\$84.99	200.00	\$352.49
162200	BIBLER RONALD	GFO	W20' 11	317	3,000	\$45.00	15,555.00	33,660.00	\$49,215.00	\$81.20	200.00	\$326.20
162250	HACKETT, GARRY L & CHERYL D ETAL	GFO	12	317	7,500	\$112.50	38,887.00	213,010.00	\$251,897.00	\$415.63	200.00	\$728.13
162300	SET FREE CHRISTIAN FELLOWSHIP	GFO	13,14	317	15,000	\$225.00	77,774.00	224,850.00	\$302,624.00	\$499.33	200.00	\$924.33
189100	STROMBERG, ROBERT C & MARY D	GFO	1,2 & 11-14	362	45,000	\$675.00	233,325.00	956,080.00	\$1,189,405.00	\$1,962.52	200.00	\$2,837.52
189150	MURPHY REAL ESTATE LLC	GFO	3	362	7,500	\$112.50	38,887.00	443,827.00	\$482,714.00	\$796.48	200.00	\$1,108.98
189200	HEBERTSON SCOTT	GFO	4	362	7,500	\$112.50	38,887.00	33,957.00	\$72,844.00	\$120.19	200.00	\$432.69
189250	SPENCER WILLIAM A	GFO	E1/2 5	362	3,750	\$56.25	19,444.00	69,700.00	\$89,144.00	\$147.09	200.00	\$403.34
189300	NORDRUM ORVILLE M & JOSEPHINE A	GFO	W1/2 5	362	3,750	\$56.25	19,444.00	32,121.00	\$51,565.00	\$85.08	200.00	\$341.33
189350	HARRIS DORIS J	GFO	E1/2 6	362	3,750	\$56.25	19,444.00	67,745.00	\$87,189.00	\$143.86	200.00	\$400.11
189400	HAUGEN LESLIE N & V ARLENE	GFO	W1/2 6	362	3,750	\$56.25	19,444.00	67,490.00	\$86,934.00	\$143.44	200.00	\$399.69
189450	STURROCKS INCORPORATED	GFO	7	362	7,500	\$112.50	38,887.00	116,875.00	\$155,762.00	\$257.01	200.00	\$569.51
189500	GOLDEN TRIANGLE COMM MENTAL HEALTH CTR	GFO	8,9	362	15,000	\$225.00	77,775.00	160,565.00	\$238,340.00	\$393.26	200.00	\$818.26
189550	GOLDEN TRIANGLE COMM MENTAL HEALTH CTR	GFO	10	362	7,500	\$112.50	38,887.00	332,350.00	\$371,237.00	\$612.54	200.00	\$925.04
189700	FLY AWAY LLC	GFO	1,2	363	15,000	\$225.00	77,775.00	92,225.00	\$170,000.00	\$280.50	200.00	\$705.50
189750	SCHUBARTH SANDRA	GFO	3	363	7,500	\$112.50	38,887.00	106,037.00	\$144,924.00	\$239.12	200.00	\$551.62
189800	HAWLEY MICHELE L ETAL	GFO	4	363	7,500	\$112.50	38,887.00	88,612.00	\$127,499.00	\$210.37	200.00	\$522.87
189850	HEISHMAN CARL D ETAL	GFO	5	363	7,500	\$112.50	38,887.00	259,734.00	\$298,621.00	\$492.72	200.00	\$805.22
189900	ELMORE ROBERTS LLC	GFO	6,7	363	15,000	\$225.00	60,390.00	848,562.00	\$908,952.00	\$1,499.77	200.00	\$1,924.77
189950	HESSLER MARVIN L ETAL	GFO	PT 8	363	1,499	\$22.49	7,518.00	97,656.00	\$105,174.00	\$173.54	200.00	\$396.02
190000	BOLAND MARGUERITE D	GFO	PT8	363	566	\$8.49	2,333.00	12,117.00	\$14,450.00	\$23.84	200.00	\$232.33
190050	KEILMAN & TRUNKLE ENTERPRISES LLC	GFO	PT8	363	5,535	\$83.03	33,443.00	67,209.00	\$100,652.00	\$166.08	200.00	\$449.10
190150	ELMORE ROBERTS LLC	GFO	9	363	7,500	\$112.50	38,887.00	3,825.00	\$42,712.00	\$70.47	200.00	\$382.97
190200	ELMORE ROBERTS LLC	GFO	10	363	7,500	\$112.50	38,887.00	3,825.00	\$42,712.00	\$70.47	200.00	\$382.97
190250	CENTER FOR MENTAL HEALTH	GFO	11	363	7,500	\$112.50	38,887.00	354,195.00	\$393,082.00	\$648.59	200.00	\$961.09
190350	410 CENTRAL AVENUE LLC	GFO	1-3,9-14	364	67,500	\$1,012.50	356,988.00	1,624,702.00	\$1,981,690.00	\$3,269.79	200.00	\$4,482.29
190450	STUFF WILLIAM R & BILLIE J	GFO	4	364	7,500	\$112.50	38,887.00	149,566.00	\$188,453.00	\$310.95	200.00	\$623.45
190500	LAZ INC	GFO	W1/2 5	364	3,750	\$56.25	19,444.00	105,655.00	\$125,099.00	\$206.41	200.00	\$462.66
190550	LOVAAS KRISTEN L	GFO	E1/2 5,6	364	11,250	\$168.75	58,331.00	143,374.00	\$201,705.00	\$332.81	200.00	\$701.56
190600	M & L RENTALS LLC	GFO	7	364	7,500	\$112.50	38,887.00	75,820.00	\$114,707.00	\$189.27	200.00	\$501.77
190650	SKEES JOHN R JR	GFO	N1/2 8	364	3,750	\$56.25	27,611.00	81,846.00	\$109,457.00	\$180.60	200.00	\$436.85
190700	WONG MING & SU	GFO	S1/2 8	364	3,750	\$56.25	27,611.00	132,659.00	\$160,270.00	\$264.45	200.00	\$520.70

YEAR 2008-2009

B. I. D. TOTAL ASSESSMENT FOR FY 2008-2009 \$ 168,284.60

PARCEL NO.	PROPERTY OWNER	SUB DIV	LOT	BLOCK	TOTAL SQ. FT.	SQ. FT. COST .015	MARKET VAL. LAND	MARKET VAL. IMPS.	TOTAL MARKET VAL.	TOTAL PARCEL .00165 X VAL.	FLAT FEE	TOTAL B. I. D. ANN. ASS.
620650	CASCADE LEASING, INC.	CAP	UNIT A		3,615	\$54.23	18,691.00	56,780.00	\$75,471.00	\$124.53	200.00	\$378.75
620660	WILSON, TOM	CAP	UNIT B		4,574	\$68.61	23,681.00	71,952.00	\$95,633.00	\$157.79	200.00	\$426.40
620670	QHG LLP	CAP	UNIT C		6,839	\$102.59	35,402.00	107,567.00	\$142,969.00	\$235.90	200.00	\$538.48
647400	LG REALTY PARTNERSHIP	EXPRESS	BLDG, UNIT A		10,336	\$155.04	71,060.00	252,365.00	\$323,425.00	\$533.65	200.00	\$888.69
647402	UGRIN NEIL E ETAL	EXPRESS	BLDG, UNIT B		4,386	\$65.79	34,433.00	136,926.00	\$171,359.00	\$282.74	200.00	\$548.53
647404	RAILROAD SQUARE LLC	EXPRESS	BLDG, UNIT C		11,903	\$178.55	77,673.00	176,562.00	\$254,235.00	\$419.49	200.00	\$798.03
647406	UGRIN NEIL E ETAL	EXPRESS	BLDG, UNIT D		4,699	\$70.49	34,884.00	136,901.00	\$171,785.00	\$283.45	200.00	\$553.93
650100	MARTIN SCHULKE & ST JOHN	HERITAGE	BANK UNIT A		10,000	\$150.00	51,850.00	251,651.00	\$303,501.00	\$500.78	200.00	\$850.78
650200	MARTIN SCHULKE & ST JOHN	HERITAGE	BANK UNIT A1		10,000	\$150.00	51,850.00	251,651.00	\$303,501.00	\$500.78	200.00	\$850.78
650300	MARTIN SCHULKE & ST JOHN	HERITAGE	BANK UNIT B		10,000	\$150.00	51,850.00	251,651.00	\$303,501.00	\$500.78	200.00	\$850.78
651010	STRIEPE W MARK & KARIN L	JHC	UNIT 1A		936	\$14.04	4,853.00	69,147.00	\$74,000.00	\$122.10	200.00	\$336.14
651020	MONTCARE INC	JHC	UNIT 1B		588	\$8.82	2,805.00	40,001.00	\$42,806.00	\$70.63	200.00	\$279.45
651030	CONNER, DENNIS & JANIS	JHC	UNIT 1C		542	\$8.13	3,051.00	64,685.00	\$67,736.00	\$111.76	200.00	\$319.89
651040	ANDERSON RANCH COMPANY	JHC	UNIT 2A		560	\$8.40	2,898.00	75,327.00	\$78,225.00	\$129.07	200.00	\$337.47
651050	SUTTON, DANNIE R SR	JHC	UNIT 2B		596	\$8.94	3,085.00	52,487.00	\$55,572.00	\$91.69	200.00	\$300.63
651090	GT FALLS BUSINESS IMPROVEMENT DISTRICT	JHC	UNIT 3A		1,430	\$21.45	7,420.00	105,655.00	\$113,075.00	\$186.57	200.00	\$408.02
651100	OLSON KENNETH R ETAL	JHC	UNIT 4A		1,424	\$21.36	7,386.00	71,213.00	\$78,599.00	\$129.69	200.00	\$351.05
651110	DISCOVERY MEADOWS INC	JHC	UNIT 5A		1,424	\$21.36	7,386.00	71,213.00	\$78,599.00	\$129.69	200.00	\$351.05
651501	L'HEUREUX PAGE WERNER, P.C.	KAT	UNIT 1		7,601	\$114.02	42,304.00	0.00	\$42,304.00	\$69.80	200.00	\$383.82
651502	DANSON DEVELOPMENT CO	KAT	UNIT 2		1,668	\$25.02	9,384.00	0.00	\$9,384.00	\$15.48	200.00	\$240.50
651503	SILVERTIP LLC	KAT	UNIT 3		2,224	\$33.36	12,597.00	0.00	\$12,597.00	\$20.79	200.00	\$254.15
651504	NEIGHBORHOOD HOUSING SERVICES INC	KAT	UNIT 4		1,112	\$16.68	0.00	53,635.00	\$53,635.00	\$88.50	200.00	\$305.18
651505	NEIGHBORHOOD HOUSING SERVICES INC	KAT	UNIT 5		2,966	\$44.49	0.00	153,807.00	\$153,807.00	\$253.78	200.00	\$498.27
651506	DANSON DEVELOPMENT ETAL	KAT	UNIT 6		2,966	\$44.49	0.00	245,896.00	\$245,896.00	\$405.73	200.00	\$650.22
1888300	GREAT FALLS GAS CO	MK.	22H, SEC 11, T20N, R3E		89,298	\$1,339.47	317,683.00	975,847.00	\$1,293,530.00	\$2,134.32	200.00	\$3,673.79
1888310	MCMANUS PROPERTIES	MK.	22K, SEC 11, T20N, R3E		31,363	\$470.45	103,969.00	358,598.00	\$462,567.00	\$763.24	200.00	\$1,433.68
1921200	NORTHWESTERN CORP TRANSMISSION & DISTR	GF	W1/2-12&13	312	26,250	\$393.75		1,379,498.00	\$1,379,498.00	\$2,276.17	200.00	\$2,869.92
1921700	QWEST COMMUNICATIONS	GF	14	308	30,000	\$450.00		1,718,644.00	\$1,718,644.00	\$2,835.76	200.00	\$3,485.76
TOTAL					1,910,095	\$ 28,651.43	\$9,011,028.00	\$56,584,835.00	\$65,595,863.00	#####	\$ 31,400.00	\$168,284.60



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



Great Falls Business Improvement District Boundaries

1 in. = 437.5 feet



Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Dona Stebbins, Bill Bronson, Mary Jolley, Bill Beecher and John Rosenbaum. 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.

PROCLAMATIONS: Mayor Stebbins read proclamations for National Alcohol and Drug Recovery Month and National Native American Wellbriety Month.

PRESENTATION: Judge Luth provided an update regarding the Municipal Court's Annual Canned Food Drive. She explained that, pursuant to a letter by Ed McLean, the Judicial Standards Commission issued an advisory opinion stating that courts cannot use the power of a judicial position to raise money for charities, no matter how well intentioned. Judge Luth disagreed with Chairman McLean's opinion that the Municipal Court's Canned Food Drive was violative of Canon 25 of the Canons of Judicial Ethics. Commissioner Bronson shared her opinion and requested a copy of said letter.

Gail Carlson, Executive Director of the Great Falls Food Bank, expressed her gratitude to the City Commission and Judge Luth for supporting the Great Falls Food Bank throughout the years through the City Court Food Drive. By allowing the citizens to pay fines in lieu of donations, more than 23 tons of food has been brought into the emergency food system. More than three quarters of their inventory comes from donations. Ms. Carlson stated that she understands this decision was beyond the Commission's control, but wanted to stress that this decision has a tremendous impact on feeding the hungry in the community.

NEIGHBORHOOD COUNCILS

NC 4.

1. Sandra Guynn, NC 4 Chair, thanked City Manager Doyon for attending a NC 4 meeting and for any assistance he could provide with regard to the 10th Avenue North issues. Ms. Guynn also thanked Ben Rangel and Bill Walters for their presentation on rezoning 38th Street and the River Drive North property. She learned that the property is actually located within NC 8 boundaries and recommended that NC 8 be given an opportunity to address the issues before the public hearing if they so desired. Ms. Guynn also reported there will be a bike route in place next year from 8th Avenue North, west of 38th Street. She also reported that the property owner of The Home Place is currently in non-compliance with property he owns in Sun Prairie. Citations have been ordered, but not yet issued. It is her understanding that The Home Place will be part of any legal proceeding that property owner is dealing with. Additionally, the property east of Bundi Gardens is in the process of being cleaned up.

PUBLIC HEARINGS

Lease of a Portion of Highland Park to the Electric City BMX Association. Approved.

2. LEASE OF A PORTION OF HIGHLAND PARK TO THE ELECTRIC CITY BMX ASSOCIATION.

Park and Recreation Director Marty Basta reported that this item is to conduct a public hearing to grant or deny the lease of a portion of Highland Park to the Electric City BMX Association. At the request of the City, Electric City BMX has moved its activities from Sand Hills Park to Highland Park. The Highland Park property is located just south of the Multi-Sports Complex on 21st Avenue South between 9th and 13th Streets and is better suited for this type of recreational activity. The Park and Recreation Advisory Board approved a matching grant to assist with the costs of the new BMX track and related amenities. Interest in BMX racing has gained a lot of popularity in recent years and was an event featured in this year's Olympic games. The five-year, three-acre property lease to the Electric City BMX Association takes an undeveloped and unutilized piece of park land to provide an excellent recreational opportunity for Great Falls youth.

Mayor Stebbins asked for the direction of the City Commission.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission approve the lease of a portion of Highland Park to the Electric City BMX Association.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to the lease of a portion of Highland Park to the Electric City BMX Association.

Hearing no public comment, Mayor Stebbins declared the public hearing closed and called for the vote of the City Commission.

Motion carried 5-0.

Res. 9765. Adopted.

3. RESOLUTION 9765, LEVY AND ASSESS PROPERTY FOR UNPAID UTILITY SERVICE.

Fiscal Services Director Coleen Balzarini reported that this is an annual process that Fiscal Services brings before the City Commission. The proposed resolution is for properties throughout the City that have utility charges that are still unpaid. She explained that the owner has not changed, and it is typical that the property is vacant or in probate. Ms. Balzarini requested Commission approval to levy a lien against the properties for the method of collection.

Mayor Stebbins asked for the direction of the City Commission.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9765.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9765.

Hearing no public comment, Mayor Stebbins declared the public hearing closed and called for the vote of the City Commission.

Motion carried 5-0.

**Res. 9778, Ord. 3013.
Adopted.**

4A. RESOLUTION 9778, ANNEX PARCEL MARK NO.'S 6 AND 8 AT THE INTERNATIONAL AIRPORT AND ABUTTING SEGMENTS OF COUNTY ROAD RIGHT-OF-WAY.

4B. ORDINANCE 3013, ASSIGN ZONING CLASSIFICATION OF GFIA GREAT FALLS INTERNATIONAL AIRPORT DISTRICT.

Planning Director Ben Rangel reported that the Great Falls International Airport Authority has requested that two parcels of land it owns be annexed and assigned City zoning. One parcel is 2.5 acres in size and is located along the north boundary of the airport. The second parcel is 94 acres in size and is located along the west boundary of the airport. The Airport Authority is interested in having all of its property incorporated into the City in preparation of creating a Tax Increment Financing Industrial District for the airport. The majority of airport property was annexed in 1994-95.

On August 5, 2008, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission adopt Resolution 9778, which annexes the two parcels and adjoining roadways, and to accept Ordinance 3013, which assigns City zoning of GFIA Great Falls International Airport.

The City Planning Board/Zoning Commission unanimously recommends City Commission approval.

Mayor Stebbins asked for the direction of the City Commission.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Bronson, that the City Commission adopt Resolution 9778.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9778.

Hearing no public comment, Mayor Stebbins declared the public hearing closed and called for the vote with regard to Resolution 9778.

Motion carried 5-0.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Ordinance 3013.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Ordinance 3013.

Hearing no public comment, Mayor Stebbins closed the public hearing and called for the vote with regard to Ordinance 3013.

Motion carried 5-0.

OLD BUSINESS

Ord. 3014, public hearing vacated and rescheduled for September 16, 2008.

5. ORDINANCE 3014, CHANGE THE TITLE OF THE AIRPORT ZONING CLASSIFICATION FROM GFIA GREAT FALLS INTERNATIONAL AIRPORT TO AI AIRPORT INDUSTRIAL.

Planning Director Ben Rangel reported that on August 5, 2008, the City Commission accepted Ordinance 3014 on first reading and set public hearing for this evening to consider the requested code amendment. Unfortunately, publication of the hearing notice did not occur on time. Mr. Rangel requested that the City Commission vacate the public hearing for Ordinance 3014 and to reschedule the hearing for September 16, 2008, to consider changing the title of the airport zoning classification.

Mayor Stebbins asked for the direction of the City Commission.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission vacate the public hearing on Ordinance 3014 scheduled for September 2, 2008, and reschedule the public hearing for September 16, 2008.

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

Motion carried 5-0.

Ord. 3015, public hearing vacated and rescheduled for September 16, 2008.

6. ORDINANCE 3015, REZONE PARCEL MARK NO. P1, SECTION 5, T20N, R4E.

Planning Director Ben Rangel reported that on August 5, 2008, the City Commission accepted Ordinance 3015 on first reading and set public

hearing for this evening to consider the rezoning request. Again, and unfortunately, publication of the hearing notice did not occur on time. Therefore, Mr. Rangel requested that the City Commission vacate the public hearing for Ordinance 3015 and to reschedule the hearing for September 16, 2008, to consider the request to rezone the former City compost site located near the corner of 38th Street and River Drive North.

Mayor Stebbins asked for the direction of the City Commission.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission vacate the public hearing on Ordinance 3015 scheduled for September 2, 2008, and reschedule the public hearing for September 16, 2008.

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

Motion carried 5-0.

NEW BUSINESS

**2008 Community
Transportation
Enhancement Program
Projects list. Approved.**

7. 2008 COMMUNITY TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS.

Planning Director Ben Rangel reported that in June, 2008, and on behalf of the City Commission, the Great Falls Planning Board solicited proposals from the community for use of this year's Community Transportation Enhancement Program or CTEP funds. These are federal gas tax dollars provided to the State of Montana which are, in turn, distributed to Montana cities and counties by the State Department of Transportation. Funds can be used for trails, sidewalks, landscaping and historic preservation projects.

Following the receipt of verbal presentations from each of five project applicants and individually completing evaluation sheets, the Planning Board jointly prioritized the proposals for the City Commission's consideration and recommended that four of the five proposals receive funds.

The Planning Board unanimously recommends the City Commission's approval of the list of CTEP proposals for funding.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve the prioritized list of 2008 Community Transportation Enhancement Program projects as recommended by the Planning Board.

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

Commissioner Jolley inquired what the streetscape project on 1st Avenue North was that was not recommended for approval. Mr. Rangel answered that the project was on 1st Avenue South between 2nd and 3rd Streets and involved landscaping of that segment of the Avenue similar to the streetscape improvements currently on Central Avenue. Commissioner Jolley inquired who requested the funds. Mr. Rangel responded that the applicant was the Business Improvement District. Commissioner Beecher inquired if that project was more than the unallocated portion. Mr. Rangel responded affirmatively. Commissioner Beecher then asked what happens to those funds. Mr. Rangel answered that the monies go into an unallocated contingency fund that could be used in two possible ways: (1) helping the existing projects already approved by the Commission that may, because of the time it takes to implement these CTEP projects, require additional funds to complete, and (2) in some instances the monies could be added to next year's allocation in the event there is a project that is right at the tail end of projects receiving funding, where, if additional funds could be added to make it whole, it would be looked at and a recommendation made to the Commission to use the unallocated portion.

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

Mike Witsoe, 2612 1st Avenue South, asked how much money was left unallocated. Mayor Stebbins responded \$66,693. Mr. Witsoe asked if the funds could be used, along with another \$50,000 until federal funding was available, to help fund bringing back Saturday bus service. Mr. Rangel responded that, while that proposal may be worthwhile, unfortunately it is not an activity that is eligible for use of these enhancement monies.

Hearing no other public comment, Mayor Stebbins called for the vote of the City Commission.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

Ord. 3018, accepted on first reading and set public hearing for October 7, 2008.

- 8. ORDINANCE 3018, ASSIGN CITY ZONING TO THE UNINCORPORATED PORTION OF THE AMENDED PLAT OF LOTS 1-4, BLOCK 2, AND LOTS 1-14 & 20-28, BLOCK 3, FINLAY'S SUPPLEMENT TO PROSPECT PARK ADDITION.**

Planning Director Ben Rangel reported that NeighborWorks of Great Falls has submitted an amended plat, an annexation request and a rezoning request for several parcels of land its owns just south of Sunnyside School. Their interest is to combine 27 lots into 13 parcels, annex the parcels and have single family zoning assigned to each. They propose to use five of the

parcels for homes being relocated from the future site of the CVS Pharmacy.

Mr. Rangel requested that the City Commission accept Ordinance 3018 on first reading and to set public hearing for October 7, 2008, to consider assignment of City zoning, and to approve the amended plat and its annexation.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 3018 on first reading and set public hearing for October 7, 2008.

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

Motion carried 5-0.

**Consent Agenda.
Approved.**

CONSENT AGENDA

9. Minutes, August 19, 2008, Commission meeting.
10. Total expenditures of \$2,222,727 for the period of August 20-28, 2008, to include claims over \$5,000, in the amount of \$1,946,128.
11. Contracts list.
12. Postpone construction contract for the Library Landscaping project to allow further time for bid analysis and review. OF 1508.1
13. Award construction contract for the Skyline Heights Storm Drain Improvements to Shumaker Trucking and Excavating Contractors, Inc., in the amount of \$131,831. OF 1282.1
14. Approve final payment for the 10th Street Bridge Lighting CTEP project to Liberty Electric and the State Miscellaneous Tax Division in the amount of \$6,995.43. OF 1180.6

Commissioner Jolley moved, seconded by Commissioner Bronson, with the exception of Items 10 and 12, to approve the Consent Agenda as presented.

Motion carried 5-0.

With regard to Item 10, Commissioner Jolley inquired about the payment for reimbursement for the third quarter transit program. Mr. Rangel responded that those are planning funds that are provided from the Federal Transit Administration under a Section 5303 Program. Essentially, the City Planning Board receives those federal funds on behalf of the community. Then, under a contractual arrangement, passes a portion to the Transit District to conduct their transit planning activities. The Transit District requests reimbursement for that work on a quarterly basis.

With regard to Item 12, Commissioner Jolley inquired why the architect estimate was \$3,500, and the bids came in between \$20,000 and \$42,000.

Library Director Jim Heckel responded that is one the reasons for requesting that the bid award be postponed to do some further analysis to determine why the discrepancy was there. The architect's estimation was done approximately a year and a half ago and Mr. Heckel believes there was misunderstanding about what schedule B actually entailed. The bid specification was primarily for benches and furniture outside the plaza. Commissioner Jolley inquired if it could be opened up for bid again. Mr. Heckel answered that he has a choice of pulling it from the bid analysis, or he may drop that portion and re-bid that separately. After analysis, he would make a recommendation to the Commission to either accept the other part of the bid, if the library could come up with the additional money to make up the difference, or to reject the bids.

Commissioner Jolley moved, seconded by Commissioner Bronson, to approve Items 10 and 12 of the Consent Agenda.

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

Motion carried 5-0.

BOARDS & COMMISSIONS

The Redding Addition, Phase II, Preliminary Plat and Findings of Fact. Approved.

15. PRELIMINARY PLAT, THE REDDING ADDITION, PHASE II, LOCATED ALONG THE NORTH BOUNDARY OF 7TH AVENUE NORTH BETWEEN 45TH STREET NORTH AND 48TH STREET NORTH.

Planning Director Ben Rangel reported that Raymond and Linda Redding are the property owners and developers of this subdivision. They have requested Commission approval of the Preliminary Plat and Findings of Fact for The Redding Addition, Phase II. The subdivision is located just east of Morningside School along 7th Avenue North. It consists of 5 single-family residential lots.

The City Planning Board unanimously recommends City Commission approval.

In the future, and as the developers are ready to proceed, the Commission will be requested to consider the final plat of the subdivision, its annexation and the assignment of City zoning.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, to approve the Preliminary Plat of the Redding Addition, Phase II, and the accompanying Findings of Fact, subject to fulfillment of the stipulated conditions.

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

Motion carried 5-0.

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

**Fire Fighter Union
Negotiations, Leadership
Great Falls, NC 4.**

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager, Gregory T. Doyon, reported that discussions and negotiations will continue in the form of a mediation scheduled with the Fire Fighters Union. Mr. Doyon reminded the Commission that he will be attending Leadership Great Falls on Thursday and Friday. Mr. Doyon also discussed what he learned at the NC 4 meeting about the council's concerns. Jim Larsen, on behalf of the County, attended the meeting. Mr. Doyon will be following up with the council on what the City's obligations may or may not be with regard to road maintenance. He hoped that he and Mr. Larsen could follow up to provide assistance for the council to address all their concerns.

PETITIONS AND COMMUNICATIONS

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

**Water rights research,
City and SME
documents, recycling.**

18A. Kathleen Gessaman, 1006 36th Avenue N.E., thanked City Clerk, Lisa Kunz, for assisting her in her water rights research and for making the documents between the City and SME available in the Ryan Room. Ms. Gessaman also thanked the City for taking part in recycling old electronics to be held at MSU College of Technology on Saturday.

**HD-TV, President of
NWE, DEQ, voting
machines.**

18B. John Hubbard, 615 7th Avenue South, commented on HD-TV and taking airwaves away from the public. Mayor Stebbins reminded Mr. Hubbard that was a federal mandate. Mr. Hubbard commented that a former PSC employee is now President of NorthWest Energy and believes that is a conflict of interest. Mayor Stebbins again reminded Mr. Hubbard that the City Commission has no control over NorthWest Energy's hiring practices. Mr. Hubbard stated that he received a letter from the DEQ regarding the Weissman property stating the matter is still under investigation. Mr. Hubbard doesn't believe the voting machines work and are a waste of time.

**Alive@5, bus service,
public access television,
rule regarding Petitions
and Communications.**

18C. Mike Witsoe, 2612 1st Avenue South, reminded everyone to attend the last Alive@5 on Thursday and to purchase raffle tickets for a Harley motorcycle. Mr. Witsoe urged the public to buy bus passes and ride the bus. Mr. Witsoe asked for an explanation why more of the franchise funds do not

go to public access television. He also asked for an explanation about the new rule, which he said was similar to the county's rule, about not being able to comment during the Petitions and Communications portion of the meeting if the matter was presented earlier on the agenda.

CITY COMMISSION

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

With regard to Judge Luth's comments, Commissioner Bronson asked if there was a consensus of the City Commission to direct staff to look at the issue of whether or not, by ordinance, they could address the option of the Municipal Judge continuing to follow the practice of the annual canned food drive. He recognizes that it may only be affecting a small area (City ordinance violations), but he would appreciate a report on that and whether or not it would be worth the time. Mayor Stebbins agreed, as well as Commissioners Jolley, Rosenbaum and Beecher. Commissioner Jolley inquired what Boy Scout Troops were in the audience. Troops 151 and 157 were individually introduced and explained that attending this meeting was a requirement of achieving their citizenship merit badges. Mayor Stebbins complimented the Park and Recreation Department and Jon Thompson and his crew for the beautiful flower beds this summer and all their hard work in maintaining those.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Bronson, that the regular meeting of September 2, 2008, be adjourned at 8:14 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

Minutes Approved: September 16, 2008



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 SEPTEMBER 3, 2008	523,553.53
MASTER ACCOUNT CHECK RUN FOR SEPTEMBER 10, 2008	449,403.77
MUNICIPAL COURT ACCOUNT CHECK RUN FOR AUGUST 29, 2008	67,363.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR SEPTEMBER 5, 2008	1,035.00
WIRE TRANSFERS FROM AUGUST 27, 2008 THROUGH SEPTEMBER 2, 2008	159,739.61
WIRE TRANSFERS FROM SEPTEMBER 3, 2008 THROUGH SEPTEMBER 10, 2008	<u>298,290.52</u>
TOTAL: \$	<u><u>1,499,385.43</u></u>

GENERAL FUND

POLICE
 NORTHWESTERN ENERGY JULY ENERGY COSTS (SPLIT AMONG FUNDS) 820.71

FIRE
 NORTHWESTERN ENERGY JULY ENERGY COSTS (SPLIT AMONG FUNDS) 791.30

PARK & RECREATION
 NORTHWESTERN ENERGY JULY ENERGY COSTS (SPLIT AMONG FUNDS) 563.06

SPECIAL REVENUE FUND

CTEP PROJECT
 LIBERTY ELECTRIC INC FINAL PMT 10TH ST BEAUTIFICATION 6,925.48

LIGHTING DISTRICT
 CARTEGRAPH SYSTEMS INC CARTEFLEX SUBSCRIPTION - 10 PK 688.40
 (SPLIT AMONG FUNDS)
 NORTHWESTERN ENERGY AUGUST 2008 COSTS (SPLIT AMONG FUNDS) 70,380.74

FIRE SPECIAL REVENUE
 A T KLEMENS & SONS TC FURNACE & WATER HEATER REPLACED 8,368.00

STREET DISTRICT
 SMITH EQUIPMENT-MADDEN 50 ROLLS PAVING FABRIC 11,450.00
 CARTEGRAPH SYSTEMS INC CARTEFLEX SUBSCRIPTION - 10 PK 2,925.70
 (SPLIT AMONG FUNDS)
 NORTHWESTERN ENERGY AUGUST 2008 COSTS (SPLIT AMONG FUNDS) 64.00
 BRENNTAG PACIFIC WSPE-1 ASPHALT MIXTURE 5,086.74
 CONCRETE DOCTOR FINAL PMT OF 1485.4 MISC CONCRETE WORK 13,677.59

LIBRARY
 NORTHWESTERN ENERGY JULY ENERGY COSTS (SPLIT AMONG FUNDS) 1,053.33

SPECIAL REVENUE FUND (CONTINUED)**FEDERAL BLOCK GRANTS**

BUDGET BUILDERS	111 15TH ST S LABOR & MATERIALS	7,550.00
BOYS & GIRLS CLUB	SCHOLARSHIPS FOR SUMMER RECREATION PROGRAMS	13,650.00
CLAY LONEY CONCRETE CONST	904 7TH AVE S - 1/2 DOWN PAYMENT	8,750.00

HOME GRANTS

NEIGHBORWORKS	DOWN PAYMENT & CLOSING COSTS ADDI FUNDS	8,639.00
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CAPITAL PROJECTS**GENERAL CAPITAL**

JAMES TALCOTT CONSTRUCTION INC	PMT 13 NEIGHBORHOOD POOLS & SPLASHDECKS	59,628.59
BIG SKY SIGN SERVICE INC	FINAL PMT ILLUMINATED NATATORIUM SIGN	10,584.00
M & D CONSTRUCTION	FINAL PMT POLICE DEPT WINDOW REPLACE	8,873.37

ENTERPRISE FUNDS**WATER**

THOMAS DEAN & HOSKINS	PMT 6 WTP BACKWASH CLARIFIER & SCREENING SYSTEM OF 1519.3	8,327.00
DANA KEPNER CO - BILLINGS	725 - 100 CF DM METERS W/TPAD	98,650.00
CARTEGRAPH SYSTEMS INC	CARTEFLEX SUBSCRIPTION - 10 PK (SPLIT AMONG FUNDS)	2,839.65
NORTHWESTERN ENERGY	JULY ENERGY COSTS (SPLIT AMONG FUNDS)	30,494.00

SEWER

CARTEGRAPH SYSTEMS INC	CARTEFLEX SUBSCRIPTION - 10 PK (SPLIT AMONG FUNDS)	1,548.90
NCI ENGINEERING	PMT #8 OF 1374.5 LIFT STATION & WTP REHAB PROJECT	6,650.00
TREASURE STATE ROOFING LLC	PMT #1 OF 1457.4 WWTP ROOF REPLACEMENT	118,936.57

STORM DRAIN

PHILLIPS CONSTRUCTION	OF 1167.2 25TH AVE NE STORM DRAIN EXT	30,888.99
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ELECTRIC

SME	PMT OF ENERGY SUPPLY EXPENSE JUN 08	50,508.43
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SAFETY SERVICES

NORTHWESTERN ENERGY	JULY ENERGY COSTS (SPLIT AMONG FUNDS)	205.18
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PARKING

APCOA/STANDARD PARKING	SEPT 2008 PARKING COMPENSATION	22,369.33
NORTHWESTERN ENERGY	JULY ENERGY COSTS (SPLIT AMONG FUNDS)	426.84

SWIM POOLS

NORTHWESTERN ENERGY	JULY ENERGY COSTS (SPLIT AMONG FUNDS)	327.73
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RECREATION

NORTHWESTERN ENERGY	JULY ENERGY COSTS (SPLIT AMONG FUNDS)	645.84
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CIVIC CENTER EVENTS

MUSIC CITY ARTISTS INC	PAY OUT TICKET RECEIPTS LESS EXPENSES CONTRACT #09-45 "FATOR"	35,104.04
NUNSENSE AT 25 LLC	FINAL PMT OF ARTIST FEE	12,000.00

INTERNAL SERVICES FUND

HEALTH & BENEFITS

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS AUGUST 19-25, 2008	117,115.82
BLUE CROSS/BLUE SHIELD	BCBS ADMIN & REINS FEES AUGUST 2008	42,623.79
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS AUGUST 26-31, 2008	37,638.11
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS SEPTEMBER 2-8, 2008	175,039.94

INFORMATION TECHNOLOGY

SUNGARD PUBLIC SECTOR INC	BLENDED LEARNING PLAN +40	11,000.00
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CENTRAL GARAGE

BISON MOTOR CO INC	2008 1 TON REG CAB W/REFUSE BODY	47,624.40
MOUNTAIN VIEW CO-OP	FUEL CHARGES	58,047.72

PUBLIC WORKS ADMINISTRATION

CARTEGRAPH SYSTEMS INC	CARTEFLEX SUBSCRIPTION - 10 PK (SPLIT AMONG FUNDS)	602.35
NORTHWESTERN ENERGY	JULY ENERGY COSTS (SPLIT AMONG FUNDS)	819.02

CC FACILITY SERVICES

NORTHWESTERN ENERGY	JULY ENERGY COSTS (SPLIT AMONG FUNDS)	1,921.71
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TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	48,688.00
CASCADE COUNTY TREASURER	FINES & FORFEITURES COLLECTIONS	8,796.00
VICTIM WITNESS ASSISTANCE SERV	FINES & FORFEITURES SURCHARGES	5,694.00

CLAIMS OVER \$5000 TOTAL: \$ 1,216,003.37

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

**AGENDA: 13
DATE: September 16, 2008**

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR’S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Public Works	Montana Department of Transportation	01/2002 – 12/2009	N/A	None	Construction Agreement with MDT to construct safety improvements at the northbound I-15 off-ramp and Central Avenue West. OF 1544
B	Community Development	Quality Life Concepts, Inc.	07/01/2008 – 06/30/2009	272	\$7,211	Purchase and install ceiling tracking system in Berkner Heights group home.
C	Community Development	Gateway Community Services	07/01/2008 – 06/30/2009	272	\$13,825	Remodel handicap accessible entryway.
D	Community Development	Voices of Hope	07/01/2008 – 06/30/2009	272	\$10,000	Elevator security system.
E	Community Development	Heisey Youth Center	07/01/2008 – 06/30/2009	272	\$20,000	Locker room remodel.
F	Community Development	Neighborhood Housing Services, Inc.	07/01/2008 – 06/30/2009	272	\$130,000	New construction and rehabilitation single family homes.
G	Community Development	Easter Seals – Goodwill Northern Rocky	07/01/2008 – 06/30/2009	272	\$17,750	P.L.A.Y project and equipment purchase for Outsources Unlimited.

		Mountain, Inc.				
H	Community Development	Neighborhood Housing Services, Inc.	09/04/2008 – 01/02/2010	274	\$106,330	OIP XVI-New construction and rehabilitation of homes, and down payment assistance.

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

**AGENDA: 14
DATE: September 16, 2008**

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

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Property Owner – Tungsten Properties, Inc.	Current	237-3131-532-3599	\$200.00	Partial Release of Resolution #9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 608 6 th Avenue South. Lot 3, Blk 473, GFO.
B	Fiscal Services	Property Owner – Janice White (at time of recording 1 st Franklin Mortgage Trust)	Current	237-3131-532-3599	\$200.00	Partial Release of Resolution #9762 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 115 20 th Street S.W. N1/2 Lot 2, Blk 6, COM.

C	Fiscal Services	Property Owner – Larry E. Frates	Current	513-3165-531-3599	\$2,078.68 \$74.45	Partial Release of Resolution 9607 to Levy and Assess Properties for Unpaid Utility Services at 113 15 th Street North and 115 15 th Street North. S50’ of Lot 1, Blk 297, Great Falls Third Addition.
D	Fiscal Services	Property Owner – Larry E. Frates	Current	513-3165-531-3599	\$54.34	Partial Release of Resolution 9684 to Levy and Assess Properties for Unpaid Utility Services at 113 15 th Street North. S50’ of Lot 1, Blk 297, Great Falls Third Addition.
E	Fiscal Services	Property Owner – Channon Collins (f/k/a Carol Ann Collins)	Current	513-3165-531-3599	\$264.58	Partial Release of Resolution 9684 to Levy and Assess Properties for Unpaid Utility Services at 2512 3 rd Avenue South. Lot 4, Blk 784, Great Falls 11 th .
F	Fiscal Services	Property Owner – Countrywide Home Loans, Inc. (formerly Paul D. & Shelly Barick)	Current	513-3165-531-3599	\$71.52	Partial Release of Resolution 9684 to Levy and Assess Properties for Unpaid Utility Services at 3426 5 th Avenue North. Lot 7, Blk 16, BOS.



Item: Reschedule the Regularly Scheduled City Commission Work Session and Meeting on October 7, 2008

From: Lisa Kunz, City Clerk

Initiated By: McLaughlin Research Institute

Presented By: Lisa Kunz, City Clerk

Action Requested: Reschedule City Commission Meetings

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/deny) the request to reschedule the Work Session and Commission Meeting from October 7, 2008, to Monday, October 6, 2008, to accommodate the Smuin Ballet.

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

Staff Recommendation: In order to accommodate the McLaughlin Research Institute’s bi-annual fund raising event by presenting the Smuin Ballet on October 7, 2008, in the Mansfield Theater and Missouri Room, staff recommends that the regularly scheduled Work Session and City Commission meeting on October 7, 2008, be rescheduled.

Background: By letter dated April 28, 2007 (*sic*), the McLaughlin Research Institute advised that it will be renting the Mansfield Theater and Missouri Room on October 7, 2008, to present the Smuin Ballet of San Francisco for their bi-annual fund raising event. The performance was made possible by a generous sponsorship and all of the proceeds support McLaughlin’s missions of education and research. Said date conflicts with the regularly scheduled City Commission meeting. The McLaughlin Research Institute respectfully requested that the City Commission meeting date be rescheduled.

Fiscal Impact: None.

Alternatives: The City Commission could deny said request.

Attachments/Exhibits: Letter dated April 28, 2007, from Dave Crum, Assistant Director of Operations and Development of the McLaughlin Research Institute.



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Resolution 9779 Parking Meter Rate and Meter Violation Fine Increases

From: Mike Rattray, Community Development Director

Initiated By: Mike Rattray, Community Development Director

Presented By: Kim McCleary, Parking Supervisor

Action Requested: Set Public Hearing on Resolution 9779

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission set a public hearing for Resolution 9779 Parking Meter Rate and Meter Violation Fine Increases for October 6, 2008”

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

Staff Recommendation: The Community Development staff recommends the City Commission set a public hearing for Resolution 9779 Parking Meter Rate and Meter Violation Citation Fine Increases for October 6, 2008.

Background: An analysis of anticipated cost increases for operating and maintaining the downtown parking garages and off-street surface lots, and the projected revenue for the 2008/09 downtown parking program during the annual budget process revealed a projected deficit. The purpose of the rate increase is to generate enough revenue to cover projected costs over the next five years. Staff conducted a survey of meter and citation rates in five major Montana cities, as well as, three cities in the region. This survey revealed that hourly meter rates range from \$.25 in Great Falls and Kalispell to \$.50 per hour in Missoula and Helena. The meter violation fine ranges from \$2 in Missoula, \$5 in Helena and Billings, and \$10 in Kalispell. Regionally, meter rates run from \$.60 to \$1 per hour, and meter violation citation fines range from \$5 to \$15. Staff presented the proposed incremental rate increases to the Parking Advisory Commission at their May 21, 2008 meeting. The Parking Advisory Commission concurred with staff’s recommendation for a meter rate increase to \$.50 per hour, and a meter violation fine of \$5. Over the past several years, there has been a steady increase of people working downtown that are regularly parking at the meters. Meter costs and the citation fine for meter violations are so low that it actually encourages the downtown workers to park at the meter rather than seek long term off-street parking. One of the downtown parking program’s goals is to create turnover in parking spaces on the street to allow ample parking for shoppers and people conducting short-

term business transactions downtown. There are five off-street parking lots and two parking garages available for longer term parking. There is no anticipated workload impacts to City staff or Standard Parking employees expected with these increases. The last hourly meter rate increase was from \$.10 to \$.25 in 1981. The last increase in the meter violation fine was from \$2 to \$3 in 1987.

Concurrences: The Parking Advisory Commission supports the staff recommendation to increase the hourly rate from \$.25 to \$.50, and increase the meter violation fine from \$3 to \$5.

Fiscal Impact: With rising costs to operate and maintain the City's downtown parking facilities, City staff is projecting a deficit in program funds for fiscal year 2008/2009 and into the future. Currently the revenue generated from the meters and the off-street parking facilities meet the operating expenses, but does not provide for annual capital improvements required to maintain the off-street parking facilities. The projected increase in revenue to the parking program, with an increase of \$.25 per hour, is estimated to be approximately \$14,000 per month and \$168,000 annually. Conservatively estimating a 3% increase in costs annually, the estimated increase in revenue could cover costs through the next five fiscal years without an additional increase. The revenue generated from citations goes into the City's general fund.

Alternatives: The City Commission can choose to adopt or deny Resolution 9779. If the Resolution is denied, needed capital improvements to parking facilities would be deferred indefinitely, and operating expenditures would be affected. Needed capital for the general fund would be lost. Incremental meter rate increases and corresponding revenue projections with a 0% increase, 40% (\$.10) increase, 60% (\$.15) increase, 80% (\$.20) increase and 100% (\$.25) increase are attached for consideration as alternatives.

Attachments/Exhibits: Meter Rate Increase Projections
Citation Revenue Projection
6-Year Projected Expenditures

RESOLUTION NO. 9779

A RESOLUTION ADOPTING INCREASES IN THE IN THE PARKING PROGRAM RATES
IN THE DOWNTOWN PARKING DISTRICT

WHEREAS, City code Section 10.48.290 sets forth that parking meter rates are to be established by resolution; and

WHEREAS, the last increase in meter rates was approved in 1981; and

WHEREAS, the last increase in meter violation fines was in 1987; and

WHEREAS, City staff, in concurrence with the Parking Advisory Commission, has recommended that the City Commission approve a meter rate increase from a rate of 25 cents per hour to 50 cents per hour (pro-rated for lower time increments) at all parking meters in the parking meter district; and

WHEREAS, City staff, in concurrence with the Parking Advisory Commission, has recommended that the City Commission approve the meter violation citation fine increase from \$3 to \$5 in the downtown parking district.

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

That the City Commission of the City of Great Falls does hereby approve said meter rate increase at all City parking meters, and the meter violation citation fine in the parking meter district.

PASSED by the Commission of the City of Great Falls, Montana, on this the 6th Day of October, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED AS TO FORM:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9779 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6th day of October, 2008, and approved by the Mayor of said City, on the 6th day of October, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 6th day of October, 2008

Lisa Kunz, City Clerk

(SEAL OF CITY)

METER RATE INCREASE PROJECTION

	0%	40% (10¢)	60% (15¢)	80% (20¢)	100% (25¢)
Total Meter Revenue	\$168,000	\$235,200	\$268,800	\$302,400	\$336,000
Increase in Revenue	0	\$ 67,200	\$100,800	\$134,400	\$168,000
Total Parking Revenue	\$548,950	\$616,150	\$649,750	\$683,350	\$716,950
Total Parking Expenditures	\$680,448	\$680,448	\$680,448	\$680,448	\$680,448
Budget Differential	(\$131,498)	(\$ 64,298)	(\$ 30,698)	\$ 2902	\$ 36,502

PROJECTED PARKING EXPENDITURES

	Operating Expenses	Capital Imp. (Projected)	Total Annual Expenses
2008/09	\$575,448	\$ 75,000 \$ 30,000	\$680,448
2009/10	\$592,711*	\$ 20,000	\$612,711
2010/11	\$610,492*	\$ 75,000	\$685,492
2011/12	\$628,807*	\$ 20,000	\$648,807
2012/13	\$647,671*	\$ 20,000	\$667,671
2013/14	\$667,101*	\$ 20,000	\$687,101

*Includes 3% annual increase

Citation Revenue Projection

- Citation Rev. (3 yr Average) \$ 80,500
- Projected Rev @ \$5.00 \$134,200
- Less 10% \$ 13,400
(Projected drop in number of citations)
- Projected Citation Revenue \$ 120,800

9/11/08 - Submitted by Tonya Jorgensen for: Alison Fried 455-9897
Dragonfly Drygoods

Parking Thoughts for August 2007:

What would be the best thing for parking downtown?

Parking Problems:

1. Workers parking on the street.
2. Deterrent to shoppers
3. Less and Less revenue being collected

So how do we balance?

Workers- Shoppers- Revenue

Deter workers

Attract shoppers

Consistent revenue

If you are spending money downtown you do not pay for parking or tickets!

If you are making money (working) downtown you HAVE to pay for parking and tickets!

Every license plate is tracked and if we are seeing a plate more then three times a week they need to pay for parking, and need to be paying violations.

Solution:

Tract license plates, and have free parking downtown for the ones that are spending money. And if the ones that are downtown more then three times a week get ticketed then have them turn in a receipt that they spent money downtown that day and it will be waived. The repeat workers that are parking on the street, and or downtown more than three times a week and on the street for more then two hours a day will be fined.

So unlimited hours free parking:

Violation written, when a car is on the street three times, and longer then two hours in a week. The violation, then become substantial in cost in comparison to what is currently charged. Because we are assured that this is a person that is familiar with what is going on downtown, owns a building, business, or lives or works downtown. We want the downtown opened up for more money to be spent, and these are the ones who should step aside and open up the parking spaces need, to see that is the way to do just that.

Revenue will still be brought in by higher ticket cost and less expense in regulating parking

A welcoming environment with no parking meters, but with regulated parking through the hand held computer, under the new guidelines. Balance revenue, workers and shoppers!

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the City Commission of the City of Great Falls will conduct a Public Hearing on October 6, 2008, at 7:00 P.M. in the Commission Chambers, Civic Center Building, to consider adoption of Resolution 9779, pertaining to setting a fee increase for parking meters and a citation increase.

Any person or party interested in providing public comment may do so at the Public Hearing or may provide written comment prior to the hearing by addressing said comments to the City Clerk, City of Great Falls, P.O. Box 5021, Great Falls, MT 59403.

PUBLICATION DATE: October 5, 2008

Lisa Kunz, City clerk

Community Development Department
City of Great Falls
PO Box 5021
Great Falls, MT 59403



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Tax Increment Application Process and Forms

From: City Staff

Initiated By: City Staff

Presented By: Cheryl Patton, Assistant City Manager

Action Requested: Approve Process and Application Form

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/reject) the attached Tax Increment Application Process and Application Form”

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

Staff Recommendation: Staff recommends the City Commission approve the proposed Tax Increment Application Process and the Application Form as attached or make modifications to either document.

Background: The City of Great Falls has several districts which have been approved according to state statute for use of Tax Increment Financing of public improvements. Those districts include the Downtown Urban Renewal District, The West Bank Urban Renewal District and the Agri-technology Industrial District.

The City has not granted funding requests from the private sector for tax increment assistance for many years. However, the City had past experience in lending tax increment funds from the Downtown Revitalization Urban Renewal District in the 1980's. Besides the loan program in the 1980's, the City has used tax increment revenue for public improvements within the districts which help to accomplish the goals outlined in the district's plan at the time each district was created by the City Commission.

The City has been approached by two, separate developers planning projects within the West Bank Urban Renewal District requesting consideration for tax increment assistance. After a Work Session with the City Commission on August 19, 2008, staff believes that each project should be judged on its own merits and the requests should be evaluated by a knowledgeable group for appropriateness and impact to the district and community.

City staff has researched the process that the Missoula Redevelopment Agency (MRA) uses to assist private developers with projects within their urban renewal districts. The forms requested for approval tonight were adapted for The City of Great Falls' use from the written process and application forms used by MRA. The City's suggested **Process** follows that of the MRA in stating that the maximum TIF participation in any one private project would be limited to 10% of the construction/rehabilitation costs, exclusive of acquisition cost. Projects demonstrating extraordinary benefit to the Districts or the community, could, at the discretion of the City Commission, receive additional assistance.

The attached **Process** outlines eligible activities under state statute; an application process to be followed; and criteria to evaluate the request and the project. The **Application Form** requests applicant and project information including project costs, project financing and a project pro forma. This information will be used by the staff evaluation group, the Planning Board and the City Commission in determining the need and appropriateness of tax dollar participation in the project.

The **Process** states that the Planning Department will be the lead agency to accept applications. Planning will also convene the City staff group to evaluate the requests and will formulate a recommendation to the Planning Board for their review and consideration. The Planning Board is charged with making a recommendation to the City Commission for its consideration. The City Commission retains all powers granted in state statute.

Fiscal Services will be the lead agency in accounting for tax increment funds and preparing any necessary bond documents. If formal development agreements are needed, staff will rely on assistance from professional bond counsel. For each project, a project manager will be assigned from an appropriate department to ensure completion of the project in conformance with the approval by the City Commission.

Concurrences: The documents requested for approval have been reviewed by the Directors of Fiscal Services, Planning, Community Development, Public Works and Park and Recreation Departments and the Assistant City Manager.

Fiscal Impact: Tax Increment Revenues are available to be spent by the municipality on eligible activities outlined in state statute for a period of 15 years or the length of any bond issue. Each tax increment district has goals to be accomplished, including public improvements which were outlined in the plan when the district was created. Funding that is provided to assist private development with public improvements could also go toward meeting the Districts goals or could be returned to the taxing jurisdictions. TIF assistance to the private sector is viewed as an appropriate incentive to help a development or redevelopment project become reality.

Alternatives: The City Commission can approve these attachments as presented, modify either attachment or reject the **Process** and/or **Application**.

Attachments/Exhibits:

Tax Increment Financing Application Process
Tax Increment Financing Application

**CITY OF GREAT FALLS
WEST BANK URBAN RENEWAL DISTRICT &
INDUSTRIAL TAX INCREMENT DISTRICTS
TAX INCREMENT FINANCING APPLICATION PROCESS**

IMPORTANT: The material included below outlines the Tax Increment Financing application process and the responsibilities of the Applicant and the City of Great Falls. The Planning Department is charged with processing all applications and accomplishing the plans established with creation of each district. Private projects requesting Tax Increment financial assistance will be evaluated by the Planning Board. The Planning Board will prepare a recommendation to the City Commission concerning each individual request using the criteria outlined in this document. Please review this information carefully before submitting the application forms or finalizing your development plans.

Failure to receive approval of a completed application BEFORE construction begins may affect the Applicant's eligibility for Tax Increment Financing assistance from the City of Great Falls.

INTRODUCTION

The City of Great Falls is responsible for administering the urban renewal program in Great Falls, pursuant to Montana Urban Renewal Law (Title 7 Chapter 15 parts 42 and 43, Montana Code Annotated). Tax Increment Financing (TIF) is an important element of the program as it provides the City with a means to finance urban renewal, industrial, technology or aerospace activities. The TIF program operates by first establishing a base year taxable value for all properties within the appropriate district. In the case of the West Bank Urban Renewal District, the base year is 2007. Property taxes from that District continue to be paid to all taxing jurisdictions on the basis of the 2007 base year valuation. All increases in property taxes in the District above this base valuation, due to new development or reappraisals, are assigned to the City to be used to finance urban renewal activities within the District.

Applicants for TIF assistance are subject to program eligibility analysis and project review criteria listed below. In addition, project applications will be accepted and processed in the order in which they are received and approved based on the availability of funds in consideration of goals of the plan for the appropriate district.

ELIGIBLE ACTIVITIES

7-15-4288, M.C.A defines how tax increments can be used by the municipality to pay costs of or incurred in connection with an urban renewal project, industrial infrastructure development project, technology infrastructure development project or aerospace transportation and technology infrastructure development project and includes:

1. Land acquisition, including acquisition of infrastructure-deficient areas and assemblage of land for development by private enterprise or public agencies, including sale, initial leasing, or retention by the municipality itself at fair value.
2. Demolition and removal of structures.
3. Relocation of occupants.
4. Public improvements such as the acquisition, construction and improvement of infrastructure which includes streets, roads, curbs, gutters, sidewalks, pedestrian malls, alleys, parking lots and off-street parking facilities, sewers, sewer lines, storm sewers, waterlines, waterways, sewage and water treatment facilities, natural gas lines, electrical lines, telecommunication lines, rail lines, rail spurs, bridges, publicly owned buildings and other public improvements.
5. Costs incurred in the exercise of urban renewal powers allowed under 7-15-4233, M.C.A.

APPLICATION PROCESS

Anyone seeking TIF assistance from the City must submit a written application for each TIF-assisted project.

The following procedure has been developed to allow for a thorough and public review of TIF funding requests.

1. Initial Contact. Contact the Planning Department, Room 4, lower level of the Civic Center, to discuss the project and determine eligibility for TIF assistance.
2. Prepare a Written Application. The Applicant must prepare a written application for each funding request. For all TIF requests over \$10,000, the Applicant must also complete a “Developer’s Statement of Qualification and Financial Responsibility” which includes submittal of developer’s financial statements. This additional form may also be required of other Applicants by staff when deemed necessary for the evaluation process.
3. Staff Review. Upon submittal of all necessary information, a staff group consisting of Fiscal Services, Planning, Community Development, Park & Recreation, and Public Works department heads and the Assistant City Manager will review the merits of the project and the need for funding. The Planning Department staff will prepare a staff report and recommendation to the Planning Board.
4. Planning Board. The staff recommendation will be considered by the Planning Board who in turn will prepare a recommendation to the City Commission for final approval. At any point in the review process the staff, the Planning Board or the City Commission may request more information of the Applicant or solicit comments on the project from other public agencies. Upon submittal of the

appropriate affidavit, developer's financial statements will not be subject to public review or presentation to or comment by other agencies.

5. City Commission Review and Approval. The City Commission will review the project, will consider the recommendation from the Planning Board and will approve or reject the funding request or any part thereof along with any special terms of TIF assistance.
6. Development Agreement. If TIF assistance is approved, the City and the Applicant must execute a legally binding Development Agreement which establishes the terms and conditions of the TIF assistance. Among the terms and conditions, the Agreement shall specify the schedule for the start and completion of the project and may require the Applicant to guarantee repayment of TIF assistance if the terms of the Agreement are violated by the Applicant. The Development Agreement shall also specify whether the Applicant or City will be responsible for bidding or obtaining cost estimates and selecting contractors for funded activities. If the City is specified, it will follow public bidding and selection procedures as required by state law. The Development Agreement must be approved by the City Commission.

IMPORTANT NOTE: Costs to be paid with TIF monies may not be incurred by the Applicant prior to funding approval and the satisfaction of any conditions of such approval.

CRITERIA FOR REVIEW

Materials contained in TIF applications are used to assess the merits of projects in relation to the goals and objectives of the West Bank Urban Renewal Plan or other appropriate district plan. To measure the public benefit derived from the project, the City evaluates projects based on the following criteria. Each project is judged on its own merit; therefore, no weight is given to any of the criteria. However, the first six criteria are the most important in evaluating projects and must be addressed in the staff recommendation.

1. Economic Stimulus – The amount of economic activity to be generated by the project is assessed, as well as the leverage ratio of public to private investment. In general, the maximum limit of participation in any one project is 10% of the construction/rehabilitation costs, exclusive of acquisition cost. Projects clearly demonstrating extraordinary benefit to Districts or the community may, at the discretion of the City Commission, receive additional TIF assistance for eligible items. All applications should contain credible, measurable information substantiating the project's economic stimulus in the District and the community.

2. Tax Generation – The increase in taxable value due to new construction/rehabilitation as estimated by the County Assessor’s office to determine tax increment generation.
3. Employment Generation – Total employment generated by the project as assessed in terms of new permanent and part-time jobs, and construction jobs.
4. Elimination of Blight – The project’s direct and indirect impact on the physical and fiscal deterioration within the appropriate district and the community, as identified in the West Bank Urban Renewal Plan or the appropriate district plan for industrial, technology or aerospace districts.
5. Special or Unique Opportunities – The extent to which the project represents a unique opportunity, meets a special need, or addresses specific district or community goals. The restoration of a historic property or the provision of an unmet community need is an example of special and unique opportunities.
6. Impact Assessment – The extent of both positive and negative environmental impacts, appropriateness of the project design, and impact on existing businesses or residents.
7. Financial Assistance – Other forms of financing available to the Applicant. Lender participation, industrial development revenue bonds, and state and federal grant monies, for example, are examined to assess the need for TIF assistance.
8. Project Feasibility – A determination of feasibility is made based on the strength of the Applicant’s demonstration of market demand for the project as contained primarily on the pro forma and financing commitments.
9. Developer Ability to Perform – An assessment of the Applicant’s capability to undertake the relative complexities of the project based on past performance on similar projects.
10. Timely Completion – The feasibility of completing the project according to the Applicant’s project schedule.
11. Payment of Taxes – All property taxes, special improvement district assessments, and other assessments on the project property must be paid to date.

**CITY OF GREAT FALLS
WEST BANK URBAN RENEWAL DISTRICT
INDUSTRIAL TAX INCREMENT DISTRICTS
TAX INCREMENT FINANCING (TIF) APPLICATION**

Project Name: _____ Date Submitted: _____

APPLICANT INFORMATION

1. Name: _____
2. Address: _____

3. Telephone Number: _____

PROJECT INFORMATION

1. Building Address: _____
2. Legal Description: _____

3. Ownership: _____
Address: _____
4. If property is not owned by the Applicant, list leasehold interests: (Attach evidentiary materials.)
Name: _____
Address: _____
5. Existing/Proposed Businesses: _____
Business Description: _____

6. Employment: Existing FTE Jobs _____
New Permanent FTE Jobs created by project _____ Construction FTE jobs _____
7. Architectural/Engineering Firm
Firm: _____
Address: _____
Representative: _____
8. Description of Project: (Attach narrative explanation.)
9. Rehabilitation/construction Plans (Attach schematics, site, and landscaping plans.)
10. Project Schedule: (Attach time line or schedule through completion.)

PROJECT COSTS

Land and Site Improvements (Itemized)

- 1. Equity in Land and Buildings \$ _____
- 2. \$ _____
- 3. \$ _____
- 4. \$ _____

Subtotal \$ _____

Construction/Rehabilitation Costs (Use general construction trade divisions)

- 1. \$ _____
- 2. \$ _____
- 3. \$ _____
- 4. \$ _____
- 5. \$ _____
- 6. \$ _____
- 7. \$ _____
- 8. \$ _____
- 9. \$ _____
- 10. \$ _____

Subtotal \$ _____

Fees

- 1. A&E design/Supervision \$ _____
- 2. Permits _____ \$ _____
_____ \$ _____
- 3. Other fees _____ \$ _____
_____ \$ _____

Subtotal \$ _____

Total Project Development Costs \$ _____

PROJECT FINANCING

Please complete Sources of Funds detail and summarize below.

Developer Equity

Cash Invested \$ _____
 Land & Buildings \$ _____
 Other (Specify) _____ \$ _____
 _____ \$ _____

Subtotal \$ _____

Lender Commitments (Attach evidence i.e. Letters of Credit or other documentation.)

Lender	Loan Amount	Interest	Term	Payment/Period
_____	\$ _____	_____ %	_____ yrs	\$ _____ /mo
_____	\$ _____	_____ %	_____ yrs	\$ _____ /mo
Total Loan Amount				\$ _____

TIF Request

Eligible Improvements (See Narrative)

\$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____

Subtotal \$ _____

Sources of Funds Summary (Post totals from above)

Developer Equity \$ _____
 Lender Commitments \$ _____
 TIF Request \$ _____
 Other Funds (Specify) _____ \$ _____

Total Project Financing \$ _____

PRO FORMA

	Year 1	Year 2	Year 3	Year 4	Year 5
Revenue	\$	\$	\$	\$	\$
Less: Vacancy and Credit Losses	-	-	-	-	-
Gross Operating Income	=	=	=	=	=
Less: Operating Expenses					
Accounting and Legal	\$	\$	\$	\$	\$
Advertising	\$	\$	\$	\$	\$
Property Insurance	\$	\$	\$	\$	\$
Property Management (cleaning, etc.)	\$	\$	\$	\$	\$
Property Taxes	\$	\$	\$	\$	\$
Repairs and Maintenance	\$	\$	\$	\$	\$
Services (laundry, etc.)	\$	\$	\$	\$	
Supplies	\$	\$	\$	\$	\$
Utilities	\$	\$	\$	\$	\$
Miscellaneous	\$	\$	\$	\$	\$
Total Operating Expenses	=	=	=	=	=
Net Operating Expenses (Gross Operating Income -Total Operating Expenses)	\$	\$	\$	\$	\$
Less: Total Annual Debt Service	-	-	-	-	-
Cash Flow Before Taxes	=	=	=	=	=

**DEVELOPER'S STATEMENT OF QUALIFICATION
AND FINANCIAL RESPONSIBILITY**

Applicant

1. Name: _____

Address: _____

2. If the applicant is not an individual doing business under his/her own name, the applicant has the status indicated below and is organized or operating under the laws of _____.

_____ A corporation

_____ A nonprofit or charitable institution or corporation

_____ A partnership known as _____

_____ Other (explain) _____

Date of organization: _____

3. Names, address, title of position (if any), and nature and extent of the interest of the officers and principal members, principal members, principal shareholders, investors, or partners of the applicant.

Name and Address

Nature and Extent of Interest

Financial Condition

1. Provide a current financial statement for each private entity involved in the project.

Documentation of financial capacity may include net worth statements, balance sheets, or profit and loss statements.

2. Has the applicant or any individual or entity affiliated with the development of this project been adjudged bankrupt, either voluntary or involuntary, within the past ten years?

No _____ Yes _____ If yes, give date, place, and under what name _____

3. Has the applicant or any individual or entity affiliated with the development of this project been indicted for or convicted of any felony within the past 10 years?

No _____ Yes _____ If yes, give the date, charge, place, court and action taken for each case _____

CONSTRUCTION CONTRACTOR

1. Identify the construction contractor or builder who will undertake this project.

Name: _____

Address: _____

2. Has such contractor or builder ever failed to qualify as a responsible bidder, refused to enter into a contract after an award has been made, or failed to complete a construction or development contract within the last 10 years? No _____ Yes _____ If yes, explain.

CERTIFICATION

I (we), _____ (please print), certify that the statements and estimates within this Application as well as any and all documentation submitted as attachments to this Application or under separate cover are true and correct to the best of my (our) knowledge and belief.

Signature _____

Address _____

Title _____

Address _____

Date _____

Date _____

Signature _____

Title _____



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: The Animal Foundation of Great Falls Memorandum of Understanding

Initiated By: Park & Recreation Department

Prepared By: Patty Rearden, Deputy Park and Recreation Director

Presented By: Marty Basta, Park & Recreation Director

Action Requested: Approve Memorandum of Understanding

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission approve/deny the Memorandum of Understanding with The Animal Foundation of Great Falls.”

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

Staff Recommendation:

Staff recommends that the City Commission approve the Memorandum of Understanding with The Animal Foundation of Great Falls.

Background:

The purpose of this Memorandum of Understanding is to establish a general framework for the operation of the Dog Park through a public-private partnership to construct, manage, and maintain the Dog Park. The term of the MOU is for 10 years beginning September 1, 2008 and ending August 31, 2018. The MOU automatically renews for another 10 years unless either party provides written notice of its intention not to renew the MOU on or before February 1, 2018.

At the December 4, 2007 City Commission Work Session, the City Commission heard a presentation from The Animal Foundation on the site location and construction plans for the Dog Park, as well as the proposed agreement between the Park and Recreation Department and The Animal Foundation on operation of the Dog Park.

The City Commission approved the location of the Dog Park at the December 4, 2007 City Commission Meeting. Several park and City property parcels were reviewed for public accessibility, proximity to Rivers Edge Trail, existing infrastructure, topography and possible conflicts with other uses in the area before deciding on the location. The Park and Recreation

Board approved the location for the Great Falls Dog Park at its November 19, 2007 Board Meeting.

The Animal Foundation of Great Falls formed in 2002 with the mission of raising funds to build a new animal shelter and Dog Park in Great Falls. Beginning in June of 2004, Animal Foundation representatives and City staff met over a three month period to review potential sites and determine the most appropriate location for a Dog Park. At least five City and Park property parcels were reviewed for size, location, proximity to River's Edge trail, accessibility, existing infrastructure, visibility, topography, zoning and possible conflicts with other uses in the area. In August of 2004, the site location committee determined that the City owned land adjacent to River Drive North between 6th and 9th Streets North best met the location criteria and was recommended as the site for the Dog Park.

In September of 2007, the Dog Park Committee of the Great Falls Animal Foundation began meeting with City of Great Falls Park and Recreation staff to develop conceptual design plans, operation and maintenance plans, and cost estimates for the proposed site. The Dog Park is a City park open to the public. The Great Falls Animal Foundation agreed to fund construction of the Dog Park and the City of Great Falls Park and Recreation Department agreed to provide ongoing maintenance with operational assistance from The Animal Foundation. The development committee met bi-monthly to further refine the plans.

The Dog Park is now complete and is projected to open in spring of 2009, as soon as the turf is filled in and in usable condition. The Dog Park was open August 6-13, 2008 for a "Preview Week" and was received enthusiastically by the Great Falls community.

Concurrences:

The Park & Recreation Board recommended approval by the City Commission of the lease at their regular meeting on September 8, 2008.

Alternatives:

If the Memorandum of Understanding with The Animal Foundation of Great Falls is not approved, the responsibility for maintenance and future improvements will lie entirely with the City and the Park and Recreation Department.

Attachments/Exhibits:

1. The Animal Foundation of Great Falls Memorandum of Understanding.
(Not available online; on file in City Clerk's Office.)



Item: Great Falls Animal Shelter Medical Director Contract

From: Police Department

Initiated By: Police Department/Captain Shanks

Presented By: Cloyd Grove, Chief of Police

Action Requested: Postpone bid award on Great Falls Animal Shelter Medical Director Contract

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission postpone awarding the bid for a one-year Animal Shelter Medical Director Contract.”

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

Staff Recommendation: It is recommended that the City Commission postpone the bid for a one year Animal Medical Shelter Director contract to allow staff more time to evaluate the proposals.

Background:

Significant Impacts The animals held at the Great Falls Animal Shelter will receive consistent medical care from a licensed veterinarian. By awarding an annual contract, budgeting for professional services becomes more manageable and controls fluctuating rates. Treatment and aftercare will also be more consistent since previously, a variety of veterinarians would help the shelter, leading to differing opinions and directives on care.

Citizen Participation None. Professional services only.

Workload Impacts Workload is not expected to change, although it is anticipated that the Medical Director will be able to provide additional training to staff on recognizing and treating injuries and illnesses to animals. This training can reduce the introduction of disease which has previously quarantined the entire facility for weeks at a time.

Purpose The contract is intended to provide medical care for animals at the Great Falls Animal Shelter. Because of the specific limitations of the December 2007 Request for Proposal which called for up to 40 hours of service per week, a number of veterinarians did not respond. Only one bid was received and this was for part-time only service and did not meet the legal requirements of the bid. The RFP has since been modified to include “relief” veterinarians who will support the lead Animal Medical Director. This addition is intended to help veterinarians who are trying to balance the needs of their clients and those of the animal shelter.

Evaluation and Selection Process The specifications were advertised in the Great Falls Tribune and mailed to prospective bidders. The bids were opened on September 8, 2008. Time will be needed for full evaluation of the bid summaries, confirmation of submitted credentials, and interviews with the prospective bidders.

Concurrences: The purpose of this contract is to follow the recommended action plan of the Staton Report. No other organizations have been consulted.

Fiscal Impact: It is anticipated that the contract award will keep the medical budget for the shelter at \$10,000 or less. It should be noted that the unfortunate duty of euthanasia creates an additional expense for veterinary services. The GF Animal Shelter has trained staff members through a certified euthanasia course and is currently undergoing application through the State Board of Veterinary Medicine and U.S. Drug Enforcement Administration for licensing to administer euthanasia without having to use a licensed veterinarian. It is projected that a cost savings of approximately \$3,000 will result annually.

Alternatives: N/A

Attachments/Exhibits: N/A



Item: Change Order No. 1 and Final Payment– 2007 CDBG (Community Development Block Grant) Sidewalk Replacement, O. F. 1507.2

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Change Order No. 1 and Final Pay Request

Suggested Motion:

1. Commissioner moves:

"I move the City Commission approve Change Order No. 1 in the amount of \$2,818.20 and Final Payment for the 2007 CDBG Sidewalk Replacement, O. F. 1507.2, in the amount of \$656.42 to Kuglin Construction, and \$6.63 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

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

Staff Recommendation: Approve final payment request.

Background:

Significant Impacts

This project replaced damaged and deteriorated sidewalks for low to medium income homeowners. Sidewalks and driveways were also replaced at the Great Falls Senior Citizen Center.

Citizen Participation

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

Workload Impacts

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

Purpose

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

Project Work Scope

This project replaced sidewalks at 29 residences which included over 6,300 square feet of new sidewalk and 2,500 square feet of new sod. These sidewalks were replaced at various locations throughout the City with the majority being bounded by the area of 8th Avenue North to Central Avenue from 9th Street to 15th Street.

Sidewalks and driveways were also replaced at the Great Falls Senior Center which included 1,200 square feet of sidewalk and 220 square feet of new driveway. The Senior Center applied for the CDBG grant and the Engineering staff managed bid letting and construction of the project.

Evaluation and Selection Process

The City accepted two bids for this project on September 5, 2007. The City Commission awarded the contract to Kuglin Construction on September 18, 2007, in the amount of \$62,286.00.

Conclusion

City staff has verified that Kuglin Construction has completed all work and punch-list items in accordance with the plans and contract. The City can accept the project and execute Change Order No. 1 and the Final Payment. The project was completed within the contract time. The two year warranty period started at the time of substantial completion which was May 21, 2008. Delay of the final payment was due to the contractor needing to advertise in the newspaper that the project was complete and all contractors and suppliers had been paid. This has now been completed.

Concurrences:

Not Applicable.

Fiscal Impact:

The final project cost is \$65,099.20 which is \$2,818.20 over the amount awarded and approved. Change Order No. 1, which is this difference, was due to money not used on the 2007 CDBG Handicap Ramp project which was moved into the sidewalk project. These funds were used to replace additional sidewalks under this project. This sidewalk replacement project was funded through a Community Development Block Grant.

Alternatives:

The City Commission could vote to deny Change Order No. 1 and Final Payment.

Attachments/Exhibits:

1. Change Order No. 1 and Application for Final Payment is attached.

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



Item: Construction Contract Award: 14th Street Southwest and 5th Avenue Southwest Water Main Replacements, O. F. 1436

From: Engineering Division

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 \$644,485.00 to Phillips Construction, LLC for the 14th Street Southwest and 5th Avenue Southwest Water Main Replacements, O. F. 1436, 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: Award construction contract award.

Background:

Significant Impacts

This project will replace portions of the water system located in 14th Street Southwest, 16th Street Southwest, 20th Street Southwest, and 5th Avenue Southwest. Most of these water mains were installed in the late 1960's and 1938.

Citizen Participation

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

Neighborhood council number two has also been notified.

Workload Impacts

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

Purpose

This project will replace water mains that have been failing and are damaging roadways, flooding private property, and disrupting water service to local residences and businesses. The breaks are primarily due to corrosive soils, type of pipe material used, and age.

Project Work Scope

This project will replace approximately 2,150 lineal feet of 6- and 8-inch cast iron water main with 8-inch PVC, 3,200 lineal feet of 8-inch and 12-inch cast iron water main with 12-inch PVC, 260 lineal feet of 16-inch cast iron water main with 16-inch PVC, replace 8 fire hydrants, install 2 additional fire hydrants, 18 water service connections; 3,750 square yards of gravel, and 3,250 square yards of asphalt for road repairs.

The mains are located in 14th Street from 5th Avenue Southwest to 2nd Avenue Southwest; 16th Street from 5th Avenue Southwest north approximately 570 feet; 20th Street from 5th Avenue Southwest north approximately 260 feet; and 5th Avenue Southwest from 14th Street to 20th Street.

Evaluation and Selection Process

Four bids were received and opened for this project on September 5, 2008. The bids ranged from \$748,957.00 to \$644,485.00. Phillips Construction, LLC. submitted the low bid and has provided all the necessary documents.

The engineer's estimate is \$712,392.50. Phillips Construction is an established local contractor and has done many projects within the City. Phillips Construction has the resources and the manpower to complete this project.

Conclusion

City staff recommends awarding the construction contract to Phillips Construction, LLC in the amount of \$644,850.00.

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, damaged streets, and surrounding property.

The attached bid tabulation summarizes bids that were received. DWSRF funds are available for this project.

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

14th St SW and 5th Ave SW Water Main Replacement
 O.F. 1436

Project Number _____
 Bids Taken at Civic Center
 Date: September 5, 2008
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	Phillips Construction 795 Ulm-Vaughn Rd. Great Falls, MT 59404	√		√	√	√	√	\$644,485.00
2	Shumaker Trucking Company P.O. Box 1279 Great Falls, MT 59403-1279	√		√	√	√	√	\$748,957.00
3	United Materials, Inc. P.O. Box 1690 Great Falls, MT 59403	√		√	√	√	√	\$652,720.00
4	Liggett Construction 3000 Division Road Great Falls, MT 59404	√		√	√	√	√	\$656,360.00
5								
6								
7								
8								
9								
10	Engineer's Estimate							\$712,392.50



Item: Construction Contract Award: 2008 CDBG (Community Development Block Grant) Sidewalk Replacement, O. F. 1537.2

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Approve Contract

Suggested Motion:

1. Commissioner moves:

"I move the City Commission award a contract in the amount of \$49,000 to United Materials of Great Falls, Inc., for the 2008 CDBG Sidewalk Replacement, O.F. 1537.2, 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 damaged and deteriorated sidewalks for low to medium income homeowners in the City.

Citizen Participation

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

Workload Impacts

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

Purpose

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

Project Work Scope

This project will replace sidewalks at approximately 23 residences which includes over 5,550 square feet of new sidewalk and 2,200 square feet of sodding. These sidewalks will be replaced at various locations throughout the City with the majority being bounded by the area of 8th Avenue North to 6th Avenue North from 15th Street to 26th Street.

Evaluation and Selection Process

Four bids were received and opened for this project on September 10, 2008. The base bids ranged from \$45,625 to \$54,100. To allow for all of the CDBG funds to be spent, an additive bid item was added to bring the final bid up to \$49,000 which is the total available funding. United Materials submitted the low bid and has executed all the necessary documents. United Materials is an established and responsible contractor.

Conclusion

City staff recommends awarding the construction contract to United Materials in the amount of \$49,000.

Concurrences:

Not Applicable.

Fiscal Impact:

The attached bid tabulation summarizes bids that were received. This project will be funded through a Community Development Block Grant.

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
 2008 CDBG Sidewalk Replacement
 O.F. 1537.2

Project Number _____
 Bids Taken at Civic Center
 Date: September 20, 2008
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	River City Concrete 2010 River Drive N #32 Great Falls, MT 59401			C.C.	√	√	√	\$48,500.00
2	David W. Kuglin Construction P.O. Box 491 Black Eagle, MT 59414			√	√	√	√	\$48,900.00
3	United Materials, Inc. P.O. Box 1690 Great Falls, MT 59403			√	√	√	√	\$45,625.00
4	Lapke Construction, LLC Box 111 Simms, MT 59477			√	√	√	√	\$54,100.00
5								
6								
7								
8								
9								
10	Engineer's Estimate							\$49,000.00



Item: Construction Contract Award: 2008 CDBG (Community Development Block Grant) Handicap Ramps, O. F. 1537.1

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Approve Contract

Suggested Motion:

1. Commissioner moves:

"I move the City Commission award a contract in the amount of \$100,650 to Kuglin Construction for the 2008 CDBG Handicap Ramps, O.F. 1537.1, 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 construct handicap ramps in various locations in the City.

Citizen Participation

Not applicable

Workload Impacts

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

Purpose

This project will construct Americans with Disabilities Act (ADA) approved handicap ramps at various intersections throughout the city. This allows better access for pedestrians and promotes walking in the City. This is the 8th phase of what is hoped to be an ongoing series of CDBG funded projects to install handicap ramps on a citywide basis. These projects are related to a program to repair hazardous sidewalks.

Project Work Scope

Approximately 600 linear feet of new curb and gutter, 3,000 square feet of new sidewalk for handicap ramps, 650 square feet of 6 inch reinforced concrete, 272 square feet of truncated domes, and 1,200 square feet of new sod will be installed on this project. Six existing horseshoe style drainage inlets will be replaced with new curb style inlets during this project as well.

Evaluation and Selection Process

Three bids were received and opened for this project on September 10, 2008. The base bids ranged from \$99,330 to \$128,825. To allow for all of the CDBG funding to be spent, an additive bid item was included in the bid form. Kuglin Construction submitted the low bid and has executed all the necessary documents. Kuglin Construction is an established and responsible contractor.

Conclusion

City staff recommends awarding the construction contract to Kuglin Construction in the amount of \$100,650.

Concurrences:

Not Applicable.

Fiscal Impact:

The attached bid tabulation summarizes bids that were received. This project will be funded through a Community Development Block Grant, Street Funding, and Storm Drain Funding.

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

2008 CDBG Handicap Ramps
 O.F. 1537.1

Project Number _____
 Bids Taken at Civic Center
 Date: September 10, 2008
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	Lapke Construction, LLC Box 111 Simms, MT 59477	√		√	√	√	√	\$128,825.00
2	United Materials, Inc. P.O. Box 1690 Great Falls, MT 59403	√		√	√	√	√	\$114,883.50
3	David W. Kuglin Construction P.O. Box 491 Black Eagle, MT 59414	√		√	√	√	√	\$99,330.00
4								
5								
6								
7								
8								
9								
10	Engineer's Estimate							\$105,000.00



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Library Landscaping CTEP Project - Award Construction Contract

From: Great Falls Public Library/Planning Department

Initiated By: Great Falls Public Library

Presented By: Jim Heckel, Library Director

Action Requested: Increase CTEP funds for Library Landscaping project and award construction contract for Library Landscaping project

Suggested Motion: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (approve/deny) the use of an additional \$68,143 in CTEP funds for the Library Landscaping project.”

And;

“I move that the City Commission (award/not award) a construction contract for the Library Landscaping project to Dick Olson Construction, Inc. in the amount of \$234,794 and authorize the City Manager to execute the necessary documents, contingent upon Montana Department of Transportation concurrence.”

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

Staff Recommendation: For the Library Landscaping CTEP project, staff recommends the City Commission award a construction contract for “Schedule A” in the amount of \$234,794 to the low bidder, Dick Olson Construction, Inc., and also approve the use of an additional \$68,143 in CTEP funds. “Schedule B” is not recommended for award due to limited funds.

Background: Approved by the City Commission in 2006, this Community Transportation Enhancement Program (CTEP) project will upgrade the Great Falls Public Library plaza to include landscaping, a plaza area and a sculpture and water feature. L’Heureux Page Werner designed the new plaza area and will perform construction oversight of the project with assistance from the Library and the Planning Department. The competitive bid process was followed, with a bid opening held on August 27, 2008. The City received a total of four bids, all of which were determined to be responsive. A summary of all bids received is attached to this Agenda Report.

The Architect's construction estimate is \$183,937 for Schedule A. The current budget for construction is \$76,651, and additional dollars are proposed to be contributed by the Library to fund an expanded scope of work to accommodate a monumental sculpture/water feature.

The low bid was submitted by Dick Olson in the amount of \$234,794. A mathematical error in the bid was corrected, as provided for in the project manual. The bid is 27.6% above the Architect's estimate. Subsequent review and analysis of the bids by the Architect concluded the bids represented a good level of participation from the pool of available bidders in this market place. In addition, the Architect concluded: 1) there is a notably small deviation among the bidders on most items, indicating the bids are likely and accurate reflection of the work involved; 2) the Architect underestimated the current market for some of the items; and, 3) some items had limited completion from subcontractors/suppliers (mainly "Schedule B" items). The Architect concluded that, in its opinion, the bid represents reasonable competition and consideration by a good pool of bidders, and that the lowest bid for "Schedule A" items is reasonable for the work represented. The Architect also concluded that any rebidding of the project would not produce significant benefit, and recommended award of "Schedule A" to the low bidder, Dick Olson Construction.

Due to an expanded scope of work and an increase in construction prices, additional CTEP funds are being requested for the project. Of the initial \$91,492 approved by the Commission in 2006, and after design and related costs are subtracted, \$66,365 is available for construction. The expanded construction scope and cost increases are proposed to be covered in part by additional funds from the Great Falls Public Library. To fund the remainder of the construction contract, approval of the use of \$68,143 in additional CTEP funds from CTEP reserves is being requested. The Library will provide \$79,438, plus \$10,562 to match the additional CTEP funds.

Concurrences: Representatives from the City Planning Department and the Great Falls Public Library have reviewed and approved the award of this construction contract.

Fiscal Impact: The \$234,794 contract will be paid through federal Community Transportation Enhancement Program (CTEP) funds (\$134,507), with matching dollars provided by the Great Falls Public Library Foundation (\$20,849). The Library will also provide an additional \$79,438, for a total contribution of \$100,287. The contributions from the Library are funds from various individuals and the Library Foundation and not from the library operating budget.

Alternatives: The City Commission could vote to not award the construction contract and/or to deny the use of additional CTEP funds, and the project would not be constructed.

Attachments/Exhibits:
Bid Tabulation Summary

cc: Dave Cantley, L'Heureux Page Werner, PC 15 5th Street South, Great Falls, MT, 59401

BID TABULATION

PROJECT

STPE 5299(76)
 Library Landscaping-GTF
 Control No. 6339
 O.F. 1508.1

OPENING INFORMATION

Date: August 27, 2008
 Time: 3:00 PM
 Place: Rainbow Room
 Civic Center, Great Falls MT

	Bidder (Name/Address)	Envelope Info.	Federal Proposal	Addendum Acknowl.	Compliance w/Insurance	DBE Schedule	Bid Bond	Bid Amount	Notes
1	Dick Olson Construction Inc 1124 24th Street S Great Falls MT	yes	yes	yes	yes	yes	10%	A \$234,794.00 *	
						Bidder List			
						yes		B \$20,400.00	
2	Dick Anderson Construction Inc 4610 Tri Hill Frontage Rd Great Falls MT	yes	yes	yes	yes	yes	10%	A \$290,907.49	
						Bidder List			
						yes		B \$42,371.00	
3	Wadsworth Builders 4601 2nd Ave N Great Falls MT	yes	yes	yes	yes	yes	10%	A \$246,457.00	
						Bidder List			
						yes		B \$30,025.00	
4	Guy Tobacco Construction 1400 25th Ave NE Black Eagle	yes	yes	yes	yes	yes	10%	A \$308,780.00	
						Bidder List			
						yes		B \$31,513.00	
	Architect's Estimate							\$183,937.60	Schedule A
								\$3,500.00	Schedule B

* Corrected amount because of mathematical error



Item: Amended Plat of Medley Addition, located in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, Township 20 North, Range 4 East, P.M.M. Cascade County, Montana

From: Charles Sheets, Planner I

Initiated By: Renaissance Assisted Living, Brett Wright, Agent for Owner

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission approve Amended Plat of Medley Addition

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/deny) the Amended Plat of Medley Addition and the accompanying Findings of Fact, subject to fulfillment of stipulated conditions.”

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

Planning Board Recommendation: At the August 26, 2008 meeting, the Planning Board passed a motion recommending the City Commission approve the Amended Plat of Medley Addition and accompanying Findings of Fact subject to fulfillment of stipulated conditions.

Background: Brett Wright, representing Renaissance Assisted Living has submitted an application for a single lot subdivision of Lot 2, Block 1, Medley Addition. The subdivision splits the lot in order to put the two existing community residential facilities on their own lot.

For additional information, please refer to the attached Vicinity Map, the site plan for subject property showing the proposed lot division and draft copy of the Amended Plat.

The owner wishes to sell one of the facilities and add three rooms to the other. Each facility will meet the required parking and landscaping requirements. The owner will file a common driveway easement so that both parking areas will use the same driveway onto 16th Avenue South. 16th Avenue South is developed to City standards including paving, curb, gutters and sidewalks.

The owner will also file a common sewer service easement for the 6 inch line that crosses the proposed Lot 2A. No new utilities are required for the single lot subdivision.

Subject Lot 2 is presently zoned R-6 Multi-family high density district, wherein, a Community residential facility, type 2 is allowed through a conditional use permit. The existing facilities existed prior to the adoption of the Land Development Code.

The Planning Board has recommended the City Commission approve the Amended Plat of Lot 2, Block 1, Medley Addition and the accompanying Findings of Fact, subject to fulfillment of the following conditions:

- 1) correction of any errors or omissions on the Amended Plat that may be noted by staff;
- 2) preparation of a certificate of title by a title company to be filed with the Amended Plat; and,
- 3) preparation of a shared parking and driveway and sewer service easements to be filed with the Amended 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 two existing community residential facilities in the amended plat is expected to be a negligible cost to the City. Any increased costs likely will be covered by tax revenues from the properties.

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







Attachments/Exhibits:

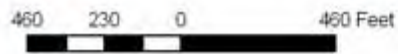
1. Vicinity/Zoning Map
2. Site Plan
3. Amended Plat
4. Findings of Fact

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Kim McCleary, Parking/Zoning Supervisor
Renaissance Assisted Living, c/o Brett Wright, P.O. Box 1687, Idaho Falls, ID 83403

VICINITY/ZONING MAP

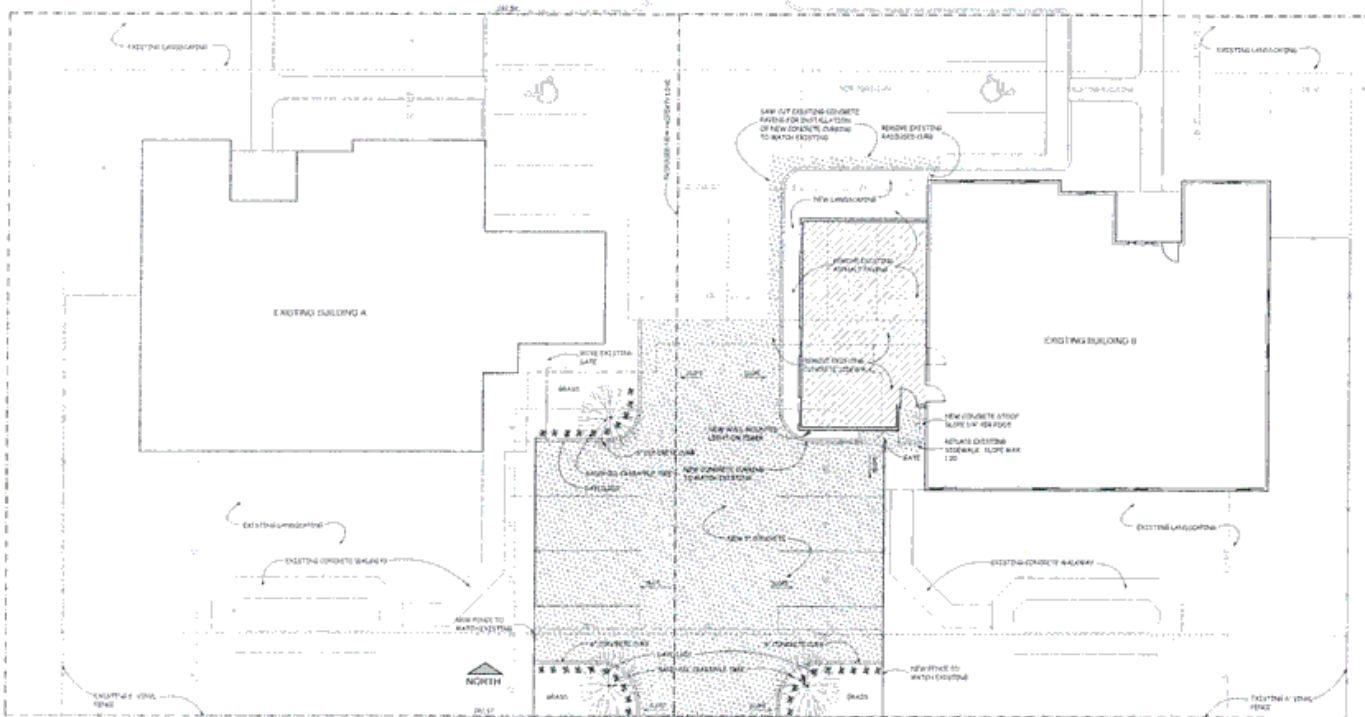


-  SINGLE LOT SUBDIVISION OF LOT 2, BLOCK 1 MEDLEY ADDITION
-  City Limits
-  U Unincorporated enclave
-  R-3 Single-family high density
-  R-6 Multi-family high density
-  PLI Public Lands and Institutional



20TH STREET SOUTH

16TH AVENUE SOUTH



AREA OF SUBJECT A - 2,700 SQ. FT.
 AREA OF SUBJECT B - 2,500 SQ. FT.
 AREA OF PROPOSED IMPROVEMENTS OF BUILDING A - 1,500 SQ. FT.
 AREA OF PROPOSED IMPROVEMENTS OF BUILDING B - 1,000 SQ. FT.

SITE PLAN
 SCALE: 1/8" = 1'-0"

DATE: 11/15/07
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 CITY OF GREAT FALLS



KEITH T. KENNEDY
 LICENSED ARCHITECT
 STATE OF MONTANA
 278



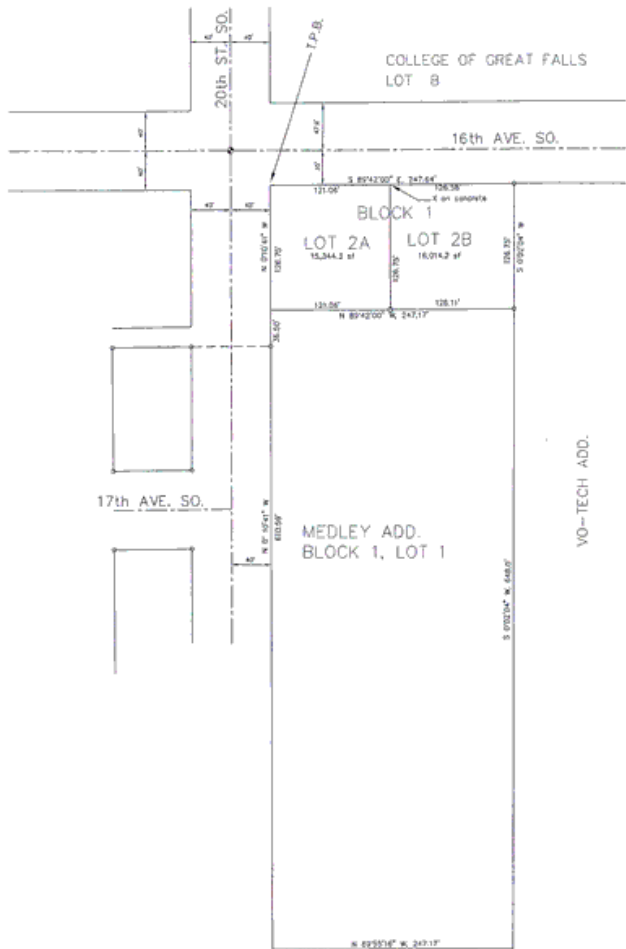
KEITH T. KENNEDY, ARCHITECT
 ARCHITECTURE · PLANNING · INTERIOR DESIGN
 6400 FALLS, IDAHO
 TELEPHONE: 208-522-1481

DATE JOB: _____
 OR BY: _____
 JOB NO.: _____

BEDROOM ADDITION
RENAISSANCE ASSISTED LIVING - LEWIS
 MONTANA
 GREAT FALLS

SHEET
1

**PRELIMINARY MINOR SUBDIVISION PLAT OF
LOT 2, BLOCK 1, MEDLEY ADDITION TO GREAT FALLS
IN THE SW1/4 NE1/4 SEC. 18, T 20 N, R 4 E, P.M.M.
CASCADE COUNTY, MONTANA**



CERTIFICATE DISPENSING WITH PARK OR PLAYGROUND

I, Gregory T. Doyen, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at a regular meeting held on the _____ day of _____, 2008, found no necessity due to the size and location of the Plat of Medley Addition, to the City of Great Falls, Cascade County, Montana, and therefore directed a grant donation in the sum of _____ for the park fund in lieu of the land that would have been dedicated if a dedication were made, in accordance with Section 76-3-821(1)(c), M.C.A.

City Manager, City of Great Falls, Montana

CERTIFICATE OF PUBLIC SERVICE OFFICER

I, Jim Reardon, Public Service Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying Plat of Medley Addition, and the survey it represents, and that I find the same conform to regulations governing the plating of lots, and to presently granted adjacent land, as near as circumstances will permit and I do hereby approve the same. Dated this _____ day of _____, 2008.

Jim Reardon
Public Service Director
City of Great Falls, Montana

CERTIFICATE OF CITY COMMISSION

I, Gregory T. Doyen, City Manager of Great Falls, Montana, do hereby certify that the accompanying plat was duly examined and approved by the City Commission of the City of Great Falls at its regular meeting held on the _____ day of _____, 2008.

City Manager, City of Great Falls, Montana

CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES

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

City Manager, City of Great Falls, Montana

CERTIFICATE OF GREAT FALLS PLANNING BOARD

We, the undersigned, John Harding, Chairman of said Great Falls Planning Board, Great Falls, Cascade County, Montana, and Benjamin M. Rempel, Secretary of said Great Falls Planning Board, do hereby certify that the accompanying Subdivision Plat of Tynor Addition, Phase 1 to Great Falls, Cascade County, Montana has been submitted to the said Great Falls Planning Board of Great Falls, Cascade County, Montana, for examination by them and was approved at a meeting held on the _____ day of _____, 2008.

Chairman, Great Falls Planning Board

ATTN: Secretary, Great Falls Planning Board

CERTIFICATE OF DEDICATION

We, the undersigned properly sworn, do hereby certify that we have caused to be surveyed, for the purpose of subdivision of lots and in a Block the following described land in Great Falls, Cascade County, Montana, to wit:

DESCRIPTION

The land being described lies in the SW1/4, NE1/4, Section 18, T 20 N, R 4 E, P.M.M. Cascade County, Montana:

Lot 2, Block 1, Medley Addition:
Beginning at NE corner Block 1 of the Medley Add. and the True Point of Beginning; Thence N 89°22'00"E along the South right-of-way of 16th Avenue South, 247.64 ft.; Thence S 02°04'41" W, 126.73 m.; Thence S 89°22'00" W, 247.17 m. to the East right-of-way of 20th Street South; Thence N 0°10'41" W, 126.73 ft. to the True Point of Beginning.

Herein described Lots contains 0.720 acres in all.

The above described tract of land is to be known and designated as the unnamed subdivision plat of Lot 2, Block 1, MEDLEY ADDITION, to the City of Great Falls, Cascade County, Montana.

Owner: _____ this day _____ of _____, 2008.

Owner: _____ this day _____ of _____, 2008.

State of Montana
County of Cascade

On this _____ day of _____, 2008, before me, the undersigned, a Notary Public in and for the State of Montana, personally appeared _____, known to me to be the persons who executed the foregoing Certificate of Dedication, and they acknowledged to me that they executed the same.

Signature of Notary

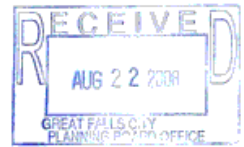
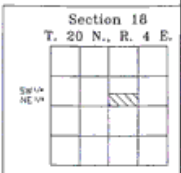
Printed Name of Notary
Notary Public for the State of Montana
Residing at Great Falls, Montana
My commission expires _____

CERTIFICATE OF SURVEYOR

State of Montana
County of Cascade

Dwight L. Aetson, a Registered Land Surveyor, do hereby certify that I have performed the survey on the attached Plat of Medley Addition to / Great Falls, that such survey was made on 18 day of August, 2008, and said survey is true and complete as shown. Dated this _____ day of _____, 2008.

Dwight L. Aetson Registration No. 0641 LS



LEGEND

--- FOUND SECTION CORNER
◆ EXISTING E MONUMENT
○ FOUND PIN / CAP
○ SET PIN / CAP

County Treasurer's Certification

I hereby certify that no real property taxes assessed and levied on the land being divided are delinquent.

Cascade County Treasurer

Cascade County Clerk and Recorder

Cascadia County Clerk and Recorder

BASIS OF BEARING

Block of bearing is the South right of way of 16th Avenue South

Date Drawn: Aug. 2008 Drawn by: DGA Credited by: _____ Project No. 62026-101

HCM ENGINEERING
2701 16th Avenue NE
PO Box 49
Great Falls, MT 59403
Phone: (406) 453-4985
Fax: (406) 453-4288

COUNTY OF CASCADE
SUBDIVISION PLAT No. _____
SW1/4, Sec. 18, Township 20 North, Range 4 East of the P.M.M.

Page 1 of 1

**FINDINGS OF FACT
FOR LOT 2, BLOCK 1, MEDLEY ADDITION,
LOCATED IN SECTION 18, 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 surrounded by urban development and has never been used for agricultural purposes. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

Effect on Local Services

The subdivision is in the City Limits of the City of Great Falls and is served by the Great Falls Police and Fire Departments. Response distance for emergency fire vehicles is 2.1 miles. City water and sanitary sewer mains exist in the abutting portion of 16th Avenue South. Access to subject property is provided by the abutting 16th Avenue South which is improved and maintained by the City.

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. Subject property is presently occupied by two community residential facilities. The purpose of the subdivision is to place each residential facility on its own lot.

Effect on Wildlife and Wildlife Habitat

The subdivision is surrounded by 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 other abnormal potential natural hazards such as floods, wildfire, snow or rock slides, 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

Utilities are and can be accommodated in the existing easements and abutting public right-of-way.

IV. LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision is provided by the abutting 16th Avenue South which is public right-of-way, improved to City standards and maintained by the City Of Great Falls.



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Appointments to the Electric City Power Board of Directors

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Appoint two members to the Electric City Power Board of Directors.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ to fill the remainder of a term through December 31, 2009, and appoint _____ to fill the remainder of a term through December 31, 2011, to the Electric City Power Board of Directors.”

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 two members to the Electric City Power Board of Directors to fill the remainder of terms through December 31, 2009, and December 31, 2011.

Background: Randy Gray and Dawn Willey were appointed to the Electric City Power Board on January 3, 2006. Mr. Gray and Ms. Willey have resigned from the Board; therefore, it is necessary to appoint two members to fill the remainder of their terms.

Purpose

On November 1, 2005, the City Commission adopted Ordinance 2925 which restructured Electric City Power as a non-profit organization. Resolution 9529 adopted the Articles of Incorporation and Resolution 9530 adopted the Bylaws on November 15, 2005. Bylaws state that the Board of Directors shall consist of five directors to be appointed by the City Commission. The term of office is six years, with initial appointments staggered terms.

Evaluation and Selection Process

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

Continuing members of this board are:

George Golie
Robert Pancich
William Ryan

Citizens interested in serving on this Board:

Lee Ebeling
John R. Gilbert
Mark Joshu
Stuart Lewin
Keith Thomas Melhus
Gale E. Rand
Olaf M. Stimac, Jr.
Michael M. Witsoe

Concurrences: The Electric City Power Board recommends the City Commission consider the applications of John Gilbert, Keith Melhus and/or Ole Stimac for appointment to the Board. *(Note: Due to a mail delivery problem, the application of Lee Ebeling was not received in the City Manager's office until September 9, after the ECP board meeting where applications were considered.)*

Fiscal Impact: Not applicable.

Alternatives: Continue advertising to seek further citizen interest.

Attachments/Exhibits:

Board Applications
ECP Board recommendation letter



**CITY OF GREAT FALLS
COMMISSION AGENDA REPORT**

Item: Appointments to the Business Improvement District

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Reappoint one member and appoint two members to the Business Improvement District

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission reappoint Julie Duffy for a four-year term through June 30, 2012, and appoint _____ and _____ to four-year terms through June 30, 2012, to the Business Improvement District.”

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

Staff Recommendation: It is recommended that the City Commission reappoint Julie Duffy and appoint two members to the Business Improvement District for four-year terms through June 30, 2012.

Background: Julie Duffy was appointed in November of 2002 to fill the remainder of a term. Ms. Duffy was reappointed in 2004 and is eligible for another term. Ira Kaufman Jr. has served since 1997 and is not eligible for reappointment. Phil Kiser was appointed in 2004 and is not interested in reappointment. Therefore, it is necessary to appoint two new members.

Purpose

The Business Improvement District consists of seven members appointed by the City Commission. Members must be owners of property within the boundaries of the Business Improvement District or their personal representative, agent, or guardian (MCA§7-12-1121). The B.I.D. oversees the functions, operations, management and administration as necessary to carry out the purposes and objectives of the Business Improvement District.

Evaluation and Selection Process

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

Continuing members of this board are:

Steve Alley
Allison Fried
Anthony Longin
Bill Stuff

Citizens interested in serving on this Board:

Patrick Laabs
Jayson Olthoff
Stacey Schaefer

Concurrences: Not applicable.

Fiscal Impact: Not applicable.

Alternatives: Continue advertising to seek further citizen interest.

Attachments/Exhibits:

Board Applications