



# City Commission Agenda

for

## September 2, 2008

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

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PROCLAMATIONS**

National Alcohol and Drug Recovery Month  
National Native American Wellbriety Month

**PRESENTATIONS**

City Court Canned Food Drive Update – Judge Luth

**NEIGHBORHOOD COUNCILS**

1. Miscellaneous reports and announcements.

**PUBLIC HEARINGS**

2. Lease of a Portion of Highland Park to the Electric City BMX Association. Action: Conduct public hearing and approve or deny lease of park land. **(Presented by: Marty Basta)**
3. Res. 9765, Levy and Assess Property for Unpaid Utility Service. Action: Conduct public hearing and adopt or deny Res. 9765. **(Presented by: Coleen Balzarini)**
4. Parcel Mark No.'s 6 and 8 at the International Airport and abutting segments of County road right-of-way. **(Presented by: Ben Rangel)**
  - A. Res. 9778, Annexes referenced property. Action: Conduct joint public hearing and adopt or deny Res. 9778.
  - B. Ord. 3013, Assigns zoning classification of GFIA Great Falls International Airport district. Action: Conduct joint public hearing and adopt or deny Ord. 3013.

**OLD BUSINESS**

5. Ord. 3014, Change the title of the Airport zoning classification from GFIA Great Falls International Airport to AI Airport Industrial. Action: Vacate public hearing scheduled for September 2, 2008, on Ord. 3014 and reschedule for September 16, 2008. **(Presented by: Ben Rangel)**
6. Ord. 3015, Rezone Parcel Mark No. P1, Section 5, T20N, R4E (Former City compost site). Action: Vacate public hearing scheduled for September 2, 2008, on Ord. 3015 and reschedule for September 16, 2008. **(Presented by: Ben Rangel)**

## **NEW BUSINESS**

7. 2008 Community Transportation Enhancement Program Projects Prioritized List. Action: Approve or disapprove of proposed prioritized project list. **(Presented by: Ben Rangel)**

## **ORDINANCES/RESOLUTIONS**

8. Ord. 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. Action: Accept Ord. 3018 on first reading and set public hearing for October 7, 2008. **(Presented by: Ben Rangel)**

**CONSENT AGENDA** *The Consent Agenda is made up of routine day-to-day items that require Commission action. Items may be pulled from the Consent Agenda for separate discussion/vote by any Commissioner.*

9. Minutes, August 19, 2008, Commission meeting.
10. Total Expenditures of \$2,222,727 for the period of August 20-28, 2008, to include claims over \$5000, in the amount of \$1,946,128.
11. Contracts list.
12. Postpone construction contract award for Library Landscaping project to allow further time for bid analysis and review.
13. Award construction contract for the Skyline Heights Storm Drain Improvements to Shumaker Trucking and Excavating Contractors Inc. in the amount of \$131,831.
14. Approve Final Payment for the 10<sup>th</sup> Street Bridge Lighting CTEP Project to Liberty Electric and the State Miscellaneous Tax Division in the amount of \$6,995.43.

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

## **BOARDS & COMMISSIONS**

15. Preliminary Plat, The Redding Addition, Phase II, located along the north boundary of 7<sup>th</sup> Avenue North between 45<sup>th</sup> Street North and 48<sup>th</sup> Street North. Action: Approve Preliminary Plat and accompanying Findings of Fact. **(Presented by: Ben Rangel)**
16. Miscellaneous reports and announcements.

## **CITY MANAGER**

17. 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)*

18. Miscellaneous reports and announcements.

## **CITY COMMISSION**

19. Miscellaneous reports and announcements.

## **MOTION TO ADJOURN**



**Item:** Lease of a Portion of Highland Park

**Initiated By:** Park & Recreation Department

**Prepared By:** Patty Rearden, Deputy Park and Recreation Director

**Presented By:** Marty Basta, Park & Recreation Director

**Action Requested:** Hold Public Hearing and Approve Lease

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission approve/deny lease of a portion of Highland Park to the Electric City BMX Association.”

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

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**Staff Recommendation:**

Staff recommends that the City Commission approve the lease of a portion of Highland Park to the Electric City BMX Association.

**Background:**

As required by Title 3, Chapter 4, OCCGF, before final consideration of lease of City property, the City Commission shall hold a public hearing to receive comment regarding such a lease. The Electric City BMX Association has requested the City continue their lease of a portion of Highland Park. The new five year lease, effective August 1, 2008 through July 31, 2012, is similar to the previous lease with the Association and will have a rental fee of \$150 in the first year with a 3% increase annually culminating at \$168.84 in 2012.

The notice of public hearing to consider the Lease was published in the Great Falls Tribune on August 15, 2008. The City Commission set the public hearing at the August 19, 2008 Commission Meeting.

The BMX program is a dirt bicycle “moto cross” activity involving youth in our community. The local club is an affiliate of the American Bicycle Association.

At the City’s request, the Electric City BMX Association relocated their operation from Sandhills Park to Highland Park Addition in spring of 2006. The Park & Rec Advisory Board

approved a \$15,000 matching grant to the Association to assist with costs of the new BMX track and related amenities at their March 14, 2005 Board Meeting.

**Concurrences:**

The Park & Recreation Board recommended approval by the City Commission of the lease at their regular meeting on August 11, 2008.

**Fiscal Impact:**

The City will receive \$150 lease payment in the first year, increasing 3% annually, culminating at \$168.84 in 2012. The Electric City BMX Association is responsible for all maintenance of the site, and for utilities and insurance.

**Alternatives:**

Not approve setting the public hearing and ultimately the lease for the Electric City BMX Association. This would leave the Association without a site to carry out their programs and activities after a significant investment of time, money, and effort.

**Attachments/Exhibits:**

1. Electric City BMX Association Lease (Not available online; on file in City Clerk's Office.)



**Item:** Resolution 9765 to Levy and Assess Properties for Unpaid Utility Services

**From:** Martha Capps, Operations Supervisor

**Initiated By:** Fiscal Services/Delinquent Utility Accounts

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

**Action Requested:** Conduct the public hearing, and barring sufficient protest, levy and assess charges of unpaid utility services against the properties listed in Exhibit A of Resolution 9765.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission adopt Resolution 9765”

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

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**Staff Recommendation:** Staff recommends the City Commission adopt Resolution 9765, to levy and assess charges of unpaid utility services against the properties listed in Exhibit A.

**Background:** Sections 7-12-4611 and 4612, Section 7-13-128, Section 7-13-4309, M.C.A., and City of Great Falls Municipal Codes 8.32.332 and 13.26.060 authorize the City Commission to assess lienable charges against a property to which utility services were furnished and for which payment is delinquent. Properties in the City of Great Falls which had utility services provided to them prior to June 30, 2008, but remain unpaid, are subject to the City’s right to tax the property for the amount owed. The Fiscal Services Department reviews the accounts annually and notifies property owners of the delinquent charges and the right to tax the property. The legal owners of the properties were notified in a letter dated July 3, 2008 that unless these charges were paid within 30 days, they would be levied as a tax against the lot or parcel. These properties also receive the normal monthly billing statements. A final letter stating the date and time of this Public Hearing was sent to the Owners of the properties remaining unpaid on August 20, 2008. This tax will appear on the property tax bill received from Cascade County.

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

**Fiscal Impact:** Adoption of Resolution 9765 will allow the City to collect delinquent utility service charges in the amount of \$13,225.69.

**Alternatives:** The City Commission could choose to deny adoption of Resolution 9765 to Levy and Assess Properties; however, the reduction in funds could effect the utility service operations and therefore, have an adverse affect on the public.

**Attachments/Exhibits:** Resolution 9765, To Levy and Assess Properties for Unpaid Utility Services, and Notice of Public Hearing for publication.

## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that on the 2<sup>nd</sup> day of September, 2008 at 7:00 p.m., the City Commission will hold a public hearing in the Commission Chambers of the Civic Center for Resolution 9765, To Levy and Assess Properties For Unpaid Utility Services on various properties in the total amount of \$13,225.69.

Any person interested or affected by the proposed charge may file a written protest or objections, containing the description of the property and the grounds for such protest or objections, with the Clerk's office, Civic Center, Room 202 prior to the time set for the hearing. Any questions may be directed to Martha Capps, Operations Supervisor, Fiscal Services, City of Great Falls at 406-455-8484 or at the Civic Center, Room 104.

BY ORDER OF THE CITY  
COMMISSION  
Lisa Kunz, City Clerk

OFFICE USE ONLY  
Publication August 22 and 29, 2008

## RESOLUTION 9765

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

#### **WHEREAS:**

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

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

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

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

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

PASSED by the Commission of the City of Great Falls, Montana, on this 2<sup>ND</sup> day of September 2008.

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Dona R. Stebbins, Mayor



Attest:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content:

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David 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 9765 was passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 2<sup>ND</sup> day of September 2008, and approved by the Mayor of said City on the 2<sup>ND</sup> day of September 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 2<sup>ND</sup> day of September, 2008.

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Lisa Kunz, City Clerk

(SEAL OF CITY)

RESOLUTION 9765 - EXHIBIT A

\*\*\*Revised\*\*\*

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

OWNER	PARCEL	LOT	BLOCK	SUB	LOC1	LOC2	DUE
MURPHY JUDITH L TOCCO	3750	6	74	GF1		1120 10TH AVE N	41.28
AZURE ROBERT L & MEDORA S	5400	10	80	GFO	719	8TH AVE N	258.19
HETLAND GLEN	7150	9	84	GF1		1123 8TH AVE N	397.39
HAYES BOBI JO	9500	11	89	GF3		1611 8TH AVE N	450.89
<del>CALLAHAN NATHAN R</del>	<del>30050</del>	<del>2</del>	<del>120</del>	<del>GF3</del>		<del>1604 8TH AVE N</del>	<del>24.00</del>
COLLINS JANIS C	37850	9	128	GFO	821	7TH AVE N	23.77
FRATES LARRY E	41200	9	133	GFO		521 6TH AVE N	781.60
MONTANA LAND PROTECTION LLC	44250	10	136	GFO	817	6TH AVE N	50.97
CARTER EDGAR L	58800	4	157	GF12	2910	7TH AVE N	177.06
FRATES LARRY	65550	2	170	GF4		2104 6TH AVE N	556.34
MCGEE CHAD & BROOKE	76850	5	184	GFO	716	6TH AVE N	79.53
FRATES LARRY E	78650	7	186	GFO		516 6TH ST N	529.84
FRATES LARRY E	78650	7	186	GFO		512 6TH ST N	630.24
WELLS FARGO BANK	79800	11	187	GFO	415	5TH AVE N	237.61
WALTER RICK A & PAULETTE L	108850	10	232	GF3	1817	3RD AVE N	507.42
WELLS FARGO BANK	114550	7	240	GF1		312 11TH ST N	52.44
GALLENKAMP KELLY D	124950	9	258	GFO		923 2ND AVE N	948.92
DOTSETH GARY & GLORIA	142250	5	285	GF12		2718 2ND AVE N	284.66
LESSOR JOHN R	143150	9	286	GF11	2621	1ST AVE N	404.96
<del>BISHOP DENNIS L &amp; COLLEEN M</del>	<del>143650</del>	<del>5</del>	<del>287</del>	<del>GF11</del>		<del>2516 2ND AVE N</del>	<del>320.97</del>
FRATES LARRY E	151200	1	297	GF3		113 15TH ST N	41.85
FRATES LARRY E	151200	1	297	GF3		115 15TH ST N	82.89
WINTERROWD ROGER G & LAVONNE	158550	2	311	GFO	117	PARK DR N	11.60
WINTERROWD ROGER G & LAVONNE	158550	2	311	GF0	102	2ND AVE N	38.44
CARTER DANIEL D	195000	3	373	GFO		608 1ST AVE S	642.46
BROWN JANE	198250	10	377	GF1		1017 2ND AVE S	174.95
<del>BARNES DENNIS C &amp; MICHELLE D</del>	<del>201400</del>	<del>8</del>	<del>384</del>	<del>GF1</del>	<del>112</del>	<del>15TH ST S</del>	<del>19.06</del>
<del>CUSTOM COVERS INC</del>	<del>242400</del>	<del>2</del>	<del>457</del>	<del>GFO</del>		<del>502 5TH AVE S</del>	<del>417.12</del>
LEFERINK RICHARD J & KATHLEEN J FORREST EVELYN	243500	7	458	GFO	624	5TH AVE S	108.34
<del>HUNTSBERGER PENNY M</del>	<del>262800</del>	<del>14</del>	<del>487</del>	<del>GF1</del>		<del>723 10TH ST S</del>	<del>820.96</del>
SCHNEIDER BRIAN A & MALEAH	280950	7	547	GF6	504	5TH AVE SW	185.75
<del>HILBIG BRUCE</del>	<del>300050</del>	<del>6</del>	<del>577</del>	<del>GF5</del>		<del>915 1ST AVE SW</del>	<del>26.12</del>
<del>RICHERSON GARY</del>	<del>301550</del>	<del>10</del>	<del>579</del>	<del>GF5</del>	<del>1009</del>	<del>2ND AVE SW</del>	<del>26.92</del>
<del>WILKE M KENT &amp; ANDREA J</del>	<del>306850</del>	<del>11</del>	<del>592</del>	<del>GF5</del>		<del>713 1ST AVE SW</del>	<del>165.27</del>
BLACKWELL DAVID	317555	2A	738	GF10		1414 3RD AVE S	161.23
WELLS FARGO BANK NA	324200	12	753	GF10	1309	6TH AVE S	65.92
<del>PRICE ROBERT J ETAL</del>	<del>440900</del>	<del>4</del>	<del>6</del>	<del>BO4</del>		<del>1648 7TH AVE NW</del>	<del>54.77</del>

DUTCHER SHAD M	447300	12	8	BO1		1212 7TH AVE NW	391.11
BIRKENBUEL GARY L	452300	5	10	BO1		1440 8TH AVE NW	177.87
<del>MAKI CHARLES O &amp; THERESA M NAVES ANTHONY M &amp; KIRSTEN M</del>	<del>459000</del>	<del>6</del>	<del>13</del>	<del>BO1</del>		<del>1241 8TH AVE NW</del>	<del>459.40</del>
<del>BARICK PAUL D &amp; SHELLY</del>	<del>481700</del>	<del>7</del>	<del>16</del>	<del>BOS</del>		<del>414 35TH ST N</del>	<del>52.34</del>
<del>BARICK PAUL D &amp; SHELLY</del>	<del>481700</del>	<del>7</del>	<del>16</del>	<del>BOS</del>		<del>3426 5TH AVE N</del>	<del>210.86</del>
AZURE MEDORA S & ROBERT L	717000	4A	-	CRU		1017 1ST AVE NW	275.05
<del>STROOP RICHARD M ETAL</del>	<del>825800</del>	<del>13C</del>	<del>2</del>	<del>G15</del>		<del>1300 9TH ST S</del>	<del>148.82</del>
<del>TEN YES CORPORATION</del>	<del>1082900</del>	<del>4</del>	<del>4</del>	<del>MNT</del>		<del>1600 FOX FARM RD</del>	<del>310.97</del>
CALLIES DAVID F	1292600	14	4	FIN	1620	20TH AVE S	453.44
<del>BAILEY GILBERT &amp; BRENDA JOYCE STOKES</del>	<del>1375100</del>	<del>23</del>	<del>28</del>	<del>NR2</del>	<del>312</del>	<del>RIVERVIEW 7 W</del>	<del>41.64</del>
PROFESSIONAL BROKERS OF MT INC	1508600	7	10	SHE		1507 15TH ST S	357.85
<del>EUSTANCE RUSS</del>	<del>1519900</del>	<del>18</del>	<del>3</del>	<del>SHG</del>		<del>3905 9TH AVE S</del>	<del>299.94</del>
KUGLIN JAMES J & CHARLENE A	1819700	9	22	WGF		1323 3RD AVE NW	456.77
REAUGH CLARITA	1834900	5	36	WGF		1316 2ND AVE NW	403.90
KRUGER JOEL D	1859200	15	2	WW3		105 15TH AVE NW	392.29
TYLER KEN D JR & MICHELLE M	2174800	5	1	PEA		115 SHARON DR	155.32
MABERRY DAVID LOREN & BOBBIE RAE	2177500	20	2	PEA		120 SHARON DR	155.32
DORVALL TRAVIS & JAIMEE	2444300	23	20	-		3700 LOWER RIVER RD	32.98
							<del>12,386.56</del>

**11,999.40**



**Item:** Public Hearing - Resolution 9778 to Annex and Ordinance 3013 to Assign City Zoning to Parcel Mark No's 6 & 8, International Airport

**From:** Bill Walters, Senior Planner

**Initiated By:** Great Falls International Airport Authority

**Presented By:** Benjamin Rangel, Planning Director

**Action Requested:** City Commission adopt Resolution 9778 and Ordinance 3013

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

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9778.”

and;

“I move that the City Commission (accept/deny) Ordinance 3013.”

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

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**Planning Board and Zoning Commission Recommendation:** The Planning Board has recommended the City Commission approve the annexation of subject Parcel Mark No's 6 and 8 at the International Airport and the abutting segments of County road right-of-way. The City Zoning Commission has recommended the City Commission assign a City zoning classification of GFIA Great Falls International Airport district upon subject Parcel Mark No's 6 & 8 requested to be annexed to the City.

**Background:** The Great Falls International Airport Authority has submitted applications regarding the following:

- 1) Annexation to the City of Great Falls of 2.5 acres contained in Parcel Mark No. 6 in the SE1/4SE1/4 of Section 9, Township 20 North, Range 3 East, and 94.4 acres contained in Parcel Mark No. 8, in the NW1/4 and the N1/2SW1/4 of Section 20, Township 20 North, Range 3 East, Cascade County, Montana.
- 2) Establishing a City zoning classification of GFIA Great Falls International Airport district on subject two parcels upon annexation to the City.

Subject Parcel Mark No. 6 is located between the northeast end of the main runway and Sun River Road and Parcel Mark No. 8 is located between the main runway and Airport Bench Road.

Attached is a Vicinity/Zoning Map and attached to Resolution 9778 are Exhibits "A" and "B", separate vicinity/zoning maps for each of the two parcels requested to be annexed.

The Airport Authority desires to have all of its property incorporated into the City in anticipation of establishing, in concert with the Great Falls City Commission, a Tax Increment Financing Industrial District encompassing the Airport. The majority of the Airport property was annexed in 1994-95.

Annexation of Parcel Mark No. 6 will also necessitate annexation of an approximate 1000 foot segment of Sun River Road and annexation of Parcel Mark No. 8 will also necessitate annexation of an approximate 850 foot segment of Airport Bench Road.

Parcel Mark No. 6 is presently zoned in the County as "R-1" Suburban Residential District and Parcel Mark No 8 is presently zoned "A" Agricultural District. It is proposed both Parcel Mark No's 6 & 8 be zoned GFIA Great Falls International Airport district upon annexation to the City. 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's 6 & 8 are undeveloped vacant tracts of land which were acquired by the Airport Authority to primarily enhance the buffer around the Airport and secure control of the potential land use of the parcels.

The proposed GFIA Great Falls International Airport zoning classification is consistent with that assigned to the balance of the Airport property. Therefore, staff concludes the above-cited criteria are substantially met.

The Planning Board/Zoning Commission conducted a public hearing on the annexation and zoning assignment for subject Parcel Mark No's 6 and 8 on July 8, 2008. The only citizen who spoke during the Public Hearing was Cynthia Schultz, Airport Director. At the conclusion of the public hearing, the Planning Board passed a motion recommending the City Commission

approve the annexation of subject Parcel Mark No's 6 and 8 at the International Airport and the abutting segments of County road right-of-way and the City Zoning Commission passed a motion recommending the City Commission assign a City zoning classification of GFIA Great Falls International Airport district upon subject Parcel Mark No's 6 & 8 requested to be annexed to the City.

**Concurrences:** Other City Departments including Public Works, Community Development and Fire have been consulted regarding the annexation.

**Fiscal Impact:** Services for the vacant Parcel Mark No's 6 and 8 should be minimal or nonexistent and therefore should not result in any fiscal impact to the City. The annexation will cause the City to assume responsibility for maintenance of an additional 1850 feet of rural roadway.

**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 9778

Ordinance 3013

Vicinity/Zoning Map

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Mike Rattray, Community Development Director  
Cynthia Schultz, Airport Director  
Kathy Harris, Stelling Engineers, Inc.

RESOLUTION 9778

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE PARCEL MARK NO. 6 IN SECTION 9, TOWNSHIP 20 NORTH, RANGE 3 EAST, AND PARCEL MARK NO. 8 IN SECTION 20, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, AND THE ABUTTING SEGMENTS OF SUN RIVER ROAD AND AIRPORT BENCH ROAD.

\* \* \* \* \*

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

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts of land described as follows:

◆ A tract of land in the SE1/4SE1/4 of Section 9, Township 20 North, Range 3 East, Cascade County, Montana, commonly referred to as Parcel Mark No. 6, excluding the area designated as easement for Sun River Road, more particularly described on Certificate of Survey 2262 and containing an area of 2.53 acres; and

◆ The segment of Sun River Road in the SE1/4SE1/4 of Section 9, Township 20 North, Range 3 East, Cascade County, Montana, more particularly described as follows:

Beginning at the northeast corner of the SE1/4SE1/4 of Section 9; thence S0°59'45"W, 402.11 feet along the east line of said SE1/4SE1/4 to the true point of beginning; thence thirty (30) feet on either side of the following two courses being the centerline of Sun River Road; thence N63°59'W, 12.24 feet; thence N73°56'30"W, 966.23 feet and containing an area of 1.35 acres;

generally as shown on the vicinity map exhibit attached hereto marked Exhibit "A" and by this reference made a part hereof; and,

- ◆ A tract of land in the NW1/4 and the N1/2SW1/4 of Section 20, Township 20 North, Range 3 East, Cascade County, Montana, as referenced in the Warranty Deed recorded on Reel 253 Document 426, Clerk and Recorder's Office of Cascade County, Montana, commonly referred to as Parcel Mark No. 8, more particularly described as follows:

Beginning at the northwest corner of Section 20; thence S89°28'13"E, 580 feet along the north line of Section 20 to the true point of beginning; thence S89°28'13"E along the north line of Section 20 to the mid-section point (approximately 2060 feet); thence S0°5'29"E, 815.32 feet; thence S45°11'04"W, 3,675.92 feet to the east right-of-way of Airport Bench Road; thence North along the east right-of-way of Airport Bench Road to the southwest corner of a tract of land described on Certificate of Survey 2338 (approximately 810 feet); thence S89°12'22"E, 550.03 feet; thence North 2606.71 feet to the true point of beginning and containing an area of 94.39 acres; and

- ◆ The segment of Airport Bench Road in the W1/2 of Section 20 and the E1/2 of Section 19, Township 20 North, Range 3 East, Cascade County, Montana, more particularly described as follows:

Beginning at a point on the east right-of-way of Airport Bench Road which is the southwest corner of a tract of land described on Certificate of Survey 2338; thence South along the east right-of-way of Airport Bench Road (approximately 810 feet); thence S45°11'03"W, 84.34 feet to the west right-of-way of Airport Bench Road; thence North along the west right-of-way of Airport Bench Road (approximately 880 feet); thence S89°12'22"E, 60 feet to the east right-of-way of Airport Bench Road and the point of beginning and containing an area of 1.14 acres;

generally as shown on the vicinity map exhibit attached hereto marked Exhibit "B" and by this reference made a part hereof; and,

WHEREAS, Section 7-2-4402, Montana Code Annotated, provides that whenever any land contiguous to a municipality is owned by the state of Montana or a political subdivision of the state, such land may be incorporated and included in the municipality to which it is contiguous.

WHEREAS, in the judgment of the City Commission of said City, expressed by Resolution 9771 entitled:

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE PARCEL MARK NO. 6 IN SECTION 9, TOWNSHIP 20 NORTH, RANGE 3



EAST, AND PARCEL MARK NO. 8 IN SECTION 20, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, AND THE ABUTTING SEGMENTS OF SUN RIVER ROAD AND AIRPORT BENCH ROAD, DIRECTING NOTICE TO BE GIVEN BY THE CITY CLERK AS PROVIDED BY LAW.

duly and regularly passed and adopted on the 5th day of August, 2008, stating that it will be in the best interest of said city and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended so as to include: "PARCEL MARK NO. 6 IN SECTION 9, TOWNSHIP 20 NORTH, RANGE 3 EAST, AND PARCEL MARK NO. 8 IN SECTION 20, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, AND THE ABUTTING SEGMENTS OF SUN RIVER ROAD AND AIRPORT BENCH ROAD."

WHEREAS, the City Clerk of said City, pursuant to said Resolution and the statute in such case made and provided, forthwith caused to be published in the Great Falls Tribune, the newspaper published nearest said tract of land, at least once a week for two (2) successive weeks, a notice to the effect that said Resolution had been duly and regularly passed, and that for a period of twenty (20) days after the first publication of said notice, said City Clerk would receive expressions of approval or disapproval, in writing, of the said proposed extension of the boundaries of said City, and also stating therein the time and place set for the public hearing provided by said Resolution; and,

WHEREAS, the first publication of said notice hereinbefore referred to was the 10th day of August, 2008; and,

WHEREAS, the City Clerk has received no expressions of approval or disapproval of the proposed alterations of the boundaries of the municipality, within the time allowed by said notice; and,

WHEREAS, a public hearing was held by the City Commission of the City of Great Falls on September 2, 2008, at 7:00 P.M., in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons and all things relative to the proposed annexation of said property;

NOW, THEREFORE, the City Commission now finds that it is to the best interest of the City of Great Falls and its inhabitants to proceed with the incorporation of said territory into the City of Great Falls; and,

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

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

That the boundaries of said City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "PARCEL MARK NO. 6 IN SECTION 9, TOWNSHIP 20 NORTH, RANGE 3 EAST, AND PARCEL MARK NO. 8 IN SECTION 20, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, AND THE ABUTTING SEGMENTS OF SUN RIVER ROAD AND AIRPORT BENCH ROAD."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 2nd 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   )

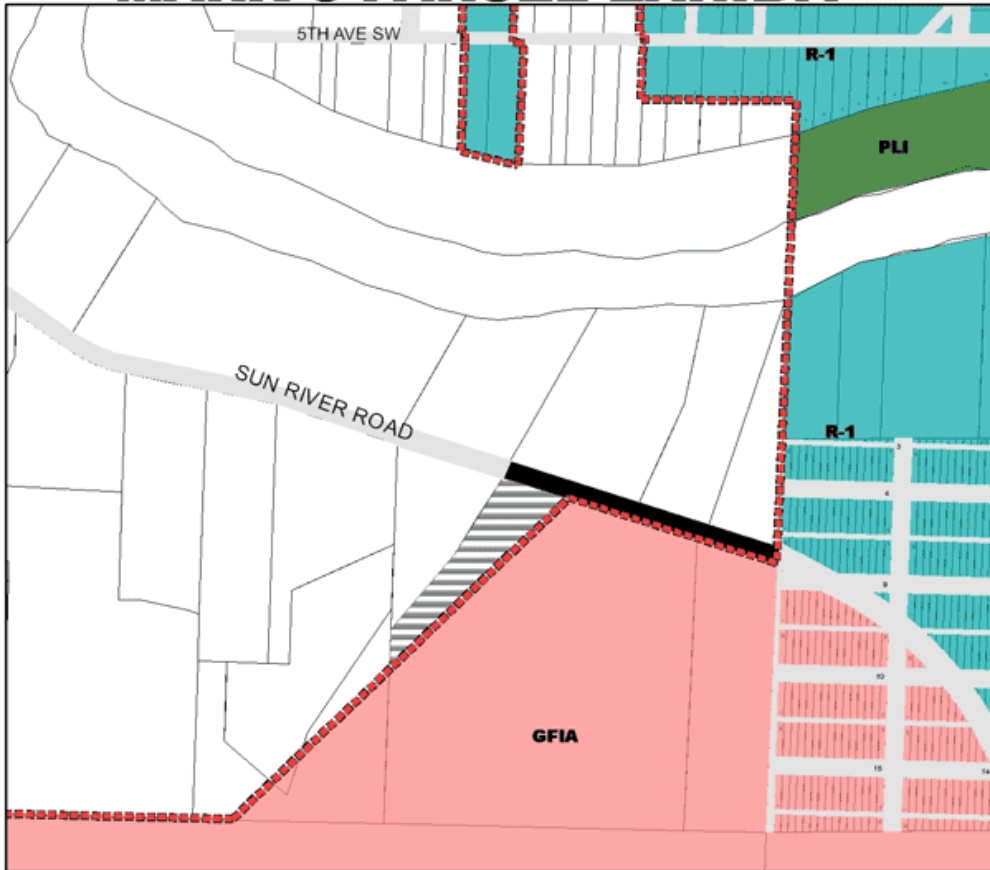
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9778 was placed on its final passage and approved by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 2nd day of September, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 2nd day of September, 2008.

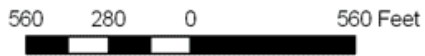
\_\_\_\_\_  
Lisa Kunz, City Clerk

(SEAL OF CITY)

**EXHIBIT "A"**  
**MARK 6 PARCEL EXHIBIT**

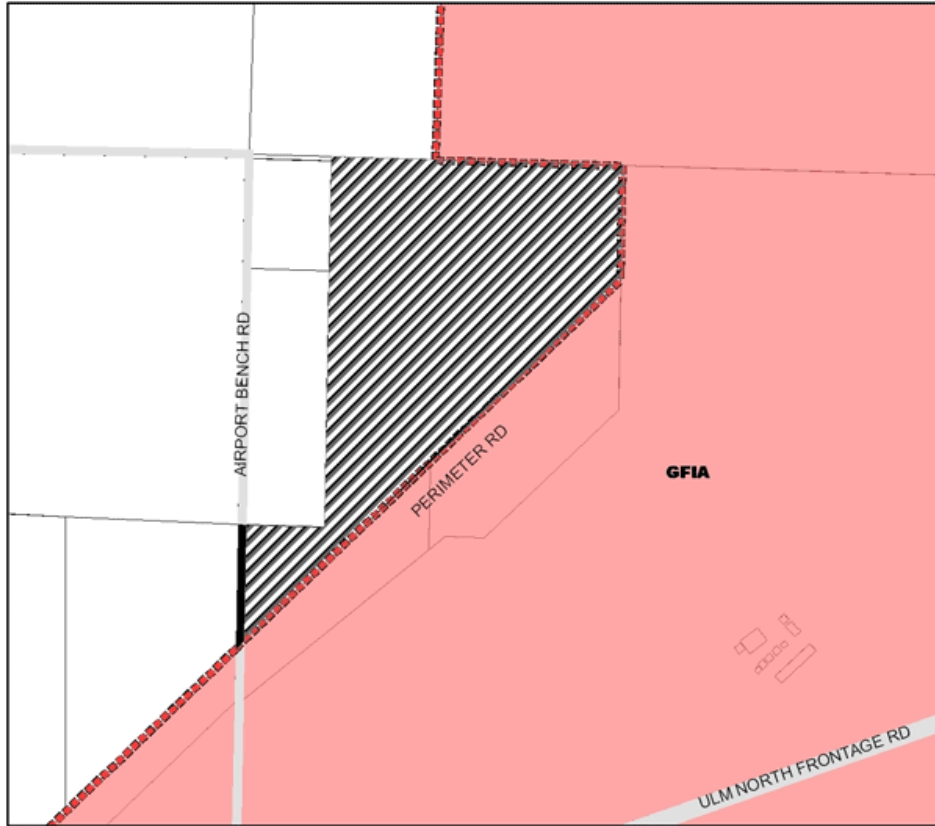







- PARCEL MARK NO. 6 IN SECTION 9, TOWNSHIP 20 NORTH, RANGE 3 EAST, CONTAINING 3.5 ACRES TO BE ANNEXED TO THE CITY
- PORTION OF SUN RIVER ROAD TO BE ANNEXED SIMULTANEOUSLY WITH MARK 6
- City Limits
- PLI Public Lands and Institutional
- Tracts of land outside City
- R-1 Single-family suburban
- GFIA Great Falls International Airport

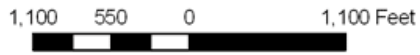


**EXHIBIT "B"**

**MARK 8 PARCEL EXHIBIT**



-  PARCEL MARK NO. 8 IN SECTION 20, TOWNSHIP 20 NORTH, RANGE 3 EAST, CONTAINING 95.3 ACRES TO BE ANNEXED TO THE CITY
-  PORTION OF AIRPORT BENCH ROAD TO BE ANNEXED SIMULTANEOUSLY WITH MARK 8
-  City Limits
-  GFIA Great Falls International Airport
-  Tracts of land outside City



ORDINANCE 3013

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF GFIA GREAT FALLS INTERNATIONAL AIRPORT DISTRICT TO PARCEL MARK NO. 6, IN SECTION 9, TOWNSHIP 20 NORTH, RANGE 3 EAST, AND PARCEL MARK NO. 8, IN SECTION 20, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, the Great Falls International Airport Authority, the owner of Parcel Mark No. 6 located in Section 9, Township 20 North, Range 3 East, and Parcel Mark No. 8, located in Section 20, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, has petitioned the City of Great Falls to annex said Parcels Mark No's 6 & 8; and,

WHEREAS, the Great Falls International Airport Authority has petitioned said Parcel Mark No's 6 & 8, be assigned a City zoning classification of GFIA Great Falls International Airport district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of GFIA Great Falls International Airport district, to said Parcel Mark No's 6 & 8, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 2nd day of September, 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 Parcel Mark No. 6 located in Section 9, Township 20 North, Range 3 East, and Parcel Mark No. 8, located in Section 20, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana,, be designated as GFIA Great Falls International Airport 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 said Parcel Mark No's 6 & 8 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 2nd 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 3013 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 2nd day of September, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 2nd day of September, 2008.

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

(SEAL OF CITY)

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

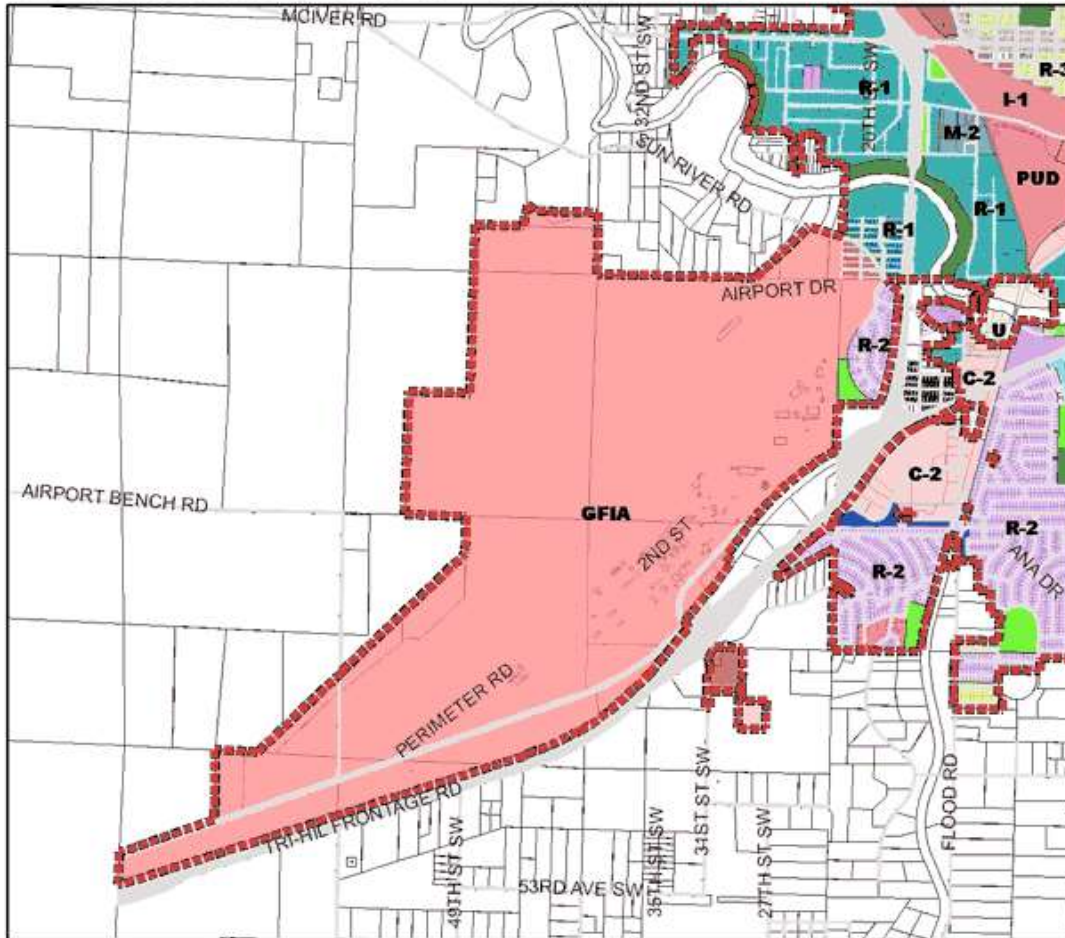
Lisa Kunz, being first duly sworn, deposes and says: That on the 2nd day of September, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3013 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







**Item:** 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 vacate public hearing on Ordinance 3014 scheduled for September 2, 2008 and reschedule for September 16, 2008.

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**Suggested Motion:**

1. Commissioner moves:

“I move 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.”

2. Mayor calls for a second, discussion, inquiries from the public, and calls 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 City Commission during a meeting held August 5, 2008, accepted Ordinance 3014 on first reading and set a public hearing for September 2, 2008. Publication of the Notice required in conjunction with the hearing did not occur. Therefore, it is necessary to reschedule the hearing on Ordinance 3014 to September 16, 2008. The Notice for this revised hearing date will be published August 31, 2008.

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

**Attachments/Exhibits:**

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:

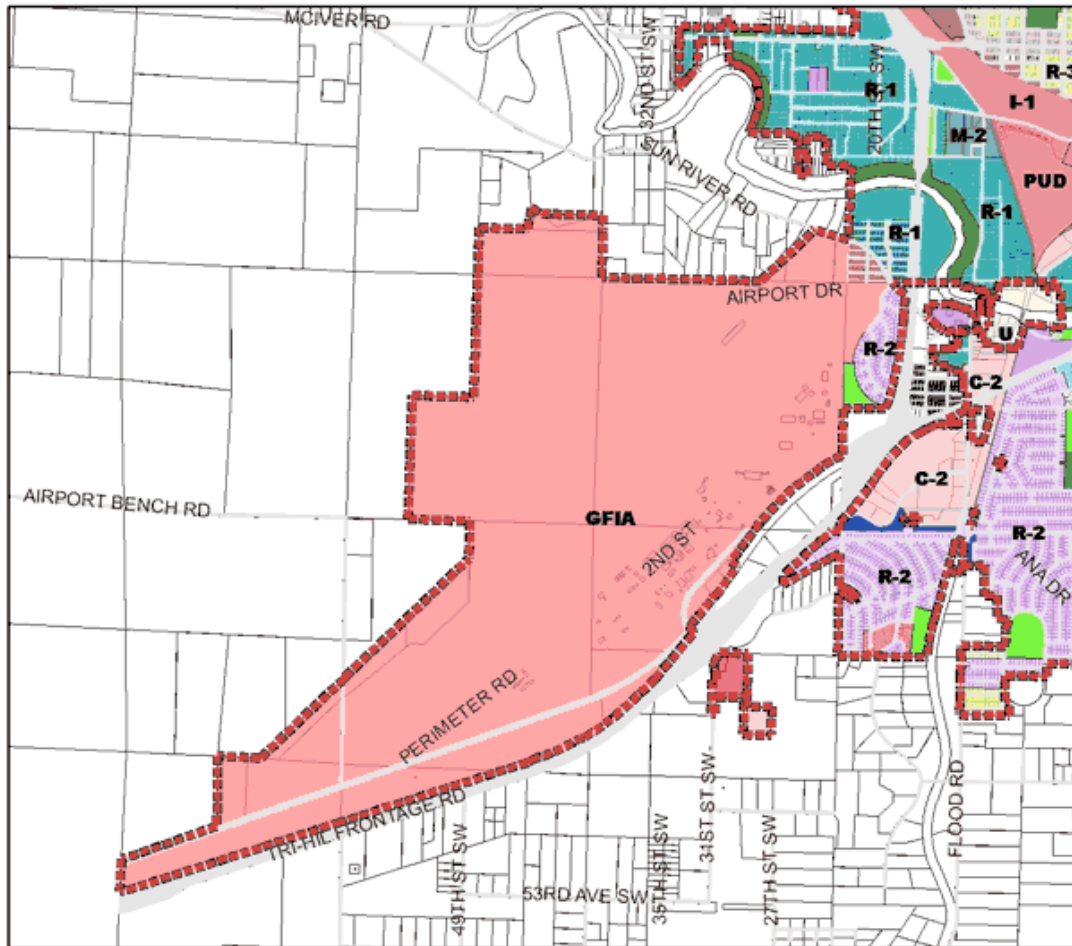
- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library

---

Lisa Kunz, City Clerk

(SEAL OF CITY)

# VICINITY/ZONING MAP





**Item:** Ordinance 3015 to rezone Parcel Mark No. P1, Section 5, T20N, R4E

**From:** Bill Walters, Senior Planner

**Initiated By:** City Administration

**Presented By:** Benjamin Rangel, Planning Director

**Action Requested:** City Commission vacate public hearing on Ordinance 3015 scheduled for September 2, 2008 and reschedule for September 16, 2008.

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**Suggested Motion:**

1. Commissioner moves:

“I move 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.”

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 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 Commission during a meeting held August 5, 2008, accepted Ordinance 3015 on first reading and set a public hearing for September 2, 2008. Publication of the Notice required in conjunction with the hearing did not occur. Therefore, it is necessary to reschedule the hearing on Ordinance 3015 to September 16, 2008. The Notice for this revised hearing date will be published August 31, 2008.

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 38<sup>th</sup> 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.

Please refer to the attached Vicinity/Zoning Map.

The Park and Recreation Department used the property for several years as a compost site until the operation was relocated a couple of years ago. The Department is not aware of any provision requiring subject parcel to be retained or maintained for park or recreational uses.

City water and sanitary sewer mains exist in the abutting portion of 38<sup>th</sup> Street North. Vehicular access is currently provided by the abutting portion of 38<sup>th</sup> 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:

- ◆ 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.

The Growth Policy 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 that goal.

The only citizens who spoke during the Public Hearing before the Zoning Commission on July 22 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 38<sup>th</sup> Street North. The Minutes of the Zoning Commission Hearing held July 22 will be provided to the City Commission prior to the hearing being rescheduled for September 16.

**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 but should not result in any fiscal impact to the City.

**Alternatives:** The City Commission could decide to not reschedule 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 3015

Vicinity/Zoning Map

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Mike Rattray, Community Development Director  
Marty Basta, Park and Recreation Director  
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 38<sup>TH</sup> STREET NORTH AND RIVER DRIVE, FROM POS PARKS AND OPEN SPACE DISTRICT TO M-2 MIXED-USE TRANSITIONAL DISTRICT

\* \* \* \* \*

WHEREAS, on the 6<sup>th</sup> 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 6<sup>th</sup> 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 38<sup>th</sup> 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    )

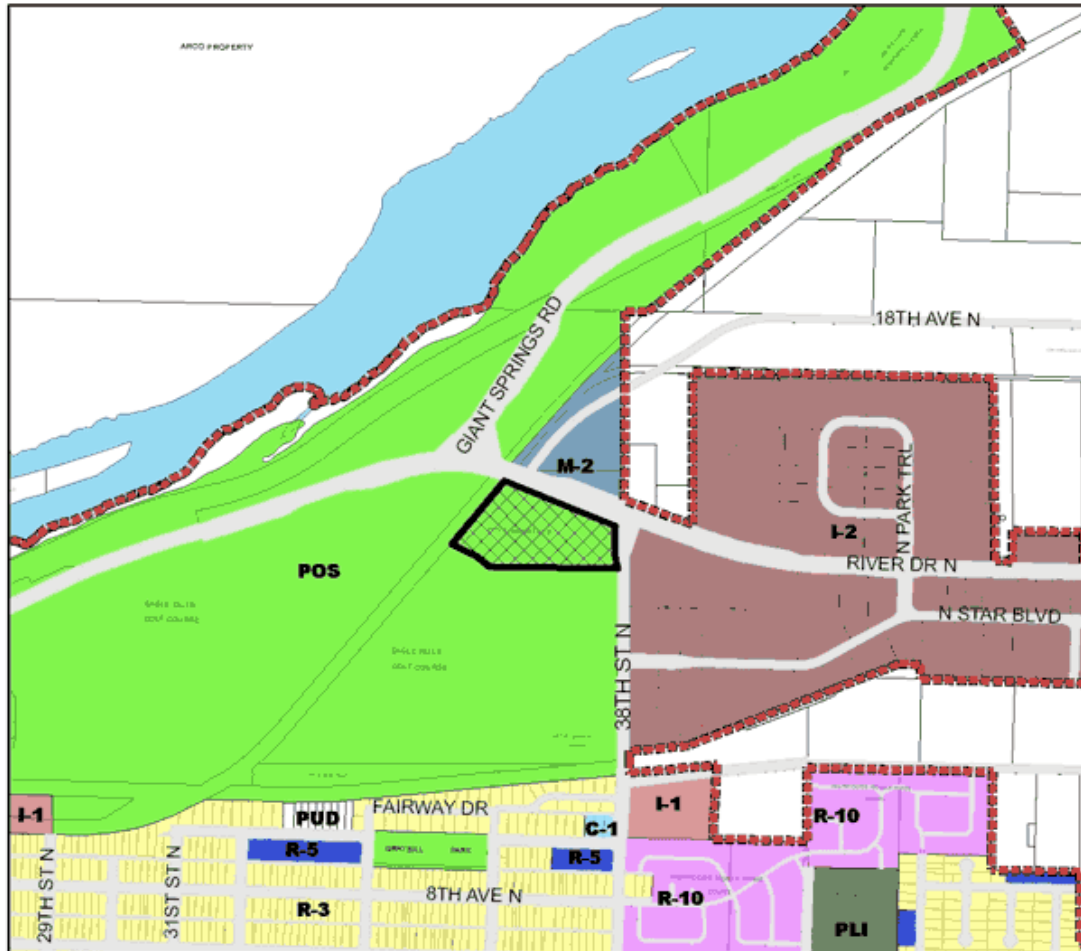
Lisa Kunz, being first duly sworn, deposes and says: That on the 6th day of October, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3015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

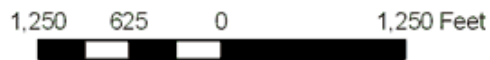
(SEAL OF CITY)

# 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 38<sup>th</sup> 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 38<sup>th</sup> 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 38<sup>th</sup> 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.

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CHAIRMAN

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SECRETARY



**Item:** 2008 Community Transportation Enhancement Program - Prioritized Projects

**From:** Sherry Marshall, Transportation Planner I

**Initiated By:** Great Falls Planning Advisory Board

**Presented By:** Benjamin Rangel, Planning Director

**Action Requested:** Approve prioritized list of 2008 CTEP Projects

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission approve the prioritized list of 2008 Community Transportation Enhancement Program projects, as recommended by the Planning Board.”

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

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**Planning Board Recommendation:** On August 12, 2008, the Planning Board recommended the Commission approve the attached prioritized list of 2008 Community Transportation Enhancement Program projects.

**Background:** In June of this year, the Great Falls Planning Board solicited proposals from organizations, City Departments and others with a possible interest in the Program. Proposals were solicited through direct e-mailings, as well as paid advertisements in the Great Falls, Tribune. Review of the applications began shortly after the July 15 submittal deadline. The proposal review and prioritization process involved a special Planning Board meeting to hear presentations from the applicants, as well as time spent by Board members reviewing each of the proposals and individually completing an evaluation sheet. As a result of the review process, the Planning Board recommended the attached list of projects (Exhibit 1) for consideration by the City Commission.

Of the five proposals received, four were recommended for receipt of funds. The fifth project, a streetscape project on 1<sup>st</sup> Avenue South, was not recommended for approval. The four projects being recommended for approval are listed below, in order of preference.



1. **RIVERVIEW ELEMETARY BIKE/PED PATH** – The proposed project includes construction of two segments of trail. The west end connection will be funded with a \$50,000 grant from Safe Routes to School (SRTS). CTEP funds are being requested for the east end segment, which is adjacent to Smelter Avenue between 1<sup>st</sup> Street NW and Division Road. (\$22,857)
2. **SUN RIVER CONNECTION BIKE/PED PATH** – The proposed project includes construction of a trail located adjacent to Country Club Boulevard. The proposed trail segment would connect the existing bicycle/pedestrian facility on Warden Bridge to the 6<sup>th</sup> Street SW bike/ped underpass that is planned for construction in 2009. This trail segment will be constructed in two phases. Phase I, for which this grant has been requested, will include pre-design analysis, project design, and construction of 1,250 LF of sidewalk at the west end of the trail segment. (\$94,000)
3. **23<sup>RD</sup> STREET SOUTH SIDEWALK** – The proposed project includes construction of a concrete sidewalk and handicap accessible concrete ramps along 23<sup>rd</sup> Street South adjacent to the McLaughlin Research Institute. (\$35,513)
4. **POLICE STATION RESTORATION** – The proposed project includes the first phase of restoring the exterior of the Great Falls Police Department building. (\$66,388)

If approved by the City Commission, the projects will be sent to the Montana Department of Transportation (MDT) for final approval. The Planning staff would then work closely with both MDT and the applicants to develop and implement the projects.

**Concurrences:** Representatives from the City Planning Department and the Great Falls Planning Advisory Board have reviewed and recommended the proposed projects and CTEP allocations as listed in Exhibit 1.

**Financial Impact:** Of the \$280,686 available to the City this year, funding of the recommended projects would commit \$213,993, with the remaining \$66,693 of unallocated funds placed in the CTEP reserve account. The Riverview Elementary Bike/Ped Path project would be matched by Great Falls Bicycle Club; the Sun River Connection Bike/Ped Path project would be matched by Recreation Trails, Inc.; the 23<sup>rd</sup> Street South Sidewalk project would be matched by the McLaughlin Research Institute; and the Police Station Restoration would be matched by the Great Falls Police Department. The financial impact to the City would be the \$10,290 match from the Police department.

**Alternatives:** The City Commission could vote to distribute the CTEP funds differently than the Planning Advisory Board recommends. This action could change the scope or prevent construction of one or more of the selected projects. Another alternative would be to allocate none of the 2008 CTEP funds, placing them instead into the CTEP reserve account.

**Attachments/Exhibits:**

1. 2008 Prioritized List of CTEP Projects (Exhibit 1)

<b>2008 PRIORITIZED LIST OF CTEP PROJECTS - CITY OF GREAT FALLS</b>					<b>\$280,686</b>
<b>PROJECT DESCRIPTION</b>	<b>RANK</b>	<b>PROJECT \$</b>	<b>Other Funds</b>	<b>MATCH \$</b>	<b>available for allocation CTEP \$</b>
RIVERVIEW ELEMENTARY BIKE/PED PATH Construction of a segment of bike trail adjacent to Smelter Ave	1	\$76,400	\$50,000	\$3,543	\$22,857
SUN RIVER CONNECTION BIKE/PED PATH Construction of asphalt trail north and adjacent to Country Club Boulevard from Warden Bridge to 6th Street SW	2	\$143,570	\$35,000	\$14,570	\$94,000
23RD STREET SOUTH SIDEWALK Construction of a sidewalk and concrete ramps along 23rd Street S adjacent to McLaughlin Research Institute	3	\$35,513	\$0	\$4,766	\$30,747
POLICE STATION RESTORATION Restoration work for the exterior of the Great Falls Police Department building	4	\$76,678	\$0	\$10,290	\$66,388
<b>TOTALS:</b>		<b>\$332,161</b>	<b>\$85,000</b>	<b>\$33,169</b>	<b>\$213,992</b>
<b>2008 FUNDS TO BE LEFT UNALLOCATED:</b>					<b>\$66,694</b>



**Item:** Ordinance 3018 to 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

**From:** Charles Sheets, Planner 1

**Initiated By:** NeighborWorks of Great Falls, Property Owner and Developer

**Presented By:** Benjamin Rangel, Planning Director

**Action Requested:** City Commission accept Ordinance 3018 on first reading and set a public hearing for October 7, 2008, to consider adoption of Ordinance 3018.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3018 on first reading and set a public hearing for October 7, 2008.”

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

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**Zoning Commission Recommendation:** At the conclusion of a public hearing held August 12, 2008, the Zoning Commission passed a motion recommending the City Commission assign a City zoning classification of R-3 Single-family high density district on 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, upon annexation to the City.

**Background:** The Planning Office is in receipt of applications from NeighborWorks of Great Falls regarding the following:

- 1) Amended Plat of Lots 1-4, Block 2, and Lots 1-14 & 20-28, Block 3, Finlay's Supplement to Prospect Park Addition, all located in S½ Section 18, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Annexation of the southerly 45 feet of Lots 1-4, Block 2 and Lots 1-14, Block 3 and all of Lots 20-28, Block 3, Finlay's Supplement to Prospect Park Addition and abutting rights-of-way.
- 3) Assign a zoning classification of R-3 Single-family high density district to the unincorporated portion of said Amended Plat, upon annexation.

The purpose of the Amended Plat is to combine 27 lots into 13 parcels. All of the existing lots are twenty-five feet wide. Many of the lots are split by the City limit line. The unincorporated portion of these lots will be zoned to match the incorporated portion of the lots.

For additional information, please refer to the attached Vicinity Map.

NeighborWorks of Great Falls purchased the property within the proposed amended plat in anticipation of placing 5 homes being relocated from the future CVS Pharmacy site along 9<sup>th</sup> Avenue South between 20<sup>th</sup> and 21<sup>st</sup> Streets South. NeighborWorks intends to rehabilitate the homes for low to moderately-low income first time home buyers.

Prospect Park Addition and Finlay's Supplement to Prospect Park Addition were originally subdivided in the late 1800's. The lots within the subdivision are platted at less than 7500 square feet, which is the minimum lot size required by the Unified Land Development Code. Because the applicants own multiple lots and intend to relocate the homes across lot lines, they are required to have an amended plat prepared to aggregate their respective lots into larger lots. The lots will then be in conformance with Code requirements.

Roadways serving the involved area are graveled. The applicants will install curbs and gutters in the roadways abutting subject lots. They will also waive their rights to protest the creation of any special improvement district and agree to pay their proportionate share of the costs to install additional utilities, (street lighting and storm drainage) and street improvements as a part of any area wide special improvement districts or when deemed necessary by the City. Sidewalks will be required as a part of the building permit and will be installed before the occupancy of the residence.

City water mains presently exist in the abutting portions of 20<sup>th</sup> & 21<sup>st</sup> Avenues South. Reimbursement is owed the City for the existing water main in 21<sup>st</sup> Avenue South. The applicant will be responsible for extending the City sewer main in 21<sup>st</sup> Alley South from 17<sup>th</sup> Street South to the east boundary of the area being annexed. Private utilities such as electric, gas, telephone and cable TV will be run in the existing public rights-of-way as well.

Surface drainage from the subject lots and the surrounding area generally flows southwesterly along the existing gravel streets to the City storm water detention facility south of the Multi-sports Complex and then discharges into a natural drainage to the south.

The applicant has requested the subject property be zoned R-3 Single-family high density 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.

In that the proposed zoning classification for the unincorporated portion of the lots in the Amended Plat will be in conformance with the adjoining lots presently within the City, whose zoning assignment was previously evaluated and approved in conjunction with adoption of the Land Development Code, staff concludes that the above stated criteria are substantially met.

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

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

**Alternatives:** The City Commission could deny acceptance of Ordinance 3018 on first reading and not set the public hearing. However, such action would deny the applicant due process and consideration of a public hearing, as provided for in City Code and State Statute.

**Attachments/Exhibits:**

- 1. Vicinity/Zoning Map
- 2. Ordinance 3018

Cc: NeighborWorks, Al Henry, 509 1<sup>st</sup> Ave S, Great Falls MT 59405

ORDINANCE 3018

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT 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, IN THE SOUTH ½ OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, NeighborWorks of Great Falls is the owner of record of the property within the Amended Plat of Lots 1-4, Block 2, and Lots 1-14 & 20-28, Block 3, Finlay's Supplement to Prospect Park Addition; and,

WHEREAS, NeighborWorks of Great Falls has petitioned the City of Great Falls to annex 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; and,

WHEREAS, NeighborWorks of Great Falls has petitioned said 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, be assigned a City zoning classification of R-3 Single-family high density district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-3 Single-family high density district, 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, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 6<sup>th</sup> 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 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 be designated as R-3 Single-family high density district classification.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing 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 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 6<sup>th</sup> day of October, 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 Ordinance 3018 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 6<sup>th</sup> day of October, 2008.

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

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

(CITY SEAL)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 6<sup>th</sup> day of October, 2008 and prior thereto, I was the City Clerk of the City of Great Falls, Montana; that as said City Clerk, I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3018 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

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Lisa Kunz, City Clerk


(CITY SEAL)




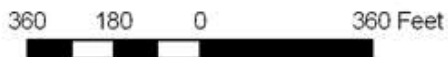
# VICINITY/ZONING MAP



 AMENDED PLAT OF LOTS 1-4, BLOCK 2, AND LOTS 1-14 & 20-28, BLOCK 3, FINLAY'S SUPPLEMENT TO PROSPECT PARK. UNINCORPORATED PORTION PROPOSED TO BE ANNEXED TO THE CITY AND ASSIGNED A CITY ZONING CLASSIFICATION OF "R-3" SINGLE-FAMILY HIGH DENSITY DISTRICT

 PORTIONS OF 17TH & 18TH STREETS SOUTH, 21ST ALLEY SOUTH AND 21ST AVENUE SOUTH PROPOSED TO BE ANNEXED SIMULTANEOUSLY WITH SAID LOTS TO THE CITY

 City Limits  PLI Public Lands and Institutional  Tracts of land outside City  
 R-3 Single-family high density  U Unincorporated enclave

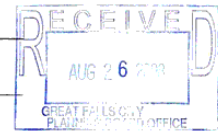
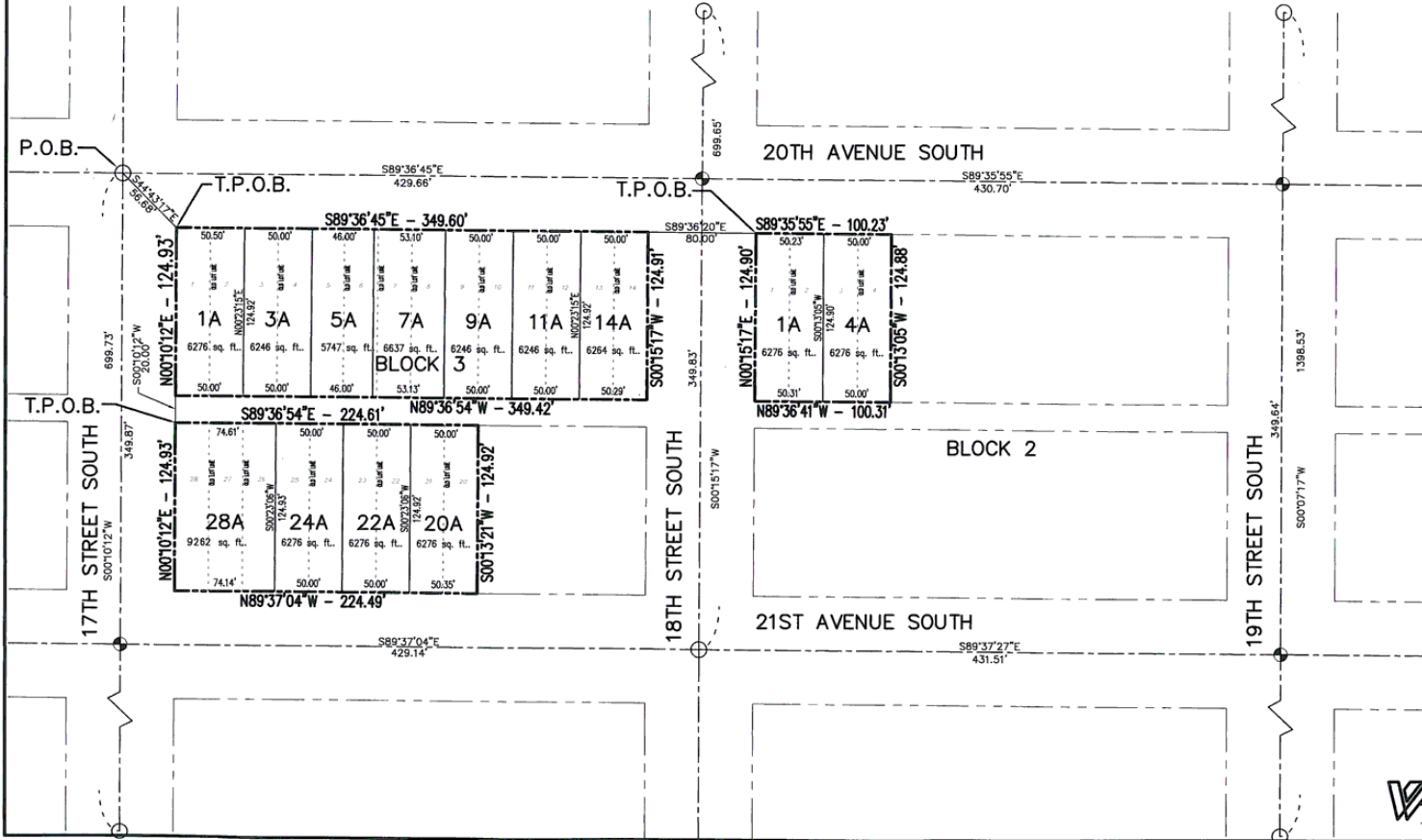


THE AMENDED PLAT OF  
**LOTS 1-4, BLOCK 2 & LOTS 1-14 & LOTS 20-28,  
 BLOCK 3, FINLAY'S SUPPLEMENT TO PROSPECT PARK**

AN ADDITION TO THE CITY OF GREAT FALLS  
 A SUBDIVISION IN THE S1/2 SW1/4, SECTION 18,  
 T20N, R4E, P.M. MT, CASCADE COUNTY, MONTANA



LOTS 84,236 SF = 1.93 ACRES  
 NOTE: 5/8"X24" IRON PIN AND  
 CAP SET AT ALL LOT CORNERS



**WOITH ENGINEERING, INC.**  
**ENGINEERS & SURVEYORS**  
 P.O. BOX 7328, GREAT FALLS, MONTANA 59406

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, and Planning, Acting Director of Public Works, the Police Captain, and the City Clerk.

**NEIGHBORHOOD COUNCILS**

1. There were no reports or announcements from Neighborhood Council representatives.

**PUBLIC HEARINGS**

**OLD BUSINESS**

**Stipulation for Records Access between MEIC, SME, and the City, subject to the amendment that the final disclosure occur on August 27, 2008, and that the log be disclosed by September 16, 2008. Approved.**

**2. STIPULATION FOR RECORDS ACCESS BETWEEN MEIC, SME, AND THE CITY.**

City Attorney David Gliko reported that on June 30, 2008, the District Court ordered the City to release the draft and related documents associated with the City and SME. The City released a batch of said records. On July 28, 2008, SME sent a letter to the City demanding that the City cease the public access until SME reviewed the same and identified any "trade secrets" subject to proprietary protection from disclosure. On July 30, 2008, MEIC moved the Court for an Order to Enforce the prior District Court Order of June 30, 2008, to release the documents. The attorneys for all parties then engaged in discussions and negotiation that resulted in the proposed Stipulation by which the City committed to have the documents prepared and SME had to have reviewed by August 22, 2008. By conversation with the parties today, it became apparent that the City and SME will not have all the documents prepared and reviewed for disclosure by August 22, 2008. There are upwards of 50,000 pages of documents estimated to be prepared for public access. The attorneys, with the consent of their parties, have extended the public access date to August 27, 2008. Along with that, SME will prepare a log setting forth the documents it identified for proprietary protection by September 16, 2008. Mr. Gliko added that he has signed the original Stipulation on the proposition that the City Commission would ratify that Stipulation tonight. In light of further discussions with the

attorneys, Mr. Gliko requested that the City Commission accept the amendment to the Stipulation that the date for the final disclosure of all documents be extended to August 27, 2008, and that the preparation of the log identifying the alleged trade secrets be extended to September 16, 2008.

Mayor Stebbins asked for the direction of the City Commission.

**Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission ratify the Stipulation for Records Access as presented, subject to the amendment that the final disclosure occur on August 27, 2008, and that the log be disclosed by September 16, 2008.**

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

Commissioner Jolley asked if MEIC was in agreement with the amendment to the Stipulation. Mr. Gliko responded that the attorney for MEIC has advised that he contacted his client and that they are in agreement. Commissioner Jolley also asked if the City was proposing to defend what SME says are trade secrets. Mr. Gliko explained that, once the trade secrets have been identified by SME, then the City reviews those records to make an independent judgment about whether or not they are valid trade secret proprietary interest items. To date, Coleen Balzarini has been making that review for the City primarily because she has the most in-depth background and experience of the subject matter in order to make a judgment about that. The law is not any more specific about how a government entity is to make that review. If the City Commission chooses to participate in that review, it would be proper, but cumbersome. Commissioner Jolley suggested that Mr. Gliko's language stating the City is a governmental body, be changed to the City has a governmental body.

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

**Mary Jaraczski**, #2 Railroad Square, attorney for SME, stated that she has been working closely with the City Attorney, Dave Gliko, as well as MEIC's legal counsel, Kim Wilson, of Helena, to arrive at the original Stipulation, and now the amended Stipulation. Ms. Jaraczski added that, although the deadline is proposed to be extended three days, they are continuing to have documents available for public review. Additionally, in response to what Commissioner Jolley questioned about the City's involvement and its review of the privilege log and determination of the privilege, Ms. Jaraczski stated that, although the privilege is SME's privilege to claim, in this process it is ultimately the City that will be making that privilege. One of the reasons the log will not be produced until September 16, 2008, or shortly thereafter, is because Mr. Gliko will be on vacation and will not be returning until September 16<sup>th</sup>.

Motion carried 5-0.

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

**Res. 9752, Annual Tax Levy. Adopted.**

**3. RESOLUTION 9752, ANNUAL TAX LEVY.**

Assistant Director of Fiscal Services Melissa Kinzler reported that the City received the taxable valuation for the City of Great Falls from the Department of Revenue, and can now compute and set its annual mill levy. The public hearing on the Intent to Increase Property Taxes by 3.83% was held on July 15, 2008, in accordance with § 15-10-203, MCA. The total mill levy for FY 2009 is 162.76 mills totaling \$11,714,330. This includes mill levies of 6.84 mills for soccer park and swimming pool debt service payments, which is \$492,295 of the \$11.7 million. The total mill levy for 2007 generated revenue of \$10,993,027. The differences between the mill levy of \$11.7 million and \$10.9 million are: \$301,276 for newly taxable property; \$186,756 for inflation and changes in revenue from the State; \$208,617 for the increase in the Permissive Medical Levy; and, \$24,654 for the increase in the revenue needed for the swimming pool debt payment. Staff recommends adoption of Resolution 9752 to fix the annual tax levy.

**Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9752.**

Mayor Stebbins asked if there was any discussion amongst the Commission or comments from the public.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, asked if this was a new tax. Commissioner Jolley responded that this was part of the budget process and this is set now because the State has finished its assessment.

Motion carried 5-0.

**Res. 9772, Conditional Use Permit to Allow Antennae on Water Tank at Dudley Anderson Park. Accepted on first reading and set public hearing for September 16, 2008.**

**4. RESOLUTION 9772, CONDITIONAL USE PERMIT TO ALLOW ANTENNAE ON WATER TANK AT DUDLEY ANDERSON PARK.**

Planning Director Ben Rangel reported that the Verizon Wireless, through its agent, RealCom Associates, has applied for a conditional use permit to allow placement of concealed antennas on the water tank at Dudley Anderson park. Installation of an equipment building next to the existing utility building is also being requested. The park is zoned POS Parks and Open Space which does allow communication facilities upon processing and approval of a conditional use permit. The antennas would be attached to the sides of the water tank and would be concealed by panels painted to match the tank. Mr. Rangel requested that the City Commission accept Resolution

9772 on first reading, and set public hearing for September 16, 2008, to consider the conditional use permit.

**Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission accept Resolution 9772 on first reading and set 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.

**Consent Agenda.  
Approved.**

**CONSENT AGENDA**

5. Minutes, August 5, 2008, Commission meeting.
6. Total expenditures of \$3,492,737 for the period of July 10 through August 13, 2008, to include claims over \$5,000, in the amount of \$3,090,592.
7. Contracts list.
8. Set public hearing for September 2, 2008, on Res. 9765 to Levy and Assess Properties for Unpaid Utility Services.
9. Set public hearing for September 16, 2008, on Res. 9767 to Levy Special Assessments on Properties within Special Improvement Light District – City-Owned Residential Lighting No. 1308.
10. Set public hearing for September 16, 2008, on Res. 9768 to Levy Special Assessments on Properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1310.
11. Set public hearing for September 16, 2008, on Res. 9769 to Levy and Assess Special Improvement Lighting Districts.
12. Set public hearing for September 2, 2008, for consideration of the lease of a portion of Highland Park to the Electric City BMX Association.
13. Approve Agreement to Modify the Dedication Agreement with the Express Building Condominium Association.
14. Approve cancellation of outstanding and unpaid checks over a year old.
15. Approve Final Payment for the Water Treatment Plant Flume and Sanitary Sewer Manhole Lining Project to Pipeline Inspection Services, Inc., and the State Miscellaneous Tax Division in the amount of \$3,166.35. (OF 1519.4)
16. Approve Final Payment for the Sunnyside Water Main Replacements to Phillips Construction and the State Miscellaneous Tax Division in the amount of \$6,950.28. (OF 1540)

**Commissioner Jolley moved, seconded by Commissioner Bronson, with the exception of Item 6, to approve the Consent Agenda as presented.**

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

Motion carried 5-0.

With regard to Item 6 and the payment to MEIC, Commissioner Jolley inquired if all legal related expenses are paid out of the legal budget, for instance, or would it be an ECP expense. Mr. Gliko answered that the party named in the lawsuit is the City of Great Falls and, therefore, the City of Great Falls is charged with the bill.

Commissioner Jolley commented on the revised payment to SME and thanked Coleen Balzarini for her detailed explanations at the Work Session.

**Commissioner Jolley moved, seconded by Commissioner Bronson, to approve Item 6, of the Consent Agenda.**

Motion carried 5-0.

### **BOARDS & COMMISSIONS**

**Marquita Ogawa  
appointed to the Great  
Falls Housing Authority  
Board.**

#### **17. APPOINTMENT, GREAT FALLS HOUSING AUTHORITY BOARD.**

**Commissioner Bronson moved, seconded by Commissioner Rosenbaum, to appoint Marquita Ogawa as a tenant member to fill the remainder of a two-year term through June 30, 2010, to the Great Falls Housing Authority Board.**

Motion carried 5-0.

**Thomas P. Meeks  
reappointed to the Police  
Commission.**

#### **18. REAPPOINTMENT, POLICE COMMISSION.**

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, to reappoint Thomas P. Meeks to the Police Commission for a three-year term through June 30, 2011.**

Motion carried 5-0.

#### **19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

### **CITY MANAGER**

#### **20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager, Gregory T. Doyon, stated that the Park and Recreation Department received some good news. Park and Recreation Director Marty Basta reported that the Park and Recreation Department received a generous donation in the amount of \$2,800 to pay overtime costs for lifeguards to allow the neighborhood pools to remain open until the day before school starts. The donation was made by a Great Falls native who wishes to remain anonymous.

**PETITIONS AND COMMUNICATIONS****21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

**Assault, GFPD, and the Dog/Cat Ordinance.**

**21A. Tom Crane**, 1027 4<sup>th</sup> Avenue North, discussed a recent incident that occurred in his neighborhood in which he called 911. He was awakened during the night to sounds of a lady being beaten outside his window. He does not believe the officers that responded were told that his 911 call involved a violent crime. Mr. Crane expressed disappointment and encouraged the Commission to support additional resources for the Police Department. Mr. Crane also discussed a situation with his neighbor's vicious dog and believes the Dog/Cat Ordinance is lacking.

**ECP.**

**21B. Larry Rezendes**, 2208 1<sup>st</sup> Avenue North, read an email he reported was on the web purportedly between City Manager Doyon and City Attorney Gliko. Mr. Rezendes asked if the email was valid. He discussed Ordinance 2925 and ECP and asked how the Commission can justify incurring continued losses when the program is illegal. Mr. Rezendes also stated his belief that there is not a valid separation between the two entities and is an exposure item for the City.

**Difficulty hearing in the Gibson Room, Animal Shelter, HGS.**

**21C. Ron Gessaman**, 1006 36<sup>th</sup> Avenue N.E., commented that the public cannot hear meetings when they occur in the Gibson Room. He requested that the City take action to provide sufficient sound volume at City meetings for the public to hear what is going on. Mr. Gessaman requested updates of what is happening with the Animal Shelter and the City's involvement therein, as well as the City's decision with regard to the coal plant.

**City's finances, Federal Courthouse project, and water rights.**

**21D. Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, commented that he is concerned with the City's financial condition. Mr. Lewin believes the City Commission should take more responsibility in the auditing process. He also asked if the City knew whether or not B&C Development, a private party building for the Federal Courthouse, was a local group. Mr. Lewin does not believe the road crossing the railroad tracks by the river was adequately considered, and that TIF district was not appropriate as it would be benefiting one group of people. He also discussed the City's water rights and encouraged a second opinion for a different approach.

**Inflation, demolition of the Schultz house.**

**21E. John Hubbard**, 615 7<sup>th</sup> Avenue South, discussed high energy costs. Mr. Hubbard expressed disappointment that the City tore down Debby Schultz's house.

**GFPD, Cable 7.**

**21F. Mike Witsoe**, 510 11<sup>th</sup> Street South, complimented the Great Falls Police Department. He also requested increased funding for public access television.



CITY COMMISSION**22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

In response to citizen inquiries, Commissioner Jolley stated that after the meeting she would discuss with Mr. Hubbard the situation regarding Debby Schultz's house; that discussions are ongoing about the Animal Shelter. Not enough people have applied so there is a possibility that the Commission will have to rescind or amend the resolution; and, she agreed that the Work Sessions are hard to hear in the Gibson Room. With regard to Mr. Lewin's comments, Commissioner Jolley asked Ms. Patton if a TIF was involved in the Federal Courthouse project. Ms. Patton responded that the location is within the West Bank Tax Increment Urban Renewal District. Ms. Patton also clarified that the Federal Courthouse is a leased property so it is not exempt from taxes.

In response to Mr. Lewin's comment about the construction company working on the Federal Courthouse, Mayor Stebbins responded that she believes that came from the General Accounting Office. Mr. Rattray stated that was a GSA contract project and the company is out of a suburb of Kansas City. Commissioner Rosenbaum added that the builder is Sletten Construction.

Mayor Stebbins complimented Mr. Basta on his decision to keep the pools open, and expressed gratitude to the anonymous donor.

**ADJOURNMENT****Adjourn.**

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the regular meeting of August 19, 2008, be adjourned at 7:55 p.m.**

Motion carried 5-0.

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Mayor Stebbins

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City Clerk

Minutes Approved: September 2, 2008



Agenda # 10  
 Commission Meeting Date: September 2, 2008

**CITY OF GREAT FALLS  
 COMMISSION AGENDA REPORT**

**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 AUGUST 20, 2008	723,007.78
MASTER ACCOUNT CHECK RUN FOR AUGUST 27, 2008	197,984.63
MUNICIPAL COURT ACCOUNT CHECK RUN FOR AUGUST 15, 2008	47,644.95
WIRE TRANSFERS FROM AUGUST 14 TO AUGUST 20, 2008	252,128.83
WIRE TRANSFERS FROM AUGUST 25 TO AUGUST 28, 2008	<u>1,001,960.79</u>
TOTAL: \$	<u><u>2,222,726.98</u></u>

**GENERAL FUND**

**POLICE**

BVAC INC	AMMUNITION FOR DUTY AND PRACTICE	9,612.75
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**PARK & RECREATION**

MONTANA WASTE SYSTEMS	JULY CHARGES (SPLIT AMONG FUNDS)	81.25
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**SPECIAL REVENUE FUND**

**PLANNING**

GREAT FALLS TRANSIT DISTRICT	REIMBURSEMENT FOR 3RD QTR TRANSIT PROGRAM	18,980.85
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**STREET DISTRICT**

UNITED MATERIALS	ASPHALT FOR STREET DEPARTMENT	71,752.18
CONCRETE DOCTOR	PMT #2 FOR MISC MAINTENANCE CONTRACT	6,433.02

**LIBRARY**

OCLC INC	TOTAL CATALOGING AND METADATA FOR FY 2009	10,814.96
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**NATURAL RESOURCES**

MONTANA WASTE SYSTEMS	JULY CHARGES (SPLIT AMONG FUNDS)	800.53
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**SPECIAL REVENUE FUND (CONTINUED)**

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**HOME GRANTS**

NEIGHBORWORKS	PMT #4 FOR DOWN PAYMENT & CLOSING COST ASSISTANCE FOR NEIGHBORHOOD HOUSING SERVICES	27,817.45
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**COMMUNITY DEVELOPMENT**

AMY JOHNS	REFUND OF REMAINING LANDSCAPING BOND AT AMY'S MORNING PERK 910 9TH STREET NW. ALL WORK PERFORMED	6,933.00
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**ENTERPRISE FUNDS**

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**WATER**

UNITED MATERIALS	PMT #2 7TH & 8TH AVES SOUTH WATER MAIN REPLACEMENT	196,645.85
MT DEPT OF TRANSPORTATION	JULY 08 COSTS FOR 2ND AVE N-15 TO PARK	67,337.44
PHILLIPS CONSTRUCTION	FINAL PMT SUNNYSIDE WATER MAIN REPLACEMENT	6,880.78
UPPER LOWER RVR RD WATER SEWER	OF 1354.2 SURVEYING SERVICES FOR SANITARY SEWER FOR UPPER RVR RD	3,000.00

**SEWER**

UPPER LOWER RVR RD WATER SEWER	UTILITY UPSIZING - CITY SHARE ON SANITARY SEWER FOR UPPER RVR RD AND SURVEY COSTS	16,630.75
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**SANITATION**

MONTANA WASTE SYSTEMS	JULY CHARGES (SPLIT AMONG FUNDS)	92,310.32
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**ELECTRIC**

SME	PMT OF ENERGY SUPPLY EXPENSE JULY 08	807,319.54
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**SAFETY SERVICES**

QUEST	AUGUST 2008 CHARGES	5,710.55
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**GOLF COURSES**

MIDLAND IMPLEMENT CO INC	FAIRWAY MOWER	26,718.00
CITY OF GF MUNICIPAL GOLF COURSE REVENUE BONDS SERIES 1998	DEBT SERVICE PAYMENT	159,797.50
CITY OF GF MUNICIPAL GOLF COURSE REVENUE BONDS SERIES 1999	DEBT SERVICE PAYMENT	34,843.75

**CIVIC CENTER EVENTS**

BREMER BANK	CONTRACT #09-61 WEIRD AL PAYOUT	26,514.90
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**INTERNAL SERVICES FUND**

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**HEALTH & BENEFITS**

BLUE CROSS/BLUE SHIELD	ADMIN & REINSURANCE COSTS JULY 2008	42,870.44
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS FOR AUG 12 - AUG 18	182,743.49

**INSURANCE & SAFETY**

MONTANA MUNICIPAL INS AUTHORITY	G/L DEDUCTIBLES FOR JULY 2008	5,977.92
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**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	UNLEADED & DIESEL FUEL	64,055.96
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**CC FACILITY SERVICES**

QUALITY URETHANE INC	ASBESTOS REMOVAL ON CIVIC CENTER BOILERS & PIPES	8,550.00
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**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	44,994.95
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**CLAIMS OVER \$5000 TOTAL:**

\$ 1,946,128.13

COMMUNICATION TO THE CITY COMMISSION

DATE: September 2, 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
<b>A</b>	City Manager	Energy West	09/01/2008 – 06/30/2010		\$8.77/MMBtu for all volumes delivered to the sales meter	Extension of February 15, 2002, Natural Gas Supply Contract
<b>B</b>	Community Development	Lo-N-Bro Plumbing & Heating, 409 14 <sup>th</sup> Street S.W., Great Falls, MT 59404	Immediate	671-7161-572- 3612	\$17,900	Construction Agreement for Civic Center Boiler Mechanical Insulation Installation
<b>C</b>	Community Development	Park and Recreation Department	07/01/2008 – 06/30/2009	272	\$29,000 \$111,961 \$5,500 \$1,000	West Kiwanis Park Handicap Accessible Play Structure Project; Community Recreation Center HVAC Project; Community Recreation Center Scholarships; Student Lifeguard Certification Scholarships
<b>D</b>	Community Development	Great Falls Housing Authority	07/01/2008 – 06/30/2009	274	\$250,000	Sand Hills Housing Project
<b>E</b>	Community Development	Casa-Can Children’s Advocate Network	07/01/2008 – 06/30/2009	272	\$4,800	Computer purchase and training materials for volunteers

<b>F</b>	Community Development	Area VIII Agency on Aging	07/01/2008 – 06/30/2009	272	\$25,000	Food for Meals on Wheels
<b>G</b>	Community Development	Habitat for Humanity	07/01/2008 – 06/30/2009	272	\$29,262	Residential Infrastructure Improvements at 604 7 <sup>th</sup> Street North, and 2533 and 2537 Castle Pines Way
<b>H</b>	Community Development	Great Falls Senior Citizens Center	07/01/2008 – 06/30/2009	272	\$7,000	Carpet Replacement Project
<b>I</b>	Community Development	Public Works Department	07/01/2008 – 06/30/2009	272	\$75,000 \$50,000	Handicap Ramps Project Sidewalk Replacement Project
<b>J</b>	Community Development	Family Connections	07/01/2008 – 06/30/2009	272	\$18,750	Child Care Scholarships
<b>K</b>	Community Development	Montana Institute of Family Living/Park Manor	07/01/2008 – 06/30/2009	272	\$20,000	Replace Interior Locks
<b>L</b>	Community Development	Hands, Inc.	07/01/2008 – 06/30/2009	272	\$20,149	Child Care Scholarships
<b>M</b>	Community Development	Boys & Girls Club of North Central Montana	07/01/2008 – 06/30/2009	272	\$20,400	Recreational/Educational Scholarships
<b>N</b>	Community Development	Young Parents Education Center	07/01/2008 – 06/30/2009	272	\$17,000	Day Care and Emergency Housing Scholarships



**Item:** Library Landscaping Project - Postpone Award of Construction Contract

**From:** Sherry Marshall, Transportation Planner I

**Initiated By:** Great Falls Public Library

**Presented By:** Jim Heckel, Library Director

**Action Requested:** Postpone award of construction contract for Library Landscaping project

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission postpone consideration of award of a construction contract for the Library Landscaping project until September 16, 2008 to allow further time for bid analysis and review.”

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

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**Staff Recommendation:** Staff recommends the City Commission postpone consideration of award of a construction contract for the Library Landscaping CTEP project to allow further time for analysis of the bids and to fully consider all alternatives.

**Background:** Approved by the City Commission in 2006, this Community Transportation Enhancement Program (CTEP) project will upgrade the Great Falls Public Library plaza. L’Heureux Page Werner designed the new plaza area, and will perform construction oversight of the project with assistance from the Library and Great Falls Planning Office. The competitive bid process was followed, with a bid opening held on August 27, 2008. The City received a total of four bids. The bid tabulation summary is attached.

**Concurrences:** Representatives from the City Planning Department and L’Heureux Payer Werner, the design consultant, concluded that further time is needed for analysis of the bids prior to award of the construction contract to fully consider all alternatives.

**Alternatives:** The City Commission could **vote to award the construction contract** to the low bidder, without a full analysis of the bids, or deny award to all bidders.

**Attachments/Exhibits:**

A. Bid Tabulation Summary

Cc: Dave Cantley, L’Heureux Page Werner, PC 15 5<sup>th</sup> 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

	<b>Bidder (Name/Address)</b>	<b>Envelope Info.</b>	<b>Federal Proposal</b>	<b>Addendum Acknowl.</b>	<b>Compliance w/Insurance</b>	<b>DBE Schedule</b>	<b>Bid Bond</b>	<b>Bid Amount</b>	<b>Notes</b>
1	Dick Olson Construction Inc 1124 24th Street S Great Falls MT	yes	yes	yes	yes	yes	10%	A \$234,794.00 *	
						<b>Bidder List</b>			
						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	
						<b>Bidder List</b>			
						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	
						<b>Bidder List</b>			
						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	
						<b>Bidder List</b>			
						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:** Construction Contract Award: Skyline Heights Storm Drain Improvements  
O.F. 1282.1

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Award Construction Contract

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission award a contract in the amount of \$131,831.00 to Shumaker Trucking and Excavating Contractors Inc. for the Skyline Heights Storm Drain Improvements, O.F. 1282.1 and authorize the City Manager to execute the agreements.”

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

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

**Background:**

Significant Impacts

Several homes in the neighborhood that were constructed at elevations lower than the street, have experienced some minor localized flooding during intense storms. It was found that the flooding was occurring because storm water was topping the curb in a couple locations due to the steepness of the street grades and the location of sidewalk handicap ramps.

Citizen Participation

The neighborhood council was notified and given information to be further disseminated to local citizens.

Workload Impacts

Shumaker Trucking and Excavating Contractors Inc. have indicated they have the available resources to meet the project timetable. City engineering staff designed the project, prepared the contract plans, specifications and estimates for this project and will perform construction inspection and contract administration duties.

### Purpose

The purpose of this project is to alleviate localized flooding.

### Project Work Scope

This project will provide storm drain extensions that will construct approximately 800 lineal feet of 12-inch PVC and 15-inch and 18-inch re-enforced concrete pipe along with several drain inlets, manholes and valley gutters.

The storm drain work is located on 34<sup>th</sup> Avenue North East at the intersections of 10<sup>th</sup> Street North East and 11<sup>th</sup> Street North East.

### Evaluation and Selection Process

Six bids were received and opened for this project on August 20, 2008. The bids ranged from \$131,831 to \$191,091. The attached bid tabulation summarizes bids that were received. Shumaker Trucking and Excavating Contractors Inc. submitted the low bid. The Engineer's Estimate is \$155,455.

### Conclusion

City staff recommends awarding the construction contract to Shumaker Trucking and Excavating Contractors, Inc. in the amount of \$131,831.00.

**Concurrences:** Not Applicable

### **Fiscal Impact:**

Extending the storm drain will alleviate the localized flooding and improve overall on-street drainage. Funds are available from the storm drain utility to cover the cost of the improvements.

The attached bid tabulation summarizes bids that were received.

**Alternatives:** Not Applicable

### **Attachments/Exhibits:**

1. Bid tabulation is attached.





**Item:** Final Payment – 10<sup>th</sup> St Bridge Lighting CTEP Project; O.F. 1180.6  
**From:** Public Works/Planning Departments  
**Initiated By:** Preservation Cascade, Inc.  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Approve Final Payment to Liberty Electric

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission approve the final payment in the amount of \$6,925.48 to Liberty Electric and \$69.95 to the State Miscellaneous Tax Division for the 10<sup>th</sup> Street Bridge lighting contract, and authorize the City Manager to make the payments.”

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

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**Staff Recommendation:** Approve final payment request.

**Background:**

In 2000 the City Commission approved a CTEP project for the monument lighting of the Historic 10<sup>th</sup> Street Bridge and on October 17, 2006, the Commission approved the use of additional CTEP funds for completion of the project. The lighting was designed by an internationally recognized lighting consultant, Bob Daniels, in cooperation with the Great Falls engineering consulting firm, GPD.

Project Work Scope

The project provided monument lighting of the Historic 10<sup>th</sup> Street Bridge.

Evaluation and Selection Process

After a competitive bid, the City Commission awarded a construction contract to the low bidder, Liberty Electric, Inc. on June 19, 2007.

Conclusion

All work has been performed satisfactorily, all lien releases have been received. Future maintenance of the lights will be the responsibility of Preservation Cascade, Inc.

**Concurrences:** The Great Falls Planning Department has aided in project development and management, and concurs in the staff recommendation for final payment.

**Fiscal Impact:** The budgeted construction cost was \$142,000, and the final cost is \$138,132.93 - \$3,867.07 under budget. The Community Transportation Enhancement Program paid for 86.58% of the contracted work (\$119,595.49) with the remaining 13.42% (\$18,537.44) paid by Preservation Cascade, Inc. (PCI) as the required match amount. This project had no fiscal impact to the City.

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

**Attachments/Exhibits:**

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



Agenda # 15  
Commission Meeting Date: September 2, 2008  
**CITY OF GREAT FALLS**  
**COMMISSION AGENDA REPORT**

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**Item:** Preliminary Plat of The Redding Addition, Phase II, located in the SE1/4NW1/4SE1/4 of Section 4, Township 20 North, Range 4 East, Cascade County, Montana

**From:** Charles Sheets, Planner I

**Initiated By:** Raymond and Linda Redding, Owners and Developer

**Presented By:** Benjamin Rangel, Planning Director

**Action Requested:** City Commission approve Preliminary Plat of Redding Addition, Phase II.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (approve/deny) the Preliminary Plat of The Redding Addition, Phase II 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.

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**Planning Board Recommendation:** At the conclusion of a public hearing held August 12, 2008, the Planning Board passed a motion recommending the City Commission approve the Preliminary Plat of The Redding Addition, Phase II, and the accompanying Findings of Fact, subject to fulfillment of stipulated conditions.

**Background:** Ray and Linda Redding have submitted applications regarding the following:

- 1) Preliminary Plat of The Redding Addition, Phase II, located in the SE1/4NW1/4SE1/4 of Section 4, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Annexation of the area contained in said Preliminary Plat, consisting of 8.14 acres, to the City of Great Falls.
- 3) Establishing a City zoning classification of R-3 Single-family high density district on said Preliminary Plat, upon annexation.

Said Preliminary Plat consists of 5 lots located along the north boundary of 7<sup>th</sup> Avenue North between 45<sup>th</sup> Street North and 48<sup>th</sup> Street North and one 6.89 acre lot that is currently being used

for a horse pasture. The applicants plan to sell the lots along 7<sup>th</sup> Avenue North for construction of single-family residences. Proposed Lot 7 will remain undeveloped until further subdivided.

For additional information, please refer to the attached material.

- Vicinity/Zoning Map
- Reduced Preliminary Plat of The Redding Addition, Phase II

Water and sewer mains exist in the abutting portions of 7<sup>th</sup> and 8<sup>th</sup> Avenues North. The applicants will be required to reimburse their proportionate share of the cost of installation of the improvements in 7<sup>th</sup> Avenue North.

The applicants' engineer has provided preliminary plans for the installation of a standard City paving, curb and gutter in 7<sup>th</sup> Avenue North abutting the subdivision. Questions remain on who will be paying for the south half improvements in 7<sup>th</sup> Avenue North and the required elevation changes needed on the existing paving, curb and gutter at the west end of Phase II. These issues will be resolved prior to consideration of the final plat.

Surface drainage from the subdivision would flow east in 7<sup>th</sup> Avenue North to the existing inlets at the intersection of 7<sup>th</sup> Avenue North and 48<sup>th</sup> Street North.

The applicants have requested the subject property be zoned R-3 Single-family high density 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.

Zoning the subject property for residential use is consistent with other abutting and incorporated properties.

The subject property, which adjoins the City limits and existing public infrastructure, is a reasonable and planned progression of urban growth. Therefore, the proposed development is

not out of character with the neighboring residential urban development. Staff concludes the above cited criteria are substantially met.

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

The Planning Board conducted a public hearing on the preliminary plat on August 12, 2008. The development has generated no public comment. At the conclusion of the public hearing, the Planning Board unanimously passed a motion recommending the City Commission approve the Preliminary Plat of The Redding Addition, Phase II and the accompanying Findings of Fact, subject to the following conditions being fulfilled by the applicant:

- 1) The Final Plat of The Redding Addition, Phase II shall incorporate correction of any errors or omissions noted by staff including: 1) provision of a notification clause to lot purchasers regarding soil conditions; and 2) provision of easements as recommended by the City Engineer.
- 2) The final engineering drawings and specifications for the required public improvements to serve The Redding Addition, Phase II shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat.
- 3) An annexation agreement shall be prepared containing terms and conditions for annexation of The Redding Addition, Phase II, including agreement by applicant:
  - a) to install, within two years of the date of annexation of the subdivision, the public improvements referenced in Condition 2) above;
  - b) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions;
  - c) to restrict the further development of the 6.893 acres of Lot 7, Block 1, The Redding Addition, Phase II until further subdivision review by the City; and
  - d) to pay the balance of the park fee and lift station reimbursement at the time Lot 7 is further subdivided.
- 4) All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting and annexation, including:

a) Final plat fee	\$ 200.00
b) Storm Sewer Fee (\$250/acre x 8.14 gross acres)	\$ 2,035.00
c) Park Fee in Lieu of Land Dedication (fair market value/acre x 1.24 net acres x 11%)	to be determined
d) Reimbursement for water main installed in 7 <sup>th</sup> Ave N	to be determined
e) Reimbursement to City for Lift Station (\$240/net acres x 1.24 net acres)	\$ 297.00
f) Reimbursement for sewer main installed in 7 <sup>th</sup> Ave N	to be determined
g) Recording fees for Agreement and Resolution (\$11 per page x pages)	to be determined

The zoning for the subdivision will be addressed in conjunction with the final plat and annexation of the development.

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

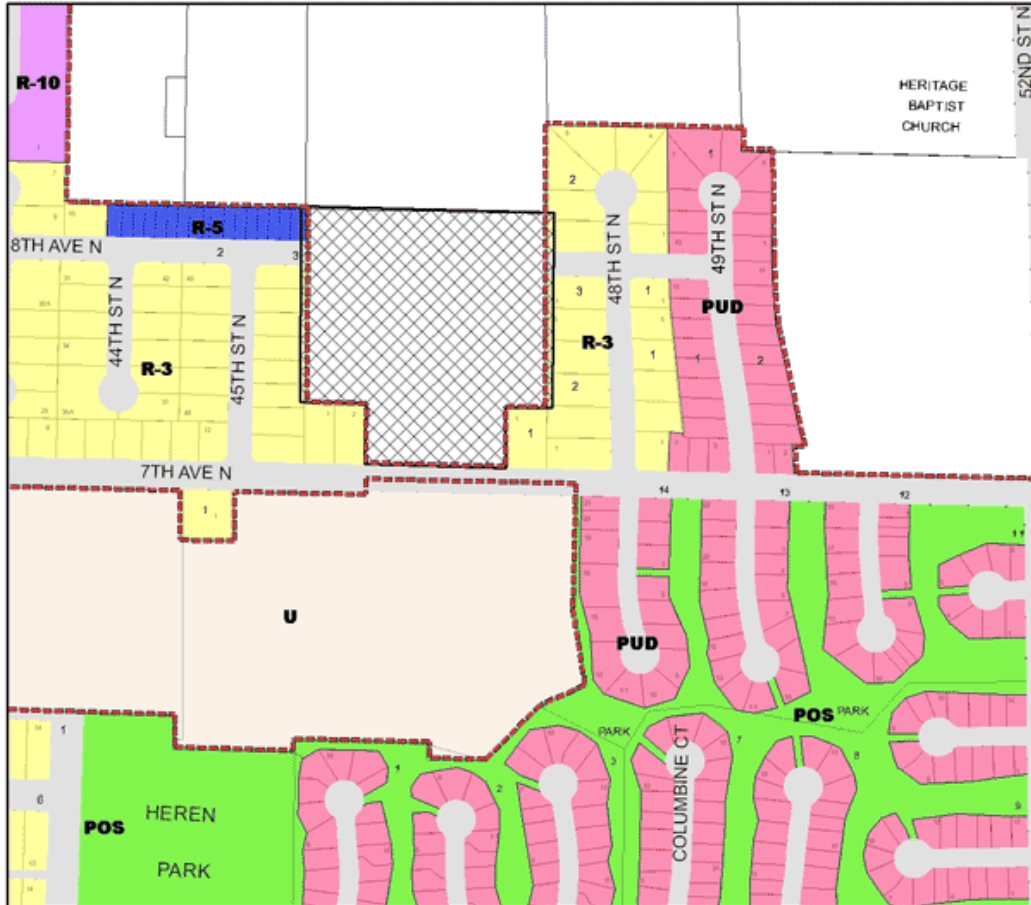
**Alternates:** The City Commission could either deny the preliminary plat; approve the preliminary plat without conditions; or approve the preliminary plat with modified or additional conditions to the extent allowed in City Code and State Statute.


**Attachments/Exhibits:**










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

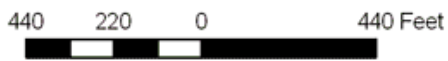
Cc: Raymond and Linda Redding, 4709 7<sup>th</sup> Ave N, Great Falls MT 59405

# VICINITY/ZONING MAP

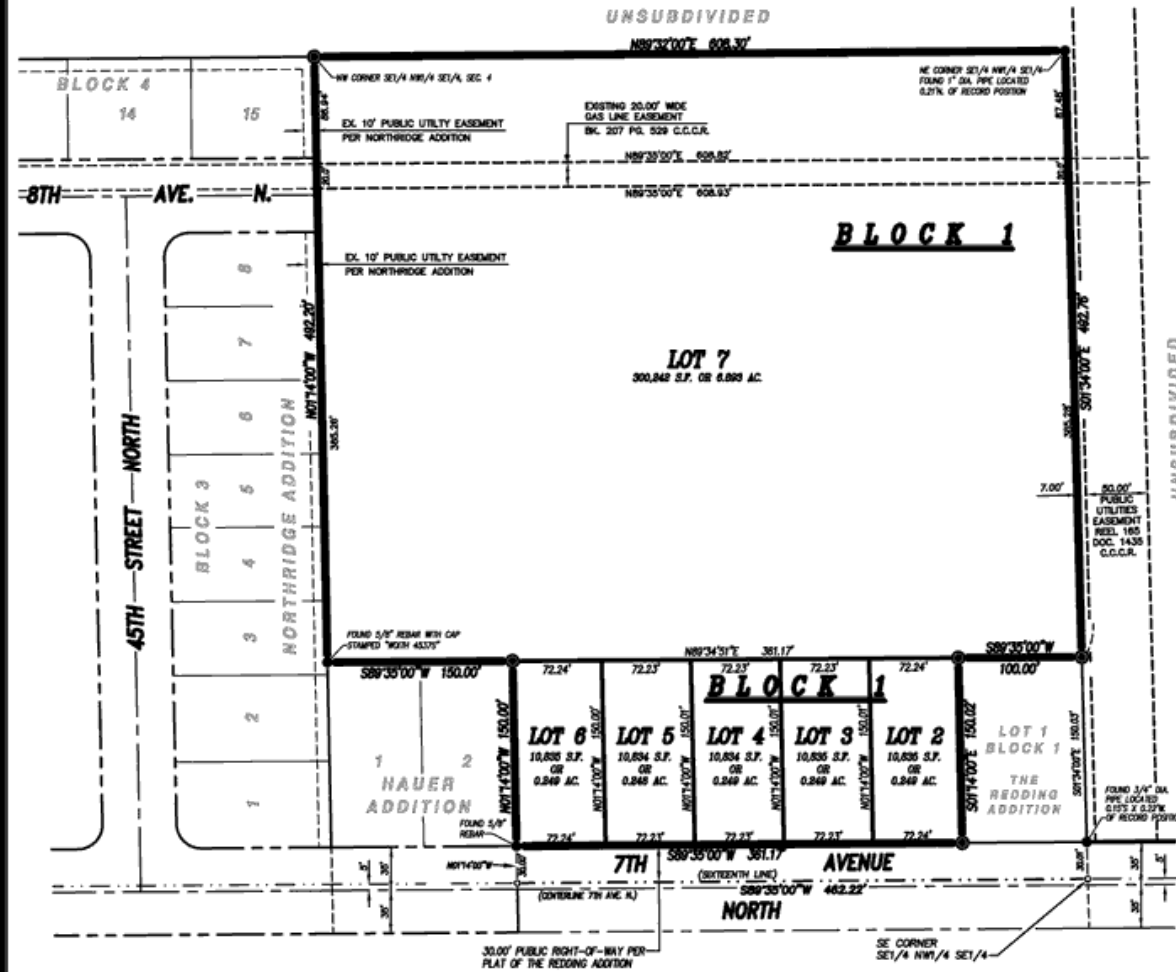


 PRELIMINARY PLAT OF REDDING ADDITION PHASE II TO BE SUBDIVIDED, ANNEXED AND ASSIGNED A CITY ZONING CLASSIFICATION OF "R-3" SINGLE-FAMILY HIGH DENSITY DISTRICT UPON ANNEXATION TO THE CITY

- |  |   |   |
|--|---|---|
|  City Limits                      |  R-5 Multi-family medium density |  PUD Planned unit development |
|  R-2 Single-family medium density |  R-10 Mobile home park           |  U Unincorporated enclave     |
|  R-3 Single-family high density   |  POS Parks and Open Space        |  Tracts of land outside City  |



A PRELIMINARY SUBDIVISION PLAT OF  
**THE REDDING ADDITION, PHASE II**  
 TO THE CITY OF GREAT FALLS, MONTANA  
 A DIVISION OF THE SE1/4 NW1/4 SE1/4 OF SECTION 4, T.20N., R.4E., CASCADE COUNTY, MONTANA



**LEGEND**

- FOUND 5/8" REBAR, 24" LONG, WITH PLASTIC CAP STAMPED "SABD LS 11899", SET PREVIOUSLY
- FOUND MONUMENT AS NOTED
- POINT OF INTERSECTION, NO MONUMENT SET

NOTE: AT ALL LOT CORNERS SET 5/8" REBAR, 24" LONG WITH 1-3/4" NYLON CAP, STAMPED "STEPHEN D. BABB, P.L.S., M.T. REG. #11899"



**CERTIFICATE OF SURVEY & DEDICATION**

WE, RAYMOND AND LINDA REDDING, THE UNDERSIGNED OWNERS OF THE SUBJECT PROPERTY, DO HEREBY CERTIFY THAT WE HAVE CAUSED TO BE SURVEYED AND PLATTED INTO LOTS AND A BLOCK, THE FOLLOWING DESCRIBED PROPERTY TO WIT:

**LEGAL DESCRIPTION - THE REDDING ADDITION, PHASE II**  
 A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER (SW1/4 NW1/4 SE1/4) OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 4 EAST, OF THE PRINCIPLE MERIDIAN, MONTANA, CASCADE COUNTY, MONTANA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1, BLOCK 1, THE REDDING ADDITION TO THE CITY OF GREAT FALLS, MONTANA, SAID POINT BEING THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

THENCE S07°14'00"E ALONG THE WEST LINE OF SAID LOT 1, A DISTANCE OF 150.00 FEET TO THE SOUTHWEST CORNER THEREOF;

THENCE ALONG THE NORTHERLY RIGHT-OF-WAY OF 7TH AVENUE NORTH, S89°25'00"W A DISTANCE OF 361.17 FEET TO THE SOUTHWEST CORNER OF LOT 2 OF THE HAUER ADDITION TO THE CITY OF GREAT FALLS, MONTANA, ACCORDING TO THE OFFICIAL MAP ON FILE IN THE RECORDS OF CASCADE COUNTY, MONTANA;

THENCE N07°14'00"W ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 150.00 FEET TO THE NORTHEAST CORNER THEREOF;

THENCE S89°25'00"W ALONG THE NORTH LINE THEREOF, A DISTANCE OF 150.00 FEET TO THE EAST LINE OF BLOCK 1, NORTHDRIDGE ADDITION TO THE CITY OF GREAT FALLS, MONTANA, ACCORDING TO THE OFFICIAL MAP ON FILE IN THE RECORDS OF CASCADE COUNTY, MONTANA;

THENCE ALONG SAID EAST LINE, N07°14'00"W A DISTANCE OF 462.22 FEET TO THE NORTHEAST CORNER THEREOF, SAID POINT BEING THE NORTHWEST CORNER OF THE SE1/4 NW1/4 SE1/4 OF SAID SECTION 4;

THENCE N07°14'00"W ALONG THE WEST LINE OF SAID SE1/4 NW1/4 SE1/4, A DISTANCE OF 462.22 FEET TO THE NORTHEAST CORNER THEREOF;

THENCE S07°14'00"E ALONG THE EASTERLY LINE OF SAID SE1/4 NW1/4 SE1/4, A DISTANCE OF 462.22 FEET TO THE NORTHEAST CORNER OF LOT 1, BLOCK 1 OF SAID REDDING ADDITION TO THE CITY OF GREAT FALLS;

THENCE S89°25'00"W ALONG THE NORTHERLY LINE OF SAID LOT 1, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED;

CONTAINING IN ALL 354,415 SQUARE FEET OR 8.136 ACRES; AND

**DEDICATION STATEMENT**  
 WE FURTHER CERTIFY THAT THE ABOVE DESCRIBED PARCEL IS TO BE KNOWN AND DESIGNATED AS THE REDDING ADDITION, PHASE II, TO THE CITY OF GREAT FALLS, MONTANA; AND

**PURPOSE OF SURVEY**  
 I FURTHER CERTIFY THAT THE PURPOSE OF THIS DIVISION IS TO CREATE 6 LOTS FOR SALE AND TO FACILITATE THE ANNEXATION OF SAID LOTS INTO THE LIMITS OF THE CITY OF GREAT FALLS, MONTANA.

SO DECLARED AND DEDICATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

FOR: RAYMOND REDDING, OWNER

BY: \_\_\_\_\_

State of MONTANA )  
 County of CASCADE )

ACKNOWLEDGED:

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC FOR THE STATE OF MONTANA, DO PERSONALLY APPEAR RAYMOND REDDING, KNOWN TO ME TO BE THE PERSON THAT EXECUTED THE FOREGOING INSTRUMENT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED BY OFFICIAL SEAL, THE DAY AND YEAR HEREIN ABOVE FIRST WRITTEN.

NOTARY PUBLIC FOR THE STATE OF MONTANA  
 MY COMMISSION EXPIRES: \_\_\_\_\_  
 REDDING AS: \_\_\_\_\_

SEAL

SO DECLARED AND DEDICATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

FOR: LINDA REDDING, OWNER

BY: \_\_\_\_\_

State of MONTANA )  
 County of CASCADE )

ACKNOWLEDGED:

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_, BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC FOR THE STATE OF MONTANA, DO PERSONALLY APPEAR LINDA REDDING, KNOWN TO ME TO BE THE PERSON THAT EXECUTED THE FOREGOING INSTRUMENT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED BY OFFICIAL SEAL, THE DAY AND YEAR HEREIN ABOVE FIRST WRITTEN.

NOTARY PUBLIC FOR THE STATE OF MONTANA  
 MY COMMISSION EXPIRES: \_\_\_\_\_  
 REDDING AS: \_\_\_\_\_

SEAL

**CERTIFICATE DISPENSING WITH PARK OR PLAYGROUND**

I, Gregory 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, Cascade County, Montana, found that no cash donation or dedication of any park or playground is required within the platted area of the REDDING ADDITION, PHASE II, TO THE CITY OF GREAT FALLS, MONTANA, in accordance with Section 76-3-42(2)(a)(i)(c) M.C.A.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Gregory Doyen, City Manager, City of Great Falls, Montana

**CERTIFICATE OF GREAT FALLS PLANNING BOARD**

WE, the undersigned, \_\_\_\_\_, President of the said Great Falls Planning Board, Great Falls, Montana, and Benjamin M. Harrel, Secretary of said Great Falls Planning Board, do hereby certify that the accompanying plat of THE REDDING ADDITION, PHASE II, TO THE CITY OF GREAT FALLS, MONTANA, has been submitted to the said Great Falls Planning Board for examination by them and was found by them to conform to law and was approved at a meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

ATTEST:  
 Benjamin M. Harrel, Secretary  
 Great Falls Planning Board

Great Falls Planning Board

**CERTIFICATE OF CITY COMMISSIONERS**

I, Gregory Doyen, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the accompanying plat of THE REDDING ADDITION, PHASE II, TO THE CITY OF GREAT FALLS, MONTANA, was duly examined and approved by the Commission of the City of Great Falls at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Gregory Doyen, City Manager, City of Great Falls, Montana

**CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES**

I, Gregory Doyen, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that City Commissioners of Great Falls, Montana, at its regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_, found that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available to the land contained within the boundaries of accompanying plat of THE REDDING ADDITION, PHASE II, TO THE CITY OF GREAT FALLS, MONTANA, namely the facilities of the City of Great Falls, Montana. This certificate is made pursuant to Section 76-4-124, M.C.A., thereby permitting the Clerk and Recorder of Cascade County, Montana, to record this plat.

Gregory Doyen, City Manager, City of Great Falls, Montana

**CERTIFICATE OF PUBLIC SERVICE DIRECTOR**

I, Jim Huersten, Public Service Director for the City of Great Falls, Cascade County, Montana, do hereby certify that I have examined the accompanying plat and the survey which it represents, and find the same conforms to regulations governing the platting of lands and to presently adjacent land, or near as circumstances will permit, and hereby approve the same.

Jim Huersten, Public Service Director, City of Great Falls, Montana

**CERTIFICATE OF COUNTY TREASURER**

I, Jess Anderson, County Treasurer of Cascade County, Montana, do hereby certify that I have examined the records covering the area included within the accompanying plat, and I find that all real property taxes and special assessments levied on the land being subdivided have been paid.

County Treasurer of Cascade County, Montana

**CERTIFICATE OF SURVEYOR**

I, STEPHEN D. BABB, PROFESSIONAL LAND SURVEYOR, LICENSED AND REGISTERED IN THE STATE OF MONTANA, DO HEREBY CERTIFY THAT DURING THE MONTH OF NOVEMBER, 2002, THAT THIS PLAT AND THE SURVEY WHICH IT REPRESENTS WAS COMPLETED BY ME, OR UNDER MY SUPERVISION, AND THAT THE MONUMENTS SHOWN AND DESCRIBED HEREON ARE OF THE TYPE AND CHARACTER AND OCCUPY THE POSITIONS INDICATED; AND THAT THIS SURVEY IS IN COMPLIANCE WITH THE PROVISIONS OF 76-3-401 M.C.A.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

STEPHEN D. BABB, PROFESSIONAL LAND SURVEYOR, MONTANA REGISTRATION NO. 11899 LS

REVIEW COPY

SHEET **1** OF **1**

**A PRELIMINARY SUBDIVISION PLAT OF THE REDDING ADDITION, PHASE II TO THE CITY OF GREAT FALLS, MONTANA**  
 SITUATED IN SE1/4 NW1/4 SE1/4 SEC. 4, T.20N., R.4E., P.M.M. CASCADE COUNTY, MONTANA

DATE **JULY 4, 2007** SCALE **1"=60'**  
 JOB NO. **0732** DRAWN **S. BABB**

SEC. 4, T.20N., R.4E.

B A B B

LAND SURVEYING, INC.

622 ALICE DRIVE GREAT FALLS MONTANA 59405  
 (406) 808-1180 • (406) 808-1180 FAX • (406) 788-0096 CELL • EMAIL: BABBSURVEY@MONTANANET

**FINDINGS OF FACT  
FOR REDDING ADDITION PHASE II  
SECTION 4, T20N, R4E, CASCADE COUNTY, MONTANA  
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

**I. PRIMARY REVIEW CRITERIA**

**Effect on Agricultural**

The only agricultural related activity on subject property has been a horse pasture. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity.

**Effect on Local Services**

City water and sewer will serve the lots being created by the subdivision. The subdivider will pay proportionate share of the cost of the water and sewer mains. The subdivision will receive law enforcement and fire protection services from the City of Great Falls. The nearest fire station is two miles from the subdivision site. Providing these services to the lots in the subdivision is expected to be a negligible cost to the City. The subdivision abuts a segment of 7<sup>th</sup> Avenue North that is maintained by the City. The subdivider will participate in the costs of improving the roadway to City standards.

**Effect on the Natural Environment**

The subdivision will consist of five 10,835 sq. ft. lots for construction of single-family residences and one 6.89 acre lot to remain as a horse pasture until it is furthered reviewed for development. The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Any excess surface runoff can be accommodated in the City storm sewer system located in the abutting portion of 7<sup>th</sup> Avenue North. Soils at the subdivision site primarily consist of clay loam which is very impervious and has moderate shrink-swell characteristics.

**Effect on Wildlife and Wildlife Habitat**

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

**Effect on Public Health and Safety**

Based on available information, the subdivision is not subject to abnormal potential natural hazards such as flooding, snow or rockslides, nor potential man-made hazards such as high voltage power lines, wildfire, nearby industrial or mining activity, or high traffic volumes. A high pressure gas line runs east-west through the northerly portion of the subdivision.

**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 7<sup>th</sup> Avenue North and 8<sup>th</sup> Avenue North, both of which are public roadways bordering and abutting the subdivision, and in easements proposed within the subdivision.

**IV. LEGAL AND PHYSICAL ACCESS**

Legal and physical access to the subdivision are provided by 7<sup>th</sup> Avenue North and 8<sup>th</sup> Avenue North, public roadways bordering the subdivision. The partially improved segment of 7<sup>th</sup> Avenue North abutting the subdivision will be required to be improved with paving, curb, and gutter.