



City Commission Agenda

for

July 1, 2008

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

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENTATIONS

Distinguished Budget Award

Certificate of Achievement for Excellence in Financial Reporting

PROCLAMATIONS

Bluegrass on the Bay Week in Great Falls

NEIGHBORHOOD COUNCILS

1. Miscellaneous reports and announcements.

PUBLIC HEARINGS

2. Ord. 3009, Disorderly Premises. Action: Amend Ord. 3009. and reschedule public hearing for July 15, 2008. **(Presented by: Greg Doyon)**
3. Amended Plat and Ord. 3008, Rezones a 40' wide strip of land being added to the rear of Lots 1-5, Block 1, Taylor Addition. Action: Conduct public hearing and approve or deny Amended Plat and Adopt or deny Ord. 3008. **(Presented by: Ben Rangel)**
4. Sale of City Property, Lot 3F of Amended Plat of Lot 3, Medical Tech Park. Action: Conduct public hearing and approve or deny sale of land (Requires four-fifth's vote) **(Presented by: Mike Rattray)**
5. Res. 9754, Cost Recovery, 209 2nd Avenue North. Authorizes recovery for costs incurred for razing and clean-up of structure. Action: Conduct public hearing and adopt or deny Res. 9754. **(Presented by: Mike Rattray)**

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

6. Unincorporated Portion of Two Utility Corridors within Henderson Heights and North Riverview Terrace. **(Presented by: Ben Rangel)**

- A. Res. 9756, Intent to Annex 92 separate parcels of land comprising the unincorporated portion of two utility corridors. Action: Adopt or deny Res. 9756.
- B. Res. 9757, Intent to Annex a parcel of governmental land within the unincorporated utility corridor adjacent to Sacajawea School and Sacajawea Park. Action: Adopt or deny Res. 9757.
- C. Ord. 3010, Assigns city zoning of R-2 Single-family medium density district. Action: Accept Ord. 3010 on first reading and set public hearing for August 5, 2008.

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.*

- 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 \$5000, in the amount of \$2,363,176.
- 9. Contracts list.
- 10. Lien Release list.
- 11. Set public hearing for July 15, 2008, on Res. 9750, Intent to Increase Property Tax and Res. 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.

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

BOARDS & COMMISSIONS

- 14. Amended Plat, Findings of Fact and Agreement, all related to Lot 4A, Block 1, Benefis West Minor Subdivision, Findings of Fact and Agreement. Action: Approve or deny Amended Plat. **(Presented by: Ben Rangel)**
- 15. Appointments, Library Board. Appoint one member 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.
- 16. Appointment, Historic Preservation Advisory Commission. Appoint one member for a three-year term through April 30, 2011.
- 17. Appointment, Advisory Commission on International Relationships. Appoint one member to a three-year term through March 31, 2011.
- 18. Appointment, Mansfield Center for the Performing Arts Advisory Board. Appoint one member to fill the remainder of a three-year term through December 31, 2010.
- 19. Reappointment, Cascade County Conservation District Board of Supervisors. Reappoints John Chase to a three-year term through December 31, 2010.
- 20. Miscellaneous reports and announcements.

CITY MANAGER

21. Miscellaneous reports and announcements.

PETITIONS AND COMMUNICATIONS *(Please keep your remarks to a maximum of 5 minutes)*

22. Miscellaneous reports and announcements.

CITY COMMISSION

23. Miscellaneous reports and announcements.

MOTION TO ADJOURN



Item: Amend Ordinance 3009 and Reschedule the Public Hearing

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: City Commission amend Ordinance 3009 and reschedule the Public Hearing

Suggested Motion:

1. Commissioner moves:

“I move 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”; and, to provide for a fine as a penalty for violating the ordinance with no incarceration.”

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

3. Commissioner moves:

“I move that the City Commission reschedule the second reading on Ordinance 3009 and the public hearing thereon for July 15, 2008.”

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

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 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 act may be taken.

Amendment: It is recommended that Ordinance 3009 be 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 30 days, 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.

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 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.

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

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 three 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.

“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 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.
- B. Method of service. The owner and any tenant/occupant shall be notified in the following method: delivery of the notice to the owner and any tenant/occupant personally; mailing the notice by first class mail addressed to the owner 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's agent or upon the person responsible for the premises shall constitute complete service of notice upon the owner and any tenant/occupant.

8.48.040 Disorderly Premises Designation.

- A. Whenever the police have visited a premises three 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 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 to the owner, which forms the basis for that designation. Such notice shall be sufficient for all legal purposes. The notice shall require the owner 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 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 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 and/or any tenant/occupant meets with the City, the City may institute such other enforcement action against the owner 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 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 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 and/or up to 6 months jail per incident may be imposed by the court of competent jurisdiction.
- B. In addition, the City may file a legal action against the owner 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: Public Hearing – Amended Plat and Ordinance 3008 to Rezone a 40 foot wide strip of land being added to the rear of Lots 1-5, Block 1, Taylor Addition

From: Charles Sheets, Planner 1

Initiated By: Taylor Land Partnership L.L.P. and others, Property Owners

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission approve the Amended Plat and accompanying Findings of Fact and adopt Ordinance 3008

Suggested Motion: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (approve/disapprove) the Amended Plat of Lots 1–5, Block 1, Taylor Addition and Lot 1A, Block 1, 3rd Supplement to Rice Tracts and accompanying Findings of Fact.”

and;

“I move that the City Commission (adopt/deny) Ordinance 3008.”

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

Planning Board/Zoning Commission Recommendations: The Planning Board following a public hearing held May 13, 2008, passed a motion recommending the City Commission approve the Amended Plat of Lots 1–5, Block 1, Taylor Addition and Lot 1A, Block 1, 3rd Supplement to Rice Tracts and accompanying Findings of Fact. The Zoning Commission following the same public hearing, passed a motion recommending the City Commission rezone the approximate 40 foot wide strip of land being added to the rear of Lots 1-5, Block 1, Taylor Addition, from C-2 General commercial district to R-2 Single-family medium density district.

Background: The Planning Office is in receipt of applications from Taylor Land Partnership L.L.P. and others, regarding the following:

- 1) Amended Plat of Lots 1–5, Block 1, Taylor Addition and Lot 1A, Block 1, 3rd Supplement to Rice Tracts, located in Section 16, Township 20 North, Range 4 East, Cascade County, Montana.
- 2) Rezone an approximate forty foot wide strip of land being added to the rear of Lots 1-5 from C-2 General commercial district to R-2 Single-family medium density district.

The purpose of the Amended Plat and rezoning is to add an approximate 40 foot wide strip of land to the rear of the five residential lots in Taylor Addition. The additional depth will comprise an easement serving as a private access to the rear of the five lots. No new lots will be created and no new utilities will be required. The Amended Plat continues easements for private utilities such as power, gas, telephone, and cable. The owners of Lots 1-5 will be responsible for any improvements and maintenance associated with the private access.

For additional information, please refer to the attached Vicinity/Zoning Map and Preliminary Amended Plat.

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

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

The proposed zoning for the 40 foot wide strip of land will be the same as the lots to which the strip is being added. The zoning assignment for the lots was previously evaluated and approved in conjunction with the original plat of Taylor Addition.

Adjusting the zoning district boundaries between the C-2 General commercial district and the R-2 Single-family medium density district will not adversely affect any of the twelve criteria stated above. Therefore, staff concludes all of the above stated criteria are substantially met.

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

Fiscal Impact: The City should not experience any additional fiscal impact for the requested action.

Alternatives: If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.

Attachments/Exhibits:

1. Ordinance 3008
2. Vicinity/Zoning Map
3. Reduced drawing portion of the Amended Plat
4. Findings of Fact

Cc: Taylor Land Partnership, L.L.P. 4100 10th Ave S, Great Falls, MT 59405
Harry & Janis Tholen, 4005 13th Ave S, Great Falls, MT 59405
Heidi Wigdorski, 4009 13th Ave S, Great Falls, MT 59405
Noah & Amy Scott, 3306 2nd Ave N, Great Falls, MT 59401
David & Kara Bell, P.O. Box 6408, Great Falls, MT 59406
Tim Russett, P.O. Box 836, Conrad, MT 59425

**FINDINGS OF FACT FOR
AMENDED PLAT OF LOTS 1-5, BLOCK 1, TAYLOR ADDITION
AND LOT 1A, BLOCK 1, 3RD SUPPLEMENT TO RICE TRACTS
IN W $\frac{1}{2}$ NW $\frac{1}{4}$ OF SECTION 16, T20N, R4E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The tract of land involved in the amended plat is not currently being utilized for agricultural purposes. The boundary line adjustment proposed in the amended plat will not interfere with any irrigation system or present any interference with agricultural operations in the vicinity. The land uses that do exist in the vicinity include single family residential and commercial.

Effect on Local Services

The purpose of the amended plat is to add an approximate forty foot wide strip of land to the rear of the five residential lots in Taylor Addition. The additional depth will comprise an easement serving as a private access to the rear of the five lots in Taylor Addition. No new lots will be created and no new utilities will be required. The owners of Lots 1-5 will be responsible for any improvements and maintenance associated with the private access.

Effect on the Natural Environment

The amended plat is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Surface drainage from the involved site is directed to the south into the abutting 13th Avenue South, a paved public roadway maintained by the City.

Effect on Wildlife and Wildlife Habitat

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

Effect on Public Health and Safety

Based on available information, the amended plat is not subject to abnormal potential natural hazards such as flooding, snow or rockslides, wildfire, nor potential man-made hazards such as, nearby industrial or mining activity, or high traffic volumes. A high power transmission line crosses a portion of the amended plat.

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

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

III. EASEMENT FOR UTILITIES

No permanent easements will be necessary to extend utilities to the subdivision. Within the subdivision, the subdividers will provide the necessary utility and private access easements as a part of the amended plat.

IV. LEGAL AND PHYSICAL ACCESS

Tenth Avenue South, a State Highway, and 13th Avenue South, a dedicated public roadway improved to municipal standards and maintained by the City, both provide legal and physical access to the area contained within the amended plat.

ORDINANCE 3008

AN ORDINANCE TO REZONE AN APPROXIMATE 40 FOOT WIDE STRIP OF LAND BEING ADDED TO THE REAR OF LOTS 1-5, BLOCK 1, TAYLOR ADDITION, GREAT FALLS, CASCADE COUNTY, MONTANA, FROM C-2 GENERAL COMMERCIAL DISTRICT TO R-2 SINGLE-FAMILY MEDIUM DENSITY DISTRICT

* * * * *

WHEREAS, Taylor Land Partnership L.L.P. and other property owners, have had prepared an Amended Plat of Lots 1 – 5, Block 1, Taylor Addition and Lot 1A, Block 1, 3rd Supplement to Rice Tracts, located in Section 16, Township 20 North, Range 4 East, Cascade County, Montana; and,

WHEREAS, the purpose of the Amended Plat is to add an approximate 40 foot wide strip of land to the rear of Lots 1–5, Block 1, Taylor Addition; and,

WHEREAS, the property owners have petitioned to have said 40 foot wide strip of land being added to said Lots 1 – 5, Block 1, Taylor Addition rezoned from C-2 General commercial district to R-2 Single-family medium density district to match the existing zoning classification for said Lots 1 - 5; and,

WHEREAS, notice to rezone said 40 foot wide strip of land being added to Lots 1 – 5, Block 1, Taylor Addition was published in the Great Falls Tribune advising that a public hearing on this rezoning would be held on the 1st day of July, 2008, before final passage of said Ordinance herein; and,

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

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

Section 1. It is determined that the herein described rezoning 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 40 foot wide strip of land being added to said Lots 1 – 5, Block 1, Taylor Addition be rezoned from C-2 General commercial district to R-2 Single-family medium density district.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the Amended Plat of Lots 1 – 5, Block 1, Taylor Addition and Lot 1A, Block 1,

3rd Supplement to Rice Tracts, located in Section 16, Township 20 North, Range 4 East, Cascade County, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 1st day of July, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 3008 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 1st day of July, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 1st day of July, 2008.

Lisa Kunz, City Clerk

(CITY SEAL)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 1st day of July, 2008, and prior thereto, I was the City Clerk of the City of Great Falls, Montana; that as said City Clerk I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3008 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





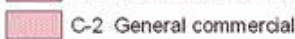
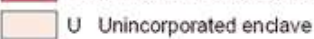
Lisa Kunz, City Clerk

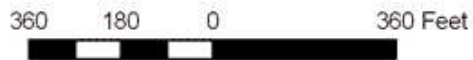
(CITY SEAL)

VICINITY/ZONING MAP



 AREA TO BE SUBDIVIDED AND ADDED TO TAYLOR ADDITION AND REZONED FROM C-2 GENERAL COMMERCIAL DISTRICT TO R-2 SINGLE-FAMILY MEDIUM DISTRICT

-  City Limits
-  R-6 Multi-family high density
-  PUD Planned unit development
-  R-2 Single-family medium density
-  C-2 General commercial
-  U Unincorporated enclave





Item: Sale of City Property, Lot 3F of Amended Plat of Lot 3, Medical Tech Park
From: Mike Rattray, Community Development Director
Initiated By: Community Development Department
Presented By: Mike Rattray, Community Development Director
Action Requested: Conduct Public Hearing and Approve Sale of Land

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/deny) the sale of Lot 3F of the Amended Plat of Lot 3, Medical Tech Park to SBC Archway IV, LLC in the amount of \$242,615.”
(requires four-fifths vote)

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

Staff Recommendation: After conducting the public hearing, staff recommends the City Commission approve the sale of city land to SBC Archway IV, LLC in the amount of \$242,615.

Background: In 2004, in conjunction with development of the Centene project, the City of Great Falls purchased an additional ten acres for the purpose of creating a subdivision that would provide office development sites that would be in harmony with the institutional type of development currently taking place in this part of the community. On July 18, 2006, the City Commission approved the final plat of the ten acre site, which created eight lots of approximately 1.1 acre in size. Staff obtained an appraisal that established the fair market value of the land at a minimum of \$4.00 per square foot with a range up to \$4.50 per square foot. The City sold the first lot on September 5, 2006, for \$4.00 per square foot for the purpose of constructing a new Social Security building.

Staff was recently contacted by a firm that was involved in a competition for a new office for a Homeland Security project they wanted to construct on a lot at the Medical Tech Park. The firm, SBC Archway IV, LLC, requested that staff offer Lot 3F for sale. The minimum bid price was established at \$4.25 per square foot. On June 4, 2008, the City received one bid on Lot 3F for \$242,615 from SBC Archway IV, LL.

A Public Notice of a bid opening to be conducted on June 4, 2008, was placed in the *GREAT FALLS TRIBUNE* on May 25, 2008. Also, a Public Notice was placed in the *GREAT FALLS TRIBUNE* on June 15, 2008, notifying of a City Commission meeting to be held on July 1, 2008, for the approval of sale.

Concurrences: N/A

Fiscal Impact: Sale of the lot will provide the City with \$242,615 of revenue that can be used to pay debt created when the Medical Tech Park land was purchased, subdivided and provided with public improvements.

Alternatives: N/A

Attachments/Exhibits: Notice to All Bidders
Public Notice of Commission Meeting

NOTICE TO ALL BIDDERS

SALE OF CITY-OWNED PROPERTY

NOTICE IS HEREBY GIVEN that the City of Great Falls, Montana, will receive sealed bids at the City Clerk's Office, Room 202, Civic Center Building, #2 Park Drive, Great Falls, Montana, until 3:00 p.m., June 4, 2008, at which place and time they will be publicly opened, read and considered, together with all bidding for the sale and development of the City-owned land more particularly described as follows:

Lot 3F, Amended Plat of Lot 3, Medical Tech Park Subdivision, Great Falls, MT

Each and every bid shall be accompanied by a cashier's check, drawn on a responsible bank, payable to the City of Great Falls, for an amount which will be not less than ten percent (10%) of the aggregate of the enclosed bid. Minimum bid for the land shall not be less than the appraised value as indicated below:

The minimum bid price shall be \$4.25 per square foot (\$242,520) and shall include as an addition thereto a draft plan for a development project that would constitute a minimum of 5,000 square feet of building construction.

The bids shall be marked on the outside: "Bid on City-owned land to be opened June 4, 2008.

Map exhibits of the land to be sold are on file in the Community Development Department of the City of Great Falls. Potential bidders are encouraged to contact Mike Rattray, Community Development Director, for additional information prior to submitting a bid.

The City Commission of the City of Great Falls reserves the right to reject any or all bids and accept any bid should it be deemed in the public interest to do so.

BY ORDER OF THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA.

Lisa Kunz, City Clerk

PUBLICATION DATE: May 25, 2008

PUBLIC NOTICE

NOTICE IS HEREBY GIVEN that the City Commission of the City of Great Falls, Montana, will conduct a public hearing in the Commission Chambers, Civic Center Building, at 7:00 p.m. on July 1, 2008, for the purpose of considering the sale of a parcel of City-owned land described below.

Lot 3F of Amended Plat of Lot 3, Medical Tech Park, Great Falls, MT

Map exhibits delineating the parcel for sale are available for review in the Community Development Department at the Civic Center. Any person who wants to provide comment may do so at the public hearing or may provide written comment by mailing said comments to: City Clerk, City of Great Falls, P.O. Box 5021, Great Falls, MT 59403.

Lisa Kunz
City Clerk

PUBLICATION DATE: June 15, 2008



Agenda # 5
Commission Meeting Date: July 1, 2008
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Res. # 9754, Cost Recovery, S90' of W40' & N60' of W4' of E14' of Lot 12, Block 251, Great Falls Original Addition, 209 2nd Ave. N.

From: Jay Parrott, Building Inspector

Initiated By: Community Development Department

Presented By: Mike Rattray, Community Development Department Director

Action Requested: Conduct Public Hearing and Adopt Resolution # 9754 for recovering costs incurred in razing and clean-up of the structure located at 209 2nd Avenue North.

Suggested Motion:

1. Commissioner moves: "I move that the City Commission (adopt/deny) Resolution # 9754."
2. Mayor calls for a second, discussion, inquiries from the public, and calls the vote.

Staff Recommendation: Staff recommends adoption of Resolution # 9754.

Background: The City condemned the property on August 8, 2006 and secured the structure at the request of the U.S. Bankruptcy Court. The owner of the property, Associates First Capital Corporation, obtained a demolition price from Shumaker Trucking and Excavating at the end of March to raze the structure. Shumaker Trucking was issued a razing permit on April 18, 2008, however, Shumaker Trucking was not given approval to raze the structure by the property owner. On May 16, 2008, the City took over the demolition process due to non-action by the property owner. On May 14, 2008, a razing permit was issued to MRTE for the structure. Razing was completed on May 21, 2008.

Concurrences: N/A

Fiscal Impact: Adoption of Resolution # 9754 will allow the City to reimburse the demolition fund \$ 28,700.00.

Alternatives: The City Commission may or may not adopt Resolution # 9754.

Attachments/Exhibits: Resolution # 9754
Actions taken by staff
Notice of Public Hearing
Itemized account for recovery of razing costs

RESOLUTION 9754

A RESOLUTION ASSESSING THE COSTS INCURRED IN RAZING AND CLEANING OF THE PROPERTY LOCATED ON THE S90' OF W40' & N60' OF W4' OF E14' OF LOT 12, BLOCK 251, GREAT FALLS ORIGINAL ADDITION, GREAT FALLS, CASCADE COUNTY, MONTANA, ADDRESSED AS 209 2nd AVENUE NORTH, AGAINST SAID PROPERTY.

WHEREAS, Associates First Capital Corporation, owner of the property located on the S90' of W40' & N60' of W4' of E14' of Lot 12, Block 251, Great Falls Original Addition, Great Falls, Montana, 209 2nd Avenue North 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 July 1, 2008, at 7:00 p.m. for this hearing, to show cause why the property owner should not be held liable for the costs incurred in razing and cleaning of said property.

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

The amount of \$ 28,700.00 for razing and cleanup costs incurred in the abatement of the nuisance located on the S90' of W40' & N60' of W4' of E14' of Lot 12, Block 251, Great Falls Original Addition, Great Falls, Montana, described as 209 2nd Avenue North, 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 1st 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 the foregoing Resolution # 9754 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 1st day of July, 2008, and approved by the Mayor of said City, on the 1st day of July, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 1st day of July, 2008.

Lisa Kunz, City Clerk

ACTION TAKEN BY CITY STAFF

<u>Action</u>	<u>Date</u>
Initial complaint taken by staff	07-02-03
Housing complaint	12-03-03
“Request for Entry” requested	12-26-03
Initial inspection of property with Fire Marshall	12-18-03
Inspection by building department	01-26-04
Re-inspection of structure	04-01-04
6 citations issued to owner	04-15-04
Ordered to vacate basement	01-23-06
2 nd order to vacate basement	04-14-04
Property condemned & building secured by order of bankruptcy court	08-08-06
Trash removed by City Sanitation Department	09-18-06
Re-secured building	07-26-07
Re-secured building	08-21-07
Re-secured building	12-10-07
Razing permit issued to Shumaker Trucking & Excavating	04-18-08
Razing permit issued to <i>Missouri River Trucking & Excavation</i>	05-14-08
Razing permit issued to Shumaker Trucking & Excavating revoked	05-15-08
Asbestos abatement by <i>Scott Fitzpatrick</i>	05-17-08
Razing completed	05-21-08

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on July 1, 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:

209 2nd Avenue North \$ 28,700.00

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

OFFICE USE ONLY

Publication Date: June 21, 2008

cc: Account # 451-7121-572-3599
Lisa Kunz, City Clerk
Itemized Account
Owner: Associates First Capital Corporation
1111 Northpoint, Suite 100, Building 4
Coppell, Texas 75019
Post on Property
Property File

ITEMIZED ACCOUNT FOR RECOVERY OF ABATEMENT COSTS

The following expenses were incurred during the razing and cleanup of the property located on the S90' of W40' & N90' of W4' of E14' of Lot 12, Block 251, Great Falls Original Addition, Great Falls, Montana, more commonly known as 209 2nd Avenue North.

Administrative Fee	\$ 260.00
Ownership and Encumbrance Report by <i>Stewart Title</i>	\$ 110.00
Recording Fee	\$ 35.00
Publishing Legal Ad (Tribune)	\$ 35.00
Asbestos Inspection & Design	\$ 260.00
Asbestos Abatement	\$ 2,000.00
Abandon Water Service by <i>MRTE</i>	\$ 600.00
Razing by <i>MRTE</i>	<u>\$ 25,400.00</u>
TOTAL EXPENSES INCURRED	<u>\$ 28,700.00</u>



Item: Resolution 9756, Intent to Annex; Resolution 9757 Intent to Annex; and Ordinance 3010 to Assign City Zoning to the Unincorporated Portion of Two Utility Corridors within Henderson Heights and North Riverview Terrace

From: Charles Sheets, Planner 1

Initiated By: City Commission

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolutions 9756 and 9757, accept Ordinance 3010 on first reading and set a public hearing for August 5, 2008.

Suggested Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission (adopt/deny) Resolution 9756 showing intent to annex 92 separate parcels of land comprising the unincorporated portion of two utility corridors.”

“I move that the City Commission (adopt/deny) Resolution 9757 showing intent to annex a parcel of governmental land within the unincorporated utility corridor adjacent to Sacajawea School and Sacajawea Park.”

and;

“I move 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.”

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

Planning Board and Zoning Commission Recommendations: The Planning Board has recommended the City Commission approve the annexation of the unincorporated portion of two utility corridors within Henderson Heights and North Riverview Terrace. The Zoning Commission has recommended the City Commission assign a zoning classification of R-2 Single-family medium density district upon all the parcels comprising the utility corridors being annexed, except for the two parcels abutting Sacajawea School and North Middle School which will be zoned PLI Public lands and institutional district, upon annexation to the City.

Background: It is the City's intention to annex unincorporated enclaves. This intention recognizes that each parcel has separate and unique characteristics and issues to be addressed. As such, the City Commission directed staff to research and when appropriate annex unincorporated enclaves.

There are 93 separate parcels of land comprising two utility corridors within Henderson Heights and North Riverview Terrace, which are presently unincorporated. One of these parcels is owned by the City of Great Falls.

Please refer to the attached Vicinity/Zoning Map.

These utility corridors are entirely surrounded by properties already incorporated into the City of Great Falls. As allowed by Section 7-2-4501 Montana Code Annotated, a city may unilaterally annex properties that are wholly surrounded by the city, upon passing a resolution of intent, giving notice, and passing a resolution of annexation. Upon conducting these actions, wholly surrounded lands are annexed whether or not a majority of the property owners of the areas to be annexed object. The City will then have jurisdiction and City Codes will be applied and enforced. The one parcel owned by the City of Great Falls requires a different State statute be used. Section 7-2-4402 Montana Code Annotated, "Annexation of Contiguous Government Land," will be cited in the annexation resolution.

The corridors are utility easements that were established when the North Riverview Terrace and Henderson Heights areas were still farm land. The corridors were never incorporated when the abutting land was subdivided and annexed into the City. The utility corridors were later divided and offered for sale to the abutting property owners. The smaller size and isolation of these separate parcels limit their use to yard space and accessory structures, such as sheds or garages. Over the past several years, some of these parcels have been a source of complaints involving weeds and the collection of debris. This has led to confusion and frustration by the public regarding which entity, the City or the County, has the authority or responsibility to address the complaints.

Upon annexation, the parcels will be subject to City taxes and assessments.

The incorporated properties surrounding the 93 parcels are predominately residential. It is therefore proposed the parcels be zoned R-2 Single-family medium density district, except for two segments which should appropriately be zoned PLI Public lands and institutional as they abut North Middle School, Sacajawea School and Sacajawea Park.

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

- a) is designed in accordance with the growth policy (comprehensive plan);
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;
- e) will provide adequate light and air;
- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;
- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;

- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

Zoning the subject parcels for residential and public uses is consistent with other incorporated properties abutting the involved parcels. Therefore, staff concludes all of the above stated criteria are substantially met.

Prior to the Planning Board/Zoning Commission public hearing, which was held May 27, 2008, staff received a letter from one owner of a parcel included in the corridors. Staff responded in writing before the public hearing and provided copies of both letters to the Planning Board. Attached to this Agenda Report is a copy of the letter and Staff's response.

During the above referenced public hearing, eight area property owners spoke. The major questions and concerns by the public were: who is responsible for maintenance of the access road in the corridor; can owners close off the access road; and, will taxes and assessments go up after annexation?

At the conclusion of the public hearing, the Planning Board passed a motion recommending the City Commission annex the unincorporated portion of two utility corridors within Henderson Heights and North Riverview Terrace. In addition, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-2 Single-family medium density district upon all the parcels comprising the utility corridors being annexed, except for the two parcels abutting Sacajawea School and North Middle School which will be zoned PLI Public lands and institutional district, upon annexation to the City.

A copy of the minutes of the Planning Board/Zoning Commission public hearing will be provided to the City Commission prior to the August 5th public hearing.

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

Fiscal Impact: Providing services to the 93 unincorporated parcels is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from properties being annexed.

Alternates: The City Commission could deny Resolutions 9756 and 9757 and Ordinance 3010. However, such action would terminate consideration of the 93 parcels currently surrounded by incorporated property.

Attachments/Exhibits:

- 1. Resolutions 9756 and 9757
- 2. Ordinance 3010
- 3. Vicinity/Zoning Map
- 4. Letter from Daniel F. Carson, dated May 15, 2008
- 5. Planning Staff letter of response to Mr. Carson, dated May 23, 2008

Cc: Jim Rearden, Public Works Director

Dave Dobbs, City Engineer
Mike Rattray, Community Development Director

RESOLUTION 9756

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE NINETY-TWO (92) SEPARATE PARCELS OF LAND COMPRISING THE UNINCORPORATED PORTION OF TWO UTILITY CORRIDORS WITHIN HENDERSON HEIGHTS AND NORTH RIVERVIEW TERRACE IN SECTIONS 35 AND 36, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, AND TO DIRECT NOTICE TO BE GIVEN BY THE CITY CLERK AS PROVIDED BY LAW.

* * * * *

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

WHEREAS, there is wholly surrounded by said City, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

Ninety-two (92) separate parcels of land comprising the unincorporated portion of two utility corridors within Henderson Heights and North Riverview Terrace in Sections 35 and 36, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana, and containing 12.76 acres, more or less,

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

WHEREAS, Section 7-2-4501 Montana Code Annotated, a city may unilaterally annex properties that are wholly surrounded by the city, upon passing a resolution of intent, giving notice, and passing a resolution of annexation. Upon conducting these actions, wholly surrounded lands are annexed whether or not a majority of the property owners of the areas to be annexed object, such land may be incorporated and included in the municipality to which it is contiguous.

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

That in its judgment it will be to the best interest of said City of Great Falls and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended so as to include: "THE 92 SEPARATE PARCELS OF LAND COMPRISING THE UNINCORPORATED PORTION OF TWO UTILITY CORRIDORS WITHIN HENDERSON HEIGHTS AND NORTH RIVERVIEW TERRACE IN SECTIONS 35 AND 36, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION: That Tuesday, the 5th day of August, 2008, at 7:00 P.M., in the Commission Chambers at the Great Falls Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place for a public hearing at which time the Great Falls City Commission shall hear all persons and all things relative to the proposed annexation of "THE 92 SEPARATE PARCELS OF LAND COMPRISING THE UNINCORPORATED PORTION OF TWO UTILITY CORRIDORS WITHIN HENDERSON HEIGHTS AND NORTH RIVERVIEW TERRACE

IN SECTIONS 35 AND 36, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA.”

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of said City shall, at the aforesaid public hearing before the said City Commission and after expiration of a twenty (20) day period following the first publication of notice of passage of this Resolution, lay before the City Commission all communications in writing by her so received pertaining to said annexation.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 1st day of July, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

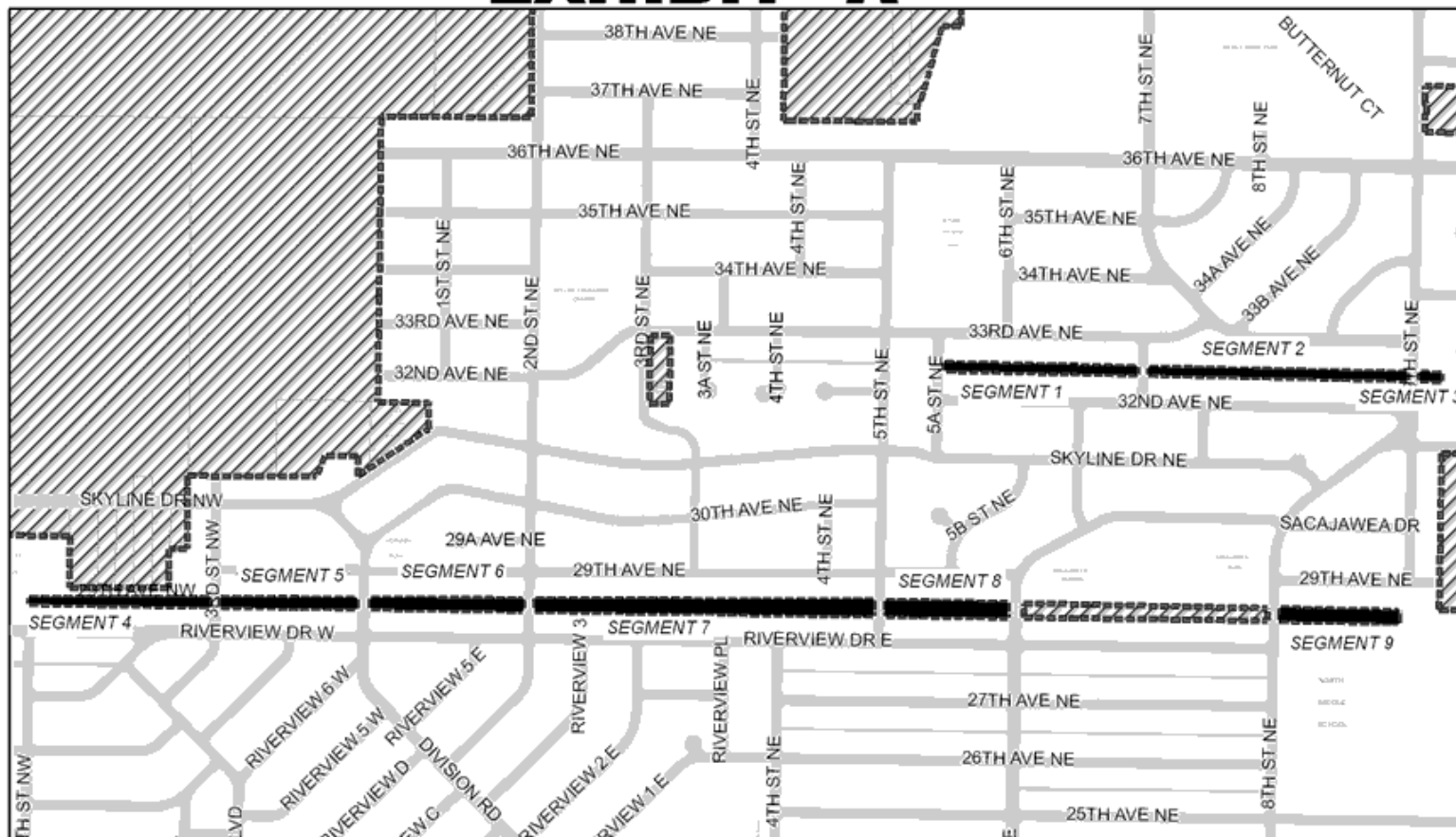
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9756 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 1st day of July, 2008, wherein it was approved by said Commission.




IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 1st day of July, 2008.

Lisa Kuntz, City Clerk

(CITY SEAL)

EXHIBIT "A"



-  NINE SEGMENTS OF TWO UTILITY CORRIDORS PROPOSED TO BE ANNEXED INTO THE CITY OF GREAT FALLS AND ASSIGNED A CITY ZONING CLASSIFICATION COMPARABLE TO ABUTTING INCORPORATED PROPERTIES
-  TRACTS OF LAND OUTSIDE CITY
-  CITY LIMITS



RESOLUTION 9757

A RESOLUTION OF INTENTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE A PARCEL OF GOVERNMENTAL LAND LOCATED IN THE UNINCORPORATED PORTION OF A UTILITY CORRIDOR ADJACENT TO SACAJAWEA SCHOOL AND SACAJAWEA PARK IN NORTH $\frac{1}{2}$ NORTH $\frac{1}{2}$ SOUTHWEST $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, AND TO DIRECT NOTICE TO BE GIVEN BY THE CITY CLERK AS PROVIDED BY LAW.

* * * * *

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

WHEREAS, there is contiguous to said City, a certain tract or parcel of governmental land situated in the County of Cascade, State of Montana, and described as follows:

A parcel of governmental land located in the unincorporated portion of a utility corridor adjacent to Sacajawea School and Sacajawea Park in N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 36, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana, and containing 2.63 acres, more or less,

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

WHEREAS, Section 7-2-4402, Montana Code Annotated, provides that whenever any land contiguous to a municipality is owned by the State of Montana or by any agency, instrumentality, or political subdivision or whenever any of the foregoing have a beneficial interest in any land contiguous to a municipality, such land may be incorporated and included in the municipality to which it is contiguous and may be annexed thereto and made a part thereof; and,

WHEREAS, the City has on file a Request for Annexation of the subject segment of governmental land owned by the City of Great Falls.

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

That in its judgment it will be to the best interest of said City of Great Falls and the inhabitants thereof, that the boundaries of said City of Great Falls shall be extended so as to include: "THE PARCEL OF GOVERNMENTAL LAND LOCATED IN THE UNINCORPORATED PORTION OF A UTILITY CORRIDOR ADJACENT TO SACAJAWEA SCHOOL AND SACAJAWEA PARK IN NORTH $\frac{1}{2}$ NORTH $\frac{1}{2}$ SOUTHWEST $\frac{1}{4}$ OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION: That Tuesday, the 5th day of August, 2008, at 7:00 P.M., in the Commission Chambers at the Great Falls Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place for a public hearing at which time the Great Falls City Commission shall hear all persons and all things relative to the proposed annexation of "THE

PARCEL OF GOVERNMENTAL LAND LOCATED IN THE UNINCORPORATED PORTION OF A UTILITY CORRIDOR ADJACENT TO SACAJAWEA SCHOOL AND SACAJAWEA PARK IN NORTH½ NORTH½ SOUTHWEST¼ OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA.”

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of said City shall, at the aforesaid public hearing before the said City Commission and after expiration of a twenty (20) day period following the first publication of notice of passage of this Resolution, lay before the City Commission all communications in writing by her so received pertaining to said annexation.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 1st day of July, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

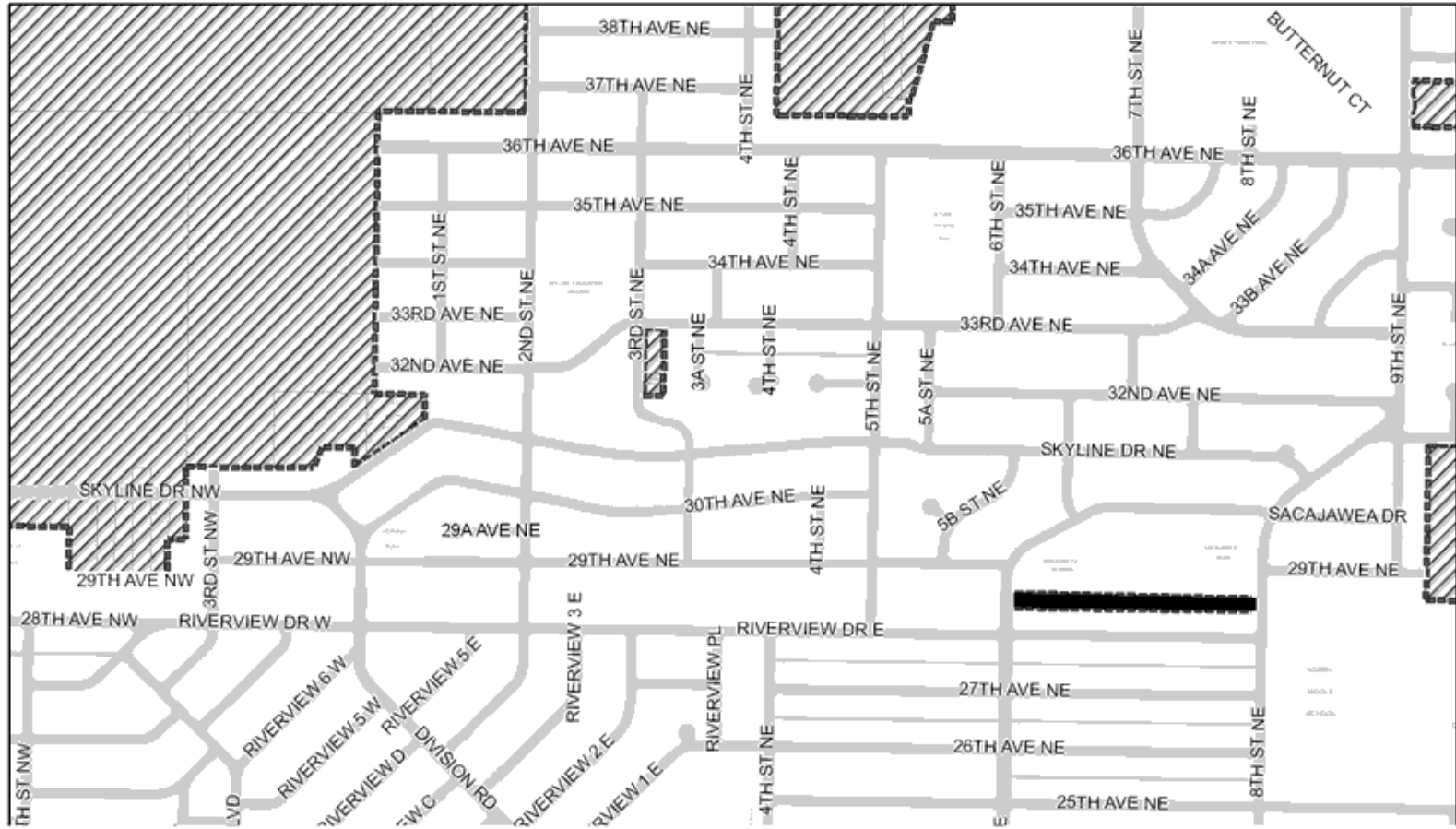
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9757 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 1st day of July, 2008, wherein it was approved by said Commission.




IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 1st day of July, 2008.

Lisa Kuntz, City Clerk

(CITY SEAL)

EXHIBIT "A"



-  CONTIGUOUS GOVERNMENTAL LAND PROPOSED TO BE ANNEXED INTO THE CITY OF GREAT FALLS
-  TRACTS OF LAND OUTSIDE CITY
-  CITY LIMITS



ORDINANCE 3010

AN ORDINANCE ASSIGNING CITY ZONING TO NINETY-THREE (93) SEPARATE PARCELS OF LAND COMPRISING THE UNINCORPORATED PORTION OF TWO UTILITY CORRIDORS WITHIN HENDERSON HEIGHTS AND NORTH RIVERVIEW TERRACE IN SECTIONS 35 AND 36, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA.

* * * * *

WHEREAS, ninety-three (93) separate parcels of land comprising the unincorporated portion of two utility corridors within Henderson Heights and North Riverview Terrace and containing 15.39 acres, more or less, are contiguous to and are enclaves entirely surrounded by the incorporated area of the City of Great Falls; and,

WHEREAS, in accordance with Section 7-2-4501 MCA, a city may include as part of the city any platted or unplatted tracts or parcels of land that are wholly surrounded by the city; and,

WHEREAS, one of the above stated parcels is governmental land and in accordance with Section 7-2-4402, Montana Code Annotated, whenever any land contiguous to a municipality is owned by the State of Montana or by any agency, instrumentality, or political subdivision or whenever any of the foregoing have a beneficial interest in any land contiguous to a municipality, such land may be incorporated and included in the municipality to which it is contiguous and may be annexed thereto and made a part thereof; and,

WHEREAS, notice of assigning a zoning classification of R-2 Single-family medium density district upon all the parcels comprising the utility corridors being annexed, except for the two parcels abutting Sacajawea School and North Middle School which will be zoned PLI Public lands and institutional district, was published in the Great Falls Tribune advising that a public hearing on these zoning designations would be held on the 5th day of August, 2008, before final passage of said Ordinance herein; and,

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

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

Section 1. It is determined assignment of a zoning classification of R-2 Single-family medium density district upon all the parcels comprising the utility corridors being annexed, except for the two parcels abutting Sacajawea School and North Middle School which will be zoned PLI Public lands and institutional district, will meet the criteria and guidelines cited in Section 76-2-304 Montana Code Annotated, and Section 17.16.40.030 of the Unified Land Development Code of the City of Great Falls.

Section 2. That the zoning of the ninety-three (93) separate parcels of land be designated as R-2 Single-family medium density district, except for the two parcels abutting Sacajawea School and North Middle School which will be zoned PLI Public lands and institutional district.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolutions annexing the hereinabove described ninety-three (93) separate parcels of land into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

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

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 3010 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 5th day of August, 2008 and approved by the Mayor of said City on the 5th day of August, 2008.

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

Lisa Kunz, City Clerk

(CITY SEAL)

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

I, Lisa Kunz, being first duly sworn, deposes and says: That on the 5th day of August, 2008 and prior thereto, I was the City Clerk of the City of Great Falls, Montana; that as said City Clerk, I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3010 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

(CITY SEAL)

VICINITY / ZONING MAP



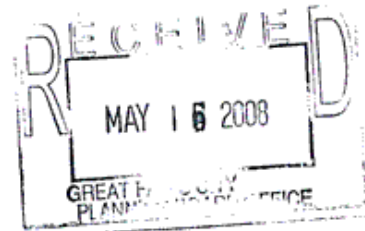
- UTILITY CORRIDORS PROPOSED TO BE ANNEXED INTO THE CITY OF GREAT FALLS AND ASSIGNED A CITY ZONING CLASSIFICATION COMPARABLE TO ABUTTING INCORPORATED PROPERTIES**
- | | | | |
|----------------------------------|---------------------------------|------------------------------------|-----------------------------|
| City Limits | R-5 Multi-family medium density | PLI Public Lands and Institutional | I-1 Light industrial |
| R-2 Single-family medium density | R-10 Mobile home park | POS Parks and Open Space | U Unincorporated enclaves |
| R-3 Single-family high density | C-2 General commercial | PUD Planned unit development | Tracts of land outside City |

May 15, 2008

City of Great Falls
Planning Board/Zoning Commission
P.O. Box 5021
Great Falls, Montana 59403-5021

RE: Annexation of Utility Corridors

Dear Sirs,



I am in receipt of your letter dated April 16, 2008 concerning the subject above.

Regarding your thoughts and plans to annex certain corridors of county land that now lay within the city limits which you claim are remnants of abutting properties that were platted, subdivided and annexed to the City several years ago, I take exception to your explanation, intent, and purpose.

When I purchased my portion of the land, I paid for survey work, grading, and surfacing. The neighbors and I who acquired the land have kept the access open for the utility companies and maintained a passageway for each of us to use for the benefit of all including those neighbors who live north of the property line who enjoy access but do not support the access financially or laboriously. Some have encroached on this semi-private passageway over the years in many different ways and at no expense to themselves but by the good nature of all the owners have not been taken to task. I include in this all the vehicles big and small that enjoy tearing up the surface immediately after a heavy rain and leaving huge ruts.

The benefits of this land to the owner and the City as it now stands is for the storage of recreational vehicles etc. enabling the owners to keep them off the City streets and out of their front yards while not in use, a place for gardens, extra play areas for children, dog runs, and in some cases an extra garage. In this respect it is a big plus for both.

I realize the City, County, and State in the past have been confused at times with the problem of who's jurisdiction was involved but will the acquisition by the City really solve all the problems for both the City and the landowners? Definitely not from the tax payers view point because we will pay a much bigger tax and probably get about the same response and help from the City.

Because of these situations, we who own the property are deeply concerned about the City's desire for more tax dollars (the only real reason for wanting it annexed). I consider their desire an affront after the many years by the owners keeping the property in good condition at no expense to the City, a very low expense to the County, and none to the State. Even though this strip is somewhat "rural by nature", in the many years of my personal ownership I have never seen but one attempt by any government except the County to help in its maintenance and that was last summer when a tractor/mower came along to cut the grass which really wasn't necessary in our area. To my knowledge, this is the only time we have had help other than phone calls by employees concerning weed control.

Because of the forgoing concerns, I have several questions that deserve a answer.

Question: Will City annexation provide a passageway that is of an all weather type kept up by the City through a reasonable taxation? Annexation is nothing more than another way of claiming ownership.

Question: Will the City provide water to these lots at a decent pressure by way of a water main? I have a fully grassed area that is kept up by watering and mowing and at best (when the neighbors all have their sprinklers on) I sometimes can't get twenty pounds of pressure. Have you ever tried to water on that pressure? I don't know about all the neighbors but those around me have pressure problems also. We should be able to maintain at least forty pounds for adequate use.

Question: How does the City intend to handle the drainage, especially during flash flooding which has been a problem in the past?

Question: What will the City really gain by annexation? Up to now they have done nothing but word of mouth exercises regarding this land. Owners will demand more services from the City than now provided. Will that outweigh the amount you can legally tax? It might best be left alone because taxes and services never equal out.

Question: Is this really an honest effort by the City to help the owners improve their property or just another way to get more dollars? Will the owners have less control and more problems?

Question: What is your estimate of the future yearly taxes that would be imposed on Lot 5A, Segment 7?

I would appreciate your honest interests for these concerns.

Sincerely,



Daniel F. Carson
209 Riverview Drive East
Great Falls, Montana 59404
(406) 761-6877

Lot 5A, Segment 7



P. O. Box 5021, 59403-5021

Planning Department

May 23, 2008

Daniel F. Carson
209 Riverview Drive East
Great Falls, MT 59404

RE: Annexation of Utility Corridors

Dear Mr. Carson:

This communication is prepared in response to your letter dated May 15, 2008, wherein you posed several questions regarding the City's plans to annex multiple segments of two utility corridors through the Henderson Heights and North Riverview Terrace areas that are wholly surrounded by property located within the City limits.

You stated in your letter the only the reason the City desires to annex the involved utility corridors is for the additional tax dollars. If this was indeed true the City would have pursued the annexation many years ago. Based upon information obtained from the County Real Estate files, you currently pay less than \$11.00 annually in taxes on the 9879 sq ft parcel you own that the City proposes to annex. Although the taxes on these utility corridors will be adjusted upon annexation, it is doubtful the additional revenue will offset the liabilities associated with providing municipal services. In part, the City is pursuing this annexation at the bequest of representatives of Cascade County which correctly views these utility corridors as being used by and solely benefiting property owners inside the City.

The following are responses to each of the questions presented in your letter.

Will City annexation provide a passageway that is of an all weather type kept up by the City through a reasonable taxation? Annexation is nothing more than another way of claiming ownership.

Response: The City currently has no plans to construct an alleyway or roadway through any of the utility corridors. First, there is no dedicated right-of-way or public access easement to accommodate such a facility. Second, the owners of the parcels in the corridors would have the obligation to finance such an improvement. Third, it would take the cooperation and consent of 100% of the owners of a segment of a utility corridor to accomplish the improvement.

Response: Annexation has nothing to do with claiming or changing ownership of the corridor.

Will the City provide water to these lots at a decent pressure by way of a water main?

Response: Typically, the cost of installing water mains to serve new development would be borne by those parties benefiting from the improvement. But, it is anticipated the current use of the property within the utility corridors primarily as yard space and sites for accessory structures will continue wherein water can be provided from abutting lots occupied by residential units. Annexation in itself will not change the water pressure in a particular area. Water pressure problems currently being experienced by a homeowner or a neighborhood should be addressed through the City Public Works Department.

How does the City intend to handle the drainage, especially during flash flooding which has been a problem in the past?

Response: Surface runoff from the utility corridors is not affected by or dependent upon whether or not the corridors are inside or outside the City limits. The City Public Works Department has the responsibility of monitoring and addressing storm water runoff associated with public right-of-way, which again these corridors are not. That will not change with annexation of the utility corridors as any runoff currently resulting from the corridors is already taken into consideration with any storm water planning.

What will the City really gain by annexation?

Response: For the past few years, the City Commission has expressed an interest in annexing unincorporated enclaves to the City. For some governmental entities and neighbors these types of unincorporated enclaves have been a source of confusion and inconsistent code application. Equity issues also arise where property in the midst of an urban setting is not subject to the same code requirements or standards as surrounding properties when it comes to community decay, weed control, building requirements, etc.

Is this really an honest effort by the City to help the owners improve their property or just another way to get more dollars? Will the owners have less control and more problems?

Response: As stated earlier, if the City viewed this annexation as a revenue windfall, it would have pursued it long before this. Land use regulations within the City are much more comprehensive than those implemented by the County. Higher density development dictates more intense regulations to try and achieve a more harmonious living environment.

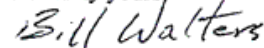
What is your estimate of the future yearly taxes that would be imposed on Lot 5A, Segment 7?

Response: The Planning Office has had some recent discussions with the State Department of Revenue and regardless of whether or not the utility corridors are annexed, they are currently being reappraised, which will result in an increase in property taxes.

Upon annexation, the Revenue Department will also combine, for taxation purposes, the area you own in the utility corridor with the lot occupied by your residence. As a result of the reappraisal and annexation, taxes attributable to just the area you own in the utility corridor may increase in the range of \$100 to \$200 annually, depending upon what reappraisal method is used. More detailed information can be obtained from either Bill Minnerly or Joan Vining at the Revenue Department (454-7460).

I hope the above responses address your concerns at least to some extent. Simply bringing the involved utility corridors into the City will not result in significant physical changes.

Sincerely yours,



Bill Walters,
Senior Planner

Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Dona Stebbins, Bill Bronson, Mary Jolley, Bill Beecher and John Rosenbaum. Also present were the City Manager, Assistant City Manager, City Attorney, Directors of Community Development, Library, Park and Recreation, Planning and Public Works, Fiscal Services Operations Supervisor, the Police Chief, Fire Chief, and the City Clerk.

PROCLAMATION: Hog Days of Summer in Great Falls

NEIGHBORHOOD COUNCILS

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

PUBLIC HEARINGS

Res. 9741 and Ord. 3007, Annexation and Zoning for West Ridge Addition Phase V. Adopted.

- 2A. **RESOLUTION 9741, ANNEXES WEST RIDGE ADDITION PHASE V, CONSISTING OF 24 SINGLE-FAMILY RESIDENTIAL LOTS LOCATED ALONG THE WEST BOUNDARY OF 2ND STREET NORTHEAST AND ALONG 37TH AND 38TH AVENUES NORTHEAST.**
- 2B. **ORDINANCE 3007, ASSIGNS CITY ZONING OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO PROPERTY.**

Planning Director Ben Rangel reported that in January, 2008, the City Commission approved the Preliminary Plat of West Ridge Addition, Phases V & VI. The subdivision is located in Northwest Great Falls, near the former Skyline Education Center. The property owner and developer, S&L Development, LLC, is now ready to proceed with Phase V, which consists of 24 single family residential lots.

On May 20, 2008, the City Commission set a public hearing for this evening. After conducting a joint public hearing, Mr. Rangel requested that the City Commission adopt Resolution 9741, which would annex the subdivision and to adopt Ordinance 3007, which would assign R-3 Single-family residential zoning, and to approve the final plat and annexation agreement. The City Planning Board/Zoning Commission unanimously recommends Commission approval.

Mayor Stebbins declared the public hearing open. **Kathleen Gessaman**, 1006 36th Avenue N.E., asked for clarification regarding whether there would be better storm drain coverage in this area. Public Works Director Jim Rearden responded that this area will also drain into the Northeast Regional Retention Pond. A consultant contract will come before the Commission in the near future to design a detention pond in the upper part of the coulee. A pipe will come out of the retention pond and into the new detention pond. It will drain to the north of Wadsworth Coulee instead of pumping it back over the hill to the river.

No one spoke in opposition.

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

Commissioner Jolley moved, seconded by Commissioners Beecher and Bronson, that the City Commission adopt Resolution 9741 and approve the Final Plat and Annexation Agreement all related to Westridge Addition, Phase V.

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

Motion carried 5-0.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 3007.

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

Motion carried 5-0.

OLD BUSINESS

Res. 9749, Creating an Animal Ordinance/Shelter Advisory Committee. Adopted.

3. AMENDED RESOLUTION 9749, CREATING AN ANIMAL ORDINANCE/SHELTER ADVISORY COMMITTEE.

Assistant City Manager Cheryl Patton reported that Resolution 9749, as amended, would create an animal ordinance/shelter operations advisory committee. The committee would be charged with advising the City Commission on issues concerning animal ordinances and animal shelter operations. Resolution 9749 outlines the committee composition to include best efforts to appoint two members recommended by the Human Society of Cascade County, two members recommended by the Animal Foundation of Great Falls, and three members appointed from the elected Neighborhood

Council members. It is recommended that all members have an interest in resolving issues regarding animals for the betterment of the City of Great Falls. An advisory committee was recommended in the Staton report, and also by Elizabeth Baker, the Special Examiner hired by the Commission to review complaints regarding the City's operation of the shelter. The City Commission is asked tonight to consider adopting or denying Resolution 9749, as amended.

Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9749 as amended.

Mayor Stebbins asked if this would follow the general pattern of City advisory boards wherein the City would advertise for applications and then make an appointment. Ms. Patton answered that two members would be recommended by the Human Society of Cascade County, two members by the Animal Foundation of Great Falls, and the City Commission would still have to make those appointments.

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 regarding Resolution 9749. **Ron Gessaman**, 1006 36th Avenue N.E., commented that this resolution is contrary to when the City got involved in the Animal Shelter about a year ago. The public was promised that the City would only be involved 60-90 days, and now it looks like the City is a permanent fixture in the Animal Shelter. Mr. Gessaman inquired whether, at the end of the three year term, the advisory committee would terminate or be renewed, and how would it be determined that its function had been served. Commissioner Jolley responded that three years will determine whether it was functional and whether the Commission wanted to continue it. Commissioner Jolley added that the possibility exists in the future that enforcement operations could be contracted out as was done in the past.

Motion carried 5-0.

NEW BUSINESS

**Fire Protection and
Emergency Services
Agreement between
Southern Montana
Electric G&T and City of
Great Falls Fire Rescue.
Adopted. OF 1472.2**

**4. FIRE PROTECTION AND EMERGENCY SERVICES
AGREEMENT BETWEEN SOUTHERN MONTANA ELECTRIC
G&T AND CITY OF GREAT FALLS FIRE RESCUE.**

Fire Chief McCamley reported that this agreement would authorize the City's Fire Department to provide fire protection and emergency services to Southern Montana Electric's Highwood Generation Station facility, located approximately eight miles east of Great Falls. The City agrees to provide fire protection, emergency medical services, hazardous materials response, special operations services, fire prevention activities and employee safety training for

an annual fee ranging from \$150,000-\$300,000. The Fire Department will make the final fee calculations based upon anticipated services at the facility. This fee will be reviewed annually and increased as needed to account for additional costs of service delivery. Once determined, the annual fees will be brought back before the City Commission for approval.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Fire Protection and Emergency Services Agreement for Highwood Generating Station and authorize the City Manager to execute the agreement, direct staff to present the referenced list of fees for Commission approval, as well as annual fee reviews thereafter.

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

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

Larry Rezendes, 2208 1st Avenue North, commented that consideration of this agreement is premature, there are pending issues with HGS, paragraph six is vague, and recommended that the Commission defer action to a later point in time.

Stuart Lewin, 615 3rd Avenue North, commented that he is opposed to the City's continued involvement with SME for various reasons, and he questioned the legality of paragraph six.

Tim Gregori, General Manager of SME, commented that this is a request by an entity to have the City provide services and for the City to receive adequate compensation for the provision of those services. Mr. Gregori explained that the agreement language with regard to funding is to make sure that there is adequate flexibility to put in place the costs to make sure that the City is protected, and to revisit the costs on an annual basis. Mr. Gregori encouraged the support and approval of this agreement.

Brett Doney, Great Falls Development Authority, 3048 Delmar Drive, commented that this is simply a question, in partnership with Cascade County, can the City attract a major industrial development that will improve the tax base in Cascade County by 25% and create a number of excellent, high paying jobs. This is an example of a partnership between the City and Cascade County and how they can work together and use the strengths of both to attract industrial development. By having this foundational piece in place it allows a developer, like SME, to strengthen its hand in getting financing so that the project becomes a reality. He urged the Commission to move forward with this agreement.

Mary Jaraczski, 22 Cree Way, counsel on behalf of SME, commented that one of the reasons for this agreement was that, as part of the zoning, Cascade

County requested that SME enter into an agreement with the City for the purposes of fire protection. Ms. Jaraczeki disagreed with the comment that this agreement is premature. Chief McCamley discussed this with SME for over two years in full anticipation of providing fire services to the facility. To the extent that the City is providing a service outside of City limits, it is expected that 65% of the workers on site will be residents of Great Falls. Ms. Jaraczeki also disagreed with the comment that paragraph six is vague. In 2007, the City did a comprehensive study of the costs of fire services. The Fire Department is currently updating those costs. Ms. Jaraczeki believes that SME and the City have done their due diligence and requested the Commission pass this agreement today.

Ron Gessaman, 1006 36th Avenue N.E., commented that he would like to get the same statistics and data. Mr. Gessaman commented that 18 minutes to respond to a fire at an industrial facility would do a lot of damage. The agreement refers to cold water rescue activities and indicates to him that the agreement was not drafted specifically for this facility.

Motion carried 5-0.

ORDINANCES/RESOLUTIONS

Revised Ord. 3002, Extending the land acquisition date referenced in the original Ord. 3002. Accepted Revised Ord. 3002 on first reading and set public hearing for July 15, 2008.

5. REVISED ORDINANCE 3002, EXTENDING THE LAND ACQUISITION DATE REFERENCED IN THE ORIGINAL ORDINANCE 3002 (CVS PHARMACY).

Planning Director Ben Rangel reported that on April 15, 2008, the City Commission adopted Ordinance 3002 to rezone six residential lots along 9th Avenue South between 20th and 21st Streets to accommodate a CVS Pharmacy, as proposed by The Velmeir Companies. Ordinance 3002 contains a provision that should The Velmeir Companies fail to acquire the lots by August 31 of this year, the Ordinance would become null and void and the lots would remain zoned as single family residential. The Velmeir Companies has requested the land acquisition date in the Ordinance be extended to April 30, 2009, to provide adequate time to begin construction in the spring of 2009, instead of late this summer as initially anticipated.

Mr. Rangel requested that the City Commission accept Revised Ordinance 3002 on first reading and to set a public hearing for July 15, 2008.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission accept Revised Ordinance 3002 on first reading, and set a public hearing for July 15, 2008.

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

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

Kathleen Gessaman, 1006 36th Avenue N.E., asked for clarification regarding noise and inquired if this took into account a child learning to play a tuba. Mayor Stebbins responded that she was commenting on the wrong Ordinance.

Motion carried 5-0.

Ord. 3009, Disorderly Premises. Accepted Ord. 3009 on first reading and set public hearing for July 1, 2008.

6. ORDINANCE 3009, DISORDERLY PREMISES.

City Manager Gregory T. Doyon reported that this product is the result of a discussion initiated at an Agenda meeting in April with concerns being expressed about preserving the integrity of the neighborhoods by making sure that police aren't continuously responding to certain properties on a regular and frequent basis. This ordinance was initially adopted in Portland, Maine, and tailored to the prior community where he resided in Franklin, New Hampshire. He suggested the potential use in Great Falls. It creates a notification system for a property owner that there is a continued problem at the property defined by the terms in the ordinance. It provides remedy for the City should the property owner not take an action plan. He noted that the ordinance that he was familiar with gave five warnings before the premises was considered to be disorderly, and this proposed ordinance gives three. This creates a dialogue with the City. The hope is to prevent ongoing police response to these certain disruptions, and a remedy for the City should the property owner not comply. Most people are thankful to get a warning that these kinds of activities are occurring so that they can remedy it. Most landlords are very receptive and responsive to initiating a plan of correction and working with the City to correct it.

Commissioner Jolley stated that Mr. Doyon kept mentioning landlords. Mr. Doyon corrected himself that he should have said property owners. Another comment that he heard since this has been introduced is that maybe it isn't strict enough and the City should be notifying the landlord or property owner each time there is a call. That is not practical. This will target those properties that are problematic and it gives the City the ability to work with them to resolve those issues. Commissioner Jolley responded that, in resolving those issues, there has to be an effective plan. She inquired if he had sample plans, and asked what plan is effective. Mr. Doyon answered that it depends on the circumstances at the property. The City will exercise discretion and give some grace to the property owners that are going through a situation, such as an eviction working its way through the courts. The spirit and intent of this ordinance is to get the landlord to recognize that there is a problem and demonstrate to the City that they are working to resolve it. That way the City can also work with the neighbors who have expressed concern.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission accept Ordinance 3009 on first reading, and set public hearing for July 1, 2008.

Mayor Stebbins stated that, if she had a disorderly tenant that was wrecking her property, she would want to know the first time the police were called. She asked if notification form letters could be sent the first time. Mr. Doyon respectfully responded that there probably was, but it would be an operational nightmare to do that. He understands the desire to have that communication, but there is a certain level of accountability that the property owner has to have if they are going to be in that business. There are a lot of things the City can't mandate with regard to how they conduct their business. However, if it becomes excessive, this ordinance comes into play. Mr. Doyon explained the sample warning letter that outlines the calls received by the Police Department, the nature of the calls, and advises the property owner that the City has a disorderly premises ordinance that they could be in violation of and who they need to contact.

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

Mayor Stebbins asked if there was any public comment.

Rhonda Wiggers, on behalf of Great Falls Association of Realtors, 3208 2nd Avenue South, thanked the City Manager for listening to their concerns. Ms. Wiggers requested that the option for posting notices on doors be changed to notices sent by mail and signed for, and that the notification language be changed to five days after the notice was signed for. Ms. Wiggers expressed concerns about due process rights and explained that courts have thrown out eviction cases because you have to wait for a conviction. The person is innocent until proven guilty. If the person doesn't receive a ticket, go to court, and be fined or convicted, then the landlords' ability to evict is limited. She explained that sometimes it takes up to three months to get the eviction and get the tenant out of the building and believed the police would be called a lot during those three months. The realtors would like to open more dialogue with the Police Department. She suggested using the ordinances that exist instead of a threat to fine the property managers or landlords when the tenant wasn't ticketed resulting in no legal basis to evict.

Aaron Weissman, Chair NC 7, 315 4th Avenue North, thanked the City Commission and the City Manager for their leadership in beginning to address a problem that is plaguing the lower north and south sides of Great Falls. The Council is not recommending any specific action at this time. He emphasized the neighbors are fed up with crime. The neighborhoods want a policy and accountability whether a problem on a property is created by an owner or a tenant. At the same time they feel that owners should not be capriciously punished. Mr. Weissman asked if, by police visiting the premise, met the threshold should there not be a ticket written. If it did not, then the landlord would be punished for something they couldn't do anything about. He also inquired if 30 days was a long enough period for the definition of a disorderly premise, and added that 65 days would cover two paychecks. The council would like to know what the specific results of this policy were in New

Hampshire and Maine.

John Hubbard, 615 7th Avenue South, commented that this ordinance looks like another way to get in somebody's wallet, and this would be making a policeman out of a landlord.

Kathleen Gessaman, 1006 36th Avenue N.E., was concerned about the definition language regarding sounds emanating from within a structure which are audible outside the structure. She requested more clarification with regard to how much noise is allowed during the day versus evening hours, and asked how records would be kept.

Ron Gessaman, 1006 36th Avenue N.E., clarified something his wife said regarding sounds emanating from within a structure which are audible outside the structure, and asked if that meant if he heard his neighbor singing in the shower at 5:45 a.m., he could call the cops constituting one visit. He believes that phrase could result in a big problem with selective enforcement.

Tom Powers, 617 2nd Avenue North, commented that this ordinance is unconstitutional on its face. The first time a conviction is challenged the Supreme Court will shoot down this ordinance on the grounds that this is a scheme to bypass citizens' due process rights. Mr. Powers inquired if a person were summoned to court, would he be allowed to challenge the validity of each complaint. He also inquired if the complainant would be anonymous. He referred to the Oregon case of Scott Rohter. Mr. Powers commented that the proposed ordinance is too vague, that a defense attorney could ask for a Writ of Supervisory Control over any judge who tried to preside over such a case. It could result in opening up the Municipal Court practices because there is a question whether minor offenses such as this are more revenue oriented. That is unconstitutional. You can't jail people for mere failure to pay a fine. He advised the Commissioners to check with the University of Montana Law School and talk with an expert on constitutional law, or call other city attorneys. Mr. Powers suggested an alternative to teach people to collect evidence, take pictures, and to use existing Montana laws.

Motion carried 5-0.

Mayor Stebbins suggested postponing the public hearing to the second meeting in July to address some of the concerns and allow Mr. Gliko to look at the legal issues. City Attorney Gliko responded that certainly the Commission has the authority to set the public hearing at any time.

Commissioner Bronson added that the motion adopted was to schedule the public hearing for July 1. The hearing can be continued on that date.

Commissioner Beecher added that this is the most dialogue he has heard on a motion to simply put something in a public meeting format in his history on the Commission.

Mayor Stebbins restated that Ordinance 3009 was accepted on first reading, and the public hearing is set for July 1, 2008.

Res. 9755, Authorizing the issuance and fixing the terms and conditions of \$4,010,000 in water revenue bonds. Adopted.

7. RESOLUTION 9755, AUTHORIZING THE ISSUANCE AND FIXING THE TERMS AND CONDITIONS OF \$4,010,000 IN WATER REVENUE BONDS.

Fiscal Operations Supervisor Martha Cappis reported that in May, 2008, the Commission authorized City staff to proceed into a loan agreement with the Department of Natural Resources to fund \$4,010,000 in water revenue debt. This debt will be used to construct approximately seven areas in need of water main replacements. Resolution 9755 authorizes the issuance and fixes the terms of the debt.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Bronson, that the City Commission adopt Resolution 9755.

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

Mayor Stebbins asked if there was any comment from the public. No one responded.

Motion carried 5-0.

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

8. Minutes, June 3, 2008, Commission meeting.
9. Total expenditures of \$1,211,763 for the period of May 26-June 11, 2008, to include claims over \$5,000, in the amount of \$1,025,664.
10. Contracts list.
11. Set public hearing for July 1, 2008, on Resolution 9754, Cost Recovery for 209 2nd Avenue North.
12. Set public hearing to consider the sale of City-owned property, Lot 3F of Amended Plat of Lot 3, Medical Tech Park.
13. Authorize release of tax increment surplus and approve internal loan repayment to Central Garage for construction expenses related to Downtown Parking Garage.

Commissioner Rosenbaum moved, seconded by Commissioners Beecher and Bronson, to approve the Consent Agenda as presented.

Motion carried 5-0.

BOARDS & COMMISSIONS

Preliminary Plat, Water Tower Addition. Approved.

14. PRELIMINARY PLAT, WATER TOWER ADDITION, CONSISTING OF 16 SINGLE-FAMILY LOTS LOCATED ALONG 14TH STREET NORTHEAST IN THE VICINITY OF 35TH AVENUE NORTHEAST.

Planning Director Ben Rangel reported that Tim Spencer and Dana Hennen, doing business as TD Land Development, are the property owners and developers of this subdivision. They have requested City Commission approval of the Preliminary Plat and Findings of Fact for Water Tower Park Addition. The subdivision is located in North Great Falls, just southwest of the City's water tower near 36th Avenue Northeast and Bootlegger Trail. It consists of 16 residential lots.

The City Planning Board unanimously recommends Commission approval.

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

Commissioner Jolley moved, seconded by Commissioner Beecher, to approve the Preliminary Plat of Water Tower Park Addition, and the accompanying Findings of Fact, subject to the fulfillment of stipulated conditions.

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

Mayor Stebbins asked if there was any comment from the public. No one responded.

Motion carried 5-0.

15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Gregory T. Doyon updated the Commission that members of the Great Falls Fire Department participated in a regional hazmat exercise drill in Helena on June 3. The goal was to work on interoperability and multiple agencies dealing with hazmat incidents. The Fire Department continues to train and work with other agencies. Mr. Doyon reminded the Commission about a letter from Brett Doney regarding potential rezoning of City owned property on 38th Street and River Drive North. The Commission authorized Mr. Doyon to go forth and sign that rezone initiation request. Mr. Doyon also confirmed that he and Commissioner Bronson would be the City delegation with the CCHD in terms of looking at the structural issues and trying to resolve

financing issues. He initiated contact with Allene Mares and will be meeting with the County delegation in the next couple of weeks.

PETITIONS AND COMMUNICATIONS

17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

**Mass Transit System,
Wind Power, ECP.**

17A. Richard Liebert, 289 Boston Coulee Road, commented in support of a mass transit system and the wind park in Billings. Mr. Liebert made comments in opposition to Mr. Gregori's work session information. He wants to see the City Charter and ECP bylaws enforced regarding the meeting attendance policy.

HGS, Inflation.

17B. John Hubbard, 615 7th Avenue South, commented on the Supreme Court decision that directed the EPA to not build coal generating plants as they are against the Clean Air Act. Mr. Hubbard also commented on inflation, taxes and politician's wages.

Cancer, Pollution, HGS.

17C. Kathleen Gessaman, 1006 36th Avenue N.E., thanked Dorothy Thompson for donating the book "Secret History of the War on Cancer" to the Great Falls Public Library. Ms. Gessaman discussed causes of cancer. She doesn't want to have a new source of pollution in our territory when we can solve a lot of problems by net metering and conserving. New technology is coming around and Ms. Gessaman urged the Commission to not further support HGS.

HGS.

17D. Ken Thornton, 41 Paradise Lane, commented that the information provided at the work session was the same as what the Commission had received the past four years. Mr. Thornton commented that the \$2 million already invested is nothing, and that what is at stake is the 40 years. Coal will be expensive power. He urged the Commission to get additional advice and then debate.

**Code of Ethics, ECP
Board Member
Attendance.**

17E. Ron Gessaman, 1006 36th Avenue N.E., read OCCGF 2.52.050(o). Mr. Gessaman commented that six weeks ago he provided an ECP board member attendance record, and two members were in violation of the code. He urged the Commission to take action and enforce the codes.

CITY COMMISSION

18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Bronson responded to Mr. Gessaman's concern and that he did investigate the attendance records of all members of Electric City Power back to 2006. Mr. Gray and Ms. Willey were absent more than the number of meetings required in the attendance policy. Commissioner Bronson outlined considerations that must be looked at before Commission action. He read

OCCGF 2.56.010. There is a specific ordinance dealing with ECP which provides that it takes a 4/5 vote of members of the Commission to remove any director of ECP. There is potentially a legal question whether or not people can simply be removed in accordance with the provisions of Title 2 because of that policy. Title 2 also gives an opportunity to the person to be removed to have a hearing on the terms of their removal. The issue is moot with respect to Mr. Gray as he has indicated he is stepping down from the Board. With respect to Ms. Willey that, despite what appears in the record, some of her reasons for not being present involve medical reasons and if we do assume that Title 2 is what applies, she has the opportunity to respond to that first. Mr. Gessaman has not been ignored on this issue.

Commissioner Jolley thanked the Sanitation Department for going through all the alleys and picking up all the branches even though they weren't the recommended size.

Commissioner Beecher commented that the Fourth of July holiday is fast approaching and assumed the City had some type of program in place to re-educate and re-inform the public about the fireworks ordinance. City Clerk Lisa Kunz responded that Fire Marshall Bennyhoff faxed public service announcements to all of the media sources.

Commissioner Rosenbaum commented about hearing the same issues. He added that part of the reason we are headed towards the energy impact of supply and demand is that people are not conserving, the air is cleaner now than before the industrial age occurred, and that none of us can afford to try to enact zero tolerance. We have to accept that there is some pollution as we all drove here tonight.

Mayor Stebbins reminded everyone about the Water Park opening on Saturday, as well as the Beautiful Mind Walk at Elks Riverside Park sponsored by the Center for Mental Health.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the regular meeting of June 17, 2008, be adjourned at 8:46 p.m.**

Motion carried 5-0.

Mayor Stebbins

City Clerk

Minutes Approved: July 1, 2008



Agenda # 8
 Commission Meeting Date: July 1, 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 18, 2008	304,032.34
MASTER ACCOUNT CHECK RUN FOR JUNE 25, 2008	1,453,017.93
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JUNE 10 TO JUNE 13, 2008	42,633.44
MUNICIPAL COURT ACCOUNT CHECK RUN FOR JUNE 16 TO JUNE 20, 2008	1,405.00
WIRE TRANSFERS FROM JUNE 11, 2008 TO JUNE 17, 2008	139,949.88
WIRE TRANSFERS FROM JUNE 18, 2008 TO JUNE 24, 2008	<u>776,918.74</u>
TOTAL: \$	<u><u>2,717,957.33</u></u>

GENERAL FUND

OTHER ADMIN

BIG SKY FIREWORKS INC	4TH OF JULY FIREWORKS DISPLAY	15,000.00
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POLICE

ANIMAL CARE EQUIPMENT & SERVICE	CAGES & CASTERS FOR ANIMAL SHELTER	5,126.80
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SPECIAL REVENUE FUND

POLICE SPECIAL REVENUE

NEXTSTREAM	NETMOTION SERVER/TAPE BACKUP & LICENSES	7,098.00
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STREET DISTRICT

GREAT FALLS REDI-MIX INC	ASPHALTIC CONCRETE MATERIAL	24,007.16
GTF INTERNAT'L AIRPORT AUTHORITY	SECOND HALF 07/08 ASSESSMENTS	14,491.09

NATURAL RESOURCES

FORDE NURSERY & LANDSCAPE	TREES FOR BOULEVARD DISTRICT	5,230.00
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FEDERAL BLOCK GRANTS

A T KLEMENS & SONS	DUNN BROWN BUILDING PMT 10 & 11	5,579.00
GINNATY PLUMBING & HEATING	DUNN BROWN BUILDING - LABOR & MATERIALS APT'S 208 & 308	5,043.79
MF FINISHING	HANDICAP CURB CUTS & SIDEWALKS IN GIBSON PARK	23,287.67

DEBT SERVICE**TAX INCREMENT BOND**

GREAT FALLS PUBLIC SCHOOLS	TAX INCREMENT SURPLUS DISTRIBUTION	302,970.00
CASCADE COUNTY TREASURER	TAX INCREMENT SURPLUS - COUNTY	200,550.00
CASCADE COUNTY TREASURER	TAX INCREMENT SURPLUS - SCHOOLS	236,460.00

CAPITAL PROJECTS**GENERAL CAPITAL**

MEALEY CONSTRUCTION INC	POLICE DEPT - WINDOWS FINAL PMT	25,287.32
JAMES TALCOTT CONSTRUCTION INC	PMT #11 POOLS & SPLASHDECKS	166,325.59
MEMBRANE CONCEPTS LLC	PMT #2 TOWER & JAYCEE POOL LINERS	39,560.40

ENTERPRISE FUNDS**WATER**

INDUSTRIAL AUTOMATION CONSULTING	INSTRUMENTATION SOFTWARE ANNUAL SUPPORT CONTRACT	5,788.50
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SEWER

VEOLIA WATER NORTH AMERICA	OPERATION & MAINTENANCE JUNE 2008	212,571.08
VEOLIA WATER NORTH AMERICA	CONTRACTED CAPITAL IMPROVEMENTS	12,500.00

ELECTRIC

SME	PMT OF ENERGY SUPPLY EXPENSE MAY 08	752,910.07
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PARKING

APCOA / STANDARD PARKING	JUNE 2008 PARKING COMPENSATION	22,369.33
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INTERNAL SERVICES FUND**HEALTH & BENEFITS**

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS JUNE 3 TO JUNE 9, 2008	139,949.88
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS JUNE 10 TO JUNE 16, 2008	24,008.67

INSURANCE & SAFETY

MONTANA MUNICIPAL INS AUTHORITY	MAY DEDUCTIBLE RECOVERY BILLING	5,801.89
DAVIS BUSINESS MACHINES	COPY MACHINE (SPLIT AMONG FUNDS)	819.65

FISCAL SERVICES

DAVIS BUSINESS MACHINES	COPY MACHINE (SPLIT AMONG FUNDS)	15,573.35
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CENTRAL GARAGE

NORMONT EQUIPMENT	WIRE/ POLY ELGIN BROOMS	5,184.00
MOUNTAIN VIEW CO-OP	FUEL	50,739.87

TRUST AND AGENCY**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	38,942.44
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CLAIMS OVER \$5000 TOTAL:**\$ 2,363,175.55**

COMMUNICATION TO THE CITY COMMISSION

DATE: July 1, 2008

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR’S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fire Department	Dr. David Simpson	07/01/2008 – 06/30/2010	100-241-1522- 3599	\$1,200/month	GFFR Offline Agency Medical Director Agreement
B	Fire Department	Dr. David Simpson	07/01/2008 – 06/30/2010	100-241-1522- 3599	\$1,200/month	Systems Medical Director Agreement
C	Public Works Engineering	Montana Department of Transportation and BNSF Railway Company	06/2008 – 12/2009	N/A	None – The City will own and be responsible for maintenance after construction of the trail.	Bike/Pedestrian Facility Improvements, 38 th Street to Giant Springs. Tri-Party Agreement for the trail crossing along River Drive. OF 1402
D	Public Works Engineering	Montana Department of Transportation	6/2007 - 12/2012	N/A	None	Smelter Avenue – 3 rd Street to Division Road Reconstruction, Memorandum of Understanding (MOU) for City maintenance of MDT completed facilities. OF 1337

E	Public Works Engineering	Montana Department of Environmental Quality	07/01/2008 – 06/30/2009	Reimbursement from DEQ to City Engineering Revenue Fund	Amount up to \$21,000 for contract year depending on the amount of review services completed.	One Year Contract Extension of DEQ Agreement No. 506023 for the purpose of the City conducting plan and specification review for public utilities.
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**CITY OF GREAT FALLS, MONTANA
COMMUNICATION TO THE CITY COMMISSION**

**AGENDA: 10
DATE: July 1, 2008**

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Lien Releases through the Consent Agenda

MAYOR'S SIGNATURE: _____

LIEN RELEASES

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Property Owner – Chad and Brooke McGee	Current	513-3162-531-3599	\$78.73	Partial Release of Resolution #9684 to Levy and Assess Properties for Unpaid Utility Services at 716 6 th Avenue North. Lot 5, Blk 184, GFO.
B	Fiscal Services	Property Owner – Daniel D. Carter	Current	513-3162-531-3599	\$454.73	Partial Release of Resolution #9684 to Levy and Assess Properties for Unpaid Utility Services at 608 1 st Avenue South. Lot 3, Blk 373, GFO.
C	Fiscal Services	Property Owner – Gary A. Witsoe	Current	451-7121-572-3599	\$1,798	Full Release of Resolutions #9675 and #9625 for Assessing the Costs Incurred in the Nuisance Abatement of Property at 510 11 th Street South. S1/2 of Lot 7, Block 462, First Addition to Great Falls.



Item: Set Annual Budget Hearings on:
Resolution 9750 – Intent to Increase Property Tax
Resolution 9751 – Annual Budget Resolution

From: Gregory T. Doyon, City Manager

Initiated By: Statutory Budget Requirements

Presented By: Melissa Kinzler, Budget Officer

Action Requested: Set the Annual Budget Hearings

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission set the public budget hearings on Resolutions 9750 and 9751 for July 15, 2008.”

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 budget hearings on Resolutions 9750 and 9751 for July 15, 2008, and provide notices for the Public Hearing on the Intent to Increase Property Tax Revenue, and the Public Hearing on the Preliminary Budget.

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 annual public hearings on the budget are proposed for July 15, 2008. 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.

In addition, 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 from 33% to 17%. The requirement of 33% has been reviewed and deemed unnecessarily high due to changes in revenue streams in these tax levy supported funds. Staff recommends the 17% designation as being sufficient for cash flow purposes in the tax levy supported funds.

Concurrences: The proposed Fiscal Year 2009 budget will be 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 2nd 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: Proposed Notice – Intent to Increase Property Taxes
Resolution 9750 – Intent to Increase Property Taxes
Proposed Legal Notice – Budget Hearing
Resolution 9751 – Proposed Annual Budget Resolution

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)

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

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			
General Fund	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
Special Revenue Funds										
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
Total Special Revenue Funds	3,784,241	12,869,818	1,349,321	14,219,139	13,568,111	792,949	14,361,060	3,642,320	657,294	2,985,026
Debt Service Funds										
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
Total Debt Service Funds	3,570,473	2,985,505	0	2,985,505	3,088,903	236,000	3,324,903	3,231,075	3,083,570	147,505
Capital Project Funds										
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
Total Capital Project Funds	313,649	60,000	136,805	196,805	197,839	0	197,839	312,615	202,436	110,179

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			
Enterprise Funds										
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
Total Enterprise Funds	11,935,262	37,480,425	1,352,231	38,832,656	41,880,597	4,600	41,885,197	8,882,721	8,502,711	380,010
Internal Service Funds										
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
Total Internal Service Funds	2,215,082	13,872,706	189,279	14,061,985	14,171,578	0	14,171,578	2,105,489	1,424,035	681,454
Trust & Agency Funds										
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
Total Trust & Agency Funds	0	0	0	0	0	0	0	0	0	0
Total All Budgeted Funds	24,285,622	89,618,239	3,263,636	92,881,875	93,261,531	3,263,636	96,525,167	20,642,330	13,870,046	6,772,284



Item: Amendment No. 1 to the Standard Agreement between Owner and Engineer for Professional Services for Great Falls North Sanitary Sewer and Storm Drainage Master Plan (O.F. 1476).

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Amendment No. 1

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission approve Amendment No. 1 to the Standard Agreement for Professional Services between the City of Great Falls and Morrison-Maierle, Inc. for the Great Falls North Sanitary Sewer and Storm Drainage Master Plan (O.F. 1476).”

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

Staff Recommendation:

Approve Amendment No. 1 to the Standard Agreement Between Owner and Engineer for Professional Services between the City of Great Falls and Morrison-Maierle, Inc. for the Great Falls North Sanitary Sewer and Storm Drain Master Plan - O.F. 1476.”

Background:

Significant Impacts The northern edge of Great Falls, generally located north of the Riverview area between Bootlegger Trail (just west of U.S. Highway 87) and 6th Street N.W., has been one of the fastest growing areas of the City in recent years and further development has been proposed. Wastewater and storm runoff generated by this development have pushed the existing facilities (sewer mains, sewage pump stations and storm water retention reservoirs) to or over their limits. Also, the continuing development involving multiple developers and land under private ownership outside the City has created

many coordination, financial and use conflicts and issues involving development and right-of-way for the public infrastructure.

This area received minimal attention in the Waste Water Facilities Plan of 1998 and was not included in the Storm Drain Master Plan of 1989. Because of the existing deficiencies in the City's area sewer and storm drainage systems and challenges with new development, the City approved an engineering services contract with Morrison-Maierle, Inc. in July of 2006 to study and master plan public sewer and storm drainage improvements.

Citizen Participation Developers and nearby land owners have been actively involved along with the City and Morrison-Maierle with this master planning process. Also, the West Great Falls Flood Control and Drainage District has been involved in the planning process to assure that upstream development does not adversely impact their downstream flood control facilities at the confluence of the Watson Coulee drainage basin with the Sun River flood plain.

Workload Impacts Morrison-Maierle, Inc. has indicated they have adequate staffing and equipment resources in their local office to handle the additional work scope in the time frames specified. They anticipate approximately 85% of the work load will be handled by staff in the Great Falls office.

Purpose Amendment No. 1 increases the scope of the original study and master plan to include:

- 1) Supplementary sanitary sewer and storm drainage reports and cost estimates addressing capacity and development issues.
- 2) Identify sites and utility corridors, prepare certificates of surveys and utility easements, perform preliminary and final design engineering, and prepare bid ready plans and contract documents to construct several storm drainage capital improvements (see further explanation in "project work scope" below).
- 3) Expand the storm drainage study and master plan area to include the upper reaches of another drainage basin located to the east of the present study (see further explanation in "project work scope" below).

Project Work Scope The work scope for each item above is:

- 1) Includes preparing interim hydrology/hydraulic reports and cost estimates to upgrade existing and construct new sewer and storm drainage facilities. The information in the reports and cost estimates will provide the City with the means to charge current and future developers in the master plan area, including the Bootlegger, Eagles Crossing, and Northview Additions, for their fair and equitable share of the cost of these new capital improvements. These are the Task Series 400 and 500 in the Amendment document.

2) Includes surveys, right-of-way procurement, preparation of certificates of survey and/or easements, preliminary and final design engineering, preparation of plans, specifications and other contract documents to construct: 1) a regional storm water detention reservoir located to the north and west of the current Eagles Crossing Additions, 2) a channel to connect the new storm water detention reservoir to an existing drainage ditch located near the intersection of 6th Street N.W. and Vineyard Road, and 3) a storm drain to convey excess inflow from the existing NE Regional Retention Pond to the new regional detention reservoir. These are Task Series 900, 1000, and 1100 in the Amendment document.

3) The original storm drainage study and master plan included the southern and eastern portions of a drainage basin area generally known as Watson Coulee, including all or portions of the following developed or developing City subdivisions: Bootlegger, Countryside Village, Eagles Crossing, Henderson Heights, North Riverview Terrace, Northview, Skyline Park, Skyline School, and West Ridge Additions. The original study also includes other large areas currently outside the City that will likely be affected by City development. Amendment No. 1 expands the study area to include the upper reaches of another drainage basin that lies to the east of Bootlegger Road and generally encompasses another industrial development area including the Agricultural Industrial Park where the International Malting Company is situated. This work is referenced under Task Series 800 in the Amendment document.

Evaluation and Selection Process Morrison-Maierle, Inc. was selected in accordance with the City’s current Architect/Engineer/Surveyors Selection Policy. Because the services came under the “Intermediate Projects” category, the consultant selection was made on a rotational basis. It was also based on their ability to deliver the services in accordance with the City’s terms. Amendment No. 1 is a continuation of the initial contract.

Conclusion Amendment No. 1 is necessary to finish the sanitary sewer and storm drainage master plan and to complete the associated reports, to construct essential regional storm drainage infrastructure to serve demands of existing and new development in the Watson Coulee drainage basin, and to expand the storm drainage portion of the original study and master plan to include another drainage basin where industrial development has occurred and further development is proposed.

Concurrences: Not Applicable

Fiscal Impact: Amendment No. 1 increases the total contract amount by \$ 161,027.00. The cost and funding breakdown for each item identified in the “Purpose” above is as follows:

<u>Item(s)</u>	<u>Sewer Fund</u>	<u>Storm Drain Fund</u>
1) Additional Reports & Cost Estimates	\$ 1,732.50	\$ 15,430.50
2) Capitals Improvement R.O.W. and Design		\$ 104,501.00

3) Expand Storm Drainage Study Area

\$ 39,363.00

Sanitary Sewer and Storm Drain funding is available to cover the cost of Amendment No. 1.

Alternatives: Not applicable.

Attachments/Exhibits: Amendment No. 1 to the Standard Agreement Between Owner and Engineer for Professional Services (Not available online; on file in City Clerk's Office.)



Item: Increase current loan limits on Deferred Payment Loan and Rental Improvement Loan Programs

From: Community Development Department

Initiated By: Bruce Haman, CDBG Housing Rehab Specialist

Presented By: Kevin Hager, Deputy Housing Authority Director

Action Requested: Approve Increase in Loan Limits

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/deny) increasing the limits of a Deferred Payment Loan from \$20,000 per project to \$50,000; and increasing the limits of a Rental Improvement Loan from \$10,000 per unit to \$30,000 per unit with a maximum of \$100,000 per landlord per year.”

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

Recommendation: The Loan Review Board and staff recommends that the City Commission approve increasing the Deferred Payment Loan limit from \$20,000 per project to \$50,000 per project; and increasing the Rental Improvement Loan limit from \$10,000 per unit to \$30,000 with a maximum of \$100,000 per landlord per year.

Background: The Deferred Payment Loan allows low to moderate income homeowners from the City of Great Falls to apply for interest free loans to rehabilitate their homes. The loans are to correct life safety hazards, building code violations and some general improvement repairs. The program has had a maximum loan of \$20,000 but not over 80% equity value of the property after rehab. The loan does not have to be paid back until the first mortgage is paid off or the property is sold.

The Rental Improvement Loan Program is available to landlords to apply for interest free loans to rehabilitate affordable rental properties. The loans are to correct life safety hazards, code violations and some general improvements. The program has had a maximum loan of \$10,000 per unit with a maximum of \$30,000 to any one landlord per fiscal year. The loan requires rent

cannot increase except for significant property tax and utility rate increases for two years. The units have to be made affordable to low and moderate income tenants.

Both loan programs originally were offered using Community Development Block Grant Funds. Funds now come from repayments of loans and the program has become self-sustaining.

Concurrences: The Housing Loan Review Board has reviewed the request and made approval recommendations for increasing the loan limits on June 18th, 2008.

Fiscal Impact: The cost of construction is increasing every year. There have not been any loan limit increases since 1995. The program is using 1995 dollars to finance 2008 projects. The rental/homeowner is finding it harder to complete the code related upgrades. With the increased limits, it will allow the loan program to put more money into the projects which in turn increases the housing stock value in Great Falls. The impact will increase the overall value of the rentals and homes as well as provide affordable living for low to moderate income owners.

Alternatives: City Commission has the option to approve or deny the requested increases.

Attachments/Exhibits:



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

From: Charles Sheets, Planner 1

Initiated By: Cascade County, Owner

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission approve the Amended Plat, Findings of Fact and Agreement

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (approve/disapprove) the Amended Plat of Lot 4A, Block 1, Benefis West Minor Subdivision, Findings of Fact and Agreement.”

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

Planning Board Recommendation: The Planning Board, during a meeting held January 8, 2008, passed a motion recommending the City Commission approve the Amended Plat of Lot 4A, Block 1, Benefis West Minor Subdivision, Findings of Fact and accompanying Agreement.

Background: Cascade County has submitted an application to subdivide Lot 4A, Block 1, Benefis West Minor Subdivision into two parcels. Cascade County recently acquired Lot 4A from Benefis Healthcare through a land exchange. Aging Services of Cascade County has been awarded a Federal Transit Administration grant to build a new 6 bay bus barn and offices on proposed Lot 4A-1. The grant cannot be used to remodel the existing warehouse, which will remain on proposed Lot 4A-2. The warehouse would not provide enough space for the services the County would like to provide from the new facility. The metal structure was previously used as a grounds and maintenance facility by Benefis Healthcare.

For additional information, please refer to the attached Vicinity Map and the reduced drawing portion of the Amended Plat.

Lot 4A-1 would not have frontage on public right-of-way but would have access onto Benefis Court via an access easement across proposed Lot 4A-2. Benefis Court is developed to City standard paving, curb and gutters. Sidewalks along Benefis Court will be required and installed when any improvements are made on either lot.

City water and sanitary sewer mains are available in Benefis Court to serve both lots. The Public Works staff has reviewed the proposed amended plat and has stated that new water and sewer main extensions and connections will be needed for Lot 4A-1 and that fire hydrant placement, etc. will need to be determined when plans for the bus facility are finalized. The new utility installations will be at the owner's expense.

Surface drainage will be collected and detained within the lots in accordance with a storm drainage plan to be approved by the Public Works staff.

Subject Lot 4A is presently zoned PLI Public lands and institutional, wherein, a governmental entity providing community services, is a permitted use.

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

Fiscal Impact: The City should not experience any additional fiscal impact for the requested action.

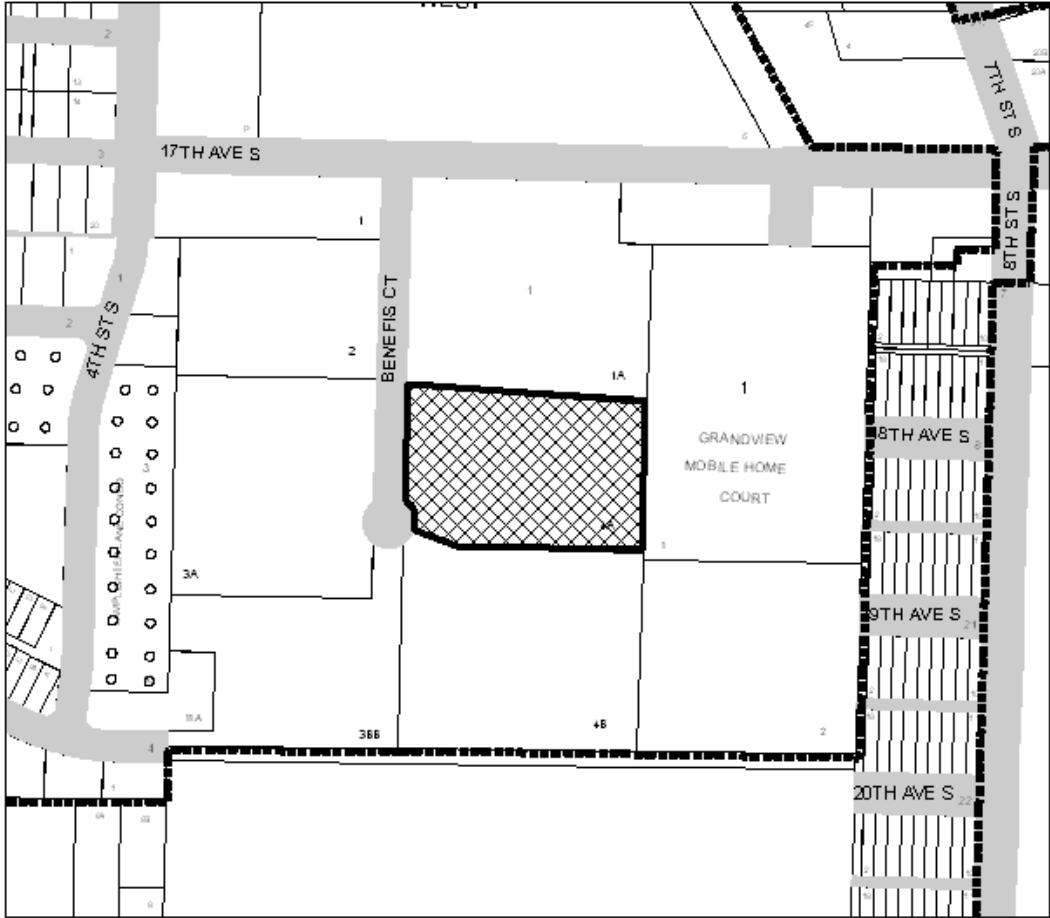
Alternatives: If there are justifiable reasons to do so, the City Commission could deny the requested action to the extent allowed in City Code and State Statute.



Attachments/Exhibits:

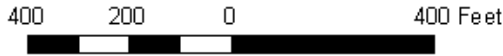
1. Vicinity/Zoning Map
2. Reduced drawing portion of the Amended Plat
3. Findings of Fact
4. Agreement

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Cascade County Commission
Rina Moore, Cascade County Clerk & Recorder/Auditor/Surveyor
Randy Barrett, Cascade County Aging Services

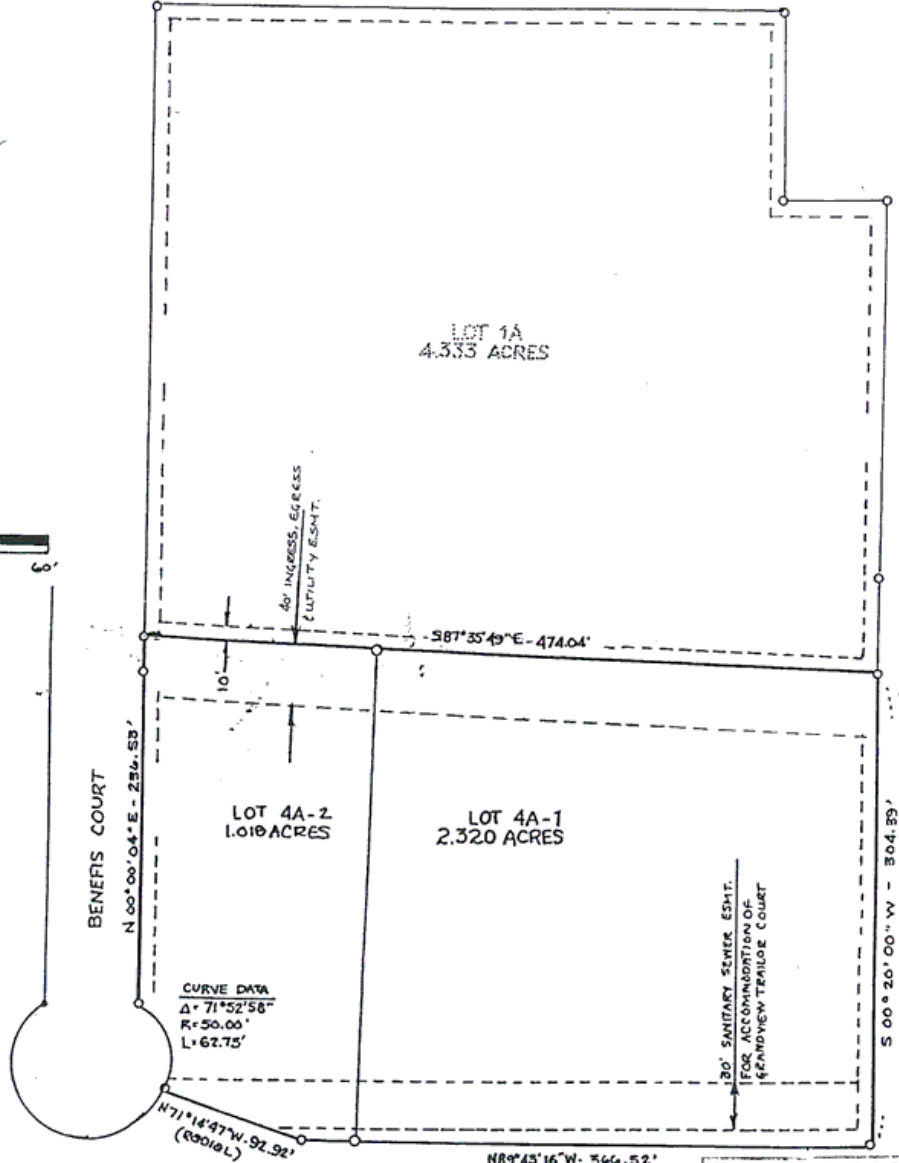
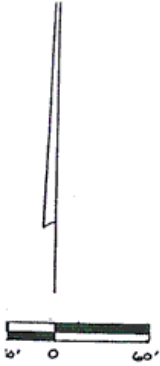
EXHIBIT "A"
VICINITY MAP



-  LOT 4A, BLOCK 1, BENEFIS WEST MINOR ADDITION PROPOSED TO BE SUBDIVIDED
-  City Limits



AN AMENDED PLAT OF THE AMENDED PLAT OF
 LOT 4A, BLOCK 1
 OF THE AMENDED PLAT OF LOT 1A, BLOCK 1,
 AMENDED PLAT OF ST. PEREGRINE ADDITION AND
 LOT 4A, BLOCK 1, AMENDED PLAT OF LOT 4, BLOCK 1
 BENEFIS WEST MINOR SUBDIVISION
 A TRACT OF LAND LOCATED IN THE
 SW¼ AND THE NW¼ OF SECTION 13, T. 20 N., R. 3 E., P.M.M.
 CITY OF GREAT FALLS & CASCADE COUNTY, MONTANA



Lot 4b

RECEIVED
 JUN 13 2008
 GREAT FALLS CITY
 PLANNING BOARD OFFICE

**FINDINGS OF FACT
FOR AMENDED PLAT OF LOT 4A, BLOCK 1,
BENEFIS WEST MINOR SUBDIVISION,
CITY OF GREAT FALLS
SECTION 13, T20N, R3E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The subdivision site is surrounded by urban development and has not been used for agricultural purposes for many years. The subdivision will not interfere with any irrigation system or present any interference with agricultural operations.

Effect on Local Services

The subdivision is in the City Limits of the City of Great Falls and is served by the Great Falls Police and Fire Departments. Response distance for emergency fire vehicles is less than 2 miles. Access to subject property is provided by the abutting portion of Benefis Court and an access easement established with the amended plat. Benefis Court is improved to City standards and maintained by the City. City water and sanitary sewer mains are located in Benefis Court. The applicant will install new service main extensions and connections to the public utilities. The cost of such installations shall be at the applicant's expense.

Effect on the Natural Environment

The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. The applicant in conjunction with issuance of a permit to further develop will have to prepare and submit for approval a surface drainage plan. Subject property is presently zoned for public and institutional uses. The purpose of the subdivision is to subdivide an existing parcel into two separate lots.

Effect on Wildlife and Wildlife Habitat

The subdivision is surrounded by a mix of medical, office and residential development. The subdivision is not in an area of significant wildlife habitat, and will not result in closure of public access to hunting or fishing areas, nor to public lands.

Effect on Public Health and Safety

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

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

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

III. EASEMENT FOR UTILITIES

Utilities are accommodated in the existing public street right-of-way abutting the Amended Plat and in easements within and abutting the Amended Plat.

IV. LEGAL AND PHYSICAL ACCESS

Benefis Court, a public street improved to City standards and maintained by the City, provides access to the subdivision. The proposed Lot 4A-1 will have legal and physical access to Benefis Court through an easement within Lot 4A-2.



Item: Appointments to the Library Board

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Appoint one member to the Library Board to fill the remainder of a five-year term through June 30, 2012; and reappoint Bunny Albers for a five-year term through June 30, 2013.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ 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.”

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

Staff Recommendation: It is recommended that the City Commission appoint one member to 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.

Background: Bunny Albers was appointed to the Library Board in May of 2001 to fill the remainder of a term, was reappointed in June of 2003 for a five-year term. Ms. Albers is eligible for and interested in another term. Sheila Kelly was appointed to the Board in 2007. Ms. Kelly has submitted her letter of resignation; therefore, it is necessary to appoint one member to fill the remainder of her term.

Purpose

The Library Board is comprised of five members who are appointed by the City Commission. The Board oversees the Library policies and operations including book policies and service to the City, County, and pathfinder Federation of Libraries. Members serve for five-year terms, but no more than two full terms in succession, exclusive of time served on any unexpired term.

Evaluation and Selection Process

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

Continuing members of this board are:

Penny Hughes-Briant
Mark Meyer
Judy Riesenber

Citizens interested in serving on this Board:

Mary Brinkley
Vern Francis
Randy Kuiper
Len Nopen

Concurrences: The Library Board recommends the appointment of Mary Brinkley.

Fiscal Impact: Not applicable.

Alternatives: Continue advertising to seek further citizen input.

Attachments/Exhibits:

Board Applications
Sheila Kelly Resignation letter



Item: Appointment to the Historic Preservation Advisory Commission

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Appoint one member to the Historic Preservation Advisory Commission.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ to a three-year term through April 30, 2011, to the Historic Preservation Advisory Commission.”

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

Staff Recommendation: It is recommended that the City Commission appoint one new member to the Historic Preservation Advisory Commission for a three-year term through April 30, 2011.

Background: Ken Robison was appointed to the Historic Preservation Advisory Commission in May of 2001. Mr. Robison is not eligible for reappointment; therefore, it is necessary to appoint one member to fill the vacancy.

Purpose

HPAC members must have the following qualifications: All members must have a demonstrated interest, competence, or knowledge in historic preservation and must have expertise/qualifications in history, planning, archaeology, architecture, architectural history, historic archaeology, or other history preservation-related disciplines such as cultural geography or cultural anthropology. Ownership of property nominated to the National Register of Historic Places may be substituted for professional expertise/qualifications. The HPAC consists of nine members -- four appointed by the City Commission, four appointed by the County Commission and the ninth member with professional architectural expertise chosen by a majority of the eight other members.

Evaluation and Selection Process

Announcements regarding the openings were placed in the *Great Falls Tribune* and on the City's Website. One application was received. This application is being submitted to the City Commission for their consideration in making an appointment.

Continuing members of this board are:

Gerald Clark
Jason Kiser
Jerry McKinney
Carol Bronson (County)
Warren Harding (County)
Nancy Sinclair (County)
Martin Winder (County)
Ken Sievert (HPAC)

Citizens interested in serving on this Board:

Robert (Bob) Milford

Concurrences: Not applicable.

Fiscal Impact: Not applicable.

Alternatives: Continue advertising to seek further citizen interest.

Attachments/Exhibits:

Board Application



Item: Appointment to the Advisory Commission on International Relationships

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Appoint one member to the Advisory Commission on International Relationships.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ to a three-year term through March 31, 2011, to the Advisory Commission on International Relationships.”

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

Staff Recommendation: It is recommended that the City Commission appoint one new member to the Advisory Commission on International Relationships (ACIR) for a three-year term through March 31, 2011.

Background: ACIR members Jamie Smith resigned, and Charles Tyler has moved; therefore, there are two vacancies on the ACIR.

Purpose

International programs are growing for many reasons. Rapid changes in communications technology, globalization of the marketplace, and political changes in the last decade have all contributed to an increasing awareness these trends will accelerate in the future. Communities, as well as individuals, businesses, and institutions will need to learn to participate in the “global village,” or be left behind economically or in other ways. In order for the City to take a leadership role in nurturing and coordinating some of the international efforts, the Advisory Commission on International Relationships was created by Ordinance 2788 on November 8, 2000, and amended by Ordinance 2863 on October 21, 2003. The Commission provides support, coordination, and exchange of information for international programs in the community. The Commission consists of nine to eleven members.

Evaluation and Selection Process

Announcements regarding the openings were placed in the *Great Falls Tribune* and on the City's Website. One application was received. This application is being submitted to the City Commission for their consideration in making an appointment. If additional applications of interest are received, staff will propose another appointment.

Continuing members of this board are:

Robin Baker
Jay Buckley
Vandana Damany
Aart Dolman
Laura McGee
Carol Lindseth
Matthew Murray
Heather Palermo
Sandra Erickson

Citizens interested in serving on this Board:

Christina Barsky

Concurrences: Not applicable.

Fiscal Impact: Not applicable.

Alternatives: Continue advertising to seek further citizen interest.

Attachments/Exhibits:

Board Application



Item: Appointment to Mansfield Center for the Performing Arts Advisory Board

From: City Manager's Office

Initiated By: City Commission

Presented By: City Commission

Action Requested: Appoint one member to the Mansfield Center for the Performing Arts Advisory Board to fill the remainder of a three-year term.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission appoint _____ to the Mansfield Center for the Performing Arts Advisory Board to fill the remainder of a three-year term through December 31, 2010.”

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

Staff Recommendation: It is recommended that the City Commission appoint one member to fill the remainder of a three-year term through December 31, 2010.

Background: Carol Cassie was appointed to the Mansfield Center for the Performing Arts Advisory Board in January of 2008. Ms. Cassie has resigned from the Board; therefore, it is necessary to appoint one member to fill the remainder of her term.

Purpose

The Civic Center Advisory Board was created in 1997 and was amended by Ord. 2928 in February of 2006 to change the name to the Mansfield Center for the Performing Arts Advisory Board. The Board acts in an advisory capacity to the City Commission and the City Manager on matters related to the successful operation of the Civic Center as the Mansfield Center for the Performing Arts and public meeting rooms. The Board consists of five to seven members with an attempt to have representation from the areas of performing arts, conventions and meetings, and civic leaders.

Evaluation and Selection Process

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

Continuing members of this board are:

Casey Kelly Buckingham
Carl Donovan
Laura Flaherty
Joe Fontana
Larry Gomoll
Rick Tryon

Citizens interested in serving on this Board:

Michelle Wood

Concurrences: Not applicable.

Fiscal Impact: Not applicable.

Alternatives: Continue advertising to seek further citizen input.

Attachments/Exhibits:

Board Application



Item: Reappointment to the Cascade County Conservation District Board of Supervisors

From: City Manager's Office

Initiated By: Cascade County Conservation District

Presented By: City Commission

Action Requested: Reappoint one member to the Cascade County Conservation District Board of Supervisors.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission reappoint John Chase to a three-year term through December 31, 2010, to the Cascade County Conservation District Board of Supervisors.”

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

Staff Recommendation: It is recommended that the City Commission reappoint John Chase to the Cascade County Conservation District Board of Supervisors for a three-year term through December 31, 2010.

Background: John Chase was appointed to the Cascade County Conservation District Board of Supervisors in February of 2003 to fill the remainder of a term. He was reappointed in 2004. Mr. Chase is eligible for and interested in reappointment.

Purpose

The Cascade County Conservation District is a seven member commission, five members elected at-large at the general election, and two appointed. Conservation district officials establish and implement programs to protect and conserve soil, water, prime and unique farmland, rangeland, woodland, wildlife, energy and other renewable resources on local, non-federal lands. Member duties include: identify local conservation needs, and develop, implement, and evaluate programs to meet them; educate and inform landowners and operators, general public, and local, state and federal legislators on conservation issues and programs; supervise other volunteers and paid staff working with the district, coordinate with cooperating agency personnel; administer the district by delegating tasks through a structure of board officers and members, committees,

and others, raise and budget district funds and report on activities to the public; coordinate assistance and funding from federal, state and local government district associations and private groups. Desirable member qualifications include an interest and background in conserving renewable natural resources.

Evaluation and Selection Process

No advertising was done for this opening since Mr. Chase is eligible for reappointment.

Concurrences: Conservation District Administrator Toni Neslen has submitted a letter of request and recommendation for Mr. Chase's reappointment.

Fiscal Impact: Not applicable.

Alternatives: Not applicable.

Attachments/Exhibits:

Letter from Toni Neslen