



City Commission Agenda

for

August 19, 2008

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

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

OLD BUSINESS

2. Stipulation for Records Access between MEIC, SME, and the City.
Action: Ratify or deny Stipulation. **(Presented by: David Gliko)**

NEW BUSINESS

ORDINANCES/RESOLUTIONS

3. Res. 9752, Annual Tax Levy. Action: Adopt or deny Res. 9752.
(Presented by: Melissa Kinzler)
4. Res. 9772, Conditional Use Permit to Allow Antennae on Water Tank at Dudley Anderson Park. Action: Accept Res. 9772 on first reading and set public hearing for September 16, 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.*

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 \$5000, 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 Lighting 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.
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.

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

BOARDS & COMMISSIONS

17. Appointment, Great Falls Housing Authority Board. Appoint one tenant member to fill the remainder of a two-year term through June 30, 2010.
18. Reappointment, Police Commission. Reappoint Thomas P. Meeks to the Police Commission for a three-year term through June 30, 2011.
19. Miscellaneous reports and announcements.

CITY MANAGER

20. 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)*

21. Miscellaneous reports and announcements.

CITY COMMISSION

22. Miscellaneous reports and announcements.

MOTION TO ADJOURN



Item: Stipulation for Records Access
From: David Gliko, City Attorney
Initiated By: Attorneys for MEIC, SME and City Attorney
Presented By: David Gliko, City Attorney
Action Requested: Ratification of Stipulation

Suggested Motion:

1. Commissioner moves:
“I move that the City Commission (ratify/deny) the Stipulation for Records Access.
 2. Mayor calls for a second, discussion public participation and calls the vote.
-

Staff Recommendation: It is recommended that the City Commission ratify the Stipulation for Records Access.

Background: Pursuant to the June 30, 2008, Order by the District Court, the City began allowing public access to records related to SME and the Highwood Generating Station. By letter dated July 28, 2008, SME demanded the City cease public access to said records until SME reviewed the same and identified any "trade secrets" subject to proprietary protection from disclosure. Thereafter, on July 30, 2008, MEIC moved the Court for an Order to Enforce the Order of June 30, 2008. Subsequently, on August 1, 2008, the City Attorney moved the Court to join SME in the litigation as a necessary and indispensable party to ensure protection of SME's alleged trade secrets. It is anticipated SME will not resist joinder and the Court will so Order. Thereafter, if there is continuing litigation such as MEIC seeking to contest some or all of the documents identified as trade secrets, SME attorneys will participate directly in the litigation to protect SME's proprietary interest. In that event, the City would defend its review and confirmation of the trade secrets identified by SME. It is anticipated such litigation would be held in-camera before the Court and any records found to be trade secrets sealed in the action.

After extended negotiation, the attorneys for MEIC, SME and the City have agreed upon and executed a Stipulation for SME's review of such records to identify trade secrets to be withheld and the release of the remainder of the records to the public on or before August 22, 2008. The

Stipulation was signed by the City Attorney on August 11, 2008, with the understanding the Stipulation would be subject to City Commission ratification.

Concurrences: MEIC and SME's attorneys have signed the Stipulation representing the concurrence of their clients.

Fiscal Impact: The Stipulation will avoid further legal fees and costs involved in litigating the issue of public access vis-à-vis trade secret protection in Court.

Alternatives: The City Commission could deny the ratification of the Stipulation and choose to litigate the issue in Court.

Attachments/Exhibits: Stipulation for Records Access

DAVID K.W. WILSON, Jr., Esq.
Reynolds, Motl and Sherwood
401 North Last Chance Gulch
Helena, MT 59601
(406) 442-3261

CLERK OF DISTRICT COURT
BUTTE COUNTY
2008 AUG 12 AM 11:43
FILED
BY _____
DEPUTY

Attorneys for Plaintiffs

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

<p>MONTANA ENVIRONMENTAL INFORMATION CENTER,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>CITY OF GREAT FALLS,</p> <p style="text-align: center;">Defendant.</p>	<p>Cause No. CDV 07-614</p> <p style="text-align: center;">STIPULATION</p>
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This Stipulation is entered into this 11th day of August, 2008, by and between the Defendant City of Great Falls (hereinafter, "City"), a municipal corporation and political subdivision of the State of Montana; the Plaintiff Montana Environmental Information Center (hereinafter, "MEIC"), a Montana nonprofit public benefit organization; and Southern Montana Electric Generation and Transmission Cooperative, Inc. (hereinafter "SME"), a Montana nonprofit electric cooperative membership corporation.

RECITALS

WHEREAS, a dispute has arisen between the City, SME and MEIC regarding review by MEIC members and the public of documents in the City's possession which concern the Highwood Generating Station and the City's relationship with SME;

WHEREAS, this dispute is the subject of MEIC's July 30, 2008 Motion to Enforce the Summary Judgment Order dated June 30, 2008, filed in the Eighth Circuit Judicial District Court for Cascade County, Cause No. CDV 07-614;

WHEREAS, the City and MEIC agree that SME may be a participant in and signatory to this stipulation, although it is not a party to this lawsuit, as the entity whose documents and information in the City's custody and possession are at issue herein; and

WHEREAS, the City, SME and MEIC desire to resolve this dispute pursuant to the terms of this Stipulation.

THEREFORE, the parties to this Stipulation agree as follows:

1. There is no admission of fact, law or liability, by any party to this Stipulation, by virtue of having entered into this Stipulation.
2. The City will release for public inspection, pursuant to the schedule set forth below, documents that are public records in its possession related to the Highwood Generating Station and the City's relationship with SME and which are not potentially subject to claims by 1) SME of trade secret, privilege and/or confidentiality ("SME's protection claims"), and by 2) the City of privilege or individual privacy. MEIC disputes that SME can assert any privilege other than trade secrets or that the City may assert any privilege other than individual privacy of third parties.

3. In order to protect SME's claims for protection, prior to the release of records to the public, the City is allowing SME to review all documents in the City's custody and possession related to the Highwood Generating Station and the City's relationship with SME.

4. In conjunction with its internal review of the documents that are related to the Highwood Generating Station and the City's relationship with SME, the City will create a log of all the documents it believes are subject to claims of trade secret, privilege and/or confidentiality, including a description of each document, an explanation of the nature of the claim, including whether the City or SME is asserting trade secret protection, privilege and/or confidentiality as to each document, and the date or means by which the claim was asserted. This log is a public record available to the public. MEIC reserves the right to dispute any trade secret, confidentiality or privilege asserted by SME or the City, and to ask the Court to review any assertion of trade secret, privilege or confidentiality or any alleged waiver thereof.

5. The City shall, in good faith, use its best efforts timely to release documents subject to this Stipulation for review by the public. The City intends to release all documents that are public records and that are not potentially subject to claims for protection, beginning on or around August 12, 2008 and shall use its best efforts to complete its release of such documents, and the log discussed in ¶ 4, by August 22, 2008. If the City is unable to make this deadline, despite its best efforts, the City shall notify the parties at least 72 hours prior to August 22nd, confer with the other parties to this Stipulation to attempt to agree on a new deadline and, failing agreement, may move the court to extend the deadline.

6. The City shall not return, remove, mark or alter, or destroy any documents in its possession related to the Highwood Generating Station and the City's relationship with SME prior to the August 22, 2008 deadline or any agreed-upon or court ordered extension of that deadline, and thereafter only pursuant to the provisions of § 2-6-401, *et seq.*, MCA.

7. Following execution of this Stipulation, MEIC shall file the Stipulation along with a motion with the Eighth Judicial District Court for Cascade County requesting dismissal of its July 30, 2008 Motion to Enforce June 12, 2008 Order, and an Order approving the Stipulation.

DATED this 11th day of August, 2008.

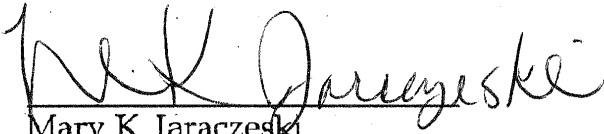
CITY OF GREAT FALLS

BY:


David Gliko
Attorney for Defendant


UGRIN, ALEXANDER, ZADICK & HIGGINS

BY:


Mary K. Jaraczek
Attorney for SME

WOLFBLOCK LLP

By:


Kenneth A. Reich
Attorney for SME


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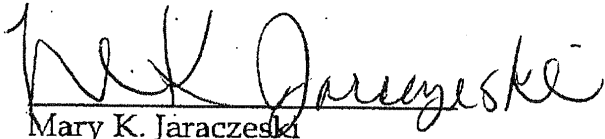
CITY OF GREAT FALLS

BY:


David Glko
Attorney for Defendant

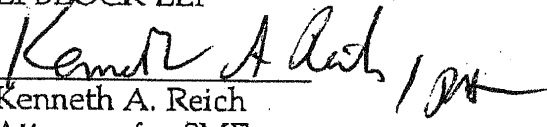
UGRIN, ALEXANDER, ZADICK & HIGGINS

BY:


Mary K. Jaraczski
Attorney for SME

WOLFBLOCK LLP

By:


Kenneth A. Reich
Attorney for SME

REYNOLDS, MOTL & SHERWOOD, P.L.L.P.

BY: 

David K. W. Wilson, Jr.
Attorney for Plaintiff



Item: Resolution 9752 – Annual Tax Levy
From: Gregory T. Doyon, City Manager
Initiated By: Taxable Valuations from the Montana Department of Revenue
Presented By: Melissa Kinzler, Budget Officer
Action Requested: Adopt Resolution

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9752.”

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

Staff Recommendation: Staff recommends adoption of Resolution 9752 to fix the annual tax levy.

Background: We received the taxable valuation for the City of Great Falls from the Department of Revenue. Accordingly, the City can now compute and set its annual mill levy.

The public hearing on our Intent to Increase Property Taxes by 3.83% was held on July 15, 2008, in accordance with MCA 15-10-203.

The total mill levy for 2008 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.

Section 15-10-202, MCA requires the Montana Department of Revenue to send certification to each taxing authority of the total taxable value within the jurisdiction of the taxing authority by the first Monday of August.

The statement, and the certified millage are necessary for the City to determine compliance with MCA 15-10-420.

Section 7-6-4036, MCA, Fixing tax levy, provides:

- (1) The governing body shall fix the tax levy for each taxing jurisdiction within the county or municipality:
 - (a) by the later of the second Monday in August or within 45 calendar days after receiving certified taxable values;
 - (b) after the approval and adoption of the final budget; and
 - (c) at levels that will balance the budgets as provided in 7-6-4034.
- (2) Each levy:
 - (a) must be made in the manner provided by 15-10-201; and
 - (b) except for a judgment levy under 2-9-316 or 7-6-4015, is subject to 15-10-420.

Concurrences: The Fiscal Year 2009 Budget was adopted July 15, 2008, with the 3.83% increase in property tax increase included. Setting the mill levy for Tax Year 2008 is the last step in the adoption of the Fiscal Year 2009 City of Great Falls Budget.

Fiscal Impact: The fiscal impact of the proposed increases for inflation and the permissive mill levy for a residential home with a taxable market value of \$100,000 would be approximately \$16.33 a year. The General Fund had an estimated increase of \$298,663 for newly taxable property in the adopted Fiscal Year 2009 Budget. The Montana Department of Revenue's value of newly taxable property was \$2,138,981, which translates into \$301,276 of revenue.

Alternatives: State law requires that the City adopt a Fiscal Year 2009 which includes setting the annual mill levy amounts on or before the 2nd Monday in August or 45 days after receiving taxable valuation from the Montana Department of Revenue.

Attachments/Exhibits: Tax Levy Resolution 9752 with Appendix A showing the tax calculation worksheet.

RESOLUTION NO. 9752
RESOLUTION TO FIX ANNUAL TAX LEVY

A RESOLUTION PROVIDING FOR THE ANNUAL TAX
LEVY IN MILLS FOR THE FISCAL YEAR BEGINNING
JULY 1, 2008 AND ENDING JUNE 30, 2009

WHEREAS, Montana Code Annotated (MCA), 7-1-114, states "A local government with self-governing powers is subject to .. (g) except as provided in subsection (3), any law regulating the budget, finance, or borrowing procedures and powers of local governments...(3) (b) The provisions of 15-10-420 apply to self-governing local government units.

WHEREAS, The City of Great Falls, Montana adopted a self-governing charter in 1986. Article I, Section 3 of the Charter of the City of Great Falls, Montana states: "The total mill levy shall not exceed that allowed to general powers cities of the first class by Montana Law."

WHEREAS, Section 7-6-4036, MCA, required the City Commission to fix the tax levy for each taxing jurisdiction by the later of the second Monday in August or within 45 calendar days after receiving certified taxable values. Certified taxable values were received August 4, 2008. Amended certified taxable values were received August 6, 2008.

WHEREAS, Section 15-10-420, MCA provides:

(1)(a) Subject to the provisions of this section a governmental entity that is authorized to impose mills may impose a mill levy sufficient to generate the amount of property taxes actually assessed in the prior year, plus one-half of the average rate of inflation for the prior 3 years. The maximum number of mills that a governmental entity may impose is established by calculating the number of mills required to generate the amount of property tax actually assessed in the governmental unit in the prior year based on the current year taxable value, less the current year's value of newly taxable property plus one-half the average rate of inflation for the prior 3 years..

(2) ... plus any additional levies authorized by the voters ...

(5) Subject to subsection (8), subsection (1)(a) does not apply to

(b) the portion of a governmental entity's property tax levy for premium contributions for group benefits excluded under 2-9-212 or 2-18-703.

(7) In determining the maximum number of mills in subsection (1)(a) the governmental entity may increase the number of mills to account for a decrease in reimbursements.

WHEREAS, Section 15-10-201, MCA, requires the City Commission to fix its tax levy in mills and tenths and hundredths of mills.

WHEREAS, The Department of Revenue's certified taxable value for the City of Great Falls is \$76,405,609 which equates to \$76,406 per mill; when the incremental value of the tax increment finance district is removed the value is \$71,973 per mill. This includes \$2,138,981, or \$2,139 per mill, of newly taxable property.

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

Section 1. - Determination of Mill Levy Limit

- Appendix A shows the determination of the total mill levy limit of 140.85 mills.
- An additional 15.07 "Permissive Medical Levy" is allowed under 15-10-420(5)(b) for increased health insurance premiums not included in the Appendix A calculation.
- An additional 2.25 mills is allowed under 15-10-420(2) for additional voter supported mills. On November 4, 2003, a \$2.5 million general obligation bond was approved by voters for construction of a soccer park. It has been determined that 2.25 mills for soccer park debt service payments is needed for Fiscal Year 2009.
- Lastly, an additional 4.59 mills is allowed under 15-10-420(2) for additional voter supported mills. On November 7, 2006, a \$2.27 million general obligation bond was approved by voters for repair and improvement of city pool facilities. It has been determined that 4.59 mills for swimming pool debt service payments is needed for Fiscal Year 2009.

Section 2. - Tax Levy Amounts

A 162.76 mill levy will generate:

- a. \$ 9,836,126 from the \$69,834 certified value per mill for Previously Taxable Property;
- b. \$ 301,276 from the \$2,139 certified value per mill for Newly Taxable Property;
- c. \$ 1,084,633 from the \$71,973 certified value per mill for increased Health Insurance premiums "Permissive Medical Levy", and,
- d. \$ 161,939 from the \$71,973 certified value per mill for soccer park debt service payments.
- e. \$ 330,356 from the \$71,973 certified value per mill for swimming pool debt service

payments.

- f. \$11,714,330 in total City tax for 2008 from the \$71,973 total certified value per mill.

This does not reflect delinquent collections or tax increments withheld.

Section 3. - Tax Levy Required and Set

- a. The City Commission has determined a \$10,137,402 tax levy, requiring a 140.85 mill levy, is necessary to balance the General Fund Budget.
- b. The City Commission has determined a \$1,084,633 “Permissive Medical Levy”, requiring a 15.07 mill levy, is necessary for increased health premium costs to balance the General Fund Budget.
- c. The City Commission has determined a \$161,939 tax levy, requiring a 2.25 mill levy, is necessary for the soccer park debt service payment.
- d. The City Commission has determined a \$330,356 tax levy, requiring a 4.59 mill levy, is necessary for the swimming pool debt service payment.
- e. The City Commission of the City of Great Falls, Montana hereby fixes the tax levy for the fiscal year July 1, 2008 through June 30, 2009 at 162.76 mills.

PASSED by the Commission of the City of Great Falls, Montana, on this _____ day of _____, 2008.

Dona Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved as to form: City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9752 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 ___ day of ___, 2008, and approved by the Mayor of said City on the ___ day of _____, 2008.

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

Resolution 9752 Appendix A.
City of Great Falls Determination of Tax Revenue and Mill Levy Limitations under Section 15-10-420, MCA
Fiscal year ended June 30,2009

<u>MAXIMUM PROPERTY TAXES AUTHORIZED: (Note that appropriate statutes are referenced)</u>		
Ad valorem tax revenue authorized to be assessed prior year		9,649,371
Add: FISCAL YEAR 2009 INFLATION ADJUSTMENT @ 1.672% (Section 15-10-420(1a)(1c), MC.	161,337	161,337
Less: Property taxes authorized to be assessed in the prior year for Class 1 and 2 property (net and gross proceeds, county only) (Section 15-10-420(6), MCA (enter as negative number))		0
Personal Property Tax reimbursement received - prior fiscal year was final year (Section 15-10-420(7), MCA) (HB 20 and SB 417 reimbursements)	25,418	
Personal Property Tax reimbursement will no longer be received (FY09 and subsequent years) (Section 15-1-111, MCA)	0	25,418
Adjusted ad valorem tax revenue assessed		9,836,126
<u>CURRENT YEAR LEVY COMPUTATION:</u>		
Taxable value per mill		76,406
Less per mill incremental value of tax increment financing district (TIF) (enter as negative)	(4,433)	
Adjusted taxable value (adjusted for removal of TIF per mill incremental district value)		71,973
Less: Newly taxable property per mill value, (enter as negative)	(2,139)	
Taxable value per mill of net and gross proceeds (county only) (enter as negative)		(2,139)
Adjusted Taxable value per mill		69,834
Authorized mill levy under Section 15-10-420, MCA (includes floating mills)		140.85
Adjusted taxable value per mill		69,834
Add: Newly taxable property per mill value	2139	
Taxable value per mill of net and gross proceeds (county only)	0	2,139
Taxable value per mill (including newly taxable property but excluding TIF per mill incremental value)		71,973
Authorized mill levy under Section 15-10-420, MCA (includes floating mills)		140.85
Current property tax revenue authorized limitation		10,137,402
<u>RECAPITULATION:</u>		
Previous year adjusted property tax revenue assessed (5)		9,836,126
Amount attributable to newly taxable property and net/gross proceeds		301,276
Current property tax revenue authorized limitation		10,137,402



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

From: Bill Walters, Senior Planner

Initiated By: Verizon Wireless

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission accept Resolution 9772 on first reading and set a public hearing for September 16, 2008.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/deny) Resolution 9772 on first reading and set a 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 June 24, 2008, unanimously passed a motion recommending the City Commission grant a conditional use permit to allow concealed antennae to be mounted to the rim of the water tank and installation of an equipment building next to the existing utility building at Dudley Anderson Park, subject to fulfillment of specified conditions.

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

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

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

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

The City Zoning Code lists the seven following criteria to be applied to a request for a conditional use for evaluation purposes. Following each is staff's response to the criteria.

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

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

2. That the establishment, maintenance or operation of the conditional use will not be detrimental to, or endanger the health, safety, morals, comfort or general welfare.

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

3. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminishes and impairs property values within the neighborhood.

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

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

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

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

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

6. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

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

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

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

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

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

An Agreement containing terms and conditions associated with the conditional use permit has been prepared and executed by the applicant. The Agreement will be submitted to the City Commission in conjunction with final consideration of Resolution 9772 and prior to the public hearing on September 16, 2008.

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

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

Alternatives: The City Commission could deny acceptance of Resolution 9772 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:

Resolution 9772

Site Plan (C-2)

South Elevation (C-4)

Vicinity/Zoning Map

Enlarged Site Plan (C-3)

Photo Simulation

Cc: Jim Rearden, Public Works Director
Marty Basta, Park and Recreation Director
Dave Dobbs, City Engineer
Kim McCleary, Parking/Zoning Supervisor
Mike Jacobson, Water Plant Supervisor
PaulSlotemaker, pslotemaker@realcomassoc.com

RESOLUTION 9772

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

* * * * *

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

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

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

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

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

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

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

Section 2. That a conditional use permit to allow telecommunication antennae to be mounted to the rim of the water tank and installation of an equipment building next to the existing utility building at Dudley Anderson Park, is hereby approved.

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

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

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

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

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

Approved for legal content:

David V. Gliko, City Attorney

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

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


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








Lisa Kunz, City Clerk

(CITY SEAL)


VICINITY/ZONING MAP



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

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

550 275 0 550 Feet




AGREEMENT

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

WITNESSETH:

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

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

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

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

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

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

NOW, THEREFORE, IT IS MUTUALLY AGREED as follows:

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

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

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

Gregory T. Doyon, City Manager

STATE OF MONTANA)
 : ss.
County of Cascade)

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

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

Notary Public for the State of Montana

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

(NOTARIAL SEAL)

Approved for Legal Content:

David V. Gliko, City Attorney

PROPRIETOR

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

STATE OF _____)
: ss.
County of _____)

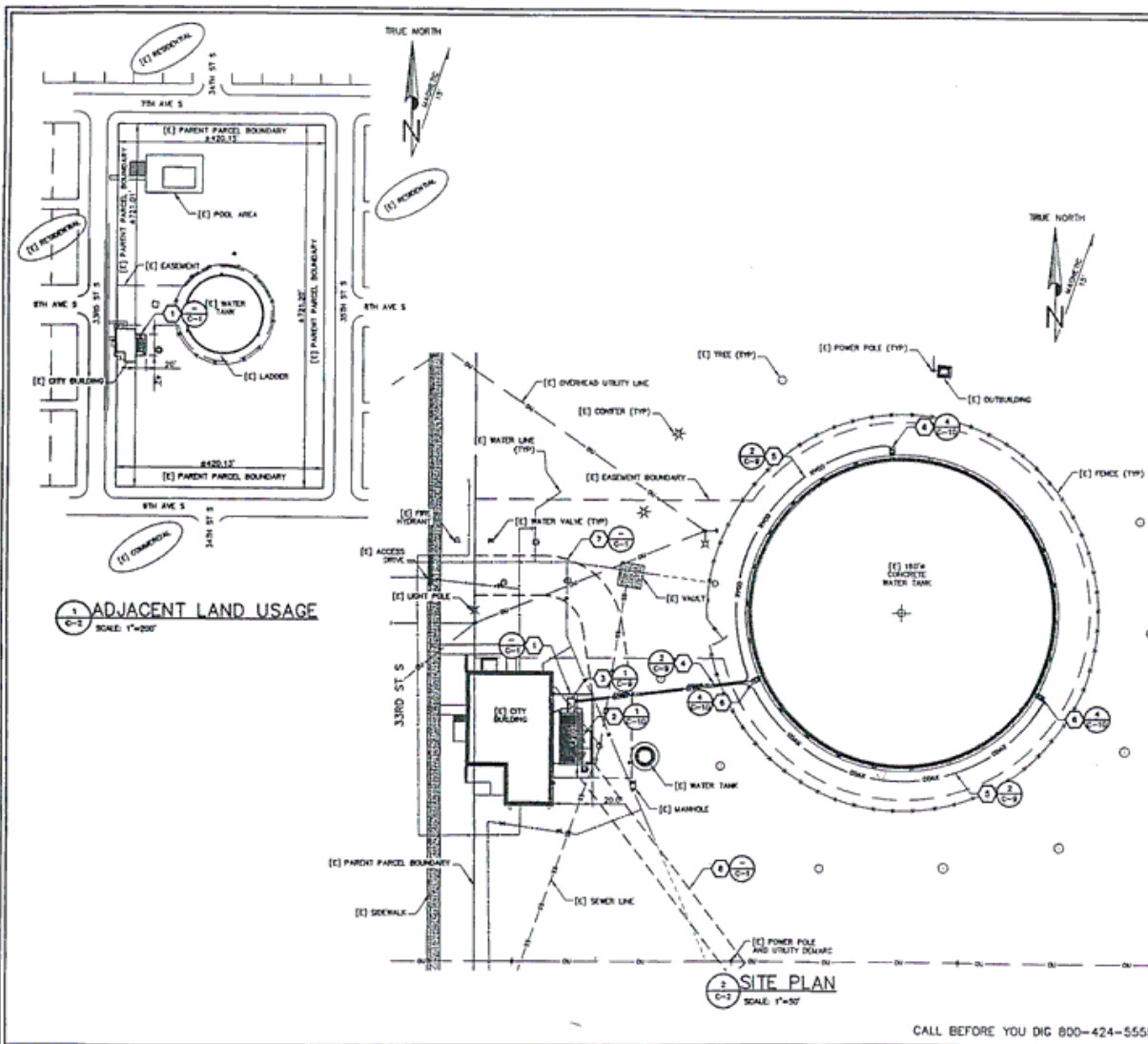
On this _____ day of _____, 2008, before me, the undersigned, a Notary Public for the State of _____, appeared _____, known to me to be the person whose name is subscribed to the instrument within and acknowledged to me that (s)he executed the same.

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

Notary Public for the State of _____

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

(NOTARIAL SEAL)



PROPOSED CONSTRUCTION KEYED NOTES

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

SYMBOLS AND ABBREVIATIONS

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

SITE NOTES

verizonwireless

AC
ADAMS & CLARK INC.
1321 N. POWERS AVE.
SPOKANE, WA 83401
P.O. BOX 107480 PAC 98217-0480

AC PROJECT # 2008-01-023

MONTANA
RANDY LILABERE
1413 PE
LICENSED PROFESSIONAL ENGINEER

APPROVALS

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

REVISIONS

△	07/26/08	FINAL CD
△	07/28/08	PRELIMINARY CD

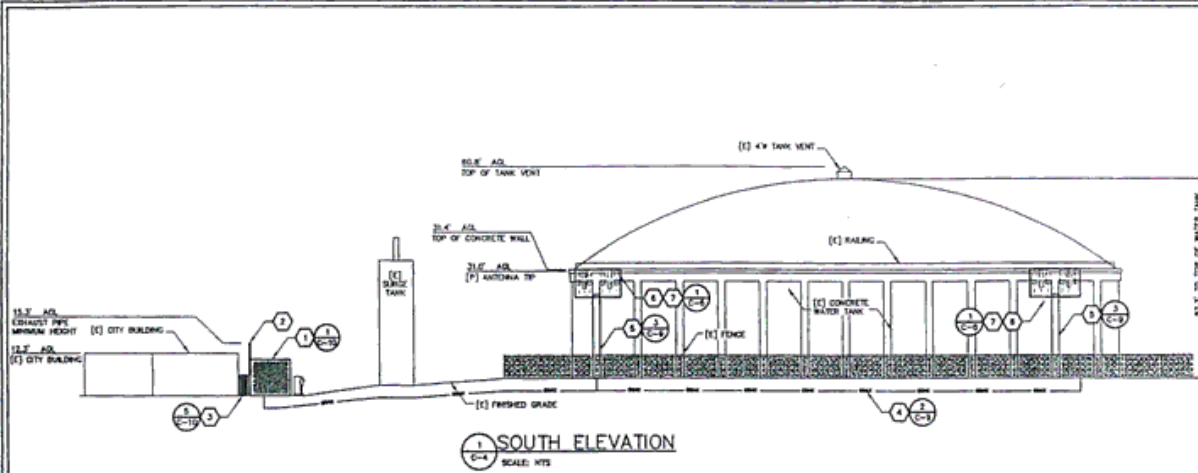
THE INFORMATION CONTAINED IN THIS SET OF DOCUMENTS IS PROPRIETARY AND CONFIDENTIAL. BY NATURE, USE OR DISCLOSURE BY PARTIES NOT DIRECTLY ASSOCIATED WITH Verizon Wireless IS STRICTLY PROHIBITED.

SITE

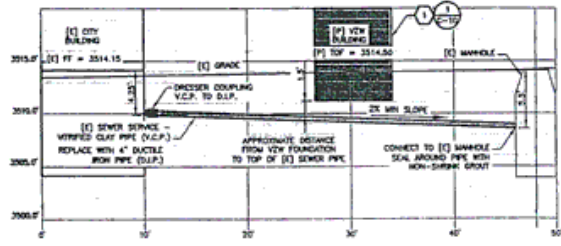
GFA ELLA
3301 S 8TH AVE
GREAT FALLS, MT

SHEET TITLE
SITE PLAN

C-2



1 SOUTH ELEVATION
SCALE: NTS



2 (E) SEWER LINE PROFILE
SCALE: 1"=10'
SCALE: 1"=10'

CALL BEFORE YOU DIG 800-424-5555

PROPOSED CONSTRUCTION KEYED NOTES

- 1 11'-0" x 24' VIEW EQUIPMENT BUILDING, DIESEL GENERATOR LEFT. EXT. WALLS SHALL BE BRICK VENEER BY FULLERTON FINISH SYSTEMS. COLOR SHALL BE RED BLEND MELLOW.
- 2 EXTEND EXHAUST PIPE 3' ABOVE EXISTING CITY BUILDING ROOF. BRACE AS NEEDED.
- 3 CMU SCREEN WALL PAINTED TO MATCH (C) ARCHITECTURE.
- 4 BURIED COAXIAL CABLE.
- 5 (3) CABLE TRAYS MOUNTED ON WATER TANK PLASTER, TEXTURED AND PAINTED TO MATCH (C) ARCHITECTURE.
- 6 VIEW ANTENNA ARRAY, MOUNTED ON (C) CONCRETE WATER TANK, CONCEALED BY 20" HIGH 1' 8" HIGH STEALTH PANELS.
- 7 STEALTH PANELS SHALL BE STEALTHSHIELD V9 BY PANELS, PAINTED TO MATCH (C) ARCHITECTURE, AND SUPPLIED BY STEALTH NETWORK TECHNOLOGIES INC. (925) 552-0553

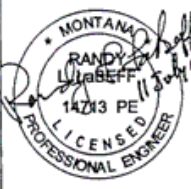
SYMBOLS AND ABBREVIATIONS

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

SITE NOTES



A/C PROJECT # 2008-01-033



APPROVALS

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

REVISIONS

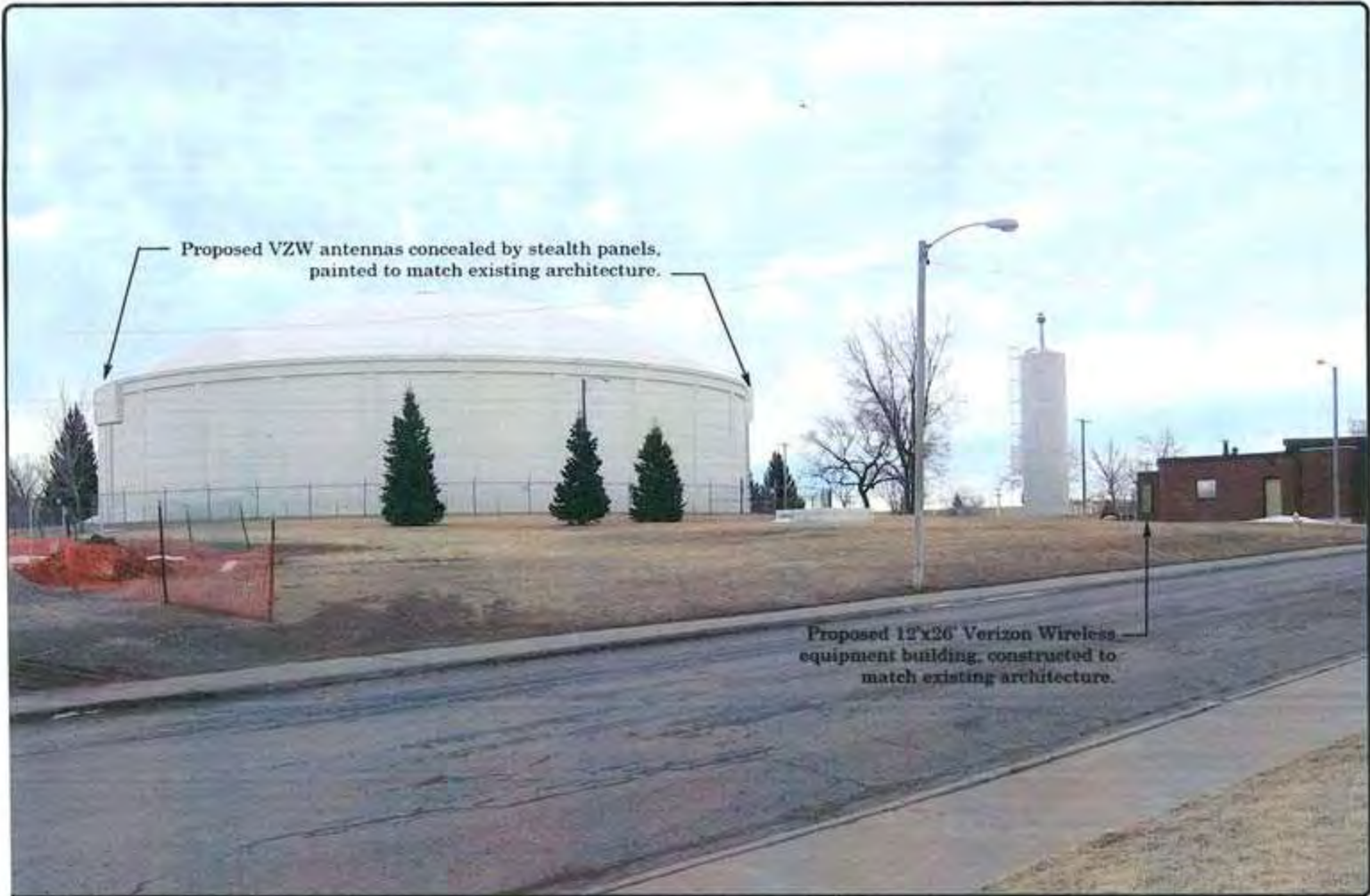
NO.	DATE	DESCRIPTION
1	07/10/08	FINAL CD
2	07/29/08	PRELIMINARY CD

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SITE
GFA ELLA
 3301 S 9TH AVE
 GREAT FALLS, MT

SHEET TITLE
 ELEVATION

C-4



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

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



PHOTO SIMULATION
GFA ELLA
Northwest Elevation
Great Falls, Montana



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, Library, Park and Recreation, Planning and Public Works, Fiscal Services Operations Supervisor, the Police Chief, Fire Chief, and the City Clerk.

NEIGHBORHOOD COUNCILS

NC4.

1. **Sandra Guynn**, Chair NC 4, thanked Fire Chief McCamley for his presentation at the July NC 4 meeting regarding the property east of Bundi Gardens. Ms. Guynn also discussed NC 4 traffic concerns on 10th Avenue North and, due to lack of enforcement in the area, she encouraged annexation.

PUBLIC HEARINGS

BID 2008/2009 Budget and Work Plan.
Approved.

2. **BUSINESS IMPROVEMENT DISTRICT 2008/2009 BUDGET AND WORK PLAN.**

Tonya Jorgensen reported that a few weeks ago she presented the budget and work plan for 2008/2009 for the Business Improvement District (BID). The Commission received a copy of the proposed budget and work plan, noting one of the main topics on their agenda is renewal of the BID. Ms. Jorgensen asked if the Commission had any questions or comments concerning the proposed budget and work plan.

Commissioner Bronson commented that he reviewed the budget and work plan and inquired how the figures were calculated. Ms. Jorgensen responded that some of the numbers are based on historical numbers, some are based on conversations with the Forestry Department, the grant dollars are accurate numbers that the BID committed to, and a round number is estimated for some property maintenance. Commissioner Bronson asked if timelines were set to accomplish projects set forth in the work plan. Ms. Jorgensen responded that the only item that has a specific timeline is the renewal of the BID and that is done in coordination with the Fiscal Services Department. Some items depend on the budget whether and when they will get accomplished. Commissioner Bronson commented that the BID by-laws provide for an executive director, and inquired why the BID has not filled that position. BID Board member, Alison Fried, responded that she worked with the previous director. Several national companies searched for

a BID director with specified qualifications. The one person that met those qualifications and was willing to locate to Great Falls, requested \$100,000. The BID budget is \$150,000. They felt the wisest decision was to look for someone in a secretarial position that could expand and be involved as much as possible. Commissioner Bronson commented that his business is downtown and he utilizes downtown services. As such, he has been in a position to observe it for 20 years. He suggested that it is time to rethink how this is done and to pursue other resources. The community may need to make a different level of investment and commitment into downtown development.

Mayor Stebbins complimented Tonya Jorgensen for an excellent job. She inquired if Ms. Jorgensen was working with the Great Falls Development Authority (GFDA). Ms. Jorgensen responded that she has been working with the GFDA in reference to the Imagine Downtown Great Falls. That project was going in the right direction and needs to be revisited.

Mayor Stebbins declared the public hearing open. Speaking in favor of approving the BID 2008/2009 Budget and Work Plan were:

Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, commented that the GFDA has been supportive of the BID as part of the downtown effort. He agrees with Commissioner Bronson that there needs to be an increased investment in downtown. Mr. Doney encouraged the City to create a master plan for downtown, even if it starts with a visioning process. Mr. Doney suggested (1) putting together the resources, and (2) the BID expanding its area territory.

Mike Witsoe, 2612 1st Avenue South, stated that he believes it is a problem that downtown businesses close at 6:00.

No one spoke in opposition.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission approve the 2008/2009 Business Improvement District Budget and Work Plan.

Motion carried 5-0.

Res. 9746, Levy and Assess Street Maintenance District. Adopted.

3. RESOLUTION 9746, LEVY AND ASSESS STREET MAINTENANCE DISTRICT.

Fiscal Services Operations Supervisor Martha Cappis reported that Resolution 9746 is the FY09 street maintenance resolution which allows for the maintenance and upkeep of over 366 miles of streets and alleys within

the city limits of Great Falls. All property owners within the city limits pay a maintenance fee based on their land use. Passage of this increase, which was included in the FY09 budget presentations, will increase the current assessment by 10%. Adoption of this resolution will allow the City to continue its current maintenance and replacement activities.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9746.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9746.

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

Commissioner Jolley inquired what "ST/SN Building Improvement" meant. Public Works Director Jim Rearden responded that refers to the street and sanitation building and is for improvements - moving offices, break room, and locker room outside of the shop area due to poor air quality in the facility. It is a worker health issue. Commissioner Jolley asked and was informed it was discussed during the budget process.

Motion carried 5-0.

Res. 9747, Levy and Assess Special Improvement Boulevard Maintenance District No. 3570. Adopted.

4. RESOLUTION 9747, LEVY AND ASSESS SPECIAL IMPROVEMENT BOULEVARD MAINTENCE DISTRICT NO. 3570.

Fiscal Services Operations Supervisor Martha Cappis reported that Resolution 9747 is the FY09 assessment resolution for the boulevard maintenance district. The Natural Resource Division of the Park and Recreation Department is responsible for the care and maintenance of over 15,000 trees in the boulevard districts, which are mostly located in the original townsite. Staff recommends no increase.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9747.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Bronson, that the City Commission adopt Resolution 9747.

Motion carried 5-0.

Res. 9759, Levy and Assess Special Improvement Portage Meadows Maintenance District No. 1195. Adopted.

5. RESOLUTION 9759, LEVY AND ASSESS SPECIAL IMPROVEMENT PORTAGE MEADOWS MAINTENANCE DISTRICT NO. 1195.

Fiscal Services Operations Supervisor Martha Cappis reported that Resolution 9759 is the FY09 assessment resolution for the Portage Meadows maintenance district. The Natural Resource Division of the Park and Recreation Department is responsible for the care and maintenance of over 15,000 trees in the boulevard districts, which are mostly located in the original townsite, as well as for maintenance of Green Belt Park in the Portage Meadows Addition. Staff recommends no increase.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9759.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9759.

Motion carried 5-0.

Res. 9758, Cost Recovery, 706 19th Street S.W. Adopted.

6. RESOLUTION 9758, COST RECOVERY, 706 19TH STREET S.W.

Community Development Director Mike Rattray reported that approval of Resolution 9758 will place a lien in the amount of \$3,060 on the property located at 706 19th Street S.W. This action comes to the City Commission as the result of the condemnation undertaken by the City building official last winter. The house has been demolished and removed from the property.

Mayor Stebbins declared the public hearing open. No one spoke in favor of Resolution 9758. Those speaking in opposition to Resolution 9758 were:

Debby Schultz, 706 19th Street S.W., protested the charges for the cost of demolition. Ms. Schultz provided her account of the issues with the house and the City.

Ed McKnight, 906 3rd Avenue North, asked for clarification if the ground was raised and the foundation was poured to the proper height. Mr. Rattray responded that was not correct. During the entire period of time, the only thing accomplished was the footings were poured. Mr. McKnight inquired if it was mandatory that Ms. Schultz be charged this money. Commissioner Jolley responded that it was now before the Commission to vote on. Ms. Schultz provided an explanation regarding the rebar, footings and foundation.

Mike Witsoe, 2612 1st Avenue South, provided historical and personal information of the Schultz family.

John Hubbard, 615 7th Avenue South, stated his opposition to Resolution 9758.

Kathy Gessaman, 1006 36th Avenue N.E., suggested more interaction with neighborhood councils to find solutions before the City has to take these drastic steps.

Mayor Stebbins declared the public hearing closed and outlined the phone conversations, letters, notices and orders between the time of the floodplain complaint on August 27, 2006, and when the razing permit was issued to the contractor on May 7, 2008. Ms. Schultz had adequate time to come into compliance on all points and didn't.

Mayor Stebbins asked for the direction of the City Commission.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9758.

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

Commissioner Jolley asked for clarification regarding the date of November 6, 2007, when the floodplain permit was issued and the building permit was approved. Mr. Rattray responded that the building permit was approved, but Ms. Schultz never picked it up. Commissioner Jolley suggested that these matters come before the Commission before buildings are razed. Mayor Stebbins reminded Commissioner Jolley that this matter did come before the Commission at an agenda meeting.

Commissioner Bronson asked how frequently the Commission has been asked to consider this approach of placing a lien on someone's property for failure to follow the permitting process, etc. Mr. Rattray responded that over the past 7-8 years, the average was approximately 5-7 condemnations each year. Almost all of those result in a lien being placed on the property for the amount of the demolition. About 3-4 in that period of time, the property owner paid the amount and the City did not levy a lien. Commissioner Bronson asked what criteria the Commission was supposed to follow, or what basis would the Commission have to say no in this case and yes in another case. His concern is that if the Commission starts doing that on a case by case basis, it will open the City up to legal challenges. Mr. Rattray responded that, at this point, the City Commission has never adopted any policy guidelines to either approve or deny a lien.

Motion carried 4-1. (Commissioner Jolley dissenting.)

Res. 9763 and 9764, and Ord. 3010, Annexation and Zoning for 93 parcels of land comprising two utility corridors. Adopted.

7A. RESOLUTION 9763, ANNEX 92 SEPARATE PARCELS OF LAND COMPRISING THE UNINCORPORATED PORTION OF TWO UTILITY CORRIDORS.

7B. RESOLUTION 9764, ANNEX CONTIGUOUS GOVERNMENTAL LAND.

7C. ORDINANCE 3010, ASSIGN CITY ZONING CLASSIFICATION OF R-2 SINGLE-FAMILY MEDIUM DENSITY DISTRICT.

Planning Director Ben Rangel reported that there are 93 separate parcels of land comprising two utility corridors in the vicinity of Henderson Heights and North Riverview Terrace Additions. The two corridors are located outside the City limits and are entirely surrounded by the incorporated area of the City. One of the parcels is owned by the City of Great Falls. The corridors are utility easements that were created when the North Riverview Terrace and Henderson Heights areas were still farm land. The corridors were never incorporated when the abutting land was subdivided and annexed to the City. The utility corridors were later divided and sold to abutting property owners. The smaller size and isolation of these separate parcels limits their use to yard space and accessory structures, such as sheds or garages.

Over the past several years, some of these parcels have been a source of complaints involving weeds and the collection of debris. This has led to confusion and frustration by the public regarding which entity, the City or the County, has the authority or responsibility to address the complaints. It has been City Commission interest, for some time, to annex these types of unincorporated enclaves into the City.

On July 1, 2008, the Commission set public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission approve Resolution 9763 to annex 92 separate parcels of land comprising the unincorporated portion of the two utility corridors, Resolution 9764 to annex a parcel of government land within the unincorporated utility corridor adjacent to Sacajawea School and Sacajawea Park, and Ordinance 3010 to assign City zoning to the referenced corridors.

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

Commissioner Bronson recused himself from discussions or voting on matters pertaining to Resolution 9763 and Ordinance 3010 for the reason that he owns one of the 92 affected parcels.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolutions 9763 and 9764, and Ordinance 3010.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9763 to annex 92 separate parcels of land comprising the unincorporated portion of two utility corridors.

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

Motion carried 4-0. (Commissioner Bronson recused himself.)

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9764 to annex a parcel of governmental land within the unincorporated utility corridor adjacent to Sacajawea School and Sacajawea Park.

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

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 3010.

Motion carried 4-0. (Commissioner Bronson recused himself.)

**Ord. 3011, Rezone Lot 1,
Block 1, Benefis West
Minor Subdivision.
Adopted.**

**8. ORDINANCE 3011, REZONE LOT 1, BLOCK 1, BENEFIS WEST
MINOR SUBDIVISION.**

Planning Director Ben Rangel reported that Mike Tabacco and Ralph Rando, doing business as TARA, LLC, are in the process of purchasing a one acre parcel of land from Benefis Healthcare System. Their interest is to rezone the parcel and build 12 residential condominiums on the site, which is located in South Great Falls along 17th Avenue South, between 4th Street and Benefis Court.

On July 15, 2008, the Commission set public hearing for this evening. After conducting the public hearing, Mr. Rangel requested that the City Commission adopt Ordinance 3011, which would rezone the parcel from PLI Public lands and institutional to R-5 Multi-family residential.

The City Zoning Commission unanimously recommends Commission approval.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Ordinance 3011.

Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

Commissioner Jolley moved, seconded by Commissioners Beecher and Bronson, that the City Commission adopt Ordinance 3011.

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

Motion carried 5-0.

OLD BUSINESS

**Fire Protection and
Emergency Services Fee
Schedule for the
Highwood Generating
Station with Southern
Montana Electric G&T.
Approved. OF 1472.2.**

**9. FIRE PROTECTION AND EMERGENCY SERVICES FEE
SCHEDULE FOR THE HIGHWOOD GENERATING STATION
WITH SOUTHERN MONTANA ELECTRIC G&T.**

Fire Chief Randy McCamley reported that on June 17, 2008, the City Commission approved a Fire Services Agreement with Southern Montana Electric G&T for the Highwood Generating Station. Staff was directed to bring back a fee schedule related to these services for Commission review and action. Great Falls Fire Rescue staff developed the fee schedule based on the service level requirements of SME along with the estimated response calls to HGS. This fee schedule includes the costs for fire suppression, emergency medical first response, hazardous materials response mitigation, fire prevention activities, safety training and other special operations services. The fee for these services is \$283,000. The fee will be paid annually, reviewed and adjusted as necessary, to compensate the City for the costs of these services provided.

Mayor Stebbins asked for the direction of the City Commission.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Fire Protection and Emergency Services Fee Schedule for Highwood Generating Station.

Mayor Stebbins asked if there were any questions or discussion amongst the Commission.

Commissioner Jolley asked if there was also an agreement that SME would purchase a new fire truck. Chief McCamley responded that requirement was on p. 2, part 5, of the original agreement passed by the Commission on June 17, 2008. Commissioner Jolley asked how many calls were anticipated per week to the plant. Chief McCamley compared the project to the IMC smaller project and the number of calls during the construction phase.

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

Ole Stimac, Jr., business agent for Plumbers and Pipefitters Local 41, stated that construction of the plant will be built with union labor. The workers have a lot of training and have a good safety record. There were no deaths when the delayed coker was built in Billings. He doesn't anticipate very many calls to the HGS project.

Mike Witsoe, 2612 1st Avenue South, asked when fire protection starts. Chief McCamley responded that the agreement states SME has to give the City 30 days notice. The fee would start upon commencement of construction. Mr. Witsoe asked when the "tanker" would be purchased and with what funds. Chief McCamley responded that there is nothing stipulated to when SME had to buy the water tender. But, SME has agreed to buy the water tender and under the requirements of the Fire Department. Mr. Witsoe asked if the response time was 20-25 minutes, would volunteers from the surrounding area agencies assist. Chief McCamley responded that the response time from the nearest east-end station is under 14 minutes. This agreement puts Great Falls as the primary response for that facility. Mr. Witsoe inquired about staffing if something major happened at the plant, and something was going on in the City. Chief McCamley stated that GFFR will not degrade the level of response in the City to service that area. GFFR services other areas outside the City already. There are 16 rural fire districts. GFFR responds to almost 6,000 calls for service per year with an average response time of about 5 minutes. The City has mutual aid agreements and GFFR does a good job managing their risks.

Ron Gessaman, 1006 36th Avenue N.E., commented that he has seen industrial fires at this type of facility. Mr. Gessaman doubts that a 14 minute response time is adequate for this facility. He is concerned that if multiple incidents occurred in the City simultaneously there would be inadequate staffing at the Fire Department. He believes the number of calls during the construction and operation phases is under-valued. The agreement should have a recovery clause for reimbursement of costs, and include a specific date for the fire engine to be purchased by SME.

Motion carried 5-0.

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Res. 9762, Levy and Assess the Cost of Removal and Disposal of Nuisance Weeds in the City of Great Falls from July 1, 2007, to June 30, 2008. Adopted.

10. RESOLUTION 9762, LEVY AND ASSESS THE COST OF REMOVAL AND DISPOSAL OF NUISANCE WEEDS IN THE CITY OF GREAT FALLS FROM JULY 1, 2007, TO JUNE 30, 2008.

Fiscal Services Operations Supervisor Martha Cappis reported that Resolution 9762 is a resolution to assess the costs incurred by the City to

remove nuisance weeds within the City limits. Since July 1, 2007, there were 2,527 notices of weed violations mailed to individual property owners, 43 requiring City intervention and, to date, 21 remain unpaid. This resolution will allow staff to forward the charges of \$4,400 to the individual property owners for the City's costs.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9762.

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

Motion carried 5-0.

Adopted Res. 9771, and Accepted Ord. 3013 on first reading and set public hearing for September 2, 2008,

11A. RESOLUTION 9771, INTENT TO ANNEX PARCEL MARK NO'S 6 & 8 INTERNATIONAL AIRPORT.

11B. ORDINANCE 3013, ASSIGNS CITY ZONING CLASSIFICATION OF GFIA GREAT FALLS INTERNATIONAL AIRPORT DISTRICT TO SAID PROPERTY.

Planning Director Ben Rangel reported that the Great Falls International Airport Authority has requested that two parcels of land that it owns be annexed and assigned City zoning. One parcel, which is 2.5 acres in size, is located along the north boundary of the airport. The second parcel is 94 acres in size and is located along the west boundary of the airport.

The Airport Authority is interested in having all of its property incorporated into the City in preparation for creating a Tax Increment Financing Industrial District for the airport. The majority of airport property was annexed in 1994-95.

Mr. Rangel requested that the City Commission adopt Resolution 9771, Intent to Annex, which sets public hearing for September 2, 2008, to consider annexation of the two parcels and adjoining roadways, and to accept Ordinance 3013 on first reading and to set public hearing for September 2, 2008, to consider assignment of City zoning.

Commissioner Jolley moved, seconded by Commissioners Beecher and Bronson, that the City Commission adopt Resolution 9771.

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

Motion carried 5-0.

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3013 on first reading and set public hearing for September 2, 2008.

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

Motion carried 5-0.

Ord. 3014. Accepted on first reading and set public hearing for September 2, 2008.

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

Planning Director Ben Rangel reported that the Great Falls International Airport Authority has requested the zoning section of the City Land Development Code be amended to change the current title of the airport zoning classification from "GFIA Great Falls International Airport" district to "AI Airport Industrial" district. No other changes to the zoning section are proposed and the current airport zoning classification only applies to airport properties within the City. This requested change is also in preparation of creating a Tax Increment Financing Industrial District for the airport. The State statute governing creation of these districts requires the area to be zoned industrial.

Mr. Rangel requested that the City Commission accept Ordinance 3014 on first reading and to set public hearing for September 2, 2008, to consider the Code amendment.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission accept Ordinance 3014 on first reading and set public hearing for September 2, 2008.

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

Motion carried 5-0.

Ord. 3015. Accepted on first reading and set public hearing for September 2, 2008.

13. ORDINANCE 3015, REZONE PARCEL MARK NO. P1, SECTION 5, T20N, R4E (CITY-OWNED PARCEL PREVIOUSLY USED AS COMPOST SITE.

Planning Director Ben Rangel reported that the City of Great Falls owns a 10½ acre parcel of land located at the southwest corner of the intersection of 38th Street and River Drive. The City purchased the parcel in 1992 and it was used as a compost site until a few years ago. The parcel was purchased with economic revolving funds for the purpose of land banking it for future possible economic development, provided that any future use would be

compatible with the adjoining golf course and other recreational uses in the area.

As encouraged by the Great Falls Development Authority, there is interest to rezone the parcel from POS Parks and Open Space to M-2 Mixed-Use Transitional to make the parcel more marketable for development. M-2 zoning allows for commercial, office space, residential and institutional uses and public spaces. It does not permit light or heavy industrial uses. Any development project on the parcel would be subject to review and approval by the City's Design Review Board.

Mr. Rangel requested that the City Commission accept Ordinance 3015 on first reading and to set public hearing for September 2, 2008, to consider the rezoning request.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission accept Ordinance 3015 on first reading and set public hearing for September 2, 2008.

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

Sandra Guynn, 3624 9th Avenue South, Chair NC4, reported that NC 4 was never advised of this before it went to the Zoning Board. A member of the Planning Department will attend the NC 4 August meeting. NC 4 will provide a recommendation at the public hearing in September.

Ron Gessaman, 1006 36th Avenue N.E., stated that he is opposed to rezoning this parcel. The American Legion fields are adjacent to this parcel. Mr. Gessaman stated that he talked with a member of American Legion who indicated that he didn't receive notice of a zoning change on this adjacent parcel. Additionally, 38th Street and River Drive North provides a boundary that naturally breaks the area to the south and west from the other industrial and commercial developments to the north and east. He doesn't see a reason to bring that type of development into a park and recreational type area.

Mike Witsoe, 2612 1st Avenue South, suggested the public hearing be set in October, 2008.

Brett Doney, Great Falls Development Authority, residing at 3048 Delmar Drive, stated that his department instigated this proposal. This is a significant property for the City. He wants to see the property put to beneficial use with high quality development in the area.

Motion carried 5-0.

**Consent Agenda.
Approved Items 15 thru
21. Approved Item 14,
as amended.**

CONSENT AGENDA

14. Minutes, July 15 and 23, 2008, Commission meetings.
15. Total expenditures of \$4,740,173 for the period of July 14 – 30, 2008, to include claims over \$5,000, in the amount of \$4,276,652.
16. Amended Contracts list.
17. Declare property as surplus with an anticipated value of \$1,000 or more.
18. Approve Change Order SI-3 and Change Order SII-4, Mitchell, Jaycee and Water Tower Pools Rehabilitation to Talcott Construction. OF 1501.
19. Approve Memorandum of Understanding with Great Falls Development Authority regarding use of Ag-Tech Industrial Tax Increment District funds for the purpose of preliminary road design work through the District connecting to Great Falls Innovation Park. OF 1152.
20. Award construction contract for Wastewater Treatment Re-Roof Projects to Treasure State Roofing in the amount of \$218,095. OF 1457.4.
21. Approve Release Agreement – Marathon Oil, et al. –vs- City of Great Falls, et al.

Commissioner Bronson requested that Item 18 be removed from the Consent Agenda for the sole purpose that his law firm has a business relationship with Talcott Construction. He does not wish to vote on this item.

Commissioner Jolley moved, seconded by Commissioner Beecher, with the exception of Items 14, 15 and 18, to approve the Consent Agenda as presented.

Motion carried 5-0.

Commissioner Jolley stated that Item 14, specifically the Minutes of July 23, 2008, she was not in attendance and the vote was recorded as 5-0. With regard to Item 15, Commissioner Jolley asked if the payments to SME were paid exclusively from the electric fund. Ms. Cappis responded that she does not have the numbers in front of her, but she was assuming yes.

Commissioner Beecher moved, seconded by Commissioner Jolley, to approve Item 14, specifically the Special Meeting Minutes of July 23, 2008, as corrected, of the Consent Agenda.

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, to approve Item 15, of the Consent Agenda.

Motion carried 4-1. (Commissioner Jolley dissenting.)

Commissioner Jolley moved, seconded by Commissioners Beecher and Rosenbaum, to approve Item 18, of the Consent Agenda.

Motion carried 4-0. (Commissioner Bronson abstained from voting.)

BOARDS & COMMISSIONS

Preliminary Plat and Findings of Fact for Tyndall Addition Phase 1. Approved.

22. PRELIMINARY PLAT, TYNDALL ADDITION PHASE 1, LOCATED ALONG 37TH AVENUE NORTHEAST AND CONSISTING OF TEN SINGLE-FAMILY LOTS.

Commissioner Bronson moved, seconded by Commissioner Beecher, that this Commission approve the Preliminary Plat of Tyndall Addition Phase 1 and the accompanying Findings of Fact, subject to the fulfillment of the stipulated conditions.

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

Motion carried 5-0.

Ryan Forde appointed to the Historic Preservation Advisory Commission.

23. APPOINTMENT, HISTORIC PRESERVATION ADVISORY COMMISSION.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, to appoint Ryan Forde to a three-year term through April 30, 2011, to the Historic Preservation Advisory Commission.

Motion carried 5-0.

24. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

25. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager, Gregory T. Doyon, asked City Attorney, Dave Gliko, to update the Commission on the status of the release of documents relating to SME and HGS. City Attorney Gliko reported that requests have been made for the City to release documents regarding HGS. SME has filed a series of affidavits alleging trade secrets protecting the confidentiality of those trade secrets. The City has honored that confidentiality. Subsequent to that, the District Court rendered its decision and ruled that the draft documents that had been in contention also be released to the public. The City was in the process of accomplishing that fact for those requestors, whereupon SME

made further demands that the documents be reviewed by its attorney to determine whether there were more confidential trade secret documents in the material. The City, at that point, shut down public access because, under the Trade Secret Act, the City could be subject to severe liability should it reveal any of the trade secrets identified by SME. On Thursday of last week, MEIC filed a motion with the District Court for enforcement of its Order directing the City to disclose the documents to the public. On Friday, the City Attorney filed a brief in opposition to that motion alleging the City could be in dire jeopardy for revealing trade secrets and be subject to damages if they were revealed. The Court has not ruled on that motion. Mr. Gliko also filed a motion for joinder of SME in the litigation on grounds that they are indispensable and a necessary party because it is their property right and their interest in the trade secrets that are currently under scrutiny. The attorneys for the parties then engaged in conversation to try to reach a settlement agreement with regard to the disclosure of the documents short of a final ruling by the District Court on plaintiff's motion. The settlement negotiations and conversations are ongoing. He is hopeful that the parties can reach a settlement and relieve the District Court of making an order.

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

Commissioner Jolley asked for copies of his filings made in response. Mr. Gliko responded that he would provide copies. Commissioner Jolley stated that trade secret affidavits can be filed, but it is her understanding that the ruling body, the City Commission, would decide if they would follow them. She read a portion of a letter from Harley Harris to the City regarding requests for information and a potential conflict of interest. Mr. Gliko responded that the only Montana case on point is Great Falls Tribune vs. PSC. It did not make a specific determination as to who in a governmental unit was empowered to review and verify the alleged trade secret that is represented by the private party's affidavit. City staff has, to this point, made a review of the documents and has confirmed the trade secret allegations, at least to the extent of the affidavits filed so far. It is his understanding that it does not appear that it is necessary for a governing body, i.e. the City Commission, to also pass upon that review.

City Manager Doyon also asked the City Commission to appoint Ben Rangel as the Acting City Manager on Friday.

**Ben Rangel appointed
Acting City Manager on
Friday, August 8, 2008.**

**Commissioner Bronson moved, seconded by Commissioner
Rosenbaum, to appoint Ben Rangel as Acting City Manager, on Friday,
August 8, 2008.**

Motion passed 5-0.

PETITIONS AND COMMUNICATIONS

26. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

HGS.

26A. Ole Stimac, Jr., Plumbers and Pipefitters Local 41, stated that after his earlier comment, he called Butte about the Asme project which was completed between 1997 and 2001. He pointed out that there were over 2,000 men on that project at one point. There were no fatalities and, at one time, they were over one year with no lost time accidents. The owner of the HGS plant will not be the constructor. The Alstom company, along with sub-contractors, will be the constructors, and they have good safety records.

10th Avenue North.

26B. George Littlefield, 4225 Morning Side Circle, discussed annexation of 10th Avenue North. He explained the history of issues with that section of road. Mr. Littlefield suggested that 35 mph is a reasonable speed for that section of road. Mr. Littlefield welcomed Mr. Doyon to Great Falls.

**City Management,
Employees and HGS.**

26C. Jane Witsoe, 510 11th Street South, welcomed the new City Manager to Great Falls. Ms. Witsoe expressed her disagreement with the prior City Manager's leadership, and specifically HGS. Ms. Witsoe complimented Commissioner Jolley, and City water/sewer department employees.

Robert's Rules of Order.

26D. Mike Witsoe, 2612 1st Avenue South, commented that Robert's Rules of Order are not being followed. Mr. Witsoe asked for an FM loop for the hearing impaired.

ECP.

26E. Ed McKnight, 906 3rd Avenue North, commented that he has explained over and over that the cost of power is not what ECP says it is. He asked if the Commission received his spreadsheets and was responded to affirmatively. Mr. McKnight suggested that the Wholesale Power Contract is not the cost of doing business. He discussed the Code of Ethics, ECP violating the law, and asked who the proper authority was to report that to.

**Document Requests,
Trade Secrets.**

26F. Ron Gessaman, 1006 36th Avenue N.E., commented that the statement from Mr. Gliko regarding SME requests to date have been verified as to trade secret documents, is incorrect. Two documents that were claimed to be trade secrets are public documents on file with the DNRC in Helena and Lewistown. Mr. Gessaman stated that this sort of thing is the situation that has gone on continuously with the HGS project and seems to be a factor of who is pushing for it.

**Dutch Elm Disease,
Montana State Fair.**

26G. John Hubbard, 615 7th Avenue South, commented that he is worried about the trees with Dutch Elm Disease. He discussed his experience at the Montana State Fair and commented that it is too expensive. Mr. Hubbard was warned about slander, refused to comply, and was escorted out of the Commission chambers.

CITY COMMISSION**27. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Jolley stated that she swore to uphold the Constitutions and citizens have a right to freedom of speech in this forum.

Commissioner Beecher respectfully disagreed. The meetings are allowed to be conducted and controlled by the role of the chairman.

Commissioner Bronson concurred with Commissioner Beecher.

Commissioner Rosenbaum added that using slander and offensive behavior is not allowed.

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 5, 2008, be adjourned at 9:20 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

Minutes Approved: August 19, 2008



Agenda # 6
 Commission Meeting Date: August 19, 2008
 Includes correction from August 5, 2008 report

**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 6, 2008	407,672.29
MASTER ACCOUNT CHECK RUN FOR AUGUST 19, 2008	1,792,845.84
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JULY 31, 2008	66,173.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR WIRE TRANSFERS FROM JULY 30, 2008	3,898.00
WIRE TRANSFERS FROM JULY 10, 2008 CORRECTION	58,840.86
WIRE TRANSFERS FROM AUGUST 6 TO AUGUST 13, 2008	10,040.30
	<u>1,153,266.79</u>
TOTAL: \$	<u><u>3,492,737.08</u></u>

GENERAL FUND

NEIGHBORHOOD COUNCIL

DAVIS BUSINESS MACHINES	COPY MACHINE (SPLIT AMONG FUNDS)	1,368.15
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LEGAL

REYNOLDS, MOTL & SHERWOOD PLLP	LEGAL FEES MEIC VS CITY OF GTF	9,620.00
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POLICE

ENERGY WEST	JULY CHARGES (SPLIT AMONG FUNDS)	863.42
JOHNSON CONTROLS INC	SERVICE AGREEMENT YEAR 2 OF 3	7,783.00
STEVE PRETAT	TRAVEL NASHVILLE, TN 8 PARTICIPANTS	7,161.60
	UNDERAGE DRINKING GRANT	
BANIK COMMUNICATIONS	WEBSITE PRODUCTION	11,880.00

FIRE

ENERGY WEST	JULY CHARGES (SPLIT AMONG FUNDS)	1,559.03
ACTION TRAINING SYSTEMS INC	SOFTWARE UPDATE	5,203.00

PARK & RECREATION

ENERGY WEST	JULY CHARGES (SPLIT AMONG FUNDS)	1,193.97
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VISITORS CENTER

ENERGY WEST	JULY CHARGES (SPLIT AMONG FUNDS)	43.62
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SPECIAL REVENUE FUND

CTEP PROJECT

LEWIS & CLARK INTERPRETIVE FDN	MISSOURI RIVER SCENIC ACQ-GTF STPE 5299 (78)	57,730.89
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LIGHTING DISTRICT

NORTHWESTERN ENERGY	JULY 2008 CHARGES	65,038.28
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POLICE SPECIAL REVENUE

ALLIANCE FOR YOUTH	AID TO JUVENILE DRUG COURT	7,000.00
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STREET DISTRICT

UNITED MATERIALS	ASPHALT FOR STREET DEPARTMENT	73,593.53
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LIBRARY

ENERGY WEST	JULY CHARGES (SPLIT AMONG FUNDS)	1,957.12
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FEDERAL BLOCK GRANTS

DAVIS BUSINESS MACHINES	COPY MACHINE (SPLIT AMONG FUNDS)	1,369.77
ALAN HALL ROOFING	ROOFING @ 1215 9TH AVE S	5,000.00
GUY TABACCO CONSTRUCTION CO	FINAL FOR KITCHEN REMODEL FOR MENTAL HEALTH CENTER	35,399.15

HOME GRANTS

NEIGHBORWORKS	DRAWDOWN #2 NHS PROJECT FILE 770802	25,617.81
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COMMUNITY DEVELOPMENT

DAVIS BUSINESS MACHINES	COPY MACHINE (SPLIT AMONG FUNDS)	1,369.77
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PERMITS

DAVIS BUSINESS MACHINES	COPY MACHINE (SPLIT AMONG FUNDS)	1,369.77
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LICENSES

DAVIS BUSINESS MACHINES	COPY MACHINE (SPLIT AMONG FUNDS)	1,369.77
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DEBT SERVICE

TAX INCREMENT BOND

US BANK	TAX INCREMENT URBAN RENEWAL REVENUE BOND, PARITY SERIES 1998A	130,961.25
US BANK	TAX INCREMENT URBAN RENEWAL REVENUE BOND, SUBORDINATE SERIES 1998B	99,900.00
US BANK	TAX INCREMENT URBAN RENEWAL REVENUE REFUNDING BOND SERIES 2002	871,893.75

CAPITAL PROJECTS

GENERAL CAPITAL

JAMES TALCOTT CONSTRUCTION INC	PMT #12 JAYCEE POOL & WATER TOWER POOL RENOVATION	194,524.70
M & D CONSTRUCTION	PMT #1 POLICE DEPT BUILDING WINDOWS	19,270.84
MEMBRANE CONCEPTS LLC	PMT #3 JAYCEE & WATER TOWER POOL CONTRACT FOR POOL LINERS	31,742.42

ENTERPRISE FUNDS

WATER

NORTHWESTERN ENERGY	JUNE 2008 CHARGES	7,788.30
MT DEPT OF TRANSPORTATION/HELE DAVID W KUGLIN	2ND AVE N 15TH ST - PARK PROJECT MISC CONCRETE REPLACEMENT & MUDJACKING	38,703.44 24,577.74
ENERGY WEST	JULY CHARGES (SPLIT AMONG FUNDS)	3,669.19

SEWER

VEOLIA WATER NORTH AMERICA	MONTHLY WWTP OPERATION CONTRACT	212,571.08
VEOLIA WATER NORTH AMERICA	MONTHLY CONTRACTED CAPITAL IMPROVEMENTS	12,500.00
VEOLIA WATER NORTH AMERICA	WORK PERFORMED AT LIFT STATION #30	37,701.63

SANITATION

ENERGY WEST	JULY CHARGES (SPLIT AMONG FUNDS)	132.97
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ELECTRIC

SME	PMT OF ENERGY SUPPLY EXPENSE MAY 08	27,416.63
SME	PMT OF ENERGY SUPPLY EXPENSE APR 08 (Posted in Error Aug 5, 2008)	110,819.00
SME	PMT OF ENERGY SUPPLY EXPENSE APR 08 (Corrected Posting)	10,040.30

SAFETY SERVICES

ENERGY WEST	JULY CHARGES (SPLIT AMONG FUNDS)	215.85
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PARKING

DAVIS BUSINESS MACHINES	COPY MACHINE (SPLIT AMONG FUNDS)	1,369.77
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GOLF COURSES

ENERGY WEST	JULY CHARGES (SPLIT AMONG FUNDS)	102.87
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SWIM POOLS

ENERGY WEST	JULY CHARGES (SPLIT AMONG FUNDS)	10,965.21
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RECREATION

ENERGY WEST	JULY CHARGES (SPLIT AMONG FUNDS)	541.41
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CIVIC CENTER EVENTS

LASK SEATING CO	800 CATHEDRAL STYLE CHAIRS	17,080.00
JADE PRESENTS	CONTRACT #09-61 WEIRD AL	5,000.00

INTERNAL SERVICES FUND

CENTRAL COMMUNICATIONS

QUEST LONG DISTANCE CHARGES 5,379.16
AUG 2007 - JUNE 2008

HEALTH & BENEFITS

BLUE CROSS/BLUE SHIELD HEALTH INS CLAIMS JULY 22-28, 2008 31,424.23

INSURANCE & SAFETY

MONTANA MUNICIPAL INS AUTHORITY 2008-2009 GENERAL LIABILITY PREMIUM 966,576.68

INFORMATION TECHNOLOGY

DELL MARKETING LP 9 OPTIPLEX 330 DESKTOP MINITOWER COMPUTERS 7,272.00

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP FUEL 42,423.70

PUBLIC WORKS ADMINISTRATION

ENERGY WEST JULY CHARGES (SPLIT AMONG FUNDS) 697.25

CC FACILITY SERVICES

ENERGY WEST JULY CHARGES (SPLIT AMONG FUNDS) 1,090.65

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS FINES & FORFEITURES COLLECTIONS 49,043.00
CASCADE COUNTY TREASURER FINES & FORFEITURES COLLECTIONS 9,578.00
FINES & FORFEITURES SURCHARGES 5,765.00

CLAIMS OVER \$5000 TOTAL: \$ 3,090,591.67

COMMUNICATION TO THE CITY COMMISSION

DATE: August 19, 2008

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR’S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Public Works Department	DigitalBridge Communications Corp.	08/04/2008 – 08/04/2013		Permittee shall compensate City \$17,000 the first year, and increase each additional year.	Permit for location of antenna and associated equipment – Skyline Elevated Tank.
B	Public Works	Big Sky Civil & Environmental	Fall 08	Recycling Center Relocation Land Costs	\$9,400	Transfer Recycling Center & Compost Facility (O.F. 1553.0)
C	Public Works Engineering	BNSF Railway Company	August 2008- August 2009	515-3175-535- 9319	\$2,500	License to install a storm drain pipeline across a BNSF railroad line. OF 1506
D	Public Works Engineering	Great Falls International Airport	Permanent	Not Applicable	\$1.00	Easement for utility extensions. OF 1526 (Waterline)
E	Public Works Engineering	Great Falls International Airport	Permanent	Not Applicable	\$1.00	Easement for utility extensions. OF 1526 (Sanitary Sewer)

F	Public Works Engineering	BNSF Railway Company	Permanent	Not Applicable	Not Applicable	License for 30" storm drain crossing BNSF Railroad right of way. OF 1482
G	Public Works Engineering	BNSF Railway Company	Permanent	Not Applicable	Not Applicable	License for 24" storm drain crossing BNSF Railroad right of way. OF 1482
H	Public Works Engineering	BNSF Railway Company	Permanent	Not Applicable	Not Applicable	License for 54" storm drain crossing BNSF Railroad right of way. OF 1482
I	Public Works Engineering	BNSF Railway Company	Permanent	Not Applicable	Not Applicable	License for 28.5" storm drain crossing BNSF Railroad right of way. OF 1482
J	Public Works Engineering	BNSF Railway Company	Permanent	Not Applicable	Not Applicable	License for 36" storm drain crossing BNSF Railroad right of way. OF 1482
K	Public Works	Concrete Doctor	Fall 2008	Other Purchase Services	\$18,299.50	2008 Misc Concrete Replacement and Mudjacking II (O.F. 1485.5)



Item: Set Public Hearing for 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: Set Public Hearing

*****REVISED*****

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission set the public hearing for Resolution 9765 for September 2, 2008”

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

Staff Recommendation: Staff recommends the City Commission set a public hearing date for 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 last 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 the Public Hearing will be sent to the Owners of the property 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. Payments made prior to the public hearing date will be applied accordingly to avoid the assessment on the taxes.

Fiscal Impact: Adoption of Resolution 9765 will allow the City to collect delinquent utility service charges in the amount of ~~\$14,917.08~~ **\$13,225.69**.

Alternatives: The City Commission could choose to not set the public hearing and thereby 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 2nd 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 ~~\$14,946.76~~ \$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 2ND day of September 2008.

Dona R. Stebbins, Mayor

Attest:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content:

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 2ND day of September 2008, and approved by the Mayor of said City 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)

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
CALLAHAN NATHAN R	30050	2	120	GF3		1604 8TH AVE N	24.00
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
BISHOP DENNIS L & COLLEEN M	143650	5	287	GF11		2516 2ND AVE N	320.97
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
BARNES DENNIS C & MICHELLE D	201400	8	384	GF1	112	15TH ST S	19.06
CUSTOM COVERS INC	242400	2	457	GFO		502 5TH AVE S	417.12
LEFERINK RICHARD J & KATHLEEN J FORREST EVELYN	243500	7	458	GFO	624	5TH AVE S	108.34
HUNTSBERGER PENNY M	262800	14	487	GF1		723 10TH ST S	820.96
SCHNEIDER BRIAN A & MALEAH	280950	7	547	GF6	504	5TH AVE SW	185.75
HILBIG BRUCE	300050	6	577	GF5		915 1ST AVE SW	26.12
RIGHERSON GARY	301550	10	579	GF5	1009	2ND AVE SW	26.92
WILKE M KENT & ANDREA J	306850	11	592	GF5		713 1ST AVE SW	165.27
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
PRICE ROBERT J ETAL	440900	4	6	BO4		1648 7TH AVE NW	54.77

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
MAKI CHARLES O & THERESA M NAVES ANTHONY M & KIRSTEN M	459000	6	13	BO1		1241 8TH AVE NW	459.40
BARICK PAUL D & SHELLY	481700	7	16	BOS		414 35TH ST N	52.34
BARICK PAUL D & SHELLY	481700	7	16	BOS		3426 5TH AVE N	210.86
AZURE MEDORA S & ROBERT L	717000	4A	-	CRU		1017 1ST AVE NW	275.05
STROOP RICHARD M ETAL	825800	13C	2	G15		1300 9TH ST S	148.82
TEN YES CORPORATION	1082900	4	4	MNT		1600 FOX FARM RD	310.97
CALLIES DAVID F	1292600	14	4	FIN	1620	20TH AVE S	453.44
BAILEY GILBERT & BRENDA JOYCE STOKES	1375100	23	28	NR2	312	RIVERVIEW 7 W	41.64
PROFESSIONAL BROKERS OF MT INC	1508600	7	10	SHE		1507 15TH ST S	357.85
EUSTANCE RUSS	1519900	18	3	SHG		3905 9TH AVE S	299.94
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
							12,386.56

11,999.40



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

From: Judy Burg, Account Technician

Initiated By: Annual Assessment Process

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: City Commission Set Public Hearing Date for Resolution 9767 to Levy Special Assessments on Properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1308

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission set a Public Hearing date on Resolution 9767 for September 16, 2008 at 7:00 p.m. to levy special assessments on properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1308.”

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

Staff Recommendation: Staff recommends the City Commission order publication of the special assessment notice and set a public hearing date for September 16, 2008.

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

July 17, 2007, the City Commission duly passed and adopted Resolution 9653 creating Special Improvement Lighting District – City-Owned Residential Lighting No. 1308. City Staff held a bid opening for all interested contractors and vendors willing to submit a bid for the installation of the roadway and the bid contract was awarded under separate action to United Electric at the commission meeting held on November 6, 2007.

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

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

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

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

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

ASSESSMENT ANTICIPATED

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

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

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

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

Alternatives: The City Commission could choose to not set the public hearing and thereby deny the adoption of Resolution 9767 to Levy and Assess Special Improvement Lighting Districts; however, the reduction in services to the community could be hazardous to the safety and welfare of the general public.

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

RESOLUTION 9767

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

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

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

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

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

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

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

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

Section 1 – Installation Costs Assessed

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

Section 2 – Maintenance Costs Assessed

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

Section 3 – Assessment Method

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

Section 4 – Assessments Due Date

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

Section 5 – Maintenance Fund

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

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

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

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

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

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

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

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

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

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

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

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

RESOLUTION 9767 - EXHIBIT "A"

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1308 INSTALLATION COSTS

Total Construction Costs: \$ 46,149.73

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

15 Year Assessment

Beginning Nov: 2008

Ending May: 2023

Fixed Interest Rate: 5.00%

Interest Start Date: 3/28/2008

Days thru 6/30/2009: 459

Total Square Footage Cost: 0.102116535

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

RESOLUTION 9767 - EXHIBIT "A"

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1308 INSTALLATION COSTS

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

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

RESOLUTION 9767 - EXHIBIT "B"

SPECIAL MAINTENANCE LIGHTING DISTRICT 1308 ANNUAL ASSESSMENT

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

\$ 4,009.00

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

4,009.00
 400.90
\$ 4,409.90

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

ANNUAL SQUARE FOOT COST =

0.009757884

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

RESOLUTION 9767 - EXHIBIT "B"

SPECIAL MAINTENANCE LIGHTING DISTRICT 1308 ANNUAL ASSESSMENT

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

\$ 4,009.00

COST OF OPERATION AND ROUTINE MAINTENANCE

4,009.00

10% ADMINISTRATION FEE

400.90

TOTAL ANNUAL COST TO THE DISTRICT =

\$ 4,409.90

ASSESSMENT BASED ON 12 MONTHS -

ANNUAL ASSESSMENT FOR AN AVERAGE

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

ANNUAL SQUARE FOOT COST =

0.009757884

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

451,932

4,409.90

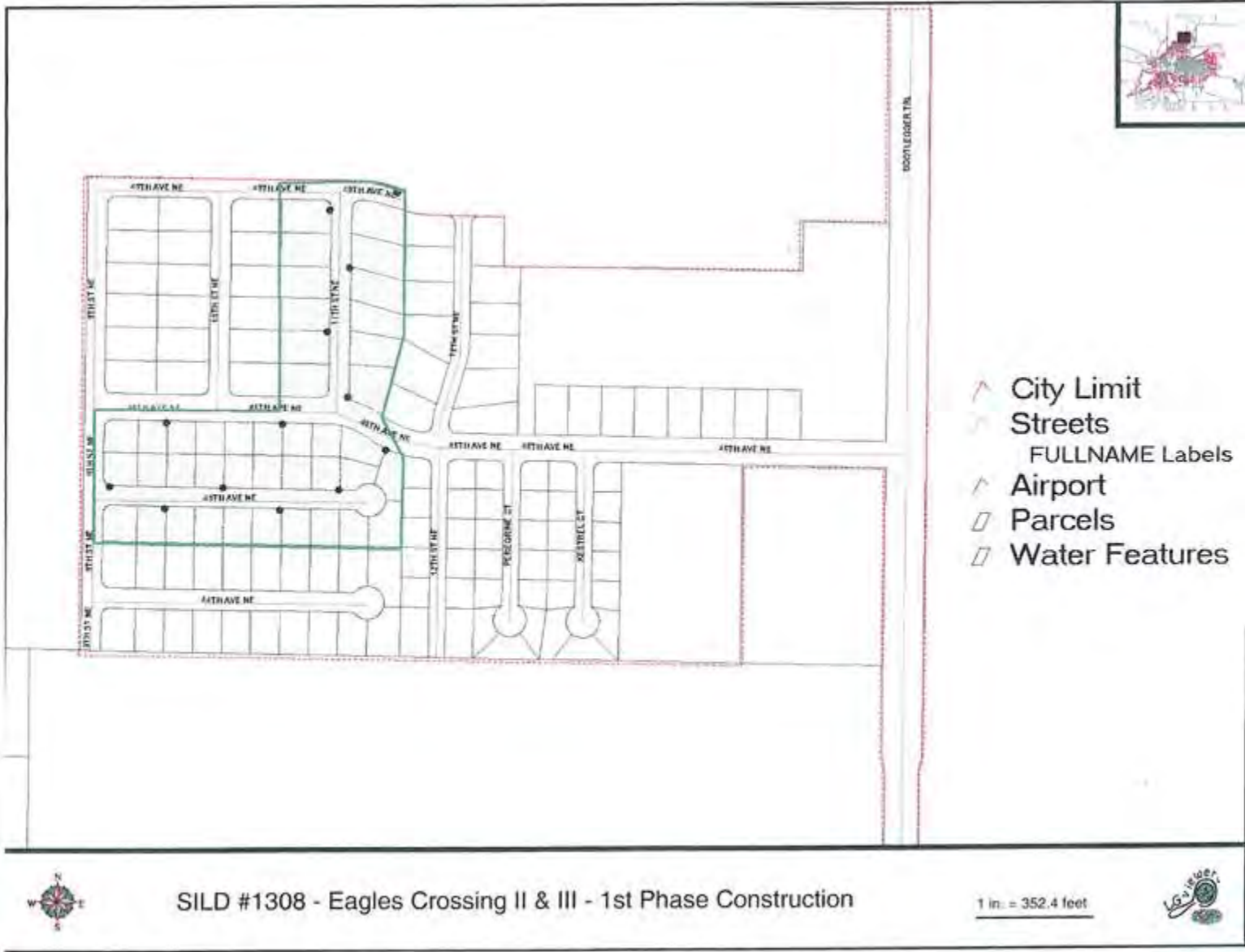
**PUBLIC NOTICE – LEVY AND ASSESS ASSESSMENTS IN
SPECIAL IMPROVEMENT LIGHTING DISTRICT NO. 1308**

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

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

/s/ Lisa Kunz, City Clerk

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



SILD #1308 - Eagles Crossing II & III - 1st Phase Construction

1 in. = 352.4 feet





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

From: Judy Burg, Account Technician

Initiated By: Annual Assessment Process

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: City Commission Set Public Hearing Date for Resolution 9768 to Levy Special Assessments on Properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1310

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission set a Public Hearing date on Resolution 9768 for September 16, 2008 at 7:00 p.m. to levy special assessments on properties within Special Improvement Lighting District – City-Owned Residential Lighting No. 1310.”

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

Staff Recommendation: Staff recommends the City Commission order publication of the special assessment notice and set a public hearing date for September 16, 2008.

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

October 16, 2007, the City Commission duly passed and adopted Resolution 9692 creating Special Improvement Lighting District – City-Owned Residential Lighting No. 1310. City Staff obtained quotes from all interested contractors and vendors willing to submit a quote for the installation of the roadway and the bid contract was awarded under separate action to United Electric at the commission meeting held on December 18, 2007.

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

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

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

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

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

ASSESSMENT ANTICIPATED

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

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

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

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

Alternatives: The City Commission could choose to not set the public hearing and thereby deny the adoption of Resolution 9768 to Levy and Assess Special Improvement Lighting District No. 1310; however, the reduction in services to the community could be hazardous to the safety and welfare of the general public.

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

RESOLUTION 9768

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

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

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

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

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

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

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

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

Section 1 – Installation Costs Assessed

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

Section 2 – Maintenance Costs Assessed

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

Section 3 – Assessment Method

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

Section 4 – Assessments Due Date

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

Section 5 – Maintenance Fund

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

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

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

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

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

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

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

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

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

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

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

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

RESOLUTION 9768 - EXHIBIT "A" - REVISED

SPECIAL IMPROVEMENT LIGHTING DISTRICT 1310 INSTALLATION COSTS

Total Construction Costs: \$ 29,324.84

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

15 Year Assessment

Beginning Nov: 2009

Ending May: 2024

Variable Interest Rate: 5.00%

Interest Start Date: 5/30/2008

Days thru 6/30/2009: 396

Total Square Footage Cost: 0.138203463

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

RESOLUTION 9768 - EXHIBIT "B" - REVISED

SPECIAL MAINTENANCE LIGHTING DISTRICT 1310 ANNUAL ASSESSMENT

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

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

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

ANNUAL SQUARE FOOT COST = 0.0116788

	PARCEL	BLOCK	LOT	SUB-DIVISION	NAME	SET UP AREA (SQUARE FEET)	REVISED AREA (SQUARE FEET)	ANNUAL COST
1	1079080	3	10	Meadowlark #5	Meadowlark Partners LLP	11,943	11,944	139.49
2	1079082	3	11	Meadowlark #5	Meadowlark Partners LLP	10,350	10,350	120.88
3	1079084	3	12	Meadowlark #5	Meadowlark Partners LLP	11,500	11,500	134.31
4	1079086	3	13	Meadowlark #5	Meadowlark Partners LLP	9,200	9,200	107.45
5	1079088	3	14	Meadowlark #5	Joshua L. Rowe	10,350	10,350	120.88
6	1079090	3	15	Meadowlark #5	Howard Cary	11,500	11,500	134.31
7	1079092	3	16	Meadowlark #5	Meadowlark Partners LLP	9,200	9,200	107.45
8	1079094	3	17	Meadowlark #5	Meadowlark Partners LLP	10,350	10,350	120.88
9	1079096	3	18	Meadowlark #5	Meadowlark Partners LLP	10,264	10,264	119.87
10	1079098	4	1	Meadowlark #5	Meadowlark Partners LLP	10,136	10,136	118.38
11	1079100	4	2	Meadowlark #5	Karl Birky	10,263	10,263	119.86
12	1079102	4	3	Meadowlark #5	Terrance & Helen Reistad	9,156	9,157	106.94
13	1079104	4	4	Meadowlark #5	Meadowlark Partners LLP	11,470	11,471	133.97
14	1079106	4	5	Meadowlark #5	Daves Big Sky Builders Inc.	10,356	10,356	120.95
15	1079108	4	6	Meadowlark #5	Meadowlark Partners LLP	9,231	9,232	107.82
16	1079110	4	7	Meadowlark #5	Meadowlark Partners LLP	11,574	11,575	135.18
17	1079112	4	8	Meadowlark #5	Meadowlark Partners LLP	10,449	10,450	122.04
18	1079114	4	9	Meadowlark #5	Meadowlark Partners LLP	12,276	12,277	143.38
19	1079116	5	2	Meadowlark #5	Meadowlark Partners LLP	10,254	10,254	119.75
20	1079118	6	1	Meadowlark #5	Lance & Rosanne Hatzenbeller	10,085	12,357	144.32

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

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

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

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

/s/ Lisa Kunz, City Clerk

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





Item: Set Public Hearing for Resolution 9769 to Levy and Assess Special Improvement Lighting Districts

From: Judy Burg, Account Technician

Initiated By: Annual Assessment Process

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: City Commission Set Public Hearing Date for Resolution 9769 to Levy and Assess Special Improvement Lighting Districts

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission set a Public Hearing date on Resolution 9769 for September 16, 2008 at 7:00 p.m. to levy and assess Special Improvement Lighting Districts.”

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

Staff Recommendation: Staff recommends the City Commission order publication of the Special Improvement Lighting Districts assessment notice and set a public hearing date for September 16, 2008.

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

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

assessment amount for the next fiscal year is calculated, proposed and presented to the City Commissioners for approval.

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

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

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

ASSESSMENT ANTICIPATED

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

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

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

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

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

Alternatives: The City Commission could choose to not set the public hearing and thereby deny the adoption of Resolution 9769 to Levy and Assess Special Improvement Lighting Districts; however, the reduction in services to the community could be hazardous to the safety and welfare of the general public.

Attachments/Exhibits: Resolution 9769
Notice of Public Hearing
Special Lighting Districts Budget Worksheet

RESOLUTION 9769

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

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

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

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

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

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

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

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

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

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

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

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved for Legal Content: City Attorney

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

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

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

SPECIAL LIGHTING DISTRICTS BUDGET WORKSHEET FOR 2008/2009

		Revised 08/15/2008		TOTAL INTERNAL SERVICE CHARGES FOR FY 2008/2009																							
				ACCT CHARGES 107,001																							
				GENERAL 0																							
				ACCOUNTING 107,001																							
				2																	3		1				
				FISCAL YEAR 2007/2008																	FISCAL YEAR 2008/2009						
DISTRICT	TYPE	FUND	FY 07/08		FY 07/08		FY 07/08		FY 07/08		MAXIMUM LIGHTING DISTRICT ASSESSMENT				ASSESSMENT REVENUE CALCULATION				DESIRED		ASSESSMENT	SEE					
			BUDGETED	7/1/2007	PROJECTED	FISCAL	MAINT &	PROJECTED	2.00%	6/30/2008	7/1/2008	Assessment	9.22699%	TOTAL	UTILITY	FISCAL	MAINT &	TOTAL	AVERAGE	INTEREST			INTEREST	ENDING	ASSESSMENT	Last Year's	ASSESSMENT
			UTILITY	UTILITY	SER CHG	INSUR	REVENUE	INTEREST	ENDING	BEGINNING	Delinquencies	UTILITY	FISCAL	SER CHG	SLD	EXPENSE	SER CHG	INSUR	TOTAL	CASH	RATE	REVENUE	CASH	NEEDED	Assessment	SELECTED	#
18	STREET	902	2,397	1,756	2,417	226	0	2,567	29	1,710	1,710	79	2,519	232	2,751	2,519	232	0	2,751	1,485	2.00%	30	1,259	2,270	2,567	2,751	2
650	PERIOD	903	12,654	8,812	12,853	1,192	1,442	13,726	126	7,177	7,177	1,048	13,700	1,264	14,964	13,700	1,264	1,700	16,664	7,014	2.00%	140	6,850	14,498	13,726	14,998	3
651	STREET	904	2,137	1,950	2,095	201	0	2,182	31	1,867	1,867	401	2,238	206	2,444	2,238	206	0	2,444	1,493	2.00%	30	1,119	1,666	2,182	2,444	2
912	STREET	907	12,189	6,118	12,458	1,148	0	13,089	123	5,724	5,724	699	12,968	1,197	14,164	12,968	1,197	0	14,164	6,104	2.00%	122	6,484	14,802	13,089	14,164	2
973	STREET	909	141	26,904	104	13	0	483	257	27,526	27,526	3	111	10	121	111	10	0	121	13,791	2.00%	276	55	(27,626)	483	483	1
1067A	ALLEY	913	4,352	2,538	4,419	410	0	4,653	46	2,408	2,408	501	4,612	426	5,037	4,612	426	0	5,037	2,357	2.00%	47	2,306	4,888	4,653	5,037	2
1105	STREET	915	3,462	2,672	3,509	326	0	4,013	41	2,891	2,891	716	3,658	337	3,995	3,658	337	0	3,995	2,360	2.00%	47	1,829	2,886	4,013	4,013	1
1230	STREET	922	193	90	158	18	0	237	2	153	153	0	165	15	180	165	15	0	180	118	2.00%	2	82	108	237	237	1
1255	STREET	927	348	157	316	33	0	483	3	295	295	0	329	30	360	329	30	0	360	230	2.00%	5	165	224	483	483	1
1261	PERIOD	932	4,122	17,727	4,174	388	326	5,950	192	18,982	18,982	401	4,405	406	4,812	4,405	406	2,000	6,812	10,592	2.00%	212	2,203	(12,180)	5,950	5,950	1
1269	PERIOD	938	13,142	16,378	13,391	1,238	6,917	15,946	220	10,999	10,999	3,436	14,157	1,306	15,463	14,157	1,306	3,000	18,463	9,039	2.00%	181	7,078	11,362	15,946	15,946	1
1270	PERIOD	939	5,635	3,872	5,713	531	6,814	7,913	69	(1,204)	(1,204)	132	6,060	559	6,619	6,060	559	3,000	9,619	913	2.00%	18	3,030	10,834	7,913	10,834	3
1289	STREET	947	11,966	3,107	12,229	1,127	0	13,092	88	2,932	2,932	15	12,759	1,177	13,936	12,759	1,177	0	13,936	4,656	2.00%	93	6,379	17,291	13,092	13,936	2
1290	STREET	948	978	788	964	92	0	1,070	12	814	814	0	999	92	1,091	999	92	0	1,091	656	2.00%	13	499	764	1,070	1,091	2
1294	SLDA	961	122,637	70,050	125,330	11,549	0	133,300	1,223	67,695	67,695	5,812	130,779	12,067	142,846	130,779	12,067	0	142,846	66,542	2.00%	1,332	65,389	139,208	133,300	139,208	3
1298	SLDI	962	17,932	16,992	18,377	1,689	0	21,099	252	18,277	18,277	303	19,073	1,760	20,833	19,073	1,760	0	20,833	13,907	2.00%	279	9,536	11,814	21,099	21,099	1
1295	SLDC	963	51,105	(1,655)	52,109	4,813	0	55,918	205	(2,454)	(2,454)	2,677	54,408	5,020	59,428	54,408	5,020	0	59,428	12,375	2.00%	249	27,204	88,837	55,918	59,428	2
1296	SLDR	965	790,323	560,114	810,385	73,616	0	841,088	9,452	526,653	526,653	31,318	840,463	77,549	918,012	840,463	77,549	0	918,012	473,442	2.00%	9,470	420,231	802,120	841,088	918,012	2
1297	SLDT	967	26,944	11,273	27,303	2,537	0	37,388	243	19,063	19,063	952	29,048	2,680	31,728	29,048	2,680	0	31,728	16,794	2.00%	337	14,524	26,852	37,388	37,388	1
1302	ML3	971	615	(394)	604	58	2,781	1,498	(17)	(2,355)	(2,355)	78	663	61	724	663	61	3,113	3,836	(1,012)	2.00%	(20)	331	3,430	1,498	3,430	3
1304	EC1	972	1,905	(2,216)	1,714	179	5,717	3,303	7	(6,517)	(6,517)	228	1,882	174	2,056	1,882	174	3,263	5,318	(2,788)	2.00%	(56)	941	9,570	3,303	5,318	2
1306	ML4	973	615	674	604	58	398	1,237	11	862	862	64	662	61	723	662	61	1,113	1,836	597	2.00%	12	331	180	1,237	1,836	2
1308	ECII & III	974	0	0	0	0	0	0	0	0	0	0	2,778	256	3,034	2,778	256	1,163	4,196	694	2.00%	14	1,389	4,409	0	4,409	3
1310	ML5	975	0	0	0	0	0	0	0	0	0	0	1,216	112	1,328	1,216	112	1,150	2,478	304	2.00%	6	608	1,930	0	2,478	2
general		217	0	(576,224)	0	0	2,427	46	(578,606)	(578,606)	(578,606)	0	0	0	0	0	0	6,928	6,928	(289,303)	2.00%	(5,790)	0	0	0	0	3
TOTAL			1,085,793	171,483	1,111,225	101,440	26,821	1,180,235	12,661	124,892	124,892	48,861	1,159,648	107,001	1,266,649	1,159,648	107,001	26,428	1,293,077	352,358	2.00%	7,049	579,824	1,130,137	1,180,235	1,284,474	n/a

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

NOTICE

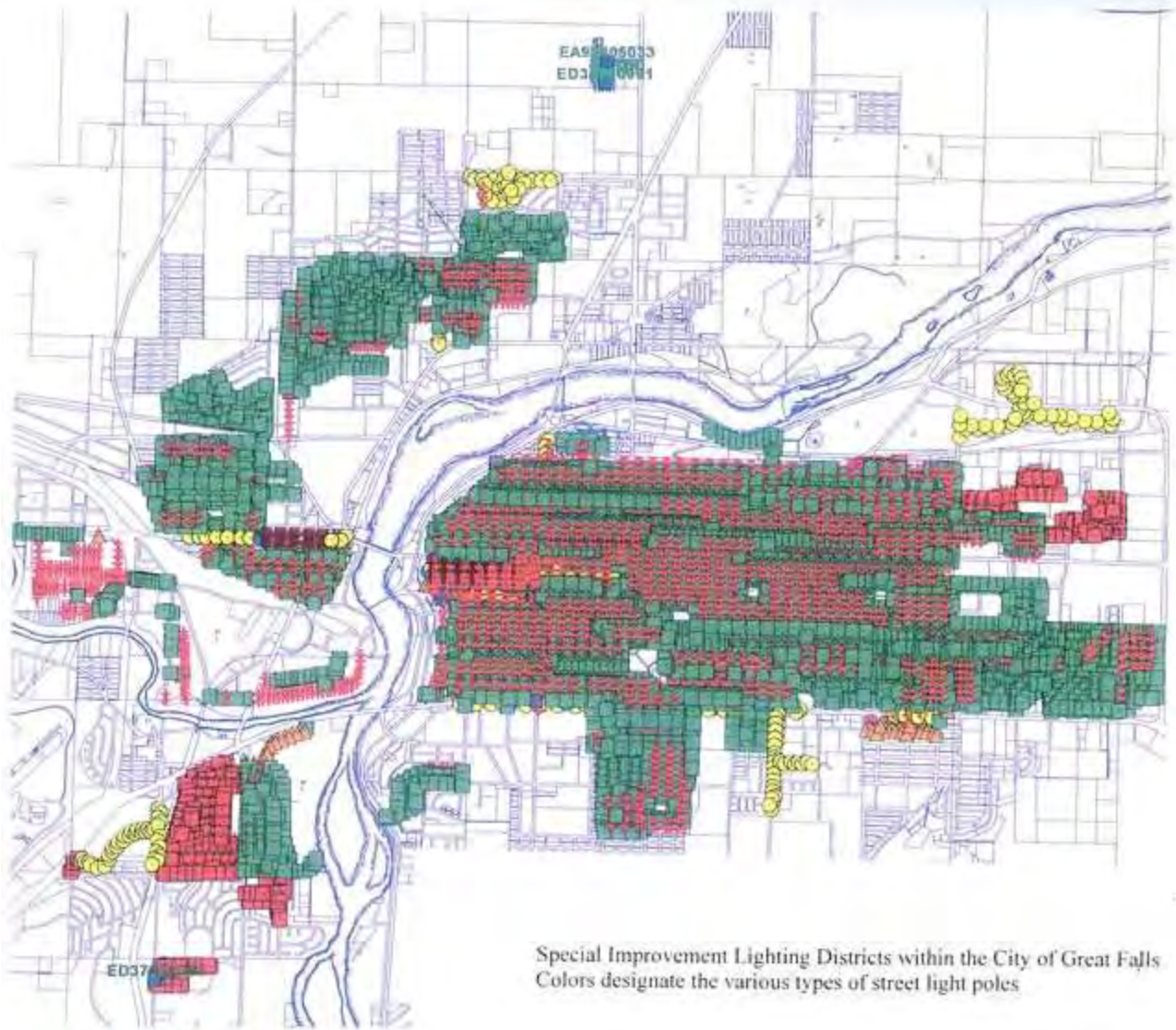
NOTICE IS HEREBY GIVEN that the Great Falls City Commission in Regular Session at 7:00 o'clock p.m. on the 19th day of August 2008, in the Commission Chambers did accept Resolution 9769 entitled:

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

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

/s/Lisa Kunz, City Clerk

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



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

SPECIAL LIGHTING DISTRICTS BUDGET WORKSHEET FOR 2008/2009

Revised 09/12/2008											TOTAL INTERNAL SERVICE CHARGES FOR FY 2008/2009																
											ACCT CHARGES 107,001																
											GENERAL 0																
											ACCOUNTING 107,001																
FISCAL YEAR 2007/2008											FISCAL YEAR 2008/2009											2	3	1			
DISTRICT	TYPE	FUND	FY 07/08		FY 07/08		FY 07/08		FY 07/08		7/1/2008		MAXIMUM LIGHTING DISTRICT ASSESSMENT			ASSESSMENT REVENUE CALCULATION				DESIRED		ASSESSMENT	SEE				
			BUDGETED UTILITY EXPENSE	7/1/2007 BEGINNING CASH	PROJECTED UTILITY EXPENSE	FISCAL SER CHG	MAINT & INSUR	PROJECTED ASSESS REVENUE	2.00% INTEREST	PROJECTED ENDING CASH	7/1/2008 BEGINNING CASH	Assessment Delinquencies As of 2/11/08	UTILITY EXPENSE	9.22699% FISCAL SER CHG	TOTAL SLD EXPENSE	UTILITY EXPENSE	FISCAL SER CHG	MAINT & INSUR	TOTAL	AVERAGE CASH	INTEREST RATE			INTEREST REVENUE	ENDING CASH BALANCE	ASSESSMENT REVENUE NEEDED	Last Year's Assessment 07/08
18	STREET	902	2,397	1,756	2,417	226	0	2,567	29	1,710	1,710	79	2,519	232	2,751	2,519	232	0	2,751	1,485	2.00%	30	1,259	2,270	2,567	2,751	2
650	PERIOD	903	12,654	8,812	12,853	1,192	1,442	13,726	126	7,177	7,177	1,048	13,700	1,264	14,964	13,700	1,264	1,700	16,664	7,014	2.00%	140	6,850	14,498	13,726	14,998	3
651	STREET	904	2,137	1,950	2,095	201	0	2,182	31	1,867	1,867	401	2,238	206	2,444	2,238	206	0	2,444	1,493	2.00%	30	1,119	1,666	2,182	2,444	2
912	STREET	907	12,189	6,118	12,458	1,148	0	13,089	123	5,724	5,724	699	12,968	1,197	14,164	12,968	1,197	0	14,164	6,104	2.00%	122	6,484	14,802	13,089	14,164	2
973	STREET	909	141	26,904	104	13	0	483	257	27,526	27,526	3	111	10	121	111	10	0	121	13,791	2.00%	276	55	(27,626)	483	483	1
1067A	ALLEY	913	4,352	2,538	4,419	410	0	4,653	46	2,408	2,408	501	4,612	426	5,037	4,612	426	0	5,037	2,357	2.00%	47	2,306	4,888	4,653	5,037	2
1105	STREET	915	3,462	2,672	3,509	326	0	4,013	41	2,891	2,891	716	3,658	337	3,995	3,658	337	0	3,995	2,360	2.00%	47	1,829	2,886	4,013	4,013	1
1230	STREET	922	193	90	158	18	0	237	2	153	153	0	165	15	180	165	15	0	180	118	2.00%	2	82	108	237	237	1
1255	STREET	927	348	157	316	33	0	483	3	295	295	0	329	30	360	329	30	0	360	230	2.00%	5	165	224	483	483	1
1261	PERIOD	932	4,122	17,727	4,174	388	326	5,950	192	18,982	18,982	401	4,405	406	4,812	4,405	406	2,000	6,812	10,592	2.00%	212	2,203	(12,180)	5,950	5,950	1
1269	PERIOD	938	13,142	16,378	13,391	1,238	6,917	15,946	220	10,999	10,999	3,436	14,157	1,306	15,463	14,157	1,306	3,000	18,463	9,039	2.00%	181	7,078	11,362	15,946	15,946	1
1270	PERIOD	939	5,635	3,872	5,713	531	6,814	7,913	69	(1,204)	(1,204)	132	6,060	559	6,619	6,060	559	3,000	9,619	913	2.00%	18	3,030	10,834	7,913	10,834	3
1289	STREET	947	11,966	3,107	12,229	1,127	0	13,092	88	2,932	2,932	15	12,759	1,177	13,936	12,759	1,177	0	13,936	4,656	2.00%	93	6,379	17,291	13,092	13,936	2
1290	STREET	948	978	788	964	92	0	1,070	12	814	814	0	999	92	1,091	999	92	0	1,091	656	2.00%	13	499	764	1,070	1,091	2
1294	SLDA	961	122,637	70,050	125,330	11,549	0	133,300	1,223	67,695	67,695	5,812	130,779	12,067	142,846	130,779	12,067	0	142,846	66,542	2.00%	1,332	65,389	139,208	133,300	139,208	3
1298	SLDI	962	17,932	16,992	18,377	1,689	0	21,099	252	18,277	18,277	303	19,073	1,760	20,833	19,073	1,760	0	20,833	13,907	2.00%	279	9,536	11,814	21,099	21,099	1
1295	SLDC	963	51,105	(1,655)	52,109	4,813	0	55,918	205	(2,454)	(2,454)	2,677	54,408	5,020	59,428	54,408	5,020	0	59,428	12,375	2.00%	249	27,204	88,837	55,918	59,428	2
1296	SLDR	965	790,323	560,114	810,385	73,616	0	841,088	9,452	526,653	526,653	31,318	840,463	77,549	918,012	840,463	77,549	0	918,012	473,442	2.00%	9,470	420,231	802,120	841,088	918,012	2
1297	SLDT	967	26,944	11,273	27,303	2,537	0	37,388	243	19,063	19,063	952	29,048	2,680	31,728	29,048	2,680	0	31,728	16,794	2.00%	337	14,524	26,852	37,388	37,388	1
1302	ML3	971	615	(394)	604	58	2,781	1,498	(17)	(2,355)	(2,355)	78	663	61	724	663	61	3,113	3,836	(1,012)	2.00%	(20)	331	3,430	1,498	3,430	3
1304	EC1	972	1,905	(2,216)	1,714	179	5,717	3,303	7	(6,517)	(6,517)	228	1,882	174	2,056	1,882	174	3,263	5,318	(2,788)	2.00%	(56)	941	9,570	3,303	5,318	2
1306	ML4	973	615	674	604	58	398	1,237	11	862	862	64	662	61	723	662	61	1,113	1,836	597	2.00%	12	331	180	1,237	1,836	2
1308	ECII & III	974	0	0	0	0	0	0	0	0	0	0	2,778	256	3,034	2,778	256	1,163	4,196	694	2.00%	14	1,389	4,409	0	4,409	3
1310	ML5	975	0	0	0	0	0	0	0	0	0	0	1,216	112	1,328	1,216	112	1,150	2,478	304	2.00%	6	608	1,930	0	2,478	2
general	217	0	(576,224)	0	0	2,427	0	46	(578,606)	(578,606)	(578,606)	48,861	1,159,648	107,001	1,266,649	1,159,648	107,001	26,428	1,293,077	(289,303)	2.00%	(5,790)	0	1,130,137	1,180,235	1,284,474	n/a
TOTAL			1,085,793	171,483	1,111,225	101,440	26,821	1,180,235	12,661	124,892	124,892	48,861	1,159,648	107,001	1,266,649	1,159,648	107,001	26,428	1,293,077	352,358	2.00%	7,049	579,824	1,130,137	1,180,235	1,284,474	n/a

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



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: Set a Public Hearing

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission set a public hearing for September 2 for consideration of the 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.

Staff Recommendation:

Staff recommends that the City Commission set a public hearing for September 2 for consideration of 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 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: Express Building Modification of Dedication Agreement
From: Cheryl Patton, Assistant City Manager
Initiated By: Express Building Condominium Association
Presented By: Cheryl Patton, Assistant City Manager
Action Requested: Approve Agreement

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission approve the Agreement with the Express Building Condominium Association, Modifying the Dedication Agreement between the City and the Express Building Condominium Association.

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

Staff Recommendation: Staff and the Express Building Condominium Association recommend that the City Commission approve the agreement.

Background: In 1984 the City accepted the dedication of the paved access road behind the Civic Center and the paved parking area owned by the Express Building Association. In exchange for the access behind the Civic Center the City agreed to control traffic; enforce parking rules and reservations; and maintain the area by removing snow, striping the parking etc.

The Dedication Agreement further reserved 58 parking spaces, including 10 spaces on the west side of the Civic Center, for exclusive use of the Express Building.

With the increased use and activity for the Civic Center Theater and Convention Center, the City found it prohibitively difficult to enforce the exclusive parking of the 10 spaces west of the Civic Center for the Express Building. When the Broadway Series began, it became crucially important that buses and semi trailers have access to the overhead door on the west wall of the Civic Center, thereby blocking parking in those spaces to Express Building tenants, employees and customers.

During his tenure, former City Manager John Lawton and Neil Ugrin, a former owner of the Condominium Association now deceased, negotiated a solution to trade the problematic 10

spaces adjacent to the west wall of the Civic Center for 16 of the most westerly spaces in the parking lot between the Express Building and the Children's Museum and four spaces closest to the Express Building across the railroad tracks. This results in reserving 10 additional spaces for the Express Building during the hours of 8:00 AM and 5:00 PM Monday through Friday, excluding all legal holidays, and Saturdays from 8:00 AM until 12:00 Noon.. This agreement was administratively implemented but neither party can find evidence that the agreement was ever signed by the City or approved by the City Commission.

The Express Building Owners desire to have the agreement formally executed. City staff believes this solves logistic and enforcement problems for the City and is in the City's interest to approve the agreement to not risk having the dedication of the access way behind the Civic Center be reversed.

Concurrences: The City Attorney has reviewed the agreement and has determined that sections 17.36.2.060 and 17.36.1.030(C) of the OCCGF provide authority to modify the dedication agreement providing additional spaces to the Express Building Condominium Association and releasing back to the City the ten spaces directly west of the Civic Center Building.

Fiscal Impact: There is no direct fiscal impact to the City but the agreement modification helps to protect the dedication of the access way behind the Civic Center building. If the agreement is approved the City will grant easement of 10 net parking spaces in exchange for the spaces directly west of the Civic Center building.

Alternatives: If the dedication agreement is not modified and the City finds it impossible to consistently ensure that the 10 spaces west of the Civic Center building are reserved during the hours specified for the Express Building, the Dedication Agreement approved in 1984 can be reversed. This would leave the Civic Center building without roadway access to the rear of the building.

Attachments/Exhibits:

Agreement Granting Easement and Modifying Dedication Agreement and Map Exhibit A
(Attachments not available online; on file in City Clerk's Office.)



Item: Cancellation of Outstanding and Unpaid Checks over a year old
From: Fiscal Services Department
Initiated By: Generally Accepted Accounting Principles
Presented By: Coleen Balzarini, Fiscal Services Director
Action Requested: Approve cancellation of outstanding and unpaid checks over a year old

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission approve the cancellation of City of Great Falls checks that remain outstanding and unpaid for a period of one (1) year or longer as authorized by section 7-6-4303 MCA.”

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

Staff Recommendation: Staff recommends that the City Commission approve the cancellation of checks that remain outstanding and unpaid for the period of one (1) year or longer.

Background: Section 7-6-4303, MCA, authorizes the City Commission to cancel municipal checks that have remained outstanding and unpaid for a period of one (1) year or longer. Attached is the required list of the instruments to be canceled including the check number, date, amount, and payee. A minimum of two (2) letters and affidavit forms for replacement checks have been mailed to the address on record and no response has been received to date. All affidavits for replacement checks that have been returned to the City have had checks re-issued.

The list must be entered into the minutes of the City Commission proceedings.

During the Fiscal Year 2007 audit, it was recommended that outstanding checks be reviewed on a regular basis and any checks more than one year old be re-issued or voided as necessary.

Concurrences: Not Applicable

Fiscal Impact: The total amount of the checks that are written off (\$6,603.83) is placed in the General Fund miscellaneous revenue.

Alternatives: Doing nothing would have the City of Great Falls be in violation of the Fiscal Year 2007 audit recommendation.

Attachments/Exhibits: List of Checks to be cancelled **available at City Clerk's office.**



Item: Final Payment: Water Treatment Plant Flume and Sanitary Sewer Manhole Lining Project O.F. 1519.4

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission approve Final Payment for the Water Treatment Plant Flume and Sanitary Sewer Manhole Lining Project O.F. 1519.4 in the amount of \$3,134.69 to Pipeline Inspection Services Inc. and \$31.66 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments.”

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

Staff Recommendation: Approve final payment request.

Background:

Significant Impacts

This project provided rehabilitation for an aging, leaking concrete influent flume at the City of Great Falls Water Treatment Plant (WTP) and protective liners in 17-manholes from the Malt Plant located on the northern side of the city. Repair of the flume will prevent possible deterioration of the WTP building foundation, provide additional structural integrity to the aging facility and prevent the need for additional capital cost to rebuild the flume. The liners installed for the sanitary sewer manholes will provide protection from deterioration, extending the useful life of the manholes.

Citizen Participation

No citizen participation was required for these existing water and wastewater facilities.

Workload Impacts

City engineering staff prepared contracts, plans, specifications and estimates for both segments of the project. Construction management and inspection was also provided by City engineering staff.

Purpose

The purpose of this project was to provide rehabilitation for a leaking concrete influent flume at the WTP, and to preserve recently constructed concrete sanitary sewer manholes serving the new Agribusiness Park and the petroleum refinery located on the north side of the Missouri River. This project will provide protection from gases created by the high strength wastewater from the agricultural processing of grains at the Malting Plant and petroleum products produced at the Montana Refinery Company.

Project Work Scope

Approximately 1,632 square feet of protective leak proof lining was installed for the WTP flume and protective lining from corrosive gases at seventeen of 36 of the sanitary sewer manholes on this section of the sanitary sewer system.

Evaluation and Selection Process

Pipeline Inspection Services Inc. from Nampa, Idaho was selected through the competitive bidding process, having submitted the lowest responsible bid.

Conclusion

City staff has verified that Pipeline Inspection Services Inc. has completed all work and punch list items in accordance with the plans and contract. The liner material and methods used for coating the sanitary sewer manholes is the same product and National Sanitation Foundation approved for potable water use. The material and method of application used on the manholes and for the WTP flume lining was very well done. However, the WTP flume still leaks in a portion of the flume where the lining product was not applied. Engineering and WTP staff are currently making preparations to stop the last remaining leak from the flume area. The project was completed within the contract time, with substantial completion and the start of the 2-year warranty occurring on May 17, 2008.

Concurrences: Not Applicable

Fiscal Impact: The project final cost is \$63,327.00, of which \$43,375.00 was spent on the manhole lining portion and \$19,952.00 was spent on the WTP flume lining portion of the project. The final project cost is \$10,000.00 under the amount awarded and approved. Lack of miscellaneous work items contributed to the lower final contract amount. The project was funded by the City's Sanitary Sewer Fund and the WTP Miscellaneous Projects fund.

Alternatives: The City Commission could vote to deny final payment.

Attachments/Exhibits:

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



Item: Final Payment – Sunnyside Water Main Replacement, O. F. 1540

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

"I move the City Commission approve Final Payment for the Sunnyside Water Main Replacements, O. F. 1540, in the amount of \$6,880.78 to Phillips Construction, and \$69.50 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

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

Staff Recommendation: Approve final payment request.

Background:

Significant Impacts

This project replaced portions of the water system located in 19th Avenue South, 20th Avenue South, 14th Street South, 15th Street South. Most of these water mains were installed in the 1950's.

Citizen Participation

The neighborhood council for this area was involved in the project.

Workload Impacts

City engineering staff designed the project, performed construction inspection and contract administration duties. Utilities Division personnel operated valves, provided locates, taps, and test for water purity.

Purpose

The project replaced water mains that have been failing and have damaged roadways and

disrupted water service to local residences and business. The breaks are primarily due to corrosive soils, age, and the type of pipe material used.

Project Work Scope

This project replaced 3,861 lineal feet of 6- and 8-inch water main, 1,181 lineal feet of 12-inch water main, 10 fire hydrants and 95 water service connections.

The mains are located in 15th Street from 11th Alley South to Sunnyside Avenue; 19th Avenue South from 14th Street to 17th Street; 20th Avenue South from 14th Street to 18th Street; and 14th Street from 20th Avenue South to 19th Avenue South.

Evaluation and Selection Process

The City accepted four bids for this project on March 19, 2008 and the City Commission awarded the contract to Phillips Construction on April 1, 2008 in the amount of \$718,890.00.

Conclusion

City staff has verified that Phillips Construction has completed all work and punch list items in accordance with the plans and contract. The City can accept the project and execute the Final Payment. The project was completed within the contract time. The two year warranty period started at the time of substantial completion which was July 8, 2008.

Concurrences:

Not Applicable.

Fiscal Impact:

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

The final project cost is \$605,927.85 which is \$112,962.15 under the amount awarded and approved. There are number of factors which contributed to the low final contract amount such as lack of water service replacement, concrete replacement, and very little miscellaneous work. This water main replacement project was funded through the City's prior year reserves.

Alternatives:

The City Commission could vote to deny final payment.

Attachments/Exhibits:

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



Item: Appointment to the Housing Authority Board

From: City Manager's Office

Initiated By: Great Falls Housing Authority

Presented By: City Commission

Action Requested: Appoint one member to the Great Falls Housing Authority Board.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ as a tenant member to fill the remainder of a two-year term through June 30, 2010, to the Great Falls Housing Authority Board.”

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

Staff Recommendation: It is recommended that the City Commission appoint one new tenant member to fill the remainder of a two-year term through June 30, 2010.

Background: Katherine Pickens was appointed to the Housing Authority Board on May 20, 2008. Ms. Pickens has moved from Great Falls and had to resign from Board. Therefore, it is necessary to appoint one tenant to fill the vacancy.

Purpose

The Great Falls Housing Authority Board consists of seven commissioners appointed by the City Commission. Two commissioners must be residents of the Housing Authority properties. The Board is an independent authority responsible for setting policy for the operation and management of public housing properties, HUD Section 8 program and other affordable housing programs. The Board also serves as the loan committee for the City's Housing Rehabilitation Program. The Board is also responsible for providing safe, decent, sanitary, and affordable housing for the community's low-income residents. Tenant terms are two years and regular members are five years.

Evaluation and Selection Process

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

Continuing members of this board are:

Joseph Boyle
Howard Corey
Michael McCleary
Timothy McKittrick
Curtis Thompson
Grace McLean (tenant)

Tenants interested in serving on this Board:

Marquita Ogawa
Amanda Scott

Concurrences: Not applicable.

Fiscal Impact: Not applicable.

Alternatives: Continue advertising to seek further citizen input.

Attachments/Exhibits:

Board Applications



Item: Reappointment to the Police Commission
From: City Manager's Office
Initiated By: City Commission
Presented By: City Commission
Action Requested: Reappoint Thomas P. Meeks to the Police Commission

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission reappoint Thomas P. Meeks to the Police Commission for a three-year term through June 30, 2011.”

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

Staff Recommendation: It is recommended that the City Commission reappoint Thomas P. Meeks to the Police Commission for a three-year term through June 30, 2011.

Background: Thomas P. Meeks was appointed to the Police Commission on April 17, 2007, for a one-year term. Mr. Meeks is eligible for and interested in reappointment.

Purpose

The Police Commission reviews all Police Department applicants for police officer positions and hears disciplinary appeals for the Police Department. The Commission is composed of three members appointed by the City Commission.

Evaluation and Selection Process

There was no advertisement done for this position since Mr. Meeks is eligible for and interested in reappointment. Members must reside within the City.

Continuing members of this board are:

Martin Sinclair
Joseph Tropila

Concurrences: Not applicable.

Fiscal Impact: Not applicable.

Alternatives: None.

Attachments/Exhibits: None.