



# City Commission Agenda

for

## July 15, 2008

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

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**NEIGHBORHOOD COUNCILS**

1. Miscellaneous reports and announcements.

**PUBLIC HEARINGS**

2. Revised Ord. 3002, to extend the land acquisition date referenced in original Ord. 3002 (CVS Pharmacy). Action: Conduct public hearing and adopt or deny Revised Ord. 3002. **(Presented by: Ben Rangel)**
3. Ord. 3009, Disorderly Premises. Action: Conduct public hearing and adopt or deny Ord. 3009 as amended. **(Presented by Greg Doyon)**
4. Res. 9750, Intent to Increase Property Tax. Action: Conduct public hearing and adopt or deny Res. 9750. **(Presented by: Melissa Kinzler)**
5. Res. 9751, Annual Budget Resolution. Action: Conduct public hearing and adopt or deny Res. 9751. **(Presented by: Melissa Kinzler)**

**OLD BUSINESS**

6. Water Rights, Review and possible action on prior reduction of 1889 Water Right (41QJ123410). Action: Consider options. **(Presented by: Greg Doyon)**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

7. Ord. 3011, to Rezone Lot 1, Block 1, Benefis West Minor Subdivision from PLI Public lands and institutional district to R-5 Multi-family residential medium density district. Action: Accept Ord. 3011 on first reading and set public hearing for August 5, 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.

8. Minutes, July 1, 2008, Commission meeting.

9. Total Expenditures of \$2,824,312 for the period of June 23 through July 9, 2008, to include claims over \$5000, in the amount of \$2,578,356.
10. Contracts list.
11. Grant list.
12. Set public hearing for August 5, 2008, on Res. 9758, Cost Recovery at 706 19<sup>th</sup> Street Southwest.
13. Set public hearing for August 5, 2008, on the 2008/2009 Business Improvement District Budget and Work Plan.
14. Set public hearing for August 5, 2008, on Res. 9746 to levy and assess the Street Maintenance District.
15. Set public hearing for August 5, 2008, on Res. 9747 to levy and assess Special Improvement General Boulevard Maintenance District No. 3570.
16. Set public hearing for August 5, 2008, on Res. 9759 to levy and assess Special Improvement Portage Meadows Maintenance District No. 1195.
17. Approve purchase of water meter equipment for Fiscal Year 2009 from Dana Kepner Co. of Billings in an amount not to exceed \$270,000.
18. Approve FY 2009 Traffic Signal Maintenance Agreement with the Montana Department of Transportation.

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

#### **BOARDS & COMMISSIONS**

19. Miscellaneous reports and announcements.

#### **CITY MANAGER**

20. Miscellaneous reports and announcements.

#### **PETITIONS AND COMMUNICATIONS** *(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:** Public Hearing on Revised Ordinance 3002 to extend the land acquisition date referenced in original Ordinance 3002 (CVS Pharmacy)

**From:** Bill Walters, Senior Planner

**Initiated By:** The Velmeir Companies

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

**Action Requested:** City Commission adopt Revised Ordinance 3002 and approve accompanying Amendment to Agreement.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Revised Ordinance 3002 and (approve/disapprove) the accompanying Amendment to Agreement.”

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

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**Staff Recommendation:** It is recommended the City Commission adopt Revised Ordinance 3002 and approve the accompanying Amendment to Agreement.

**Background:** Following a public hearing held on April 15, 2008, the City Commission approved: 1) Ordinance 3002 rezoning Lots 1 through 7, Block 26, Huy’s Addition; 2) Resolution 9735 vacating a segment of 10<sup>th</sup> Alley South between 20<sup>th</sup> & 21<sup>st</sup> Streets South; 3) the Amended Plat of Lots 1-7 & 10-14, Block 26, Huy’s Addition; and, 4) an Agreement and an Amendment to Agreement containing terms and conditions associated with granting the rezoning. Approval of these documents was intended to accommodate construction of a proposed 13,225 sq ft CVS Pharmacy along the east side of 20<sup>th</sup> Street South between 9<sup>th</sup> and 10<sup>th</sup> Avenues South.

Ordinance 3002 and the Amendment to Agreement contain a provision that should the Purchaser (The Velmeir Companies) fail to acquire Lots 1 through 7, Block 26, Huy’s Addition, by August 31, 2008, the Agreement and Ordinance 3002 shall be deemed null and void and subject Lots 1 through 7 shall remain zoned R-3 single-family high density district.

Attached is a communication from Jon Lennander of The Velmeir Companies dated June 4, 2008, requesting extension of the land acquisition date from August 31, 2008, to April 30, 2009. The letter also explains the reasons for the time extension.

Also attached is a revised Amendment to Agreement containing extension of the land acquisition date to the end of April next year and signed by the applicant and all involved property owners.

**Concurrences:** The timeline for acquisition of involved properties which dictates application of the rezoning provided by Ordinance 3002 was previously agreed upon by the applicant, involved property owners and the City Commission. Adjustments to the timeline are at the discretion of these three entities. The requested timeline extension is not intended to open discussion or alter action on any other approvals previously provided by the Commission.

**Fiscal Impact:** Allowing The Velmeir Companies additional time to close on the acquisition of properties necessary to accommodate construction of a new CVS Pharmacy at 2001 10<sup>th</sup> Avenue South should not result in any fiscal impact to the City.

**Alternatives:** The City Commission could deny Revised Ordinance 3002. However, denial of the requested time extension through Revised Ordinance 3002 may not allow The Velmeir Companies sufficient time to close on acquisition of the involved properties thereby resulting in the zone change necessary to accommodate the proposed CVS Pharmacy at 2001 10<sup>th</sup> Avenue South becoming null and void.

**Attachments/Exhibits:**

Revised Ordinance 3002

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

Letter from The Velmeir Companies, dated June 4, 2008

Vicinity/Zoning Map

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Mike Rattray, Community Development Director  
Jon Lennander, [jlennander@velmeir.com](mailto:jlennander@velmeir.com)  
Mark Macek, [mark@macekcompanies.com](mailto:mark@macekcompanies.com)

*REVISED*  
ORDINANCE 3002

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION ON LOTS 1 THROUGH 7, BLOCK 26, HUY'S ADDITION TO GREAT FALLS, CASCADE COUNTY, MONTANA, ADDRESSED AS 2000, 2004, 2008, 2012, 2016, & 2026 9<sup>TH</sup> AVENUE SOUTH, RESPECTIVELY, FROM R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO C-2 GENERAL COMMERCIAL DISTRICT

\* \* \* \* \*

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

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

WHEREAS, said Ordinance 2923 has placed the following described property situated in the City of Great Falls, Cascade County, Montana, in a R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT, as defined therein:

Lots 1 through 7, Block 26, Huy's Addition to Great Falls, Cascade County, Montana, addressed as 2000, 2004, 2008, 2012, 2016, & 2026 9th Avenue South, respectively.

WHEREAS, notice of rezoning the above-mentioned property from the existing R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT to a C-2 GENERAL COMMERCIAL DISTRICT was published in the Great Falls Tribune, advising that a public hearing on this proposed change in zoning would be held on the 15th day of April, 2008, before final passage of said Ordinance herein; and,

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

WHEREAS, following said public hearing, it was found and recommended that the said zone change be made, provided the applicant for the zone change and the owners of said Lots 1 – 7 enter into an agreement with the City containing specified terms and conditions, NOW THEREFORE,

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

Section 1. It is determined that the herein requested zone change will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls, provided the terms and conditions in the heretofore mentioned agreement are adhered to and fulfilled.

Section 2. That the zoning designation on the property hereinabove described be changed from a R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT to a C-2 GENERAL COMMERCIAL DISTRICT.

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

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon the applicant for the zone change, as referenced in the heretofore mentioned agreement, acquiring ownership and assuming title to the hereinabove described property, whichever event shall occur later. This ordinance shall be deemed null and void should the applicant for the zone change fail to acquire ownership and assume title to the hereinabove described property by April 30, 2009.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 15th day of July, 2008.

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Revised Ordinance 3002 was placed on its final passage and passed by the City Commission of the City of Great Falls, Montana at a meeting thereof held on the 15th day of July, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 15th day of July, 2008.

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

(SEAL OF CITY)

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

Lisa Kunz, being first duly sworn, deposes and says: That on the 15th day of July, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Revised Ordinance 3002 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

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

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

(SEAL OF CITY)



June 4, 2008

Mr. Bill Walters  
City of Great Falls – Planning Office  
Civic Center #2 Park Drive South  
Great Falls, Montana 59403

RE: **CVS Pharmacy Store #08624 – NEC 10<sup>th</sup> Avenue and 20<sup>th</sup> Street, Great Falls, Montana**

Dear Mr. Walters:

As you are aware, the recently approved Zoning Ordinance 3002 included a provision that the ordinance would become null and void should CVS Pharmacy not acquire the properties by August 31, 2008. Our contracts with the land owners allow us to close as late as Fall 2009, but we have been trying to accelerate our schedule to allow construction to begin on the CVS late this summer with a store opening in early spring.

The contracts we have signed with the residential land owners provide the opportunity for them to remain in their homes for 60 to 90 days after our closing on the property. After the property owners vacate their homes, we are planning to donate the houses to Neighborworks, and need additional time for the houses to be moved. Based on our current closing schedule of no later than August 31, 2008, we will not be able to begin construction until the end of November, and still need to move the houses. Unfortunately this will be too late to start, and we will need to delay construction until spring.

Our client typically closes on the properties they develop shortly before start of construction. The neighbors in this area are also very concerned about the length of the construction period and the impact of the construction on them. Closing in August will require the start of demolition and site work as soon as possible, and will extend the time the site is under construction substantially. Because of this, we respectfully request to amend the ordinance to extend the land acquisition date to April 31, 2009 to provide adequate time to start construction in the spring..

Included with this letter is the \$400.00 application fee. The revised addendum agreements with the property owners will be delivered on Friday by Mark Masek. It is our understanding that we will be on the agenda for a Public Hearing on June 17; the 2<sup>nd</sup> reading of the City Commission Public hearing on July 15; and the ordinance will take effect on August 15, 2008. Please let me know if this is not correct, or if you need any additional information. Thank you.

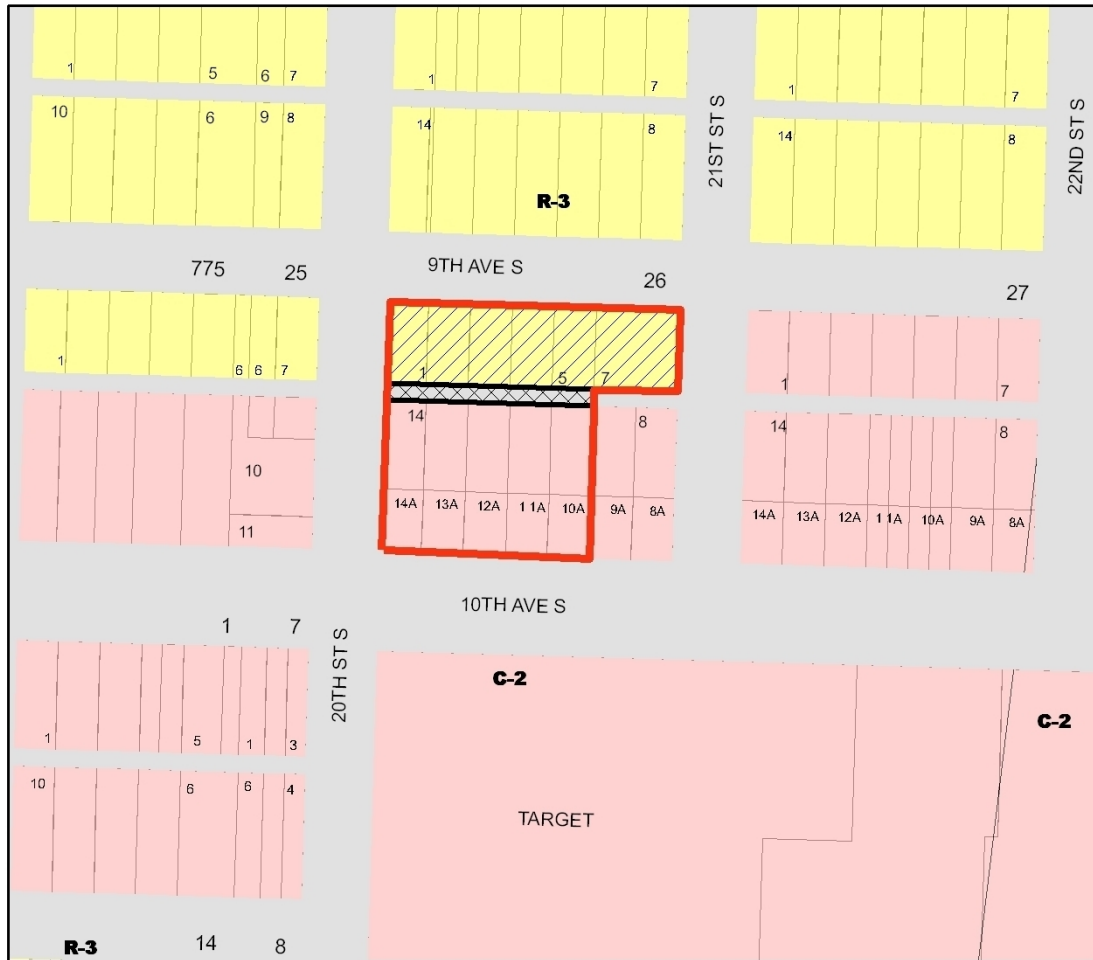
Yours truly

Jon Lennander, PE, LS  
The Velmeir Companies  
Project Manager



# EXHIBIT "A"

## VICINITY/ZONING MAP



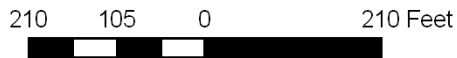
SEGMENT OF 10TH ALLEY SOUTH PROPOSED TO BE VACATED



LOTS 1 THRU 7, BLOCK 26, HUY'S ADDITION PROPOSED TO BE REZONED FROM R-3 SINGLE-FAMILY HIGH DENSITY TO C-2 GENERAL COMMERCIAL ZONING DISTRICT



AMENDED PLAT OF LOTS 1-7 & 10-14, BLOCK 26, HUY'S ADDITION







**Item:** Conduct a Public Hearing and (adopt/deny) Ordinance 3009.

**From:** David Gliko, City Attorney

**Initiated By:** Gregory T. Doyon, City Manager

**Presented By:** Gregory T. Doyon, City Manager, and David Gliko, City Attorney

**Action Requested:** Conduct a Public Hearing and (adopt/deny) Ordinance 3009.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Ordinance 3009 as amended.

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

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**Staff Recommendation:** It is the considered recommendation of the City Manager, Police Chief, Community Development Director and City Attorney that the City Commission adopt Ordinance 3009 as amended to address those premises where various types of disturbances arise and when the police are dispatched to said premises as frequently as three to five times in a thirty day period. If a meeting with the responsible party and resultant agreement does not resolve such disturbances, further legal action may be taken.

**Amendment:** Ordinance 3009 has been amended to provide a warning notice be sent to the owner and related parties after three visits thereby alerting the responsible parties to the problem and possible penalties should they not resolve the issues on their own. If, thereafter, five or more visits occur within 30days, the City may then proceed to designate the premises as a “disorderly premises” with results as specified in the Ordinance. Further, since the object of the Ordinance is to correct a use of property issue as opposed to punishment for explicit criminal activity, the penalty should be a fine and no incarceration. The “disorderly premises” definition has also been amended to excluded partner or family member assault as defined by 45-5-206, M.C.A.

**Background:** There are many instances where the police are dispatched to the same premises on chronic frequency that do not warrant disturbing the peace or domestic abuse or other criminal charges or where criminal charges do not have an effect on the frequency of such activity. The activity includes: loud music or noise, boisterous parties, sounds emanating from within a structure which are audible outside the building, criminal activity.

Ordinance 3009 seeks to resolve such activity by designating the location as a "disorderly premises" and requiring the owner or tenant or responsibly party to meet with representatives of the City inclusive of the Police Department and Community Development Department designees and enter into an agreement to eliminate the disorderly activity.

If the owner or tenant or responsible party fails to agree to take effective measures or fails to implement the agreement, other legal means may be instituted inclusive of criminal charges, injunctive action, fines and other penalties.

**Concurrences:** The Police Department, Community Development Department and City Attorney have been involved in the review and development of Ordinance 3009 and recommend the same.

**Fiscal Impact:** It is anticipated a savings of law enforcement service will result from the effectiveness of implementation of the ordinance but otherwise should not incur any added costs.

**Alternatives:** The City Commission could deny acceptance of Ordinance 3009 and continue to address the chronic problem of "disorderly premises" with the current criminal code and ordinances.

**Attachments/Exhibits:** Ordinance 3009

**ORDINANCE 3009**

**AN ORDINANCE AMENDING OCCGF TITLE 8  
PERTAINING TO DISORDERLY PREMISES**

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

That OCCGF Title 8, Chapter 48, Sections 010 thru 060 be created as depicted in Exhibit  
A.

**PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS,  
MONTANA, this \_\_\_\_\_ day of July, 2008.**

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

ATTEST:

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

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

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

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 3009 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 July, 2008, and approved by the Mayor of said City on the \_\_\_\_ day of July, 2008.

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

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City Clerk

(SEAL OF CITY)

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

Lisa Kunz, being first duly sworn, deposes and says: That on the \_\_\_\_ day of July, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did post as required by law and as prescribed and directed by the Commission, Ordinance 3009 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

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

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City Clerk

(SEAL OF CITY)

**Exhibit A**

**Title 8**

**Chapter 48**

**DISORDERLY PREMISES**

**Sections:**

8.48.010	Purpose
8.48.020	Definitions
8.48.030	Notice
8.48.040	Designation
8.48.050	Enforcement
8.48.060	Fines and Penalties

**8.48.010 Purpose of Section.**

It is hereby declared a valid public purpose and public policy of the City of Great Falls, in order to promote the health and general welfare of the City, and to conserve the financial and other resources of the City, that certain activities defined in § 8.48.020 below, are to be discouraged and penalized as described herein. Specifically, it is the declared public policy of the City to discourage and control unlawful or obnoxious behavior and to limit the undesirable impact of such behavior upon members of the general public and to appropriately assign financial liability for enforcement action to the owners of the property where such activities occur.

**8.48.020 Definitions.**

As used in this section, the following terms shall have the meanings indicated:

“Disorderly premises” means any premises which the police have visited five or more times in a thirty-day period in response to situations which are created by the owner(s), tenant(s), or tenants' cohabitantes, guests, invitees or occupants, and which would have a tendency to unreasonably disturb the community, the neighborhood, or any ordinary individual in the vicinity of said premises, including, but not limited to, loud music; boisterous parties; sounds emanating from within a structure which are audible outside the structure; loud noise, disorderly conduct, or fights on the premises involving owner(s), any tenant(s) or occupant(s) of the premises or their invitees; owner(s) or any tenants or invitees of owner(s) or any tenants or occupants being intoxicated on public ways in the vicinity of the premises; the arrest and conviction of owner(s) or any tenants or their invitees or occupant(s) for activities which constitute either a crime or civil infraction under either state or local law; other similar activities on the premises, or repeated violations of related City ordinances. **The “disorderly premises” definition shall not include incidents of partner or family member assault as defined in 45-5-206, M.C.A.**

“Premises” means the land and the structures on it, a structure or part of a structure, including, but not limited to: a single unit providing complete living facilities for one or more persons or any dwelling unit, a multifamily dwelling unit, a family apartment, a boardinghouse, a condominium, a rooming house, a rooming unit, a mobile home, or leased units in a manufactured housing park.

**8.48.030 Notice of Disorderly Premises.**

Whenever a premises has been visited by the police three times in any thirty-day period in relation to incidents involving a disorderly premises, the Police Chief, Community Development Director, City Manager, or any other agent designated by the City Manager shall notify the owner, owner’s agent or person responsible for the premises and any tenant/occupant of the circumstance(s) involving the said visits.

- A. Notice content. Notice shall be in writing, include a description of the premises sufficient for identification, and include a statement of the reason or reasons why the notice is being issued. The owner, owner’s agent or person responsible for the premises, and any tenant/occupant, will be advised that five or more such visits by the police to the premises in any 30 day period will result in the premises being classified as a “disorderly premises” with potential sanctions and penalties.
- B. Method of service. The owner, owner’s agent or person responsible for the premises and any tenant/occupant shall be notified in the following method: delivery of the notice to the owner, owner’s agent or person responsible for the premises and any tenant/occupant personally; mailing the notice by first class mail addressed to the owner, owner’s agent or person responsible for the premises and any tenant/occupant at the last known address; posting/affixing or placing a copy of the notice in a conspicuous place in or about the premises affected by such notice. Service of such notice by any of the foregoing methods upon the owner, owner's agent or upon the person responsible for the premises shall constitute complete service of notice upon the owner, owner’s agent or person responsible for the premises and any tenant/occupant.

**8.48.040 Disorderly Premises Designation.**

- A. Whenever the police have visited a premise five or more times in any thirty-day period, in relation to incidents involving a disorderly premises, the City may classify the premises as a disorderly premises.
- B. When a premises is classified by the City as a disorderly premises, the City shall notify the owner, owner's agent or person responsible for the premises and any tenant/occupant in accordance with the procedures set forth in § 8.48.030. The City shall provide a written notification of the events, which forms the basis for that designation. Such notice shall be sufficient for all legal purposes. The notice shall require the owner, owner's agent or person responsible for the premises and any tenant/occupant or their duly authorized representative, to meet with representatives of the City, including the Police Department and the Community Development Director or their designee(s) within five business days from the date of the written notification, to identify ways in which the disorderly problems will be eliminated.
- C. At the time of said meeting, the City may request documentation including but not limited to:
  - 1. A copy of the names of all owners and any tenant/occupant or other persons authorized to reside or presently residing in the building and the premises or units they occupy;
  - 2. Management contracts with any building supervisor or other person responsible for the orderly operation of the premises.
- D. The owner, owner's agent or person responsible for the premises and/or any tenant/occupant must take effective measures to eliminate the disorderly premises, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the City and shall be implemented within one week of said meeting unless another date is agreed upon by the City manager or his or her designee.
- E. Failure to meet with City officials or enter into such an agreement at the conclusion of said meeting will be deemed a violation of this section, and the City shall pursue legal remedies in accordance with OCCGF 8.48.060.

**8.48.050 Enforcement.**

- A. If the owner, owner's agent or person responsible for the premises and/or any tenant/occupant refuses to agree to take effective measures to eliminate the disorderly premises, as determined by the City; fails to implement the agreement reached with the City to eliminate the disorderly premises; or the Police Department is called to the premises at any time within a six-month period after premises owner, owner's agent or person responsible for the premises and/or any tenant/occupant meets with the City, the City may institute such other enforcement action against the owner, owner's agent or person responsible for the premises and/or any tenant/occupant seeking any and all damages and remedies to which it is entitled pursuant to state and local laws.
- B. If the same premises should be classified as a disorderly premises on a subsequent occasion, then the City is under no obligation to meet with the owner, owner's agent or person responsible for the premises, or any tenant/occupant, or issue new notice, but may proceed directly with a complaint to a court of competent jurisdiction seeking all compensatory and equitable relief permitted by law.
- C. The Police Chief shall annually prepare and present a report to the City Manager that details the administration of this section for the prior year. The report shall include, but not be limited to, the number of properties deemed to be disorderly premises, how the complaints were resolved, and legal actions initiated by the City.

**8.48.060 Fines and Penalties.**

- A. If the building owner, owner's agent or person responsible for the premises and/or any tenant/occupant refuses to agree to take effective measures to eliminate the disorderly premises, a fine of not less than \$500 and not more than \$1,000 per incident may be imposed by the court of competent jurisdiction. No incarceration may be imposed for a violation of this ordinance.
- B. In addition, the City may file a legal action against the owner, owner's agent or person responsible for the premises and/or any tenant/occupant seeking court costs, response charges, and all damages and remedies to which it is entitled pursuant to state and local laws.





**Item:** Resolution 9750 – Intent to Increase Property Tax  
**From:** Gregory T. Doyon, City Manager  
**Initiated By:** Statutory Budget Requirements  
**Presented By:** Melissa Kinzler, Budget Officer  
**Action Requested:** Conduct the Public Hearing and Adopt the Tax Increase Resolution

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission adopt Resolution 9750.”

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

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**Staff Recommendation:** Staff recommends the City Commission conduct the public budget hearing on the Intent to Increase Property Tax Revenue, and adopt Resolution 9750.

**Background:** Prior to the adoption of the City’s annual budget the City is required to hold public hearings on 1) the intent to budget an increase in revenue from property taxation, and 2) the proposed annual budget.

Section 15-10-203, MCA, requires the City to hold a public hearing before passing a resolution stating its intent to increase property tax revenues. Section 15-10-420, MCA, authorizes a property tax increase of “one-half of the average rate of inflation for the prior 3 years.” The Consumer Price Index showed a 3.34% average increase as provided by the Montana Department of Administration. Therefore the City is allowed and is proposing a 1.67% property tax increase.

Sections 15-10-420 and 2-9-212(2)(a), MCA, also allow property tax levy increases for premium contributions for group benefits. The City is proposing an additional 2.16% property tax levy increase for health insurance premiums.

The total proposed allowable property tax levy increase is 3.83%.

The setting of the tax levies is scheduled for August 19, 2008 or when the Montana Department of Revenue has certified taxable values for the City of Great Falls.

**Concurrences:** The proposed Fiscal Year 2009 budget was presented by the City Manager on July 1, 2008 at the City Commission Work Session.

**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 fiscal impact of not authorizing the increase for inflation and the permissive mills to the General Fund would result in a revenue shortfall of \$371,337 for the proposed budget.

**Alternatives:** If the hearing on Intent to Increase Property Taxes is not held, the General Fund would need to determine alternative revenues of \$371,337 from non-property tax sources. Other options include reducing proposed expenditures by \$371,337 or use General Fund fund balance of \$371,337. These options are not recommended by staff. The General Fund fund balance is projected to be \$2.4 million (11% of expenditures) at the end of Fiscal Year 2009 without any additional use of General Fund fund balance. This is below the recommended policy of 17%.

**Attachments/Exhibits:** Notice – Intent to Increase Property Taxes  
Resolution 9750 – Intent to Increase Property Taxes

**NOTICE OF BUDGET INCREASE FROM PROPERTY TAXES**

The City of Great Falls intends to budget an increase in revenue from property taxation by approximately **3.83%**, as allowed by Section 15-10-420, MCA.

All concerned persons are invited and encouraged to attend a public hearing on budgeting the increased property tax revenue and on the budget as a whole to be held on July 15, 2008, at 7:00 p.m., City Commission Chambers, Civic Center Building.

A decision on budgeting the increased property tax revenue will be made after considering comments made at this hearing.

For further information, please contact: City Clerk's Office, Room 202, Civic Center, 455-8451.

Lisa Kunz  
City Clerk

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**FOR OFFICE USE ONLY**

Publication Dates: July 6, 2008  
July 13, 2008

**DISPLAY AD**

THIS ADVERTISEMENT MAY NOT BE PLACED IN THAT PORTION OF THE NEWSPAPER WHERE LEGAL NOTICES AND CLASSIFIED ADVERTISEMENTS APPEAR. (15-10-203, MCA)

**RESOLUTION NO. 9750**  
**RESOLUTION OF INTENT TO INCREASE PROPERTY TAX**  
**FOR THE FISCAL YEAR BEGINNING JULY 1, 2008 AND ENDING JUNE 30, 2009**

- WHEREAS**, Section 15-10-203(1), MCA, requires the City to hold a public hearing and subsequently adopt a resolution of its intent to increase property tax revenue, prior to budgeting for any increase in property tax revenue from existing property, and
- WHEREAS**, Section 15-10-420(1)(a), MCA, allows the City to increase its annual property tax levy by "one-half the rate of inflation for the prior 3 years" , and
- WHEREAS**, Section 15-10-420(1)(c), MCA, provides for the average rate of inflation to be calculated "using the consumer price index, U.S. City average, all urban consumers, using the 1982-1984 base of 100, as published by the Bureau of Labor Statistics of the United States Department of Labor", and
- WHEREAS**, the applicable consumer price indexes had a three year average of 3.34% and an allowed tax levy increase of **1.67%**,and
- WHEREAS**, Section 2-9-212(2)(a), MCA, excludes a portion of a governmental entity's property tax levy for premium contributions for group benefits from the mill levy calculation limitation provided for in Section 15-10-420,MCA, and
- WHEREAS**, Section 2-9-212(2)(a), MCA, allows additional mill levy's for premium contributions for group benefits beyond the amount of contributions in effect, and
- WHEREAS**, the applicable contributions increase allows the City to levy an additional 3 mills under Section 2-9-212(2)(a), MCA, an allowed tax levy increase of **2.16%**, and
- WHEREAS**, the notice of hearing on the City's intent to budget an increase in revenue from property taxation **by 3.83%**, was published in accordance with Section 7-1-4127, MCA, as required by Section 15-10-203, MCA, and Section 2-9-212, MCA, and
- WHEREAS**, the hearing on the City's intent to budget an increase in revenue from property taxation was held in accordance with Section 7-1-4131, MCA, and Section 15-10-203 MCA,

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

Section 1. - Intent to budget additional property tax revenue

The City Commission intends to budget the **3.83 percent** increase in property tax revenue allowed by Section 15-10-420, MCA.

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. 9750 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)



**Item:** Resolution 9751 – Annual Budget Resolution  
**From:** Gregory T. Doyon, City Manager  
**Initiated By:** Statutory Budget Requirements  
**Presented By:** Melissa Kinzler, Budget Officer  
**Action Requested:** Conduct Public Hearing and Adopt Resolution

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission adopt Resolution 9751.”

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

3. Commissioner moves:

“I move the City Commission schedule action on Resolution 9751 for August 5, 2008.”

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

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**Staff Recommendation:** Staff recommends the City Commission conduct the budget hearing, consider any budget changes which may be recommended during the budget hearing; and adopt Resolution 9751 or postpone action on Resolution 9751 until August 5, 2008.

**Background:** Prior to the adoption of the City’s annual budget the City is required to hold public hearings on 1) the intent to budget an increase in revenue from property taxation, and 2) the proposed annual budget.

The City started the Fiscal Year 2009 budget process with Initial Commission Budget Work Sessions on March 26 and March 27, 2008. These sessions allowed each department to present to the City Commission the top goals and challenges of each department. They also allowed the City Commission to set informal priorities for the Fiscal Year 2009 Budget. These sessions were open to the public.

The next step in the budget process was for each City department to develop their Fiscal Year 2009 Budgets. These requested budgets were presented to the City Manager on May 1 and May 2, 2008.

The third step in the budget process was for each Department to present the requested budgets to the City Commission on May 8 and 9, 2008. On May 12, the City Commission and City Manager meet to recap the Departments presentations, and to prioritize requested items. Direction from the City Commission was given to the City Manager on how to proceed with balancing the Fiscal Year 2009 General Fund Budget. These sessions were opened to the public.

The fourth step in the budget process, was to present the proposed Fiscal Year 2009 Budget to the City Commission at the July 1, 2008 City Commission Work Session. This session was opened to the public.

The setting of the tax levies is scheduled for August 19, 2008 or when the Montana Department of Revenue has certified taxable values for the City of Great Falls.

The Annual Budget Resolution, Resolution No. 9751 includes an adjustment to the amounts Designated for Cash Flow for tax levy supported funds. The adjustment moves the designation policy from 33% to 17%. The policy of 33% has been reviewed and deemed unnecessarily high due to changes in revenue streams in these tax levy supported funds. Staff recommends a new policy of 17% designation as being sufficient for cash flow purposes in the tax levy supported funds.

**Concurrences:** The proposed Fiscal Year 2009 budget was presented by the City Manager on July 1, 2008 at the City Commission Work Session.

**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 fiscal impact of not authorizing the increase for inflation and the permissive mills to the General Fund would result in a revenue shortfall of \$371,337 for the proposed budget.

**Alternatives:** If the Fiscal Year 2009 Budget Hearing is not held on July 15, 2008 it could be delayed until up to the September 16, 2008 City Commission Meeting. State law requires that the City adopt a Fiscal Year 2009 Budget on or before the 2<sup>nd</sup> Monday in August or 45 days after receiving taxable valuation from the Montana Department of Revenue.

If the hearing on Intent to Increase Property Taxes is not held, the General Fund would need to determine alternative revenues of \$371,337 from non-property tax sources. Other options include reducing proposed expenditures by \$371,337 or use General Fund fund balance of \$371,337. These options are not recommended by staff. The General Fund fund balance is projected to be \$2.4 million (11% of expenditures) at the end of Fiscal Year 2009 without any additional use of General Fund fund balance. This is below the recommended policy of 17%.

Attachments/Exhibits:

Legal Notice – Budget Hearing  
Resolution 9751 – Annual Budget Resolution



## NOTICE OF BUDGET HEARING

NOTICE is hereby given that the City Commission of the City of Great Falls has:

- completed its preliminary budget;
- placed the preliminary budget on file and open to public inspection at the City Clerk's Office, Room 202, Civic Center Building; and,
- set the public hearing on the City of Great Falls 2008 / 2009 Annual Operating Budget for 7 PM, Tuesday, July 15, 2008, at the City Commission Chambers, Civic Center Building.

All persons desiring to be heard are invited to appear and provide written or oral comments concerning the budget. For further information, please contact: City Clerk's Office, Room 202, Civic Center, 455-8451.

Lisa Kunz  
City Clerk

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### FOR OFFICE USE ONLY

Publication Dates: July 6, 2008  
July 13, 2008

**LEGAL AD**

**RESOLUTION NO. 9751**

**ANNUAL BUDGET RESOLUTION**

**A RESOLUTION RELATING TO FINAL BUDGETS AND ANNUAL  
APPROPRIATIONS FOR THE FISCAL YEAR  
BEGINNING JULY 1, 2008 AND ENDING JUNE 30, 2009**

**WHEREAS,** Montana Code Annotated (MCA), 7-6-4024, requires that the budget be approved and adopted by resolution by the later of the second Monday in August or within 45 calendar days of receiving certified taxable values from the Department of Revenue, and

**WHEREAS,** the notice of hearing on budget increase from property taxes was published in accordance with Section 15-10-203, MCA, and

**WHEREAS,** the notice of hearing on preliminary budget was published in accordance with Section 7-1-4127, MCA, as required by Section 7-6-4021, MCA, and

**WHEREAS,** the hearing on preliminary budget and budget increase from property taxes was held in accordance with Section 7-1-4131, MCA, and Section 7-6-4024 MCA, and,

**WHEREAS,** the Official City Code of the City of Great Falls, Title 2, Chapter 14, Sections 2.14.030 and 2.14.040 state the Municipal Court Judge and Municipal Court Clerk salaries shall be set by resolution, and,

**WHEREAS,** Resolution No. 8349 designated balances for cash flow purposes at 33% of annual appropriations for tax levy supported funds (General, Library, and Planning) and seasonal operations; and 17% for all other operating funds, and Section 7-6-4034, MCA, allows the amount of reserve not to exceed one-half of the total amount appropriated and authorized to be spent from the fund during the current year, and,

**WHEREAS,** Resolution No. 8349 set the policy of designated balances of cash flow purposes at 33% of annual appropriations for tax levy supported funds (General, Library, and Planning) and seasonal operations has been reviewed and deemed unnecessarily high due to changes in revenue streams in these tax levy supported funds and seasonal operations, and,

**WHEREAS,** the Government Finance Officers Association recommends an unreserved fund balance in the General Fund of “no less than five to 15 percent of regular general fund operating revenues, or of no less than one to two months of regular general fund operation expenditures”,

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

Section 1. - Legal Spending Limits

The legal spending limits of the City of Great Falls are established at the fund level. Appendix A establishes each fund's level. (7-6-4030, MCA)

Section 2. - Implementation Authority

- 2.1 The City Manager is hereby delegated appropriation authority for the expenditure of funds from any or all of the following:
- a. debt service funds;
  - b. trust funds;
  - c. federal, state, local or private grants accepted and approved by the governing body;
  - d. special assessments;
  - e. proceeds from the sale of land;
  - f. any fund for gifts or donations; and,
  - g. money borrowed during the fiscal year. (7-6-4006, MCA)
- 2.2 The City Manager is hereby delegated authority to adjust appropriations funded by fees throughout the fiscal year in any or all of the following:
- a. proprietary funds (enterprise and internal service funds);
  - b. general fund for fee supported services;
  - c. information technology fund for fee supported mapping services;
  - d. natural resources fund for fee supported forestry services;
  - e. permits fund; and,
  - f. licenses fund. (7-6-4012, MCA)
- 2.3 The authority to make transfers of appropriations between funds is retained by the City Commission.
- 2.4 The City Manager is hereby delegated the authority to make transfers or revisions within appropriations of any fund.
- 2.5 The City Manager may delegate to his department directors the authority to make transfers or revisions within or among appropriations of specific operations within a fund, limited to the division level of accountability.
- 2.6 Joint operating agreements approved by the governing body; insurance recoveries or dividends; hazardous material recoveries and, refunds or reimbursements of expenditures shall automatically amend the annual appropriations or reduce recorded expenditures whichever is correct in accordance with Generally Accepted Accounting Principles (GAAP).

### Section 3. - Appropriation Carryovers

Generally accepted accounting principles (GAAP) require expenditures to be recognized in the fiscal year in which the goods or services are received.

- 3.1 Previous fiscal year appropriations for incomplete improvements in progress of construction, or segments thereof, are hereby declared authorized appropriations in addition to the appropriations set out in Appendix A., provided they meet the following criteria:
  - a. related financing was provided in the prior fiscal year;
  - b. the appropriations were not obligated by year end;
  - c. the purpose was not included, or rejected, in current budget financing or appropriations; and,
  - d. the City Manager determines the appropriation is still needed.
  
- 3.2 Outstanding purchase orders and other obligations, representing a City obligation to pay the claim after receipt of the goods or services, are recognized as "claims incurred". They are hereby declared authorized "carryover" appropriations in addition to the appropriations set out in Appendix A., provided they meet the following criteria:
  - a. related financing was provided in the prior fiscal year;
  - b. the appropriations were not otherwise obligated by year end;
  - c. the purpose was not included, or rejected, in current budget financing or appropriations; and,
  - d. the City Manager determines the appropriation is still needed.

### Section 4. - Appropriated Reserves

Reserves which have been established for specific purposes, such as Equipment Revolving Scheduled (ERS) reserves, are hereby declared to be appropriations available for expenditure according to the reserve purpose. They shall be acknowledged as current appropriations upon the determination by the City Manager that they are currently needed to serve their intended purpose. Unexpended reserves shall be carried forward to meet future needs in accordance with their purpose.

### Section 5. Contingency Account

- 5.1 Contingency account appropriations are provided by the City Commission as flexible appropriations. They are intended to provide the City Manager with an effective management tool for adjusting to changing circumstances throughout the budgetary year.
  
- 5.2 The City Manager is delegated the authority to transfer part or all of any contingency appropriation and related financing. Use of contingency appropriations is restricted to transfers of that appropriation authority to specific operating budgets. Proper classification of expenditures to specific operations is required. Accordingly, charging of expenditures directly to Contingency accounts is prohibited.

- 5.3 The Contingency appropriation is a two part authorization, determined on whether cash funding has been allocated in the General Fund during budget development:
- a. General Fund financed; and,
  - b. Unfunded - a specific fund cash balance, additional revenue, or other funding source must be identified before the “unfunded” contingency appropriation may be used.

Section 6. - Classification and Pay Plan

- 6.1 The objective of the City’s Classification and Pay Plan is to enable the City to retain, and when necessary, recruit competent employees. Therefore, the Plan must be a dynamic tool which is continuously updated.
- 6.2 The City Manager is authorized to administratively change the Classification and Pay Plan. Annual pay surveys, continual or periodic review of positions with changed duties or responsibilities, and additions to the classification plan of changed and new classes of work will assure that the Classification and Pay Plan remains current and equitably meets the needs of the City and its employees.

Section 7. - Budgetary Authority

References to statutes, or to consistency with statutory authority, are for information purposes only. Nothing in this resolution shall be considered to mitigate or compromise the City’s self-governing authority.

Section 8. - Accounting Structure

Staff is hereby directed to establish and maintain City accounting structure in accordance with Generally Accepted Accounting Principles (GAAP). Statutes, ordinances, resolutions or other authoritative sources shall be implemented according to their intent and GAAP. Staff shall provide for conformance with the Commission's limits for financing and appropriation under authorized budgets whenever making proper modifications to accounting structure.

Section 9. – Municipal Court Judge and Municipal Court Clerk Salaries

The City Manager is authorized to administratively set the salaries of the Municipal Court Judge and Municipal Court Clerk using the following salary range:

Municipal Court Judge	\$54,777 to \$84,630
Municipal Court Clerk	\$32,773 to \$49,159

Section 10. – Designated for Cash Flow

As permitted by Section 7-6-4034, MCA, a balance Designated for Cash Flow shall be considered

adequate in tax levy supported funds (General, Library, and Planning) at 17% of annual appropriations. A balance Designated for Cash Flow for other operating funds of the City shall be considered adequate at 17% (2mo./12mo.) of annual appropriations for seasonal operations; and, 17% (2mo./12mo.) of annual appropriations for all other operating funds.

Such balances designated for cash flow shall be used to meet extended revenue cycles, meet short term economic difficulties, respond to unique opportunities, provide for one-time expenditures, and respond to emergency and disaster situations. The balances shall not be available to meet recurring operating expenses.

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. 9751 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)

# Appendix A. Balances & Changes by Fund for Year Ending June 30, 2009



	Estimated Beginning Balance	(+ Working Capital Sources			(-) Working Capital Uses			Estimated Ending Balance	Reserved Balance	Available Balance
		Revenue	Transfers In	Total Sources	Appropri.	Transfers Out	Total Uses			
<b>General Fund</b>	2,466,915	22,349,785	236,000	22,585,785	20,354,503	2,230,087	22,584,590	2,468,110	0	2,468,110
<b>Special Revenue Funds</b>										
Tax Increment Fund	173	473,066	0	473,066	83,304	389,935	473,239	0	0	0
Planning Fund	84,685	571,334	165,714	737,048	752,098	0	752,098	69,635	0	69,635
CTEP Projects Fund	95,045	0	0	0	6,681	0	6,681	88,364	0	88,364
Lighting Districts Fund	753,275	1,297,388	0	1,297,388	1,293,083	0	1,293,083	757,580	0	757,580
Historic Bridge Fund	(24,098)	0	0	0	0	0	0	(24,098)	0	(24,098)
Support & Innovation Fund	40,493	163,060	0	163,060	165,686	0	165,686	37,867	0	37,867
911 Special Revenue Fund	310,952	446,000	0	446,000	38,652	328,209	366,861	390,091	0	390,091
Police Special Revenue Fund	172,752	31,000	0	31,000	97,764	0	97,764	105,988	105,988	0
Fire Special Revenue Fund	49,604	6,500	0	6,500	437	0	437	55,667	0	55,667
Public Works Special Revenue Fund	49,378	1,500	0	1,500	273	0	273	50,605	0	50,605
Street District Fund	130,239	4,561,232	0	4,561,232	4,479,439	0	4,479,439	212,032	0	212,032
Library Fund	318,703	420,900	746,201	1,167,101	1,253,752	0	1,253,752	232,052	115,580	116,472
Library Foundation Fund	140,395	172,700	0	172,700	148,021	0	148,021	165,074	0	165,074
Park & Recreation Special Revenue Fund	477,702	106,400	0	106,400	160,252	74,805	235,057	349,045	317,944	31,101
River's Edge Trail Special Revenue Fund	17,182	750	0	750	19	0	19	17,913	0	17,913
Natural Resources Fund	76,134	347,425	277,406	624,831	629,579	0	629,579	71,386	0	71,386
Portage Meadows Fund	20,517	22,990	0	22,990	33,565	0	33,565	9,942	0	9,942
Housing Authority Fund	0	1,099,829	0	1,099,829	1,099,829	0	1,099,829	0	0	0
Federal Block Grants Fund	419,055	1,217,174	0	1,217,174	1,325,983	0	1,325,983	310,246	0	310,246
Federal Home Grant Fund	1,010	397,563	0	397,563	395,730	0	395,730	2,843	0	2,843
Community Development Fund	75,411	197,339	0	197,339	245,065	0	245,065	27,685	0	27,685
Economic Revolving Fund	1,661	71,976	160,000	231,976	57,304	0	57,304	176,333	117,782	58,551
Permits Fund	567,365	870,317	0	870,317	908,220	0	908,220	529,462	0	529,462
Licenses Fund	3,533	226,375	0	226,375	226,375	0	226,375	3,533	0	3,533
Ag Tech Park Fund	0	147,000	0	147,000	147,000	0	147,000	0	0	0
West Bank Urban Renewal	0	20,000	0	20,000	20,000	0	20,000	0	0	0
<b>Total Special Revenue Funds</b>	<b>3,784,241</b>	<b>12,869,818</b>	<b>1,349,321</b>	<b>14,219,139</b>	<b>13,568,111</b>	<b>792,949</b>	<b>14,361,060</b>	<b>3,642,320</b>	<b>657,294</b>	<b>2,985,026</b>
<b>Debt Service Funds</b>										
Master Debt SILD	2,293	9,873	0	9,873	8,453	0	8,453	3,713	0	3,713
Improvement Districts Revolving Fund	389,000	176,832	0	176,832	94,668	0	94,668	471,164	471,164	0
Soccer Park Bonds	163,501	166,800	0	166,800	193,234	0	193,234	137,067	0	137,067
Swim Pool Rehab GO Bond	6,325	280,000	0	280,000	279,600	0	279,600	6,725	0	6,725
Tax Increment Bond Fund	3,009,354	2,352,000	0	2,352,000	2,512,948	236,000	2,748,948	2,612,406	2,612,406	0
<b>Total Debt Service Funds</b>	<b>3,570,473</b>	<b>2,985,505</b>	<b>0</b>	<b>2,985,505</b>	<b>3,088,903</b>	<b>236,000</b>	<b>3,324,903</b>	<b>3,231,075</b>	<b>3,083,570</b>	<b>147,505</b>
<b>Capital Project Funds</b>										
General Capital Fund	201,833	10,000	136,805	146,805	146,202	0	146,202	202,436	202,436	0
City Lighting Construction	2,810	0	0	0	0	0	0	2,810	0	2,810
Improvement District Projects Fund	4,246	0	0	0	0	0	0	4,246	0	4,246
Hazard Removal Fund	104,760	50,000	0	50,000	51,637	0	51,637	103,123	0	103,123
Sidewalk Hazard Removal Fund	0	0	0	0	0	0	0	0	0	0
<b>Total Capital Project Funds</b>	<b>313,649</b>	<b>60,000</b>	<b>136,805</b>	<b>196,805</b>	<b>197,839</b>	<b>0</b>	<b>197,839</b>	<b>312,615</b>	<b>202,436</b>	<b>110,179</b>



# Appendix A. Balances & Changes by Fund for Year Ending June 30, 2009



	Estimated Beginning Balance	(+ Working Capital Sources			(-) Working Capital Uses			Estimated Ending Balance	Reserved Balance	Available Balance
		Revenue	Transfers In	Total Sources	Appropri.	Transfers Out	Total Uses			
<b>Enterprise Funds</b>										
Water Fund	4,057,837	8,109,766	0	8,109,766	9,264,271	0	9,264,271	2,903,332	2,877,136	26,196
Sewer Fund	5,184,123	10,579,893	0	10,579,893	9,960,871	0	9,960,871	5,803,145	4,246,819	1,556,326
Storm Drain Fund	4,224,431	1,852,800	0	1,852,800	3,601,409	0	3,601,409	2,475,822	957,978	1,517,844
Sanitation Fund	185,696	3,215,421	0	3,215,421	3,364,044	0	3,364,044	37,073	0	37,073
Electric Utility Fund	(1,750,926)	9,513,212	0	9,513,212	9,735,843	0	9,735,843	(1,973,557)	100,000	(2,073,557)
Safety Services Fund	130,608	1,074,507	317,119	1,391,626	1,414,674	0	1,414,674	107,560	0	107,560
Parking Fund	214,907	548,950	0	548,950	817,900	0	817,900	(54,043)	64,266	(118,309)
Golf Courses Fund	(629,076)	1,323,180	81,521	1,404,701	1,404,701	0	1,404,701	(629,076)	237,717	(866,793)
Swim Pools Fund	46,745	420,830	564,455	985,285	984,558	0	984,558	47,472	0	47,472
Recreation Fund	139,227	253,425	153,371	406,796	401,126	4,600	405,726	140,297	18,795	121,502
Multi-Sports Fund	6	136,400	21,038	157,438	157,432	0	157,432	12	0	12
Civic Center Events Fund	131,684	452,041	214,727	666,768	773,768	0	773,768	24,684	0	24,684
<b>Total Enterprise Funds</b>	<b>11,935,262</b>	<b>37,480,425</b>	<b>1,352,231</b>	<b>38,832,656</b>	<b>41,880,597</b>	<b>4,600</b>	<b>41,885,197</b>	<b>8,882,721</b>	<b>8,502,711</b>	<b>380,010</b>
<b>Internal Service Funds</b>										
Administrative Services Fund	(16,493)	316,786	0	316,786	313,575	0	313,575	(13,282)	0	(13,282)
Central Communications Fund	38,671	81,776	0	81,776	85,916	0	85,916	34,531	0	34,531
Health and Benefits Fund	(105,643)	5,512,967	0	5,512,967	5,512,967	0	5,512,967	(105,643)	0	(105,643)
Insurance & Safety Fund	81,164	1,326,793	0	1,326,793	1,326,329	0	1,326,329	81,628	0	81,628
Fiscal Services Fund	100,431	1,758,025	0	1,758,025	1,731,035	0	1,731,035	127,421	0	127,421
Information Tech Fund	185,334	1,233,523	22,180	1,255,703	1,172,931	0	1,172,931	268,106	279,809	(11,703)
Central Garage Fund	1,384,258	1,752,356	0	1,752,356	1,888,674	0	1,888,674	1,247,940	976,176	271,764
Engineering Fund	339,596	1,014,562	167,099	1,181,661	1,211,956	0	1,211,956	309,301	124,934	184,367
Public Works Administration Fund	133,444	407,400	0	407,400	444,102	0	444,102	96,742	6,000	90,742
Civic Center Facility Services Fund	74,320	468,518	0	468,518	484,093	0	484,093	58,745	37,116	21,629
<b>Total Internal Service Funds</b>	<b>2,215,082</b>	<b>13,872,706</b>	<b>189,279</b>	<b>14,061,985</b>	<b>14,171,578</b>	<b>0</b>	<b>14,171,578</b>	<b>2,105,489</b>	<b>1,424,035</b>	<b>681,454</b>
<b>Trust &amp; Agency Funds</b>										
Trust & Agency Funds Trust & Agency Fund transactions are made in accordance with specific trust or agency agreements, covenants or other regulations. Accordingly, annual budgets are not prepared.	0		0	0		0	0	0	0	0
<b>Total Trust &amp; Agency Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total All Budgeted Funds</b>	<b>24,285,622</b>	<b>89,618,239</b>	<b>3,263,636</b>	<b>92,881,875</b>	<b>93,261,531</b>	<b>3,263,636</b>	<b>96,525,167</b>	<b>20,642,330</b>	<b>13,870,046</b>	<b>6,772,284</b>



**Item:** Review and possible action on prior reduction of 1889 Water Right (41QJ123410)

**From:** Gregory T. Doyon – City Manager

**Initiated By:** Gregory T. Doyon – City Manager

**Presented By:** Gregory T. Doyon – City Manager

**Action Requested:** Commission requested item be placed on agenda for discussion and possible action.

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**Optional Motions:**

1. Commissioner moves:

“I move that the City Commission request an extension from the Montana Department of Natural Resources and Conservation in order to evaluate its 1889 water right (41QJ 123410) volume reduction amendment”

**OR**

“I move that the City Commission direct the City Manager to file an objection, to its own previously filed amended 1889 water right (41QJ 123410), with the Montana Department of Natural Resources and Conservation.”

**OR**

“I move that the City Commission accept the 1889 water right (41QJ 123410) volume reduction amendments as previously submitted to the Montana Department of Natural Resources and Conservation and currently on record with the Montana Department of Natural Resources and Conservation.”

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

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**Staff Recommendation:** At the Tuesday, July 15, 2008, work session, the Commission consulted with David Schmidt of Water Rights Solutions and Attorney Harley Harris regarding recent amendments to the City’s 1889 water right (41QJ 123410), recommendations to modify other existing water rights, and other long term strategic water reservation needs for the City.

The immediate action required by the Commission is to determine whether it wants to request an extension of time to review the recently modified 1889 water right as submitted to the Montana Department of Natural Resources and Conservation, and/or file an objection to the previously submitted amendments, or take action to accept the amendments as currently on file.

In order to file an objection, the City may also be required to provide a proposed volume amendment, which is based on verifiable historical usage prior to July 1973. In determining that proposed volume, the Commission will need to rely on the counsel of its water rights attorney, consultants, city staff, and the community (both residential and commercial) to assess a strategy that will yield the best long term benefit to the City.

**Background:** The City Commission was presented with reports from Water Rights Solutions, Inc., on November 19, 2002, July 20, 2004, and January 8, 2008, regarding their review and finding of the City's water reservations and offering recommendations.

MCA 85-2-227 details the law associated with the adjudication processes [http://data.opi.mt.gov/bills/mca\\_toc/85.htm](http://data.opi.mt.gov/bills/mca_toc/85.htm). Online information about the process and the City's water rights of record can be found at the DNRC website: [http://dnrc.mt.gov/wrd/water\\_rts/default.asp](http://dnrc.mt.gov/wrd/water_rts/default.asp).



**Item:** Ordinance 3011 to rezone Lot 1, Block 1, Benefis West Minor Subdivision

**From:** Bill Walters, Senior Planner

**Initiated By:** TARA, LLC, and Benefis Healthcare System

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

**Action Requested:** City Commission accept Ordinance 3011 on first reading and set a public hearing for August 5, 2008.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission (accept/deny) Ordinance 3011 on first reading and set a public hearing for August 5, 2008.”

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

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**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 rezone Lot 1, Block 1, Benefis West Minor Subdivision, from PLI Public lands and institutional district to R-5 Multi-family residential medium density district.

**Background:** TARA, LLC, is in the process of purchasing subject Lot 1 from Benefis Healthcare System and intends to construct twelve residential condominium units on the site. TARA, LLC, has prepared the attached preliminary site plan generally showing how the site is proposed to be developed. Access to the development will be provided through a private driveway at the rear of the site which will run between 4<sup>th</sup> Street South and Benefis Court. No direct access to 17<sup>th</sup> Avenue South is proposed. City water mains are located in the abutting portions of 17<sup>th</sup> Avenue South, 4<sup>th</sup> Street South and Benefis Court. A City sanitary sewer main is located in the abutting portion of 17<sup>th</sup> Avenue South.

The Land Development Code allows a maximum density of one dwelling unit per 1875 sq ft of lot area in a R-5 zoning district. Dividing the area of Lot 1 (56,323 sq ft) by 1875 sq ft yields a maximum of 30 allowed dwelling units.

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

- a) is designed in accordance with the comprehensive plan;
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;
- e) will provide adequate light and air;
- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;
- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;
- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

Subject Lot 1 is bordered on the north and east sides by parking lots serving medical related facilities, on the south by a daycare and a physician's office and on the west side by a single family dwelling unit. Numerous residential condominium/townhouse projects exist in the vicinity including Lamplighter Lane and Baron Arms.

Two primary goals of the land use element of the City of Great Falls Growth Policy are:

- ◆ To support and encourage efficient, sustainable development and redevelopment throughout the community.
- ◆ To preserve and enhance the character, quality, and livability of existing neighborhoods.

A goal of the housing element of the Growth Policy is to provide a diverse supply of safe and affordable housing for residents of all ages, needs, and income levels.

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

In addition, the condominium project will be subject to the review and approval of the City's Design Review Board, which considers such features as building architecture, exterior materials, colors, façade design and elevations, outdoor lighting and landscaping.

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

The involved property appears to be ideally suited for the proposed condominium project. It is close to numerous services, the proposed site plan adapts to the elongated configuration and topography of Lot 1, and public infrastructure exists to provide all required services.

The only citizens who spoke during the Public Hearing before the Zoning Commission on June 24 were Mr. Ralph Randonon representing the applicant and Mr. Richard Glover of 275 17<sup>th</sup>

Avenue South who asked if the applicant could increase the density beyond the 12 proposed residential units and what the estimated value of the proposed units would be. Based upon the area of the parcel and the maximum density allowed in the R-5 zoning district, a maximum of 30 units could be placed on the property. However, considering the configuration and topography of the parcel, it would be very difficult to provide the required parking for such density. Mr. Rando estimated the value of the units between \$225,000 and \$250,000.

**Concurrences:** Other City Departments including Public Works, Community Development and Fire have been consulted regarding the rezoning. Public Works has provided a Memorandum listing items that will need to be further addressed when more detailed information is available when building permits for the project are sought.

**Fiscal Impact:** Approval of the rezoning will allow development of a residential condominium project which will enhance the tax base but should not result in any fiscal impact to the City.

**Alternatives:** The City Commission could deny acceptance of Ordinance 3011 on first reading and not set the public hearing. However, such action would deny the applicants due process and consideration of a public hearing, as provided for in City Code and State Statute.

**Attachments/Exhibits:**

Ordinance 3011  
Vicinity/Zoning Map  
Preliminary Site Plan

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Mike Rattray, Community Development Director  
TARA, LLC, 3000 Lower River Road #1, Great Falls, 59405  
Benefis Healthcare System, Attn: Wayne Dunn, 1101 26<sup>th</sup> Street South, 59405

ORDINANCE 3011

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION ON LOT 1, BLOCK 1, BENEFIS WEST MINOR SUBDIVISION, CASCADE COUNTY, MONTANA, ADDRESSED AS 400 17<sup>TH</sup> AVENUE SOUTH, FROM PLI PUBLIC LANDS AND INSTITUTIONAL DISTRICT TO R-5 MULTI-FAMILY RESIDENTIAL MEDIUM DENSITY DISTRICT

\* \* \* \* \*

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

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

WHEREAS, said Ordinance 2923 has placed the following described property situated in the City of Great Falls, Cascade County, Montana, in a PLI PUBLIC LANDS AND INSTITUTIONAL DISTRICT, as defined therein:

Lot 1, Block 1, Benefis West Minor Subdivision & Amended Plat of St. Peregrine Addition to Great Falls, Cascade County, Montana, addressed as 400 17th Avenue South.

WHEREAS, notice of rezoning the above-mentioned property from the existing PLI PUBLIC LANDS AND INSTITUTIONAL DISTRICT to a R-5 MULTI-FAMILY RESIDENTIAL MEDIUM DENSITY DISTRICT was published in the Great Falls Tribune, advising that a public hearing on this proposed change in zoning would be held on the 5th day of August, 2008, before final passage of said Ordinance herein; and,

WHEREAS, pursuant to said Ordinance 2923, a hearing was duly held after notice thereof was first duly given according to said Ordinance 2923, for the purpose of considering changing said zoning designation on said property to a R-5 MULTI-FAMILY RESIDENTIAL MEDIUM DENSITY DISTRICT; and,

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

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

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

Section 2. That the zoning designation on the property hereinabove described be changed from a PLI PUBLIC LANDS AND INSTITUTIONAL DISTRICT to a R-5 MULTI-FAMILY RESIDENTIAL MEDIUM DENSITY DISTRICT.

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

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

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 5th day of August, 2008.

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Dona R. Stebbins, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

---

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 3011 was placed on its final passage and passed by the City Commission of the City of Great Falls, Montana at a meeting thereof held on the 5th day of August, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 5th day of August, 2008.

---

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

Lisa Kunz, being first duly sworn, deposes and says: That on the 5th day of August, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3011 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

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

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Lisa Kunz, City Clerk

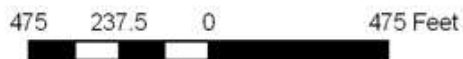
(SEAL OF CITY)



# VICINITY/ZONING MAP



- LOT 1, BLOCK 1, BENEFIS WEST MINOR SUBDIVISION PROPOSED TO BE REZONED FROM PLI PUBLIC LANDS AND INSTITUTIONAL TO R-5 MULTI-FAMILY RESIDENTIAL MEDIUM DENSITY DISTRICT**
- City Limits
  - R-6 Multi-family high density
  - PLI Public Lands and Institutional
  - R-2 Single-family medium density
  - R-10 Mobile home park
  - POS Parks and Open Space
  - R-3 Single-family high density
  - C-2 General commercial
  - Tracts of land outside City
  - R-5 Multi-family medium density
  - M-1 Mixed-use district

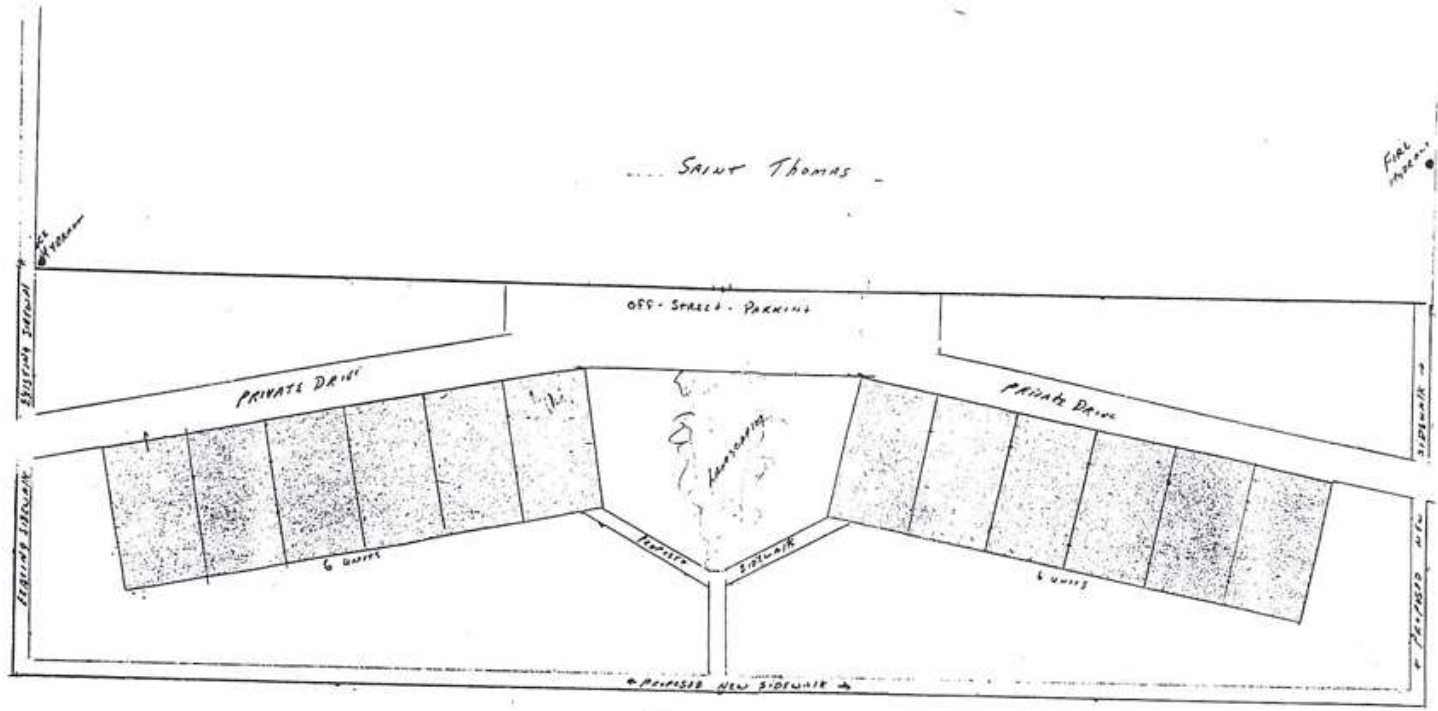


PRELIMINARY Site Plan

SAINT THOMAS

Fire Hydrant

North Court  
N



4th Street South

17th Avenue South

Fire Hydrant



Fire Hydrant

1" = 25'  
APPROXIMATE

Beulah West

"The Falls"  
TARD, LLC

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, Planning and Public Works, Deputy Director of Park and Recreation, Assistant Director of Fiscal Services, the Police Chief, Fire Chief, and the City Clerk.

**PRESENTATION:** Distinguished Budget and CAFR Awards were presented to Melissa Kinzler on behalf of the City of Great Falls Fiscal Services Department.

**PROCLAMATION:** Bluegrass on the Bay Week in Great Falls

**NEIGHBORHOOD COUNCILS**

- NC 7.**                   **1A. Aaron Weissman**, Chair NC 7, thanked the City for the left turn bay at 6<sup>th</sup> Avenue South and 9<sup>th</sup> Street, and he requested additional patrols at night in the alleys behind Central Avenue.
- NC 4.**                   **1B. Sandra Guynn**, Chair NC 4, reported that Commissioners Bronson and Jolly and Officer Noah Scott attended a recent NC meeting and explained the amended disorderly premises ordinance. After listening to all the speakers, no one spoke in opposition to the amended ordinance. Noah Scott also explained the zero tolerance policy regarding fireworks. Up to that date, no one in the neighborhood complained about firework noise. Ms. Guynn thanked the City for the traffic study on 10<sup>th</sup> Avenue North. NC 4 would like to see that road annexed. Ms. Guynn also reported that the County informed her that the Conservation Corps is supposed to be cleaning up the private property east of Bundi Gardens. She inquired who would respond if there was a fire. Fire Chief McCamley responded that he would meet with her for a more specific location. Ms. Guynn reported that the Home Place is not in compliance with County ordinances and had spoke with County Attorney Steve Bolstad. She learned that the property owner also owns property south of 5100 9<sup>th</sup> Avenue South. NC 4 is concerned this property will become another Home Place situation. She thanked Pat Halcro for a map he created for the council that set forth the city/county boundaries.

**PUBLIC HEARINGS**

**Ord. 3009, Disorderly Premises. Amended Ordinance 3009 and reset the second reading and public hearing for July 15, 2008.**

**2. ORDINANCE 3009, DISORDERLY PREMISES.**

City Manager Gregory T. Doyon reported that there are two, and possibly three, proposed amendments to this ordinance. The first amendment adjusts the ordinance so that the premises becomes disorderly after the fifth call in a 30 day period. That mechanism allows the City to properly notify the owner after the third incident and gives them time to remedy and take care of issues on the property. The second adjustment is in regard to the actual penalties. The recommendation is that the criminal aspect be removed and that it would be a civil fine in penalty only. The third item is in regard to domestic violence calls. Mr. Doyon offered the amendment be included under 8.48.020 definitions, wherein police calls determined to be the result of a domestic violence incident shall be excluded from the provisions of this ordinance.

Mayor Stebbins asked if the Commissioners had any questions or if City Attorney Dave Gliko had any comments.

City Attorney Dave Gliko responded that he had no objection to what Mr. Doyon suggested regarding the domestic violence language change.

Commissioner Jolley inquired about the notification requirements. Mr. Gliko read the notice provisions and explained the requirements.

**Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission amend Ordinance 3009 to require a warning notice after a premises has been visited three times within 30 days by the police and, after five such visits within 30 days, the premises may then be designated a disorderly premises. Further, to amend Ordinance 3009 to provide the exclusion for domestic violence in Section 8.48.020 as discussed by the City Manager and, finally, to provide for a fine as a penalty for violating the ordinance with no incarceration.**

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

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

**Aaron Weissman**, Chair NC 7, 315 4<sup>th</sup> Avenue North, thanked City staff for this ordinance that addresses crime problems. Mr. Weissman commented that the amendments make the ordinance better, but changing it to five visits in 30 days doesn't address the realtors' or neighbors' problems. He believes 30 days is too short a time frame.

**Jim Dea**, Co-Chair of Political Affairs Committee for the Great Falls Association of Realtors, submitted proposed amendments for the record on behalf of Rhonda Wiggers.

**Raye Lind**, Upscale Properties Management, 1125 2<sup>nd</sup> Avenue North, Suite 9, commented that she is concerned about notification to owners who live in Canada or out of state. She explained that, when she was considering taking over an apartment complex, she called the Police Department for general information about complaints at the property and was told she could not be told anything because it was a privacy violation. Before the owner is fined, she is concerned about getting notice to the property manager. Mayor Stebbins responded that one of the provisions of the ordinance is to notify the owner, owner's agent or person responsible for the premises which would be the property manager. Ms. Lind inquired how the City would find out who the property manager was. Mr. Doyon responded there are various ways of finding out a property owner utilizing existing information. If the property owner resides out of country the City will exercise discretion in tracking down that person and understands the process in terms of compliance. There are a multitude of ways to find out the responsible party.

**Gary Hackett**, 3912 18<sup>th</sup> Avenue South, landlord of three properties that include 24 apartments in those three locations. One apartment is the Hastings Apartment on Central Avenue. He would like to see additional police officers in the area. Mr. Hackett has concerns about the penalty of the ordinance and believes the fines should go to the tenants. He agrees with the provision of notifying the landlord. He provided an example about a tenant selling drugs. From the time the landlord starts seeing problems with the tenant and the time it takes to get them out, the landlord will get a fine even working at the fastest rate possible. Mr. Hackett suggested changing the Montana Landlord Act.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue N.E., commented that the ordinance, as amended, still does not address sound emanating from within a structure that is audible outside a building. He believes there is a problem with the wording that says "dispatched to said premises" and "after three visits." To him, those are two different things. Mr. Gessaman inquired if a database would be created for the dispatches and visits and, if so, who would have access.

Mr. Doyon responded to concerns regarding not allowing for due process. There is a process for notification, and a process for which the City will meet with the property owner to discuss what is going on at the property that provides an opportunity for the property owner to take action prior to the City even seeking the fines. Even if it is a totally non-compliant situation and meets the threshold of disorderly, there is due process associated with being summoned to Court to make one's case in a court of competent jurisdiction. This ordinance does not dismiss any potential criminal charges or issues that an officer may find when they go to a property. The officer uses his discretion at the time of the incident whether or not to cite somebody. The ordinance will take some time to get up and running to get the officers and dispatchers properly trained. The police officers will keep a separate log. Someone in the administration at the Police Department will review the log on a regular basis to see if the incidents meet the criteria and threshold, and then the City will send out a letter. It is not the spirit of the ordinance to seek a civil fine against

someone that is actually cooperating with the City.

**John Hubbard**, 615 7<sup>th</sup> Avenue South, commented that this ordinance is double jeopardy fining the tenant and the property owner. The City is making a policeman out of the landlord.

Mayor Stebbins closed the comment period and asked for the direction of the City Commission.

Motion carried 5-0.

**Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission reschedule the second reading on Ordinance 3009 and the public hearing thereon for July 15, 2008.**

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

Motion carried 5-0.

**Approved Amended Plat of Lots 1-5, Block 1, Taylor Addition, and Lot 1A, Block 1, 3<sup>rd</sup> Supplement to Rice Tracts and Accompanying Findings of Fact, and Adopted Ordinance 3008.**

**3. AMENDED PLAT AND ORDINANCE 3008, REZONES A 40' WIDE STRIP OF LAND BEING ADDED TO THE REAR OF LOTS 1-5, BLOCK 1, TAYLOR ADDITION.**

Planning Director Ben Rangel reported that Taylor Land Partnership LLP and 5 lot owners have submitted an amended plat and rezoning request. Their interest is to add a 40 foot wide strip of land to the rear of 5 residential lots in Taylor Addition. The additional strip of land will serve as a private access easement to the rear of the lots. The lots are located in Southeast Great Falls along 13<sup>th</sup> Avenue South, between 39<sup>th</sup> and 43<sup>rd</sup> Streets.

On June 3, 2008, the City Commission set a public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission approve the Amended Plat and Findings of Fact and to adopt Ordinance 3008, which would rezone the 40 foot wide strip of land from C-2 General commercial to R-2 Single-family residential zoning.

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

**Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission approve the Amended Plat of Lots 1-5, Block 1, Taylor Addition, and Lot 1A, Block 1, 3<sup>rd</sup> Supplement to Rice Tracts and accompanying Findings of Fact.**

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to the Amended Plat and Ordinance 3008.

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

Motion carried 5-0.

**Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3008.**

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

Motion carried 5-0.

**Sale of City Property, Lot 3F of Amended Plat of Lot 3, Medical Tech Park. Approved.**

**4. SALE OF CITY PROPERTY, LOT 3F OF AMENDED PLAT OF LOT 3, MEDICAL TECH PARK.**

Community Development Director Mike Rattray reported that on June 4, 2008, City staff conducted a bid opening for the sale of Lot 3F of Medical Tech Park. One bid was received from SBC Archway in the amount of \$242,615. That equates to \$4.25 per square foot and is the appraised value of the land. Staff recommends approval of the sale.

**Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission approve the sale of Lot 3F of Amended Plat of Lot 3, Medical Tech Park to SBC Archway IV, LLC, in the amount of \$242,615.**

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to the sale of City property, Lot 3F of Amended Plat of Lot 3, Medical Tech Park.

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

Motion carried 5-0.

**Res. 9754, Adopted.**

**5. RESOLUTION 9754, COST RECOVERY, 209 2<sup>ND</sup> AVENUE NORTH.**

Community Development Director Mike Rattray reported that approval of Resolution 9754 will place a lien in the amount of \$28,700 on the property located at 209 2<sup>nd</sup> Avenue North as a result of a condemnation action taken by the City building official.

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9754.**

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9754.

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

Commissioner Bronson asked Mr. Rattray why Shumaker Trucking's permit was revoked. Mr. Rattray answered that the owner authorized Shumaker Trucking and Excavating to do the demolition work on their behalf. Shumaker obtained a permit, but then the owner would never authorize them to proceed with the demolition. After an extended period of time, City staff had to take over the project.

Motion carried 5-0.

### **OLD BUSINESS**

### **NEW BUSINESS**

### **ORDINANCES/RESOLUTIONS**

**Res. 9756 and 9757 and Ord. 3010, intents to annex and zoning for unincorporated portion of two utility corridors in Henderson Heights and North Riverview Terrace and utility corridor adjacent to Sacajawea School and Park. Adopted Res. 9756 and 9757 and Accepted Ord. 3010 on first reading and set public hearing for August 5, 2008.**

**6A. RESOLUTION 9756, INTENT TO ANNEX 92 SEPARATE PARCELS OF LAND COMPRISING THE UNINCORPORATED PORTION OF TWO UTILITY CORRIDORS.**

**6B. RESOLUTION 9757, INTENT TO ANNEX A PARCEL OF GOVERNMENTAL LAND WITHIN THE UNINCORPORATED UTILITY CORRIDOR ADJACENT TO SACAJAWEA SCHOOL AND SACAJAWEA PARK.**

**6C. ORDINANCE 3010, ASSIGNS CITY ZONING 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 within Henderson Heights and North Riverview Terrace Additions that 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. It has been City Commission interest, for some time, to annex these types of unincorporated enclaves into the City.

Resolution 9756 is a resolution of intention that sets the public hearing for August 5, 2008, to consider annexation of 92 separate parcels of land comprising the unincorporated portion of two utility corridors.

Resolution 9757 is a resolution of intention that sets the public hearing for August 5, 2008, to consider annexation of a parcel of governmental land within the unincorporated utility corridor adjacent to Sacajawea School and Sacajawea Park.



Ordinance 3010 is provided for first reading and for setting public hearing for August 5, 2008, to consider the assignment of City zoning on the referenced corridors.

Commissioner Bronson recused himself from discussions or voting on matters pertaining to Resolution 9756 and Ordinance 3010 for the reason that he owns one of the 92 affected parcels.

**Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9756 showing intent 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 or comments from the public. No one responded.

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

**Commissioner Jolley moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9757 showing intent 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 or comments from the public. No one responded.

Motion carried 5-0.

**Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission accept Ordinance 3010 on first reading and set a public hearing for August 5, 2008, to consider adoption of Ordinance 3010.**

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

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

**Consent Agenda.  
Approved as presented.**

**CONSENT AGENDA**

7. Minutes, June 17, 2008, Commission meeting.
8. Total expenditures of \$2,717,957 for the period of June 10 - 24, 2008, to include claims over \$5,000, in the amount of \$2,363,176.
9. Contracts list.
10. Lien Release list.
11. Set public hearing for July 15, 2008, on Resolution 9750, Intent to Increase Property Tax, and Resolution 9751, Annual Budget Resolution.
12. Approve Amendment No. 1 to the Standard Agreement for Professional Services with Morrison-Maierle, Inc. for Great Falls North Sanitary

Sewer and Storm Drainage Master Plan.

13. Approve increase of current loan limits on Deferred Payment Loan and Rental Improvement Loan Programs.

**Commissioner Jolley moved, seconded by Commissioner Beecher, with the exception of Item 8, to approve the Consent Agenda as presented.**

Motion carried 5-0.

With regard to Item 8, Commissioner Jolley opposes the monthly payment to SME.

**Commissioner Beecher moved, seconded by Commissioner Rosenbaum, to approve Item 8 as presented.**

Motion carried 4-1 (Commissioner Jolley dissenting.)

#### **BOARDS & COMMISSIONS**

**Amended Plat, Findings of Fact and Agreement, all related to Lot 4A, Block 1, Benefis West Minor Subdivision, Findings of Fact and Agreement. Approved.**

14. **AMENDED PLAT, FINDINGS OF FACT AND AGREEMENT, ALL RELATED TO LOT 4A, BLOCK 1, BENEFIS WEST MINOR SUBDIVISION, FINDINGS OF FACT AND AGREEMENT.**

Planning Director Ben Rangel reported that Cascade County has submitted an application to subdivide a three acre lot into two parcels. The lot is located in South Great Falls near the intersection of 17<sup>th</sup> Avenue South and Benefis Court. Aging Services of Cascade County proposes to build a six bay bus barn and offices on one of the parcels.

Mr. Rangel requested the Commission approve the Amended Plat, Findings of Fact and Agreement.

The Planning Board unanimously recommends Commission approval.

**Commissioner Beecher moved, seconded by Commissioner Rosenbaum, to approve the Amended Plat of Lot 4A, Block 1, Benefis West Minor Subdivision, Findings of Fact and Agreement.**

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

Mayor Stebbins asked if there were any inquiries from the public. No one responded.

Motion carried 5-0.

**Mary Brinkley appointed and Bunny Albers reappointed to the Library Board.**

**15. APPOINTMENTS, LIBRARY BOARD.**

**Commissioner Bronson moved, seconded by Commissioner Rosenbaum, to appoint Mary Brinkley to the Library Board to fill the remainder of a five-year term through June 30, 2012, and reappoint Bunny Albers to a five-year term through June 30, 2013.**

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

Motion carried 5-0.

**Bob Milford appointed to the Historic Preservation Advisory Commission.**

**16. APPOINTMENT, HISTORIC PRESERVATION ADVISORY COMMISSION.**

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

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

Motion carried 5-0.

**Christina Barksy appointed to the Advisory Commission on International Relationships.**

**17. APPOINTMENT, ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.**

**Commissioner Jolley moved, seconded by Commissioner Beecher, to appoint Christina Barksy to the Advisory Commission on International Relationships for a three-year term through March 31, 2011.**

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

Motion carried 5-0.

**Michelle Wood appointed to the Mansfield Center for the Performing Arts Advisory Board.**

**18. APPOINTMENT, MANSFIELD CENTER FOR THE PERFORMING ARTS ADVISORY BOARD.**

**Commissioner Jolley moved, seconded by Commissioner Beecher, to appoint Michelle Wood to the Mansfield Center for the Performing Arts Advisory Board to fill the remainder of a three-year term through December 31, 2010.**

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

Motion carried 5-0.

**John Chase reappointed to the Cascade County Conservation District Board of Supervisors.**

**19. REAPPOINTMENT, CASCADE COUNTY CONSERVATION DISTRICT BOARD OF SUPERVISORS.**

**Commissioner Bronson moved, seconded by Commissioner Rosenbaum, to reappoint John Chase to a three-year term through December 31, 2010, to the Cascade County Conservation District Board of Supervisors.**

Mayor Stebbins asked if there was any discussion amongst the Commissioners or any inquiries from the public. **Richard Liebert**, 289 Boston Coulee Road, highly endorsed John Chase. He also asked the Commission to appoint more people to the Cable 7 Board in the future.

Motion carried 5-0.

**20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**CITY MANAGER**

**21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Gregory T. Doyon commented that, at the next ribbon cutting at a pool, he will wear shorts so he can be thrown in, and that it was nice to see everyone having a good time. He reminded everyone about a FEMA meeting scheduled July 2, 2008, from 11:00-1:00 regarding a discussion on the levies west of town. Patty Rearden reminded everyone that Saturday, July 12, the City will host the fifth annual RiverFest. She provided an overview of all the events. It is free to the public with the exception of food and beverages.

Mayor Stebbins commended City staff for planning RiverFest and reminded everyone to keep hydrated.

**PETITIONS AND COMMUNICATIONS**

**22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

**ECP.**

**22A. Larry Rezendes**, 2208 1<sup>st</sup> Avenue North, read his comments regarding ECP financials and violation of Ordinance 2925. He asked why the City Manager, City Commission and Mayor have not released for publication by the Great Falls Tribune information relating to the losses by ECP. He further asked if they requested a calculation by City finance staff of accumulative ECP losses, monthly financial statements to maintain awareness of the losses being sustained by the taxpayers as a result of the continued operation of this program, and forecasted financial results for the coming fiscal year. He would appreciate a response to his questions.

**SME, ECP Financials.**

**22B. Ed McKnight**, 906 3<sup>rd</sup> Avenue North, referred to a map provided by Tim Gregori at the last ECP meeting. Mr. McKnight received a report from the WECC that breaks the regions into sub-regions. The Northwest region, which includes Montana, has ample reserves of electricity, and that the shortages in the south are not due to generation and capacity coming from the north. The shortages in the south are due to transmission constraints. The actual report from WECC says there are plenty of reserves past the year 2016. Mr. McKnight reviewed prior requests for an accounting of ECP financials and stated that he hasn't received a response. Mr. McKnight requested an update and requested the audited financial statements.

**Open Government, SME, ECP.**

**22C. Richard Liebert**, 289 Boston Coulee Road, read a passage of the Declaration of Independence. He thanked the City for funding the 4<sup>th</sup> of July fireworks. Mr. Liebert discussed climate change, an article regarding a Georgia ruling on CO<sub>2</sub> and the lawsuit filed June 30, 2008, asking for an injunction on construction from the DEQ. Mr. Liebert reported that Grant County was selected to replace Yellowstone Valley. Mr. Liebert asked when the City knew about the Grant County Public Utility District. He applauded Commissioner Bronson for attending the SME meeting with Mr. Doyon.

**SME, HGS.**

**22D. Aart Dolman**, 3016 Central Avenue, commented that he was put out by the presentation by Mr. Gregori at a work session and that construction of the HGS plant would start by November, 2008. Mr. Dolman read a summary of a letter he presented to the City Commission.

**Growth, Water Rights.**

**22E. Kathleen Gessaman**, 1006 36<sup>th</sup> Avenue N.E., commented that growth is coming to Great Falls. She reminded the Commission that water is a critical factor and to work on the 1889 water rights that were cut from 53,000 to 20,000 acre feet per year. She thanked Brett Doney for hosting a series of water right working group sessions.

**Legislative Committee, Business Opportunities.**

**22F. Brett Doney**, Great Falls Development Authority, commented that at the last Legislative Committee meeting Coleen Balzarini presented some issues with regard to tax increment financing and issues with the State and the Department of Revenue. The GFDA will make that a priority in the coming year and clarify that TIF. The Legislative Committee meets once per month. The next meeting is July 24, at MSU in room 274, at 4:30. Mr. Doney discussed a draft of a data center competitive analysis. The consultants will present that analysis to the Board at the monthly meeting on July 23, at the CM Russell Museum at 10 a.m. Mr. Doney discussed the review of the consultant teams for the diversification project that they are launching with Sweetgrass Development and County. He advised that he will be attending a meeting in Calgary to look at further opportunities, not only to bring investment to the Great Falls region, but to find business opportunities for existing companies that can provide support services.

**Ord. 2925, ECP By-Laws.** **22G. Ron Gessaman**, 1006 36<sup>th</sup> Avenue N.E., provided an article from Hydrocarbon Processing. Mr. Gessaman read portions of Ordinance 2925. He commented that the ECP Board is in violation of Title 69, MCA, and that ECP and the Commission are in violation of this ordinance requiring the electric utility to be self sustaining. Mr. Gessaman commented that ECP doesn't follow its by-laws and it has been eight weeks since he brought up the attendance issue. He commented that he does not have an answer; that it looks to him that it takes 10 days to get rid of someone on the Board or have a hearing requested.

**Property Taxes,  
Weissman Property,  
Lawsuit.**

**22H. John Hubbard**, 615 7<sup>th</sup> Avenue South, read a poem written by his daughter. Mr. Hubbard is opposed to increased property taxes. He presented a map to the Fire Chief of Weissman's toxic spilling and health hazards. He discussed his lawsuit.

**HGS, SME, ECP, Water  
Rights.**

**22I. Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, stated his opposition to HGS and his support for protection of the rivers. Mr. Lewin asked what was SME under the new organization and what is the City's liability and responsibility. He wants to see a separate accounting for ECP and what is being spent for the coal plant so people know what was lost. Mr. Lewin discussed water rights and the August deadline.

**H.O.G. Rally.**

**22J. Sam Steffan**, 1060 55<sup>th</sup> Avenue South, on behalf of the Big Sky Chapter of H.O.G., extended a sincere thank you to the City of Great Falls for the hospitality shown to the 750+ Harley riders from all over the United States, New Zealand and Canada that attended the rally. The Regional H.O.G. Director, John Smith, commented that he had never seen a community support a rally parade like he had seen in the City of Great Falls. He commended Chief Grove's department for the outstanding traffic management. They moved 500 motorcycles 40 blocks in approximately 20 minutes. The National H.O.G. statistics show that the average Harley owner group spends \$270 per day for any rally he attends. There were over 750 rally attendees and he estimated they spent \$607,000 in this community. Mr. Steffan presented a special thank you to Mayor Stebbins for being the grand marshal of the parade and provided her with a friendship coin.

### **CITY COMMISSION**

#### **23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Commissioner Jolley commented that she shares some of the concerns of the petitioners that spoke this evening. She believed, for many years, that the City of Great Falls did not make it easy for the public to find out what was going on with the City's involvement with ECP. She believed the elections would have turned out differently if more information had been known. She believes in open government.

Commissioner Beecher commented that he had not forgotten about Mr. McKnight’s comments and requests. The time needed to put the new proposed budget together and get it here on time for consideration had priority. The audited financial statement for FY June 30, 2007, is available. It is an audited financial statement done according to accepted accounting rules for public accounting. The new audit for the June 30, 2008, period will be available in approximately six months. There is a section in the proposed budget that deals with Electric City Power and there will be a public hearing on that in two weeks.

Commissioner Rosenbaum jokingly commented that he is devastated that the Tribune may have misquoted him. Commissioner Rosenbaum commented on the City’s role or position either on the Board or how it participates with SME.

Mayor Stebbins thanked Sam Steffan for bringing the H.O.G. rally to Great Falls. She reminded everyone to be safe in the use of fireworks and to observe the City ordinances. She also reminded everyone that Blue Grass on the Bay will be held next weekend, along with RiverFest.

**ADJOURNMENT**

**Adjourn.**

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Beecher, that the regular meeting of July 1, 2008, be adjourned at 8:55 p.m.**

Motion carried 5-0.

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

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

Minutes Approved: July 15, 2008



**CITY OF GREAT FALLS  
 COMMISSION AGENDA REPORT**

**ITEM:** \$5,000 Report  
 Invoices and Claims in Excess of \$5,000

**PRESENTED BY:** Fiscal Services Director

**ACTION REQUESTED:** Approval with Consent Agenda

**ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:**

MASTER ACCOUNT CHECK RUN FOR JUNE 30, 2008	546,321.80
MASTER ACCOUNT CHECK RUN FOR JULY 2, 2008	337,177.95
MASTER ACCOUNT CHECK RUN FOR JULY 9, 2008	487,990.26
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JUNE 23 - 27, 2008	2,778.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JUNE 30, 2008	63,833.00
WIRE TRANSFERS FROM JUNE 17 - 23, 2008	85,300.87
WIRE TRANSFERS FROM JUNE 27, 2008	1,180,867.62
WIRE TRANSFERS FROM JULY 2, 2008	86,493.38
WIRE TRANSFERS FROM JULY 9, 2008	<u>33,549.16</u>
<b>TOTAL: \$</b>	<b><u><u>2,824,312.04</u></u></b>

**GENERAL FUND**

**CITY COMMISSION**

MT LEAGUE OF CITIES	2008/09 MEMBERSHIP DUES	17,007.00
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**OTHER ADMIN**

AAA CONSTRUCTION	RELOCATE 130' OF TRAIL BELOW BLACK EAGLE FALLS DAM	8,938.30
GREAT FALLS DEVELOPMENT AUTHORITY	FY 2009 PARTIAL SUPPORT PAYMENT	58,636.53

**POLICE**

NORTHWESTERN ENERGY	MAY CHARGES (SPLIT AMONG FUNDS)	625.38
DATA IMAGING SYSTEMS INC	MICROFILM/DESTRUCTION/SHIPPING OF 96-97 RECORDS	5,295.56

**FIRE**

NORTHWESTERN ENERGY	MAY CHARGES (SPLIT AMONG FUNDS)	612.15
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**PARK & RECREATION**

NORTHWESTERN ENERGY	MAY CHARGES (SPLIT AMONG FUNDS)	473.77
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**SPECIAL REVENUE FUND**

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**LIGHTING DISTRICT**

NORTHWESTERN ENERGY	JUNE CHARGES	65,032.27
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**SUPPORT & INNOVATION**

GREAT FALLS BUSINESS IMPROVEMENT DISTRICT	MAY 2008 TAX DISTRIBUTION FOR BID	55,366.01
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**STREET DISTRICT**

GREAT FALLS REDI-MIX INC	ASPHALTIC CONCRETE MATERIAL	90,393.02
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**LIBRARY**

SIRSI	SOFTWARE MAINTENANCE	24,000.70
NORTHWESTERN ENERGY	MAY CHARGES (SPLIT AMONG FUNDS)	918.10

**NATURAL RESOURCES**

SCHICHELTS NURSERY	TREES FOR BOULEVARD DISTRICT	7,500.00
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**FEDERAL BLOCK GRANTS**

ANDERSON GLASS	WINDOW REPLACEMENT 3201 17TH AVE S	10,950.00
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**DEBT SERVICE**

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**IMPROVEMENT DISTRICT REVOLVING**

US BANK NA	SID NO 1266 BONDS SERIES 1992	26,440.00
US BANK NA	SID NO 1210 BONDS SERIES 1993	10,350.00

**SOCCER PARK BONDS**

US BANK NA	GENERAL OBLIGATION BOND SERIES 2004	141,350.00
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**SWIM POOL REHAB GO BOND**

US BANK NA	GENERAL OBLIGATION BOND SERIES 2007	215,400.00
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**CAPITAL PROJECTS**

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**GENERAL CAPITAL**

LAPKE CONSTRUCTION	PMT #1 OF 1541 JAYCEE POOL PARKING AREA	21,453.30
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**ENTERPRISE FUNDS**

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**WATER**

PHILLIPS CONSTRUCTION	PMT #3 SUNNYSIDE WATER MAIN	250,495.59
US BANK NA	DNR LOAN SERIES 2000	110,100.00
NORTHWESTERN ENERGY	MAY CHARGES (SPLIT AMONG FUNDS)	14,216.31
UNITED MATERIALS	PMT #1 WATER MAIN REPLACEMENT 7TH & 8TH AVES SOUTH (OF1515)	52,103.70
DANA KEPNER CO - BILLINGS	(76) RADIO READ UNITS	10,716.00
MT DEPT OF TRANSPORTATION	2ND AVE N 15TH ST - PARK PROJECT FEB - MAY 2008	60,424.28

**ENTERPRISE FUNDS (CONTINUED)**

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**SEWER**

ANDERSON MONTGOMERY CONSULT	PRETREATMENT - LOCAL LIMITS	6,037.50
US BANK NA	DEVELOPMENT REGULATORY COMPLIANCE DNR LOAN SERIES 2002B	410,160.00

**STORM DRAIN**

US BANK NA	DNR LOAN SERIES 2004	157,350.00
US BANK NA	STORM DRAIN BONDS SERIES 2003	17,746.25

**SANITATION**

NORTHWESTERN ENERGY	MAY CHARGES (SPLIT AMONG FUNDS)	241.43
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**ELECTRIC**

FIRST INTERSTATE BANK	ELECTRIC UTILITY FUND GENERAL OBLIGATION DEBT	72,835.12
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**SAFETY SERVICES**

QWEST	MAY 2008 E911 CHARGES	6,116.59
NORTHWESTERN ENERGY	MAY CHARGES (SPLIT AMONG FUNDS)	156.34

**PARKING**

NORTHWESTERN ENERGY	MAY CHARGES (SPLIT AMONG FUNDS)	502.34
APCOA/STANDARD PARKING	JULY 2008 PARKING COMPENSATION	22,369.33

**SWIM POOLS**

NORTHWESTERN ENERGY	MAY CHARGES (SPLIT AMONG FUNDS)	353.19
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**RECREATION**

AA SPORTS LTD	ICE BREAKER TIMING/FINISH LINE SERVICE AND MISCELLANEOUS COSTS	14,113.70
NORTHWESTERN ENERGY	MAY CHARGES (SPLIT AMONG FUNDS)	453.30

**INTERNAL SERVICES FUND**

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**HEALTH & BENEFITS**

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS JUNE 17 TO JUNE 23, 2008	85,300.87
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS JUNE 24 TO JUNE 30, 2008	86,493.38
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS JULY 1 TO JULY 7, 2008	33,549.16

**FISCAL SERVICES**

ASSOCIATED BUSINESS SYSTEMS INC	STATEMENTS, #9 & WINDOW ENVELOPES	12,409.60
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**INFORMATION TECHNOLOGY**

SUNGARD PUBLIC SECTOR INC	REPAIR & MAINTENANCE SERVICES MAINTENANCE AGREEMENTS	125,493.35
NEW WORLD SYSTEMS INC	REPAIR & MAINTENANCE SERVICES MAINTENANCE AGREEMENTS	127,256.00
VERMONT SYSTEMS INC	REPAIR & MAINTENANCE SERVICES MAINTENANCE AGREEMENTS	7,122.00

**INTERNAL SERVICES FUND (CONTINUED)**

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**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	FUEL	31,957.48
MOUNTAIN VIEW CO-OP	FUEL	27,589.28

**PUBLIC WORKS ADMINISTRATION**

NORTHWESTERN ENERGY	MAY CHARGES (SPLIT AMONG FUNDS)	722.17
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**CC FACILITY SERVICES**

NORTHWESTERN ENERGY	MAY CHARGES (SPLIT AMONG FUNDS)	1,500.43
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**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	50,689.00
CASCADE COUNTY TREASURER	FINES & FORFEITURES COLLECTIONS	8,385.00

**ULRRWSD AGENCY**

US BANK NA	DNRC UPPER LOWER RIVER RD	12,655.00
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**CLAIMS OVER \$5000 TOTAL:** \$ 2,578,355.78

COMMUNICATION TO THE CITY COMMISSION

DATE: July 15, 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**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Great Falls Public Library	Great Falls Genealogical Society Library (GFGSL)	06/01/2008 – 06/01/2009	N/A	In Kind Services	Lease Agreement (approx. 1,800 sq. feet on the third floor), and an office space adjacent to the Montana Room. In return, the GFGSL shall provide staffing for the Montana Room for at least 4 hours per day for a total of at least 24 hours per week.
<b>B</b>	Community Development	B&B Heating & Air Conditioning; 415 Vaughn Road; Great Falls, MT 59404	07/01/2008 – 06/30/2009	671-7161-572-3691	\$845	Commercial Service Contract for Civic Center air conditioner maintenance.
<b>C</b>	Great Falls Police Dept	Montana Highway Patrol	07-16-08 thru 10-01-09	Project # 210803 #100-2191-522-3599	\$800.00 per month	EUDL Grant partner for enforcing underage drinking laws – extra patrols
<b>D</b>	Park and Rec /Mansfield Events	Gurtman and Murtha	September 17, 2008	571	\$20,000	Artist Fee

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

**AGENDA: 11  
DATE: July 15, 2008**

**ITEM:** GRANT LIST  
Itemizing grants not otherwise approved or ratified by City Commission Action  
(Listed grants are available for inspection in the City Clerks Office.)

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

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

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

**GRANTS**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>GRANT AMOUNT REQUESTED</b>	<b>CITY MATCH (INCLUDE FUND MATCH TO BE PAID OUT OF)</b>	<b>PURPOSE</b>
<b>A</b>	Planning/Ellen Sievert - Historic Preservation	State Historic Preservation Office (SHPO)	01/30/2008 – 03/2009	\$500	N/A (There is no match requirement.)	This \$500 addition amends Agreement PA II-2008- 005. It is a scholarship offered by the SHPO to attend the History Conference/CLG Meeting.



**Item:** Res. # 9758, Cost Recovery, NW1/4SW1/4 of Section 10, Township 20N, Range 3E MPM, Great Falls, Cascade County, Montana, 706 19<sup>th</sup> Street Southwest

**From:** Jay Parrott, Building Inspector

**Initiated By:** Community Development Department

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

**Action Requested:** Set Public Hearing for August 5, 2008, for recovering costs incurred in razing and clean-up of the temporary structure located at 706 19<sup>th</sup> Street Southwest.

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**Suggested Motion:**

1. Commissioner moves: "I move the City Commission set the public hearing for August 5, 2008, for the adoption of Resolution # 9758."
  2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.
- 

**Staff Recommendation:** Staff recommends the City Commission set the public hearing for August 5, 2008, for the adoption of Resolution # 9758.

**Background:** The building official received a complaint on the temporary structure located at 706 19<sup>th</sup> Street Southwest. After confirming the structure was not on a permanent foundation and in the flood plain area, the property was condemned on August 21, 2007. A building permit was issued on December 11, 2007. A footing was poured and left with no further action taken by the property owner; therefore, the building official proceeded with the condemnation. Demolition started on June 2, 2008 and was completed on June 4, 2008.

**Concurrences:** N/A

**Fiscal Impact:** Adoption of Resolution # 9758 will allow the City to reimburse the demolition fund \$ 3,060.00.

**Alternatives:** The City Commission may or may not adopt Resolution # 9758.

**Attachments/Exhibits:** Resolution # 9758  
Actions taken by staff  
Notice of Public Hearing  
Itemized account for recovery of razing costs

RESOLUTION 9758

A RESOLUTION ASSESSING THE COSTS INCURRED IN RAZING THE TEMPORARY STRUCTURE AND CLEANING OF THE PROPERTY LOCATED IN THE NW1/4SW1/4 OF SECTION 10, TOWNSHIP 20N, RANGE 3E MPM, GREAT FALLS, CASCADE COUNTY, MONTANA, ADDRESSED AS 706 19<sup>th</sup> SREET SOUTHWEST AGAINST SAID PROPERTY.

WHEREAS, Debra Schultz and Richard Joseph Fertterer, owners of the property located on the NW1/4SW1/4 of Section 10, Township 20N, Range 3E MPM, Great Falls, Montana, 706 19<sup>th</sup> Street Southwest was issued a notice to raze the structure.

WHEREAS, after due notice the property owner did not raze the structure.

WHEREAS, staff hired a contractor to raze the structure and clean the property.

WHEREAS, the contractor completed razing and clean-up of the structure.

WHEREAS, the City Commission set August 5, 2008, at 7:00 p.m. for this hearing, to show cause why the property owners should not be held liable for the costs incurred in razing and cleanup of said property.

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

The amount of \$ 3,060.00 for razing and cleanup costs incurred in the razing of the temporary structure and clean-up of the nuisance located on the NW1/4SW1/4 of Section 10, Township 20N, Range 3E MPM, Great Falls, Cascade County, Montana, described as 706 19<sup>th</sup> Street Southwest, be assessed against the property itself, with interest and penalties on the unpaid balance.

PASSED by the Commission of the City of Great Falls, Montana, on this 5<sup>th</sup> day of August, 2008.

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Dona R. Stebbins, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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David 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 the foregoing Resolution # 9758 was placed on its final passage and adoption, and was passed and adopted by the City Commission of said City at a Regular Meeting thereof held on the 5<sup>th</sup> day of August, 2008, and approved by the Mayor of said City, on the 5<sup>th</sup> day of August, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 5<sup>th</sup> day of August, 2008.

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Lisa Kunz, City Clerk



### **ACTION TAKEN BY CITY STAFF**

<u>Action</u>	<u>Date</u>
“Notice and Order” of Condemnation letter mailed	08-21-07
20 day appeal time limit expired (no appeal filed)	09-11-07
60 day time period expired	10-22-07
Building permit issued to home owner (30 days to complete work)	12-11-07
Advised home owner a “Notice to Proceed” was issued to razing contractor	04-21-08
Razing permit issued to <i>Wayne Riley Construction</i>	05-07-08
Conversation with property owner	05-29-08
Razing started	06-02-08
Razing completed	06-04-08

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on August 5, 2008, at 7:00 p.m., in the Commission Chamber of the Civic Center for assessing razing and cleanup costs on the following property in the amount set forth:

706 19<sup>th</sup> Street Southwest . . . . . \$ 3,060.00

Any person interested or affected by the proposed charge may file written protests or objections, containing the description of the property and the grounds for such protest or objections, with the Clerk's office prior to the time set for the hearing.

BY ORDER OF THE CITY COMMISSION

Lisa Kunz, City Clerk

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OFFICE USE ONLY

Publication Date: July 26, 2008

cc: Account # 451-7121-572-3599  
Lisa Kunz, City Clerk  
Itemized Account  
Owners: Richard Joseph Fertterer  
1801 6<sup>th</sup> Street Northwest  
Great Falls, Montana 59404  
  
Debby A Schultz  
706 19<sup>th</sup> Street Southwest  
Great Falls, Montana 59404  
Post on Property  
Property File

## ITEMIZED ACCOUNT FOR RECOVERY OF ABATEMENT COSTS

The following expenses were incurred during the razing of the temporary structure and cleanup of the property located on the NW1/4SW1/4 of Section 10, Township 20N, Range 3E MPM, Great Falls, Cascade County, Montana, more commonly known as 706 19<sup>th</sup> Street Southwest.

Administrative Fee	\$ 260.00
Ownership and encumbrance report by <i>Stewart Title</i>	\$ 330.00
Recording Fee	\$ 35.00
Publishing Legal Ad (Tribune)	\$ 35.00
Razing by <i>Wayne Riley Construction</i>	<u>\$ 2,400.00</u>
TOTAL EXPENSES INCURRED	<u>\$ 3,060.00</u>



**Item:** B.I.D. 2008/2009 Budget and Work Plan  
**From:** Lisa Kunz, City Clerk  
**Initiated By:** Business Improvement District  
**Presented By:** Tonya Jorgensen  
**Action Requested:** Set Public Hearing for August 5, 2008

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission set the public hearing for the 2008/2009 Business Improvement District Budget and Work Plan for August 5, 2008.

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

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**Recommendation:** The B.I.D recommends that the City Commission set the public hearing for the 2008/2009 B.I.D. budget and work plan for August 5, 2008.

**Background:**

The Business Improvement District was established in Great Falls in 1970. Its overall purpose is to utilize tax dollars through the B.I.D. tax assessment and direct those monies back into the district to improve and revitalize the downtown. The current district has not changed in the areas of district boundaries or tax assessment formula since its origination date. Several attempts have been made for expansion to the west and support of this action has not been successful.

2009 will mark the third re-creation or renewal for the Business Improvement District in Great Falls. Efforts for expansion will follow once the district is renewed. A process for renewal is in full swing at this time and the current Board of Directors will be personally visiting with property owners in the next eight months as concurrence of more than 60% of the property owners is needed to renew. A timeline has been set with both the B.I.D. Board and the City of Great Falls Fiscal Services Department for the necessary public hearings and resolutions within the next eight months for the process.

According to State statute, the City Commission must hold a public hearing to hear any objections to the budget and work plan. Following the public hearing, the City Commission may approve the plan or request that amendments be made to it prior to levying an assessment on all

properties within the district to defray the costs. The assessment will be according to the formula approved with the creation of the district.

**Concurrences:**

The B.I.D. partners with several organizations to provide results and follow the overall purpose of the B.I.D.

**Fiscal Impact:**

The B.I.D. receives approximately \$156,000 per year in tax assessment dollars. These dollars are received in two larger and several smaller checks throughout the year. This dollar amount is NOT the total amount of tax assessments paid by property owners as a portion of the assessment received from property owners is taken out to pay for the Special Lighting District. The remainder of the funds is directed to operating the B.I.D. office, grant programs, tree maintenance, beautification efforts and additional projects for streetscapes and economic growth.

2007-2008 marks the first year that the B.I.D. received excessive grant requests and awards. That resulted in a limited budget for approving additional awards. The B.I.D. currently has \$140,000 that has been committed to projects that are still in progress and have not yet been paid out. The B.I.D. holds a minimum operating balance in the checking account and all other revenue received in excess to that is invested into short and long term certificates for access of funds according to completion of projects for payout.

A cleaning program for sidewalks and alleys is currently being developed for the district. This program is not available for funding within the operating budget; therefore, the B.I.D will look for a sponsor organization to assist in its operation.

**Alternatives:**

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

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

B.I.D. Renewal Report

2008/2009 Work Plan

Revised Budget

Façade Grant Status Report

By-Laws of the Great Falls B.I.D.



**Item:** Set Public Hearing for Resolution 9746 to Levy and Assess Street Maintenance District

**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 9746 to Levy and Assess the Street Maintenance District

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission set a Public Hearing date on Resolution 9746 for August 5, 2008 at 7:00 p.m. to levy and assess the Street Maintenance District.”

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

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**Staff Recommendation:** Staff recommends the City Commission order publication of the street maintenance assessment notice and set a public hearing date for August 5, 2008.

**Background:** The Street Department maintains over 366 miles of streets and alleys within the city limits. Maintenance consists of pavement rehabilitation and restoration, street cleaning, snow and ice removal, alley maintenance, nuisance weed program and the Traffic Division which is responsible for the maintenance of all roadway signs and signals. The budget development process begins in January of each year when the Street Department receives their midyear financial reports. The midyear report is used to determine the current financial position of the Street Fund which is the basis for projecting future earnings and expenditures. Information is gathered regarding the actual and anticipated expenses, future projects, goals and objectives of the department. Street Maintenance contracts with other local governmental agencies are reviewed and/or updated. After determining financial factors pertinent to the operation of the Street Department, an assessment amount for the next fiscal year is calculated, budgeted and presented to the City Commissioners for approval.

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

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

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

**Concurrences:** Public Works Staff is responsible for the operation expenses of the Street Department. Fiscal Services Staff are responsible for assessing and collecting the Revenues necessary to carry out the operations. The City Commissioners have received information regarding the condition of the streets and the Street Fund operations during the annual Budget Process.

**Fiscal Impact:** Adoption of Resolution 9746 will allow the City to fund the cost of work, improvements, and maintenance each year in the street maintenance district. The current proposed budget will allow the City to continue its current maintenance and replacement activities, which are lower than the recommended level in terms of years between major updates. If more money were available, additional street work could be accomplished that would be more in line with recommended maintenance and replacement

#### ASSESSMENT ANTICIPATED

The anticipated assessment amount for Street Maintenance funds for the next fiscal year is the amount projected through the Budget Development Process. For Fiscal Year 08/09 the assessment will increase by 10%, which is being recommended to finance increased costs related to street maintenance activities; anticipated collections will total \$2,888,858. This will result in an assessment of \$81.18 for an average size lot of 7,500 square feet, an increase of \$7.38 from Fiscal Year 07/08. (7,500 sq ft x 0.010824 factor = \$81.18.)

#### ASSESSMENT OPTION

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

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

- a. Square footage caps per parcel of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c)(13) as defined by the Internal Revenue Code.
- b. A 'mixed use' category which consists of property equal to or greater than 112,000 square feet but less than 50% commercially developed. For the 'mixed use' category, the Planning Department shall annually identify all property equal to or greater than 112,000 square feet which are 50% or less commercially developed. Those properties shall be assessed 50% commercial and 50% at capped residential.

- c. 1 million square foot cap for all other property. The 1 million square foot cap for all other property encourages large green areas on some private properties within the City.
- d. An 'interlocal contracted maintenance' category that designates properties owned by other governments or their agencies adjacent to City streets that are maintained by the other government or their agencies. This category's assessments include a 7.5% administrative fee as well as the annual contracted cost of maintenance. The maintenance cost portion is to be agreed upon by the City and the contracting entity.

**Alternatives:** The City Commission could choose to not set the public hearing and thereby deny the adoption of Resolution 9746 to Levy and Assess Street Maintenance; however, the reduction in services to the community could be hazardous to the safety and welfare of the general public.

**Attachments/Exhibits:** Resolution 9746  
Notice of Public Hearing

Cc: Jim Turnbow, Street Supervisor



## RESOLUTION 9746

A RESOLUTION LEVYING AND ASSESSING THE COST OF STREET MAINTENANCE FOR STREETS AND ALLEYS IN THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2008 AND ENDING JUNE 30, 2009

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

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

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

WHEREAS, on July 15, 2008, the Commission of the City of Great Falls adopted its annual budget resolution in which the estimated costs of maintenance not offset by other revenues, in the Street Maintenance District at a total of TWO MILLION EIGHT HUNDRED EIGHTY-EIGHT THOUSAND EIGHT HUNDRED FIFTY-EIGHT DOLLARS (\$2,888,858).

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

### Section 1 – Continuance

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

### Section 2 – Assessment Authorization

Section 7-12-4428, M.C.A., authorizes the City Commission to assess the cost of the work, improvements, and maintenance authorized by 7-12-4405 against the property in maintenance districts in the manner and as provided in 7-12-4421 and 7-12-4422 to meet the payments required to be made each year.

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

### Section 3 – Assessment Option

In accordance with Sections 7-12-4422 and 7-12-4425, M.C.A., each lot or parcel of land within the Street Maintenance District shall be assessed according to its Assessable Area. Assessable area shall

be set with a square footage cap of 12,000 square feet for residential property and properties categorized as non-profit/cemetery organizations 501(c)(13) as defined by the Internal Revenue Code, and a 1 million square feet cap for all other property. The Planning Department shall annually identify all mixed-use property equal to or greater than 112,000 square feet which are 50% or less commercially developed. Those mixed-use properties shall be assessed 50% commercial and 50% at capped residential.

#### Section 4 – Costs Assessed

The costs of said maintenance, not offset by other revenues, in the street maintenance district, totaling TWO MILLION EIGHT HUNDRED EIGHTY-EIGHT THOUSAND EIGHT HUNDRED FIFTY-EIGHT DOLLARS (\$2,888,858), are hereby levied and assessed upon the property in said district for the fiscal year ending June 30, 2009. The description of each lot or parcel of land within the street maintenance district and the respective assessments are set forth in the records of the Fiscal Services Department of the City of Great Falls, Montana and by this reference incorporated herein as if set forth in full.

#### Section 5 – Assessment Method

The Street Maintenance District shall be assessed according to factors based on the property classification and square footage with caps.

No proration of the street maintenance assessment shall be made for any reason, including the fact that a particular property did not have paved streets for the entire taxable year.

#### Section 6 – Assessments Due Date

These assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2008 and May 31, 2009.

#### Section 7 – Assessment Hearing

On August 5, 2008 at 7:00 p.m., in the Commission Chambers of the Civic Center Building, Great Falls, Montana, the Commission shall meet and hear all objections to the final adoption of this resolution.

#### Section 8 – Notice of Hearing

In accordance with Section 7-1-4127, the City Clerk is hereby authorized and directed to provide for two publications of the Notice of Resolution for Assessment with at least six days separating each publication. This publication of the Notice of Resolution for Assessment also complies with Section 7-12-4426, MCA, which requires publication of notice within 5 days preceding the assessment hearing.

PASSED by the Commission of the City of Great Falls, Montana, on this 5<sup>th</sup> day of August 2008.

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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 9746 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 5<sup>th</sup> day of August 2008, and approved by the Mayor of said City on the 5<sup>th</sup> day of August 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5<sup>th</sup> day of August 2008.

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

(SEAL OF CITY)

## NOTICE

NOTICE IS HEREBY GIVEN that the Great Falls City Commission in regular session on July 15, 2008, in the Commission Chambers, set a public hearing date for the regular Commission meeting on August 5, 2008, prior to acting upon Resolution 9746 entitled:

A RESOLUTION LEVYING AND ASSESSING THE COST OF STREET  
MAINTENANCE FOR STREETS AND ALLEYS IN THE CITY OF GREAT  
FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2008  
AND ENDING JUNE 30, 2009

The above-designated Resolution 9746 and the assessment list therein mentioned are on file in the office of the City Clerk, Lisa Kunz, and can be obtained by calling 406-455-8451, by picking it up in the Civic Center Building, 2 Park Drive, Great Falls, MT or from the City's website at [www.ci.great-falls.mt.us](http://www.ci.great-falls.mt.us) and are subject to inspection for a period of ten (10) days. The City Commission will hear objections to the final adoption of said Resolution 9746 or any part thereof and the assessments therein provided for when convened in regular session in the Commission Chambers on August 5, 2008, at 7:00 o'clock p.m. at which time and place the City Commission will consider Resolution 9746 for final adoption.

/s/ Lisa Kunz, City Clerk

Publication Date: July 18, 2008 & July 25, 2008



**Item:** Set Public Hearing for Resolution 9747 to Levy and Assess Special Improvement General Boulevard Maintenance District No. 3570

**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 9747 to Levy and Assess Special Improvement General Boulevard Maintenance District No. 3750

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission set a Public Hearing date on Resolution 9747 for August 5, 2008 at 7:00 p.m. to levy and assess Special Improvement General Boulevard Maintenance District No. 3570.”

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

---

**Staff Recommendation:** Staff recommends the City Commission order publication of the Special Improvement General Boulevard Maintenance District No. 3570 notice and set a public hearing date for August 5, 2008.

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

In order to legally provide for the necessary assessment support, State laws require City Commission hearings and passage of authorizing resolutions. Sections 7-12-4102, 7-12-4176 and 7-12-4179 MCA authorize the City Commission to create and assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such district.

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

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

**Fiscal Impact:** Adoption of Resolution 9747 will allow the City to finance the costs of work, improvements, and maintenance conducted each year in the special improvement boulevard maintenance district.

The anticipated assessment amount used to assess General Boulevard Maintenance for the next fiscal year is the amount projected through the Budget Development Process. For Fiscal Year 08/09 the General Boulevard Area assessment will remain at \$289,725, the same amount assessed in Fiscal Year 07/08. This will result in an approximate assessment of \$61.23 for an average lot of 7,500 square feet (7,500 sq ft x 0.008163 factor = \$61.23.)

**Alternatives:** The City Commission could choose to not set the public hearing and thereby deny the adoption of Resolution 9746 to Levy and Assess General Boulevard Maintenance; however, the reduction in services to trim, prune, spray, and maintain the trees within the district would be harmful and devastating to the overall shelter and beauty provided by the street trees to the community.

**Attachments/Exhibits:** Resolution 9747  
Notice of Public Hearing

Cc: Jon Thompson, City Forrester

## **RESOLUTION 9747**

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING BOULEVARDS IN THE GENERAL BOULEVARD DISTRICT NO. 3570 OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2008 AND ENDING JUNE 30, 2009.

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

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

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

WHEREAS, on July 15, 2008, the Commission of the City of Great Falls adopted its annual budget resolution in which the estimated costs of such maintenance within the General Boulevard Maintenance District No. 3570 at a total of TWO HUNDRED EIGHTY NINE THOUSAND SEVEN HUNDRED TWENTY-FIVE DOLLARS (\$289,725).

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

### Section 1 – Continuance

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

### Section 2 – Costs Assessed

The costs of said care and maintenance in the Boulevard Maintenance District No. 3570, totaling \$289,725 are hereby assessed upon the properties in said district. Each lot and parcel within the district is hereby assessed in proportion to its square footage and that the procedure for determining the square footage to be assessed is the total square footage as set forth in Exhibit "A" of Resolution 6202 passed by the Great Falls City Commission on July 22, 1968, and presently on file in the office of the City Clerk.

### Section 3 – Assessments Due Date

These assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2008 and May 31, 2009.

### Section 4 – Assessment Hearing

The City Commission will hear objections to the final adoption of this resolution at 7:00 p.m., August 5, 2008 in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

### Section 5 – Notice of Hearing

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

PASSED by the Commission of the City of Great Falls, Montana, on this 5<sup>th</sup> day of August, 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 9747 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 5<sup>th</sup> day of August, 2008, and approved by the Mayor of said City on the 5<sup>th</sup> day of August, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5<sup>th</sup> day of August, 2008.

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

(SEAL OF CITY)



## NOTICE

NOTICE IS HEREBY GIVEN that the Great Falls City Commission in regular session on July 15, 2008, in the Commission Chambers, set a public hearing date for the regular Commission meeting on August 5, 2008, prior to acting upon Resolution 9747 entitled:

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING BOULEVARDS IN THE GENERAL BOULEVARD DISTRICT NO. 3570 OF THE CITY OF GREAT FALLS, MONTANA FOR THE FISCAL YEAR BEGINNING JULY 1, 2008 AND ENDING JUNE 30, 2009.

Copies of the above-designated Resolution 9747, and the assessment list therein mentioned are available in the office of the City Clerk, Lisa Kunz, City Clerk, and can be obtained by calling 406-455-8451, by picking it up in the Civic Center Building, 2 Park Drive, Room 202, Great Falls, MT or from the City's website at [www.ci.great-falls.mt.us](http://www.ci.great-falls.mt.us) and are subject to inspection for a period of ten (10) days. The City Commission will hear objections to the final adoption of said Resolution 9747 or any part thereof and the assessments therein provided for when convened in regular session in the Commission Chambers on August 5, 2008, at 7:00 o'clock p.m., at which time and place the City Commission will consider Resolution 9747 for final adoption.

/s/ Lisa Kunz, City Clerk

Publication Date: July 18, 2008 & July 25, 2008.



**Item:** Set Public Hearing for Resolution 9759 to Levy and Assess Special Improvement Portage Meadows Maintenance District No. 1195

**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 9759 to Levy and Assess Special Improvement Portage Meadows Maintenance District No. 1195

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission set a Public Hearing date on Resolution 9759 for August 5, 2008 at 7:00 p.m. to levy and assess Special Improvement Portage Meadows Maintenance District No. 1195.”

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

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**Staff Recommendation:** Staff recommends the City Commission order publication of the Special Improvement Portage Meadows Maintenance District No. 1195 Notice and set a public hearing date for August 5, 2008.

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

In order to legally provide for the necessary assessment support, State laws require City Commission hearings and passage of authorizing resolutions. Sections 7-12-4102, 7-12-4176 and 7-12-4179 MCA authorize the City Commission to create and assess the costs of work, improvements, and maintenance to the owners of property within the boundaries of such district.

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

**Concurrences:** Representatives from the City's Public Works, Community Development, Park and Recreation, Fiscal Services, Administration, Police and Fire Department, City Commissioners have all been involved throughout the review and approval process for the Budget.

**Fiscal Impact:** Adoption of Resolution 9759 will allow the City to finance the cost of work, improvements, and maintenance required to be made each year in the special improvement Portage Meadows Boulevard Maintenance District.

The anticipated assessment amount for Portage Meadows for the next fiscal year is the amount projected through the Budget Development Process. The Portage Meadows Area assessment for Fiscal Year 08/09 will remain at \$19,786, the same amount assessed in Fiscal Year 07/08. This will result in an approximate assessment of \$105.85 for an average lot of 7,500 square feet (7,500 sq ft x 0.023506 factor = \$105.85.)

**Alternatives:** The City Commission could choose to not set the public hearing and thereby deny the adoption of Resolution 9746 to Levy and Assess Portage Meadows Boulevard Maintenance; however, the services provided are the services the City agreed to provide when the land area was donated to the City.

**Attachments/Exhibits:** Resolution 9759  
Notice of Public Hearing

Cc: Giles Salyer, Park Maintenance Supervisor

## RESOLUTION 9759

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING THE GREEN BELT PARK OF PORTAGE MEADOWS ADDITION IN THE CITY OF GREAT FALLS ON ALL REAL ESTATE IN SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 1195 FOR THE FISCAL YEAR BEGINNING JULY 1, 2008 AND ENDING JUNE 30, 2009.

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

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

WHEREAS on July 15, 2008, the Commission of the City of Great Falls adopted its annual budget resolution in which the estimated cost of such maintenance within said district at a total of NINETEEN THOUSAND SEVEN HUNDRED EIGHTY-SIX DOLLARS (\$19,786).

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

### Section 1 – Continuance

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

### Section 2 – Costs Assessed

The costs of said care and maintenance in the district, totaling \$19,786 are hereby assessed upon the properties in said district.

The costs per property and the property list for Special Improvement District No. 1195 are set forth in the records of the City Clerk of the City of Great Falls. Said property is generally identified as each lot or parcel of land within Portage Meadows Additions #1, #2, and #3, excluding Blocks 4, 5, and 6 of Portage Meadows #1 Addition.

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

### Section 3 – Assessments Due Date

These assessments are payable in two payments and will become delinquent at 5:00 o'clock p.m. on November 30, 2008 and May 31, 2009.

### Section 4 – Assessment Hearing

The City Commission will hear objections to the final adoption of this resolution at 7:00 p.m., August 5, 2008, in the Commission Chambers of the Civic Center Building, Great Falls, Montana.

Section 5 – Notice of Hearing

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

PASSED by the Commission of the City of Great Falls, Montana, on this 5<sup>th</sup> day of August, 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 9759 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 5<sup>th</sup> day of August, 2008, and approved by the Mayor of said City on the 5<sup>th</sup> day of August, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 5<sup>th</sup> day of August, 2008.

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

(SEAL OF CITY)

## NOTICE

NOTICE IS HEREBY GIVEN that the Great Falls City Commission in regular session on July 15, 2008, in the Commission Chambers, set a public hearing date for the regular Commission meeting on August 5, 2008, prior to acting upon Resolution 9759 entitled:

A RESOLUTION LEVYING AND ASSESSING THE COST OF MAINTAINING THE GREEN BELT PARK OF PORTAGE MEADOWS ADDITION IN THE CITY OF GREAT FALLS ON ALL REAL ESTATE IN SPECIAL IMPROVEMENT MAINTENANCE DISTRICT NO. 1195 FOR THE FISCAL YEAR BEGINNING JULY 1, 2008 AND ENDING JUNE 30, 2009.

Copies of the above-designated Resolution 9759 and the assessment list therein mentioned are available in the office of the City Clerk, Lisa Kunz, City Clerk, and can be obtained by calling 406-455-8451, by picking it up in the Civic Center Building, 2 Park Drive, Room 202, Great Falls, MT or from the City's website at [www.ci.great-falls.mt.us](http://www.ci.great-falls.mt.us) and are subject to inspection for a period of ten (10) days. The City Commission will hear objections to the final adoption of said Resolution 9759 or any part thereof and the assessments therein provided for when convened in regular session in the Commission Chambers on August 5, 2008, at 7:00 o'clock p.m., at which time and place the City Commission will consider Resolution 9759 for final adoption.

/s/ Lisa Kunz, City Clerk

Publication Date: July 18, 2008 & July 25, 2008.



**Item:** Water Meter Equipment Purchases for FY09  
**From:** Utilities Division  
**Initiated By:** Public Works Department  
**Presented By:** Jim Rearden, Public Works Director  
**Action Requested:** Approve Purchase

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission approve the purchase of water meter equipment for the 2009 Fiscal Year from Dana Kepner Co. of Billings in an amount not to exceed \$270,000.

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

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**Staff Recommendation:**

Staff recommends that the City Commission approve the purchase of water meter equipment for the 2009 Fiscal Year from Dana Kepner Co. of Billings in an amount not to exceed \$270,000.

**Background:**

Significant Impacts: Over the last 10 years, the City Water Distribution Division has been converting old TTR water meters, which are now obsolete, to ECR meters. The ECR meters are used with our new radio read equipment, which makes reading meters easier and less time consuming.

Citizen Participation: N/A

Workload Impacts: N/A

Purpose: To approve purchases of water meter equipment for FY09.

Project Work Scope: In Fiscal Year 2008, staff purchased \$209,946 worth of radio read equipment and new meters from Dana Kepner Co. Additionally, staff also purchased \$20,248 worth of meter parts and installation equipment, including meter horns in Fiscal Year 2008. In Fiscal Year 2009, staff proposes to purchase radio read equipment and new meters totaling approximately \$230,000. Staff also proposes to purchase \$40,000 worth of meter parts and installation equipment, including meter horns in FY08.

Evaluation and Selection Process:

Dana Kepner Co. of Billings is the sole source distributor for compatible parts and equipment for the City's metering system. Due to compatibility issues with different equipment, supplies, and suppliers, staff proposes to continue to purchase equipment from Dana Kepner Co.

**Concurrences:** N/A

**Fiscal Impact:** Water meter equipment and supply purchases are budgeted for on a yearly basis by the Public Works Water Distribution Division.

**Alternatives:** None.

**Attachments/Exhibits:** None.





**Item:** FY 2009 Traffic Signal Maintenance Agreement with the Montana Department of Transportation

**From:** Street – Traffic Division

**Initiated By:** Public Works Department

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

**Action Requested:** Approve Agreement

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission approve the FY 2009 Traffic Signal Maintenance Agreement with the Montana Department of Transportation and authorize the City Manager to sign the agreement.”

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

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**Staff Recommendation:** Staff recommends that the City Commission approval of the attached Traffic Signal Maintenance Agreement with the Montana Department of Transportation for FY 2009.

**Background:**

Significant Impacts:

The attached agreement between the City of Great Falls and the Montana Department of Transportation outlines each agencies responsibility and details the States reimbursement to the City for maintaining State Traffic Signals located within the City limits. The City is currently maintaining sixty-six (66) traffic signals in addition to those at twenty-three (23) City signalized intersections. Three (3) flashing signal lights are also maintained for the State.

Workload Impacts:

The City employs two Traffic Signal Technicians to maintain signals on State and City routes, as well as City owned signals. The City provides all maintenance necessary to the operation of the Traffic Control System and is reimbursed by MDT in accordance with Exhibit B for costs of labor, equipment, engineering, and materials required. The technicians also maintain the over-height detection system located on US 87 by Fleet Supply on an on-call basis with reimbursement per event.

Purpose:

The City has an annual agreement with the Montana Department of Transportation for Traffic Signal Maintenance.

**Concurrences:** The State has agreed to this contract and signed the needed documents.

**Fiscal Impact:** This agreement includes a 2.55% cost increase as compared to last years Traffic Signal Maintenance Agreement. Tools and test equipment included in this agreement are depreciated over a 7 year period.

**Alternatives:** The City Commission could vote to disapprove this agreement.

**Attachments/Exhibits:** Exhibit B - Traffic Signal Maintenance Agreement Item Justification.  
(Attachments not available online; on file in City Clerk's Office.)