



City Commission Agenda

for

June 3, 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.

****REVISED****

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

FIREFIGHTER SWEARING IN

Colton D. Walter

Joshua D. Kulbeck

NEIGHBORHOOD COUNCILS

1. Swearing In – Neighborhood Council #1
2. Miscellaneous reports and announcements.

PUBLIC HEARINGS

3. Lots 34 and 35A, Beebe Tracts and a segment of 2nd Avenue North from 52nd Street North through the Intersection of 57th Street North.
(Presented by: Ben Rangel)
 - A. Res. 9736, Annexes property. Action: Conduct joint public hearing and adopt or deny Res. 9736.
 - B. Ord. 3003, Assigns zoning classification of C-2 General commercial district to property. Action: Conduct joint public hearing and adopt or deny Ord. 3003.
4. Bootlegger Addition Phase I. **(Presented by: Ben Rangel)**
 - A. Res. 9737, Annexes property. Action: Conduct joint public hearing and adopt or deny Res. 9737.
 - B. Ord. 3004, assigns zoning classification of R-3 Single-family high density district to property. Action: Conduct joint public hearing and adopt or deny Ord. 3004.
5. Castle Pines Addition Phase VI. **(Presented by: Ben Rangel)**
 - A. Res. 9739 and Res. 9740, Annexes property. Action: Conduct joint public hearing and adopt or deny Res. 9739 and Res. 9740.
 - B. Ord. 3006, Assigns zoning classification of R-3 Single-family high density district to property. Action: Conduct joint public hearing and adopt or deny Ord. 3006.
6. Res. 9744, Cost Recovery, 209 2nd Avenue North. Recovers costs incurred in securing and cleanup of structure. Action: Conduct public hearing and adopt or deny Res. 9744. **(Presented by: Mike Rattray)**

7. Sale of City-Owned Park Land, Blocks 21 and 22 of Highland Park Addition. Action: Conduct public hearing and approve or deny sale. (requires 4/5 majority vote) **(Presented by: Marty Basta)**

OLD BUSINESS

8. Res. 9749, Creating an Animal Shelter/Enforcement Advisory Committee. Action: Adopt or deny Res. 9749. **(Presented by: Cheryl Patton)**

NEW BUSINESS

ORDINANCES/RESOLUTIONS

9. Ord. 3008, Rezone a 40' wide strip of land being added to the rear of Lots 1-5, Block 1, Taylor Addition. Rezones property from C-2 General commercial district to R-2 Single-family medium density district. Action: Accept Ord. 3008 on first reading and set public hearing for July 1, 2008. **(Presented by: Ben Rangel)**
10. Res. 9748, Annual Special Improvement District (SID) Revolving Fund Analysis. Action: Adopt or deny Res. 9748. **(Presented by: Coleen Balzarini)**

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

11. Minutes, May 20, 2008, Commission meeting.
12. Total Expenditures of \$2,056,768 for the period of May 12-28, 2008, to include claims over \$5000, in the amount of \$1,807,230.
13. Contracts list.
14. Approve sponsorship of up to \$500 for use of the Mansfield Center for the Performing Arts to the Harvard Glee Club concert on June 15, 2008.
15. Adopt the North Central Montana Military Road Map.
16. Approve final payment to PEC, Inc. and the State Miscellaneous Tax Division for the Sanitary Sewer Trenchless Rehabilitation in the amount of \$12,509.31.
17. Award construction contract in the amount of \$629,312.50 to United Materials of Great Falls for the Phase I – 7th and 8th Avenues South Water Main Replacement.
18. Award contract for Asphaltic Concrete Material to United Materials of Great Falls in the amount of \$570,750.

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

BOARDS & COMMISSIONS

19. Miscellaneous reports and announcements.

CITY MANAGER

20. Miscellaneous reports and announcements.

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

21. Miscellaneous reports and announcements.

CITY COMMISSION

22. Miscellaneous reports and announcements.

MOTION TO ADJOURN



Item: Public Hearing – Resolution 9736 to Annex and Ordinance 3003 to Assign City Zoning to Lots 34 and 35A, Beebe Tracts

From: Charles Sheets, Planner 1

Initiated By: City Commission

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolution 9736 and Ordinance 3003.

Suggested Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission adopt Resolution 9736.”

and;

“I move that the City Commission adopt Ordinance 3003.”

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 and the Zoning Commission has recommended the City Commission assign a zoning classification of C-2 General commercial district to Lots 34 and 35A, Beebe Tracts and a segment of 2nd Avenue North from 52nd Street North through the intersection of 57th Street North, upon annexation to the City.

Background: Lots 34 and 35A, Beebe Tracts are presently occupied by a bowling alley, tavern and casino (Murph’s Party Bowl & Nightclub) addressed as 5515 2nd Avenue North. The parcel receives water service from the City.

Please refer to the attached Vicinity/Zoning Map attached to Resolution 9736.

On February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits. The City Commission has decided to annex parcels receiving water and/or sewer services to create a more coherent and consistent City boundary and to provide services more effectively

to everyone in the City. It is also a matter of fairness to current City residents to make sure that those who use City services share the burden of paying for them equitably.

Pursuant to Section 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of a parcel located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995). Accordingly, the City Commission intends to apply this authority via Ordinance 2930.

The property lies in a natural depression that has no outlet. The conceptual plan to provide sanitary sewer service is to install a sewage lift station, near the lowest point of the depression that would service the entire basin. The cost of that facility would be distributed to all properties that benefit from the lift station. As the area further develops and the need for the lift station increases, a Special Improvement District would most likely be created to pay for the improvements.

The property owner has provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water service in accordance with City Ordinance 2930. See the attached Response Form, signed February 15, 2008.

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

Section 7-2-4211 Montana Code Annotated requires in all instances the public right-of-way adjacent to the property being annexed also be incorporated simultaneously. In addition, to avoid creating an unincorporated gap in 2nd Avenue North, staff is recommending all that portion of the Avenue between 52nd and 57th Streets and the remaining unincorporated legs of the intersection of 2nd Avenue North and 57th Street North be annexed.

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.

Lots 34 and 35A are presently zoned in the County as “B-1” Neighborhood Service District. In that access to said parcels is from 2nd Avenue North and the other incorporated properties along the north side of 2nd Avenue North are zoned C-2 General commercial district, which allows

indoor recreation/sports/entertainment/taverns and some forms of casinos, it is recommended subject property be zoned C-2 General commercial district upon annexation to the City.

In summary, designating subject property for commercial use is consistent with other incorporated properties abutting the north side of the involved segment of 2nd Avenue North. Therefore, staff concludes all of the above stated criteria are substantially met.

At the conclusion of a public hearing held April 22, 2008, the Planning Board/Zoning Commission passed two separate motions recommending the City Commission annex and assign a zoning classification of C-2 General commercial district to Lots 34 and 35A, Beebe Tracts and a segment of 2nd Avenue North. No citizens spoke as proponents or opponents during the hearing.

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

Fiscal Impact: The City enhances its tax base with the annexation of these lots but assumes an obligation to provide police and fire services.

Alternatives: The City Commission could terminate annexation proceedings by disapproving Resolution 9736 and Ordinance 3003, but the purpose and intent of Ordinance 2930 would not be met.

Attachments/Exhibits:

1. Resolution 9736
2. Ordinance 3003
3. Copy of Owner's Response Form

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Mike Rattray, Community Development Director
Corky Grove, Police Chief
Murphy Limited Partnership, 5515 2nd Ave N, Great Falls MT 59405

RESOLUTION 9736

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOTS 34 AND 35A, BEEBE TRACTS, AND SEGMENTS OF 2ND AVENUE NORTH AND 57TH STREET NORTH, IN NW¼, SECTION 10, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF..

* * * * *

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

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

Lots 34 and 35A, Beebe Tracts, in NW¼, Section 10, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana and containing 7.9 acres;

and,

Segments of 2nd Avenue North and 57th Street North rights-of-way, in NW¼, Section 10, Township 20 North, Range 4 East, Cascade County, Montana, said rights-of-way being more fully described as follows:

Commencing at the northwest corner of Lot 32A, Beebe Tracts, said corner being the TRUE POINT OF BEGINNING, proceeding north 100.65 feet along the center line of

52nd Street North extended to the intersecting point of the North right-of-way line of 2nd Avenue North and the center line of 52nd Street North;

Thence East 1537.68 feet along the North right-of-way line of 2nd Avenue North to the Southwest corner of Lot 36A, Beebe Tracts;

Thence South 110.92 feet across the right-of-way of 2nd Avenue North to a point on the Northerly boundary of Lot 43A, Beebe Tracts;

Thence along a curve to the Southwest 170.55 feet following the right-of-way line for the Southeast corner of the intersection of 2nd Avenue North and 57th Street North;

Thence West 5 feet;

Thence South 159 feet to the Southwest corner of Lot 43A, Beebe Tracts;

Thence West 134.4 feet across the right-of-way of 57th Street North to a point on the West right-of-way line of 57th Street North and the East boundary of Lot 44, Beebe Tracts;

Thence North 78.46 feet along the West right-of-way line of 57th Street North;

Thence East 20 feet;

Thence North 91.2 feet along the West right-of-way line of 57th Street North;

Thence along a curve to the Northwest 165.5 feet following the right-of-way line for the southwest corner of the intersection of 2nd Avenue North and 57th Street North to a point on the south right-of-way line of 2nd Avenue North;

Thence West 1206.75 feet along the South right-of-way line of 2nd Avenue North to the TRUE POINT OF BEGINNING;

containing 4.88 acres more or less; and,

containing in all 12.78 acres more or less as shown on the attached, as Exhibit "A" and by this reference made a part hereof.

WHEREAS, on February 21, 2006, the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits; and,

WHEREAS, pursuant to Section 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995); and,

WHEREAS, Murphy Limited Partnership, property owner of record, has provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and/or sewer services in accordance with City Ordinance 2930;

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "LOTS 34 AND 35A, BEEBE TRACTS, AND SEGMENTS OF 2ND AVENUE NORTH AND 57TH STREET NORTH, IN NW¼, SECTION 10, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

That this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 3rd day of June, 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, Liza Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9736 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 3rd day of June, 2008, wherein it was approved by said Commission.

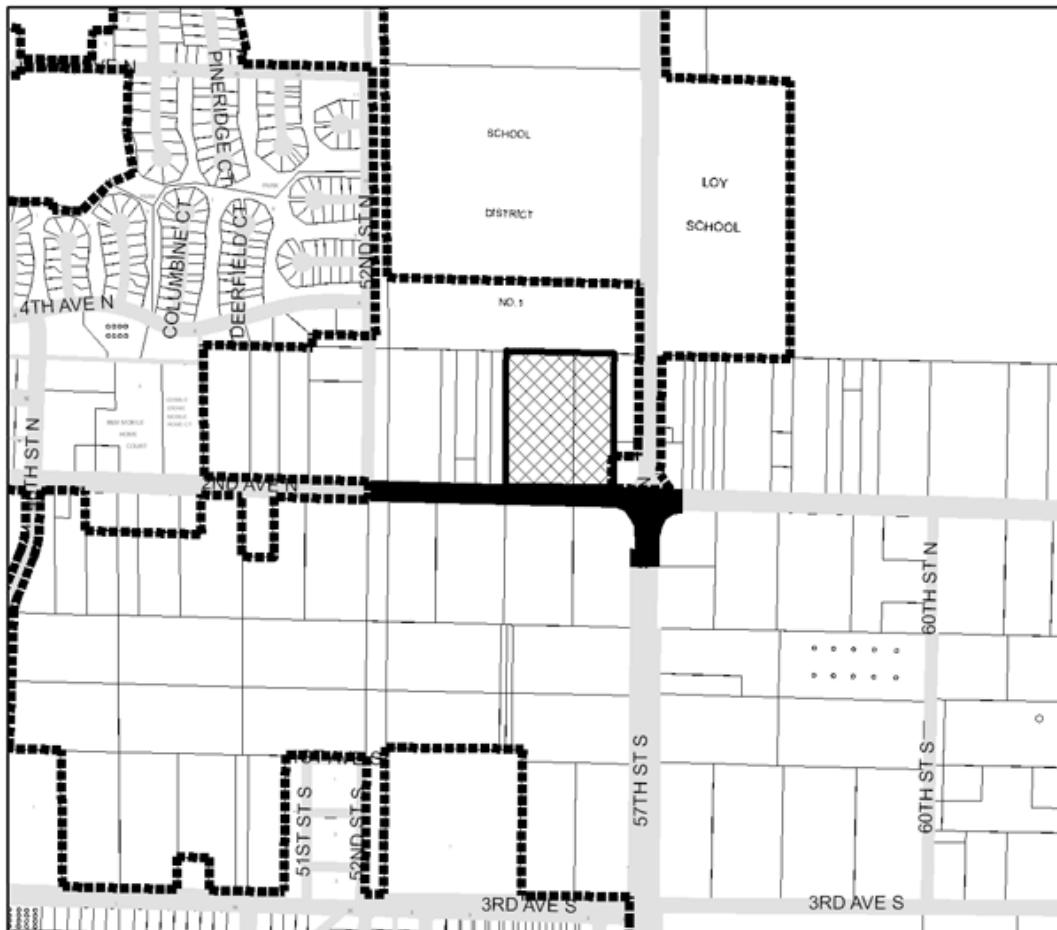
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 3rd day of June, 2008.


Lisa Kunz, City Clerk


(CITY SEAL)

EXHIBIT "A"

VICINITY MAP



 LOTS 34 AND 35A, BEEBE TRACTS BEING ANNEXED INTO THE CITY OF GREAT FALLS AND ASSIGNED A CITY ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT

 PORTIONS OF 2ND AVENUE NORTH AND 57TH STREET NORTH BEING ANNEXED

 City Limits

 Tracts of land

840 420 0 840 Feet



ORDINANCE 3003

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT TO LOTS 34 AND 35A, BEEBE TRACTS, IN NW¼, SECTION 10, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, on February 21, 2006 the Great Falls City Commission adopted Ordinance 2930 regarding the annexation of parcels that receive water and/or sewer services and are currently outside the City limits; and,

WHEREAS, pursuant to 69-7-201, MCA, it is the opinion of the Montana Attorney General that a City may require the annexation of parcels located outside the city limits receiving water and/or sewer services as a condition for the continuation of such utility services to said parcels, 46 Op. Atty. Gen. No. 12 (1995); and,

WHEREAS, Murphy Limited Partnership, property owner of record, has provided written consent to annex said property into the City of Great Falls, as a condition for the continuation of City water and/or sewer services in accordance with City Ordinance 2930; and,

WHEREAS, notice of assigning a zoning classification of C-2 General commercial district, to said Lots 34 and 35A, Beebe Tracts, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 3rd day of June, 2008, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of Lots 34 and 35A, Beebe Tracts, be designated as C-2 General commercial district classification.

Section 3. The zoning being assigned by this ordinance for Lots 34 and 35A, Beebe Tracts, shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing said Lots 34 and 35A, Beebe Tracts, 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 3rd day of June, 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 3003 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 3rd day of June, 2008 and approved by the Mayor of said City on the 3rd day of June, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 3rd day of June, 2008.

Lisa Kunz, City Clerk

(CITY SEAL)

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

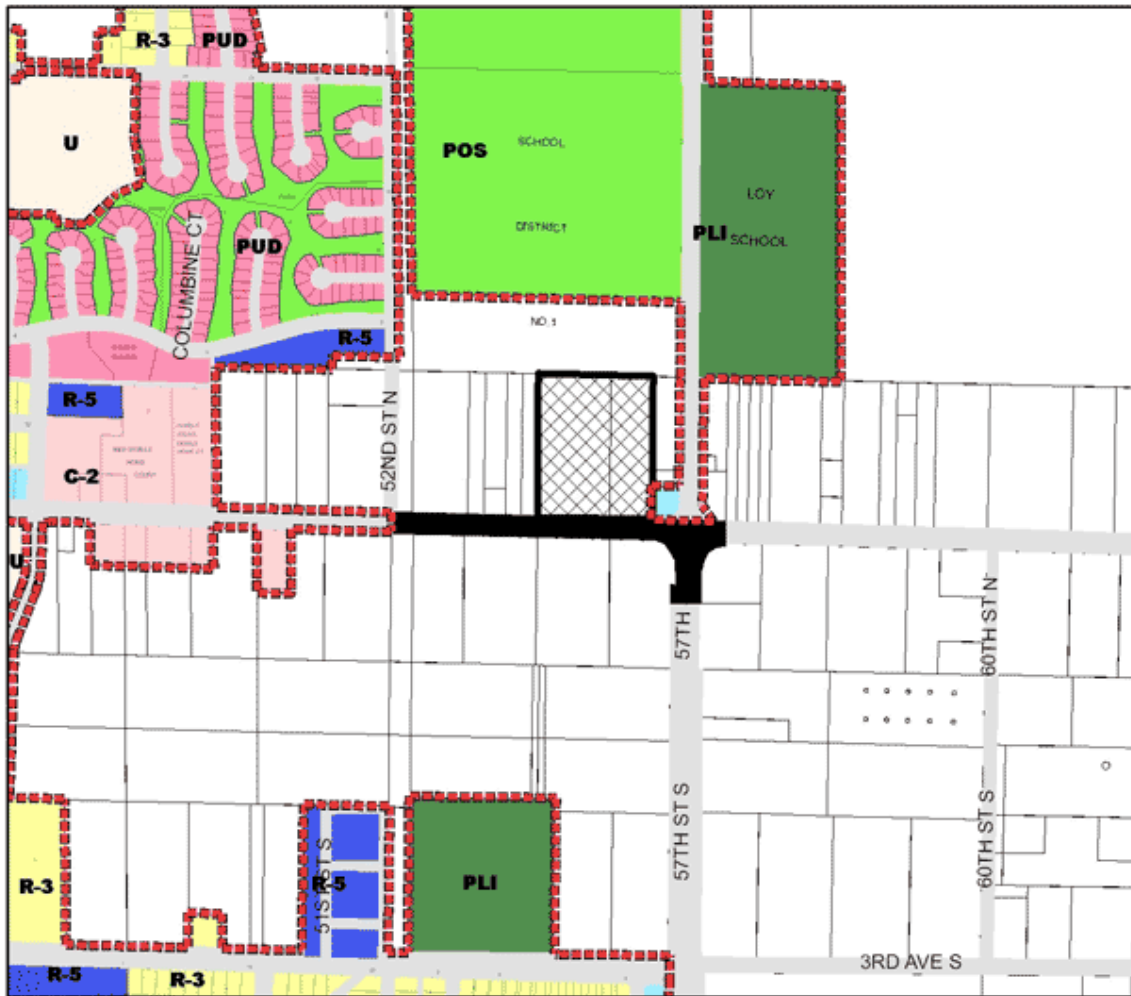
I, Lisa Kunz, being first duly sworn, deposes and says: That on the 3rd day of June, 2008 and prior thereto, I was the City Clerk of the City of Great Falls, Montana; that as said City Clerk, I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3003 of 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



 LOTS 34 AND 35A, BEEBE TRACTS PROPOSED TO BE ANNEXED INTO THE CITY OF GREAT FALLS AND ASSIGNED A CITY ZONING CLASSIFICATION OF C-2 GENERAL COMMERCIAL DISTRICT

 PORTIONS OF 2ND AVENUE NORTH AND 57TH STREET NORTH PROPOSED TO BE ANNEXED

- | | | |
|---|--|--|
|  City Limits |  C-1 Neighborhood commercial |  POS Parks and Open Space |
|  R-3 Single-family high density |  C-2 General commercial |  PUD Planned unit development |
|  R-5 Multi-family medium density |  PLI Public Lands and Institutional |  U Unincorporated enclave |
| | |  Tracts of land outside City |





January 25, 2008

RESPONSE FORM

As the owner of record, please type or print your name in the following section:

I, Murphy Limited Partnership, am the owner of record of property addressed as: 5515 2nd Ave N and legally described as: Lots 34 - 35A, Beebe Tracts, Section 10, Township 20 North, Range 4 East, Cascade County, Montana

If your decision is to annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

With my signature below, I provide my consent to annex the property into the City of Great Falls as a condition for the continuation of City water service in accordance with City Ordinance 2930.

Jane A. Murphy - General Partner
(NAME / TITLE)

2-15-08
Date

If your decision is to not annex, please sign and date this section and return this form in the attached envelope within 30 days of the above date:

With my signature below, I am advising that I do not want to annex and that I fully acknowledge City water service will be terminated in accordance with City Ordinance 2930.

(NAME / TITLE)

Date

[Handwritten notes]
FEB 25



Item: Public Hearing – Resolution 9737 to Annex and Ordinance 3004 to Assign City Zoning to Bootlegger Addition Phase I

From: Charles Sheets, Planner 1

Initiated By: McIntyre Ent., Inc. & Murphy Real Estate LLC, Property Owners & Developers

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolution 9737 and Ordinance 3004.

Suggested Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission adopt Resolution 9737 and approve the final plat and annexation agreement, all related to Bootlegger Addition Phase I.”

and;

“I move that the City Commission adopt Ordinance 3004.”

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, final plat and annexation agreement, all related to Bootlegger Addition Phase I. The Zoning Commission has recommended the City Commission assign a zoning classification of R-3 Single-family high density district to Bootlegger Addition Phase I, upon annexation to the City.

Background: During a meeting held January 8, 2008, the City Commission conditionally approved the Preliminary Plat of Bootlegger Addition Phases I – II, as recommended by the Planning Board.

The developers now request approval of the final plat and annexation of Phase I of the Preliminary Plat. Said Final Plat consists of 26 lots ranging in size from 8,000 sq ft to 13,046 sq ft along 41st Avenue Northeast and the north boundary of Northview Addition.

For additional information, please refer to the attached Vicinity/Zoning Map and reduced copy of the Final Plat.

Access to the subdivision will initially be provided by 9th Street NE with eventual roadway connections to 12th Street NE, the Bootlegger Trail and streets in Eagle's Crossing Addition. Roadways within the subdivision will be improved to City standards with paving, curb and gutter.

City water and sanitary sewer mains will be installed in the roadways within the subdivision. The subdivision will drain by gravity into the existing sanitary sewer system at the southwest corner of the subdivision.

Surface runoff from the subdivision will be directed north in a storm main being installed in the extension of 9th Street NE to the existing City storm water detention facility west of Eagle's Crossing Addition.

The applicant intends to fulfill the subdivision's park obligation by paying a fee in lieu of park dedication. As the remaining 90 acres to the north and east of Phase I are subdivided and developed by the applicant, a centrally located area is planned to be dedicated as park land to serve the overall project. When satisfied, the collected funds will be returned to the developer.

Based on current and projected traffic volumes, adequate capacity exists on the area roadways to accommodate the projected additional traffic to be generated by Phase I of the proposed subdivision. However, the following recommendations could improve current and future vehicular safety and flow, and should be included as conditions of annexation approval:

1. Due to the classification of 9th Street NE as a collector, parking should be prohibited along the east side of those segments of 9th Street NE located within Phase I. This treatment would extend a similar parking restriction from the south.
2. As development of Phases I & II of the overall project proceed, additional traffic control should be investigated by the City for the intersection of 9th Street NE and 36th Avenue NE, particularly for the north leg of the intersection.
3. As subsequent phases of the subdivision proceed, the developer should be required to secure direct access to Bootlegger Trail. At that time, the developer will be subject to the Systems Impact Action process of the Montana Department of Transportation, which includes preparation of a formal traffic impact study. When such a study is required, all pertinent study recommendations should be included as conditions of annexation approval for the subsequent phases.

Subject property is located on the fringe of the City, which has been attracting high quality single-family dwelling units. The subdivision is a natural projection of urban growth.

Goals of the land use element of the Great Falls Growth Policy include:

- To support and encourage efficient, sustainable development and redevelopment throughout the community.

- To support and encourage a compatible mix of land uses in newly developing areas. Applicable policy statements include “Residential land uses should be planned and located so that they do not result in adverse impacts upon one another” and “Annexations should be logical and efficient extensions of the City’s boundaries and service areas”.

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

Subject property is presently zoned in the County as “A-1” Agricultural District and it is proposed Phase I be zoned R-3 Single-family high density district, upon annexation to the City.

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

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

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

At the conclusion of a public hearing held December 11, 2007, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-3 Single-family high density district to Bootlegger Addition Phases I and II. No citizens spoke as proponents or opponents during the hearing. At the conclusion of a meeting held April 22, 2008, the Planning Board passed a motion recommending the City Commission approve the Final Plat of Bootlegger Phase I and annexation of the property contained therein, subject to the fulfillment of specified conditions.

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: The City will reimburse the developer of Phase I for the roadway over sizing of 9th Street Northeast in the amount of \$ 11,009.85. Providing services to the single-family lots in the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

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. Resolution 9737
2. Ordinance 3004
3. Vicinity/Zoning Map
4. Reduced copy of final plat
5. Annexation Agreement (Not available online; on file in City Clerk's Office.)

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
McIntyre Enterprises, Inc., 719 3rd St W, Whitefish, MT 59937
Murphy Real Estate LLC, P O Box 2972, Great Falls, MT 59403-2972
HKM Engineering, P O Box 49, Great Falls, MT 59403

RESOLUTION 9737

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE BOOTLEGGER ADDITION PHASE I, IN NW $\frac{1}{4}$ SE $\frac{1}{4}$, SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW.

* * * * *

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

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

Bootlegger Addition Phase I, located in NW $\frac{1}{4}$ SE $\frac{1}{4}$ Section 25, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana, and containing 7.441 acres more or less,

all as shown on the final plat of Bootlegger Addition Phase I, filed with the Clerk and Records Office of Cascade County, Montana; and,

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and,

WHEREAS, the owner of the hereinabove described property has submitted a petition to have said property annexed to the City of Great Falls.

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "BOOTLEGGER ADDITION PHASE I, IN NW¹/₄SE¹/₄, SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

That this Resolution shall become effective from and after the date of the filing of said document in the office of the Cascade County Clerk and Recorder.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 3rd day of June, 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 9737 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 3rd day of June, 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 3rd day of June, 2008.

Lisa Kuntz, City Clerk

(CITY SEAL)

ORDINANCE 3004

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO BOOTLEGGER ADDITION PHASE I, IN NW¼ SE¼ OF SECTION 25, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, McIntyre Enterprises, Inc. and Murphy Real Estate L.L.C. have petitioned the City of Great Falls to annex Bootlegger Addition Phase I, located in the NW¼ SE¼ of Section 25, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, McIntyre Enterprises, Inc. and Murphy Real Estate L.L.C. have petitioned said Bootlegger Addition Phase I be assigned a City zoning classification of R-3 Single-family high density district upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-3 Single-family high density district to Bootlegger Addition Phase I was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 3rd day of June, 2008, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of Bootlegger Addition Phase I be designated as R-3 Single-family high 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 resolution annexing Bootlegger Addition Phase I 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 3rd day of June, 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 3004 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 3rd day of June, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 3rd day of June, 2008.

Lisa Kunz, City Clerk

(CITY SEAL)

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

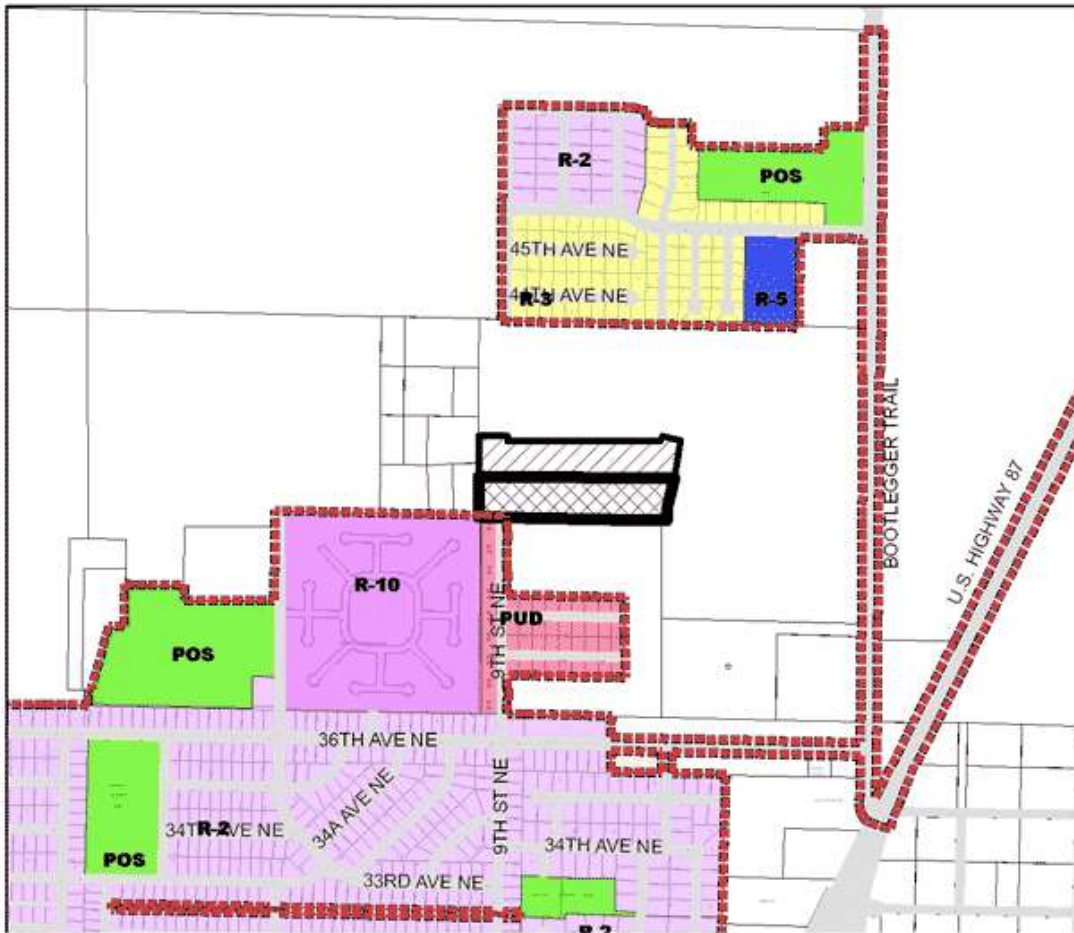
I, Lisa Kunz, being first duly sworn, deposes and says: That on the 3rd day of June, 2008, and prior thereto, I was the City Clerk of the City of Great Falls, Montana; that as said City Clerk I did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3004 of 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)

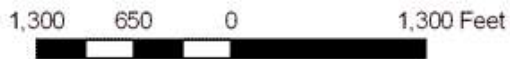
VICINITY/ZONING MAP



 FINAL PLAT OF BOOTLEGGER ADDITION PHASE I TO BE ANNEXED TO THE CITY

 REMAINING PORTION OF THE AREA CONTAINED WITHIN THE PRELIMINARY PLAT OF BOOTLEGGER ADDITION PHASES I & II

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





Item: Public Hearing – Resolutions 9739 and 9740 to Annex and Ordinance 3006 to Assign City Zoning to Castle Pines Addition Phase VI

From: Charles Sheets, Planner 1

Initiated By: Harold Poulsen, Property Owner and Developer

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission adopt Resolution 9739, Resolution 9740 and Ordinance 3006.

Suggested Motions: (Each motion to be separately considered)

1. Commissioner moves:

“I move that the City Commission adopt Resolutions 9739 and 9740 and approve the final plat and annexation agreement, all related to Castle Pines Addition Phase VI.”

and;

“I move that the City Commission adopt Ordinance 3006.”

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, final plat and annexation agreement, all related to Castle Pines Addition Phase VI. The Zoning Commission has recommended the City Commission assign a zoning classification of R-3 Single-family high density district to Castle Pines Addition Phase IV, upon annexation to the City.

Background: During a meeting held March 4, 2008, the City Commission conditionally approved the Preliminary Plat of Castle Pines Addition Phases VI – VIII, as recommended by the Planning Board.

The developer now requests approval of the final plat and annexation of Phase VI of the Preliminary Plat. Said Final Plat consists of 23 lots ranging in size from 7,500 sq ft to 8,971 sq ft along the east side of 13th Street South and along 28th Avenue South.

For additional information, please refer to the attached Vicinity/Zoning Map and reduced copy of the Final Plat.

Similar to Castle Pines Addition Phases III and V, NeighborWorks proposes to acquire 10 lots in the subdivision to accommodate construction of “self-help” program homes. Funding arrangements stipulate the homes be constructed outside the City Limits. Therefore, although the subdivision and annexation will be processed simultaneously, upon filing the final plat, the lots will be sold, homes constructed and infrastructure installed, with annexation becoming effective, probably next spring, when the homes are ready for occupancy. The remaining 13 lots will be sold by the developer to others to build single-family residences. These 13 lots will be annexed simultaneously with the filing of the final plat.

Within the subdivision, streets and avenues will connect to 27th Avenue South, which in turn connects directly to 13th Street South. Roadways in the subdivision will be improved to City standards with paving, curb and gutter.

City water and sewer mains will be installed in the southerly extensions of Castle Pines Drive, 15th Street South and 16th Street South and in 28th Avenue South.

Based on land contours, the area generally slopes to the northwest. The Master Plan Agreement which accompanied Castle Pines Addition Phase I indicates the developer of Phase I and the City participated jointly in the construction of a surface drainage control facility (south of the Multi-Sports Complex) and storm drain piping in 13th Street South to serve the area being developed as Castle Pines Addition. City storm drainage has been extended south, with inlets in 27th Avenue South.

According to the Master Plan Agreement, the developer of Castle Pines Phase I paid to the City \$12,261 in lieu of dedicating park land for the area covered by the original master plan for Castle Pines Subdivision. Castle Pines Addition Phase VI is included within that original master plan area.

An Off-Site Improvement Trust Fund was established in conjunction with Castle Pines Phase 1 wherein as each lot is sold a monetary amount is deposited in the trust fund to assist in the eventual improvement of 13th Street South and 24th Avenue South, including water main installation and providing a secondary water source to the Castle Pines area.

Subject property borders Castle Pines Addition Phases II - V, which are being developed as single-family residential subdivisions. Castle Pines Addition Phase VI generally adheres to a conceptual plan that was prepared in 1995 for the area, in conjunction with a master plan for Castle Pines Addition.

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

It is anticipated the planned single-family residential use of the property will be compatible with neighboring uses.

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.

At the conclusion of a public hearing held February 12, 2008, the Zoning Commission passed a motion recommending the City Commission assign a zoning classification of R-3 Single-family high density district to Castle Pines Addition Phase IV, upon annexation to the City. No citizens spoke as proponents or opponents during the 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 single-family lots in the subdivision is expected to be a negligible cost to the City. Any increased costs likely will be covered by increased tax revenues from improved properties.

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. Resolution 9739
2. Resolution 9740
3. Ordinance 3006
4. Vicinity/Zoning Map
5. Reduced copy of final plat
6. Annexation Agreement (Not available online; on file in City Clerk's Office.)

Cc: Jim Rearden, Public Works Director
Dave Dobbs, City Engineer
Harold Poulsen, P.O. Box 1376, Great Falls, MT 59403
Woith Engineering, 1725 41st St S, Great Falls, MT 59405
Al Henry, NeighborWorks, 509 1st Ave S, Great Falls, MT 59405

RESOLUTION 9739

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE CASTLE PINES ADDITION, PHASE VI AND A SEGMENT OF 13TH STREET SOUTH, EXCEPT FOR LOTS 1 – 5, BLOCK 1 AND LOTS 1 – 5, BLOCK 3, CASTLE PINES ADDITION PHASE VI, IN SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT “A” AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

Castle Pines Addition, Phase VI and a Segment of 13TH Street South, except for Lots 1 – 5, Block 1 and Lots 1 – 5, Block 3, Castle Pines Addition Phase VI, in Section 19, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana and containing 4.239 acres;

and,

A segment of 13th Street South, in the vicinity of 27th Avenue South, in the Northwest ¼ Section 19, Township 20 North, Range 4 East, and Northeast ¼ Section 24,

Township 20 North, Range 3 East M.P.M. Cascade County, Montana, described as follows:

Commencing at the Southwest corner of Castle Pines Addition Phase V, being the true point of beginning;

Thence South 00°16'00" East along easterly right-of-way line of 13th Street South, a distance of 360 feet to a point which is on the easterly line of 13th Street South;

Thence South 89°45' East a distance of 60 feet to a point on the westerly right-of-way line of 13th Street South;

Thence continuing North 0°30' West a distance of 360 feet along the westerly right-of-way line of 13th Street South and parallel with and 30 feet westerly of the east section line of Section 24, Township 20 North, Range 3 East, to a point that is the southerly right-of-way line extended of 27th Avenue South;

Thence North 89°45'21" East a distance of 60 feet to the point of beginning, and containing 0.496 acres more or less,

containing in all 4.735 acres more or less as shown on the attached as Exhibit "A" and by this reference made a part hereof, and according to the final plat of Castle Pines Addition, Phase VI.

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and,

WHEREAS, the owner of the hereinabove described property has submitted a petition to have said property annexed to the City of Great Falls.

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "CASTLE PINES ADDITION, PHASE VI AND A SEGMENT OF 13TH STREET SOUTH, EXCEPT FOR LOTS 1 – 5, BLOCK 1 AND LOTS 1 – 5, BLOCK 3, CASTLE PINES ADDITION PHASE VI, IN SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 3rd day of June, 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, Liza Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9739 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 3rd day of June, 2008, wherein it was approved by said Commission.

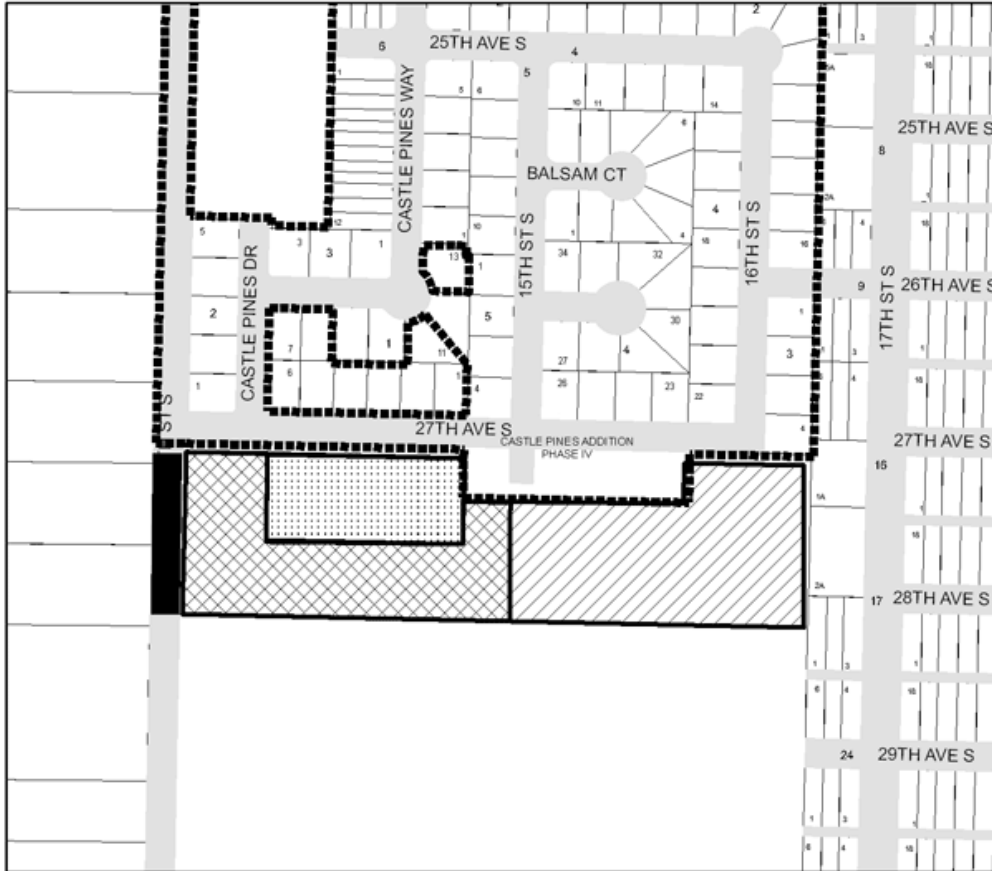
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 3rd day of June, 2008.




Lisa Kunz, City Clerk



(CITY SEAL)

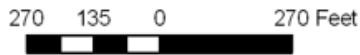
EXHIBIT "A"

VICINITY MAP



-  PROPERTY DESCRIBED IN RESOLUTION 9739
-  ABUTTING PORTION OF 13TH STREET SOUTH BEING ANNEXED SIMULTANEOUSLY WITH CASTLE PINES ADDITION PHASE VI
-  PROPERTY DESCRIBED IN RESOLUTION 9740

-  REMAINING PORTION OF THE AREA CONTAINED WITHIN THE PRELIMINARY PLAT OF CASTLE PINES ADDITION PHASES VI - VIII
-  CITY LIMITS



RESOLUTION 9740

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE LOTS 1 – 5, BLOCK 1 AND LOTS 1 – 5, BLOCK 3, CASTLE PINES ADDITION PHASE VI, IN SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT “A” AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

WHEREAS, there is contiguous to said City, but without the boundaries thereof, certain tracts or parcels of land situated in the County of Cascade, State of Montana, and described as follows:

Lots 1 – 5, Block 1 and Lots 1 – 5, Block 3, Castle Pines Addition Phase VI, in Section 19, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana and containing 1.893 acres;

as shown on the attached as Exhibit “A” and by this reference made a part hereof, and according to the final plat of Castle Pines Addition, Phase VI.

WHEREAS, Section 7-2-4601, Montana Code Annotated, provides that whenever the owners of real property contiguous to any incorporated city of the first class petition to have said property made a part of the municipal corporation, such lands may be embraced within the corporate limits thereof and the boundaries of such city of the first class extended so as to include the same; and,

WHEREAS, the owner of the hereinabove described property has submitted a petition to have said property annexed to the City of Great Falls.

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "LOTS 1 – 5, BLOCK 1 AND LOTS 1 – 5, BLOCK 3, CASTLE PINES ADDITION PHASE VI, IN SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 3rd day of June, 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, Liza Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9740 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 3rd day of June, 2008, wherein it was approved by said Commission.

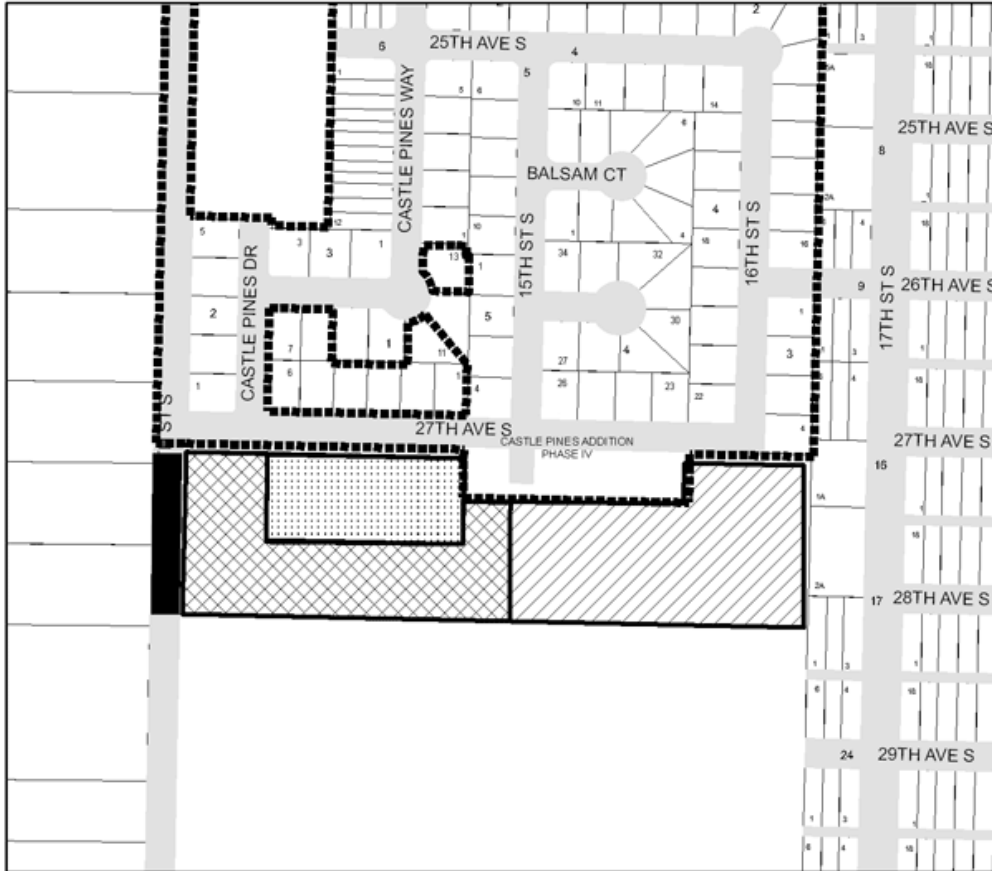
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 3rd day of June, 2008.




Lisa Kunz, City Clerk



(CITY SEAL)

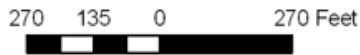
EXHIBIT "A"

VICINITY MAP



-  PROPERTY DESCRIBED IN RESOLUTION 9739
-  ABUTTING PORTION OF 13TH STREET SOUTH BEING ANNEXED SIMULTANEOUSLY WITH CASTLE PINES ADDITION PHASE VI
-  PROPERTY DESCRIBED IN RESOLUTION 9740

-  REMAINING PORTION OF THE AREA CONTAINED WITHIN THE PRELIMINARY PLAT OF CASTLE PINES ADDITION PHASES VI - VIII
-  CITY LIMITS



ORDINANCE 3006

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO CASTLE PINES ADDITION, PHASE VI, IN SECTION 19, TOWNSHIP 20 NORTH, RANGE 4 EAST, P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, Harold Poulsen is the owner of record of Castle Pines Addition Phase VI, in Section 19, Township 20 North, Range 4 East, P.M.M., Cascade County, Montana; and,

WHEREAS, Harold Poulsen has petitioned the City of Great Falls to annex Castle Pines Addition Phase VI; and,

WHEREAS, Harold Poulsen has petitioned said Castle Pines Addition Phase VI, be assigned a City zoning classification of R-3 Single-family high density district, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-3 Single-family high density district, to Castle Pines Addition Phase VI, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 3rd day of June, 2008, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of Castle Pines Addition Phase VI be designated as R-3 Single-family high density district classification.

Section 3. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing Castle Pines Addition Phase VI 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 3rd day of June, 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 3006 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 3rd day of June, 2008 and approved by the Mayor of said City on the 3rd day of June, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 3rd day of June, 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 3rd day of June, 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 3006 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

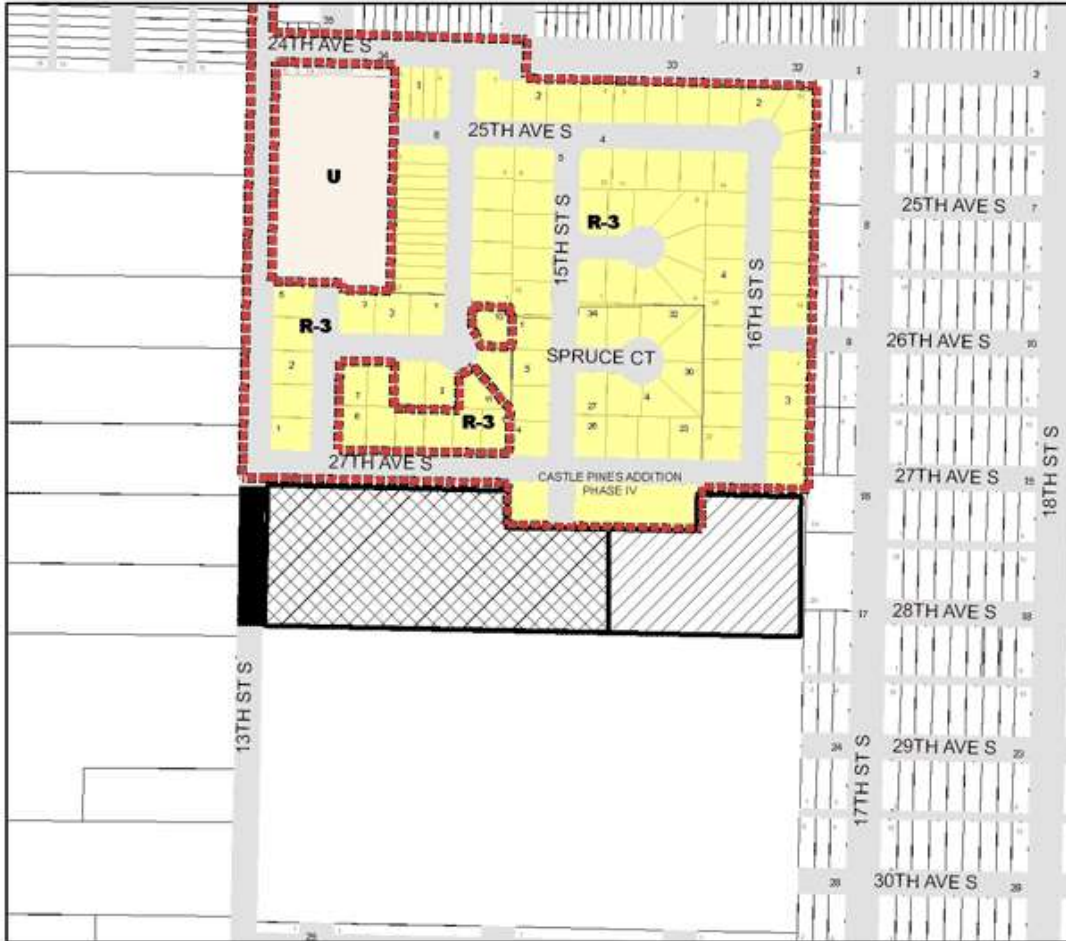
On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library






Lisa Kunz, City Clerk

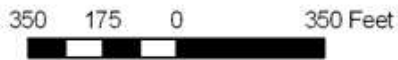
(CITY SEAL)

EXHIBIT "A"

VICINITY/ZONING MAP



-  FINAL PLAT OF CASTLE PINES ADDITION PHASE VI
-  REMAINING PORTION OF THE AREA CONTAINED WITHIN THE PRELIMINARY PLAT OF CASTLE PINES ADDITION PHASES VI - VIII
-  ABUTTING PORTION OF 13TH STREET SOUTH BEING ANNEXED SIMULTANEOUSLY WITH CASTLE PINES ADDITION PHASE VI
-  CITY ZONING CLASSIFICATION R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT
-  CITY LIMITS





Agenda # 6
Commission Meeting Date: June 3, 2008
CITY OF GREAT FALLS
COMMISSION AGENDA REPORT

Item: Res. # 9744, Cost Recovery, 209 2 Ave N, S90' of W40' & N60' of W4' of E14' of L12, Block 251, Great Falls Original Townsite

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 # 9744 for recovering costs incurred in securing and clean-up of the structure located at 209 2nd Avenue North.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission adopt Resolution # 9744.”

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

Staff Recommendation: Staff recommends adoption of Resolution # 9744.

Background: The City has received numerous complaints involving 209 2nd Avenue North dating back to July 2, 2003. On December 3, 2003, the City received a complaint concerning substandard living conditions. On December 18, 2003, the building department inspected the structure and ordered the basement apartments vacated due to substandard and illegal living conditions. Permits were issued for repairs for the 1st and 2nd floors. Upon re-inspection it was found that not all of the required repairs were completed and the basement apartments were re-occupied illegally. The property was condemned on August 8, 2006. The property owner filed bankruptcy with the U.S. Bankruptcy Court for the District of Montana with the property going into foreclosure and being returned to the lending institution. The bankruptcy court had the tenants evicted and the City secure the structure. The City has kept the structure secured during the process with the owner giving the approval for demolition to a private contractor; therefore, this cost recovery is for the securing and keeping the structure secured.

Concurrences: N/A

Fiscal Impact: Adoption of Resolution # 9744 will allow the City to reimburse the demolition fund \$ 1,628.79.

Alternatives: The City Commission may or may not adopt Resolution # 9744.

Attachments/Exhibits: Resolution # 9744
Actions taken by staff
Notice of Public Hearing
Itemized account for recovery of securing the structure and clean-up costs

RESOLUTION 9744

A RESOLUTION ASSESSING THE COSTS INCURRED IN SECURING AND CLEANING OF THE PROPERTY LOCATED ON SOUTH 90' OF THE WEST 40' AND THE NORTH 60' OF THE WEST 4' OF THE EAST 14' OF LOT 12, BLOCK 251, GREAT FALLS ORIGINAL TOWNSITE, 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 South 90' of the West 40' and the North 60' of the West 4' of the East 14' of Lot 12, Block 251, Great Falls Original Townsite, Great Falls, Montana, 209 2nd Avenue North was issued a notice to secure the structure.

WHEREAS, after due notice the U.S. Bankruptcy Court ordered the structure secured.

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

WHEREAS, the contractor completed securing the structure.

WHEREAS, the City Commission set June 3, 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 securing and cleanup of said property.

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

The amount of \$ 1,628.79 for securing and cleanup costs incurred in the abatement of the nuisance located on the South 90' of the West 40' and the North 60' of the West 4' of the East 14' of Lot 12, Block 251, Great Falls Original Townsite, 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 3rd day of June, 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 9744 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 3rd day of June, 2008, and approved by the Mayor of said City, on the 3rd day of June, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 3rd day of June, 2008.

Lisa Kunz, City Clerk

ACTION TAKEN BY CITY STAFF

<u>Action</u>	<u>Date</u>
Initial complaint taken by staff	7-02-03
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	04-14-06
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 <i>Shumaker Trucking & Excavating</i>	04-18-08

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on June 3rd, 2008, at 7:00 p.m., in the Commission Chamber of the Civic Center for assessing securing and cleanup costs on the following property in the amount set forth:

209 2nd Avenue North \$ 1,628.79

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: May 24, 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, TX 75019
Post on Property
Property File

ITEMIZED ACCOUNT FOR RECOVERY OF ABATEMENT COSTS

The following expenses were incurred during the securing and cleanup of the property located on the South 90' of the West 40' and the North 60' of the West 4' of the East 14' of Lot 12, Block 251, Great Falls Original Townsite, 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	\$ 10.00
Postage (Certified)	\$ 50.06
Clean-up by <i>City of Great Falls Sanitation Department</i>	\$ 215.75
Securing structure by <i>Great Falls Housing Authority</i>	<u>\$ 982.98</u>
TOTAL EXPENSES INCURRED	<u>\$ 1,628.79</u>



Item: Sale of City Owned Park Land: Blocks 21 and 22 of Highland Park Addition

From: Marty Basta, Park and Recreation Director

Initiated By: Park and Recreation Department

Presented By: Marty Basta, Park and Recreation Director

Action Requested: Conduct Public Hearing and Approve Sale of Park Land

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission approve the sale of City owned park land: Blocks 21 and 22 of Highland Park Addition.” (Approval requires a 4/5 majority.)

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

Staff Recommendation: Staff recommends that the City Commission conduct a public hearing and approve the sale of the Highland Park property to Williamson Fencing in the amount of \$55,001.

Background: The City of Great Falls, according to Chapter 3.04 OCCGF, established a fair market value for the Highland Park property, based on an appraisal prepared in accordance with Uniform Standards of Professional Appraisal Practices. The 2.7 acre parcel was appraised at \$.35 a square foot for a total appraised value of \$40,000. The Highland Park property is outside of the City limits, has no utilities and has had a history of maintenance issues associated with illegal dumping and off-road vehicle usage.

Concurrences: The Park and Recreation Advisory Board approved the sale of the 2.7 acre undeveloped Highland Park property at their January 14, 2008 meeting and approved use of the proceeds to fund water slides, benches and trees at the Jaycee and Water Tower neighborhood swimming pools. These amenities were removed from the original pool rehabilitation contract due to a funding shortfall.

Fiscal Impact: A legal notice was posted in the Great Falls Tribune on Tuesday April 20, requesting sealed bids from buyer's interested in purchasing the property. A minimum bid of

\$40,000, the appraised value was set. Bids were opened on April 30, 2008 with three bidders responding to the request. One bidder failed to submit the required bid bond, subsequently that bidder was disqualified. The highest bid received was from Williamson Fencing & Sprinklers, \$55,001.

Alternatives: Reject the bids for the purchase of the Highland Park property.

Attachments/Exhibits: 1. January 14, 2008 excerpt from Park Board minutes
2. Bid Tabulation Summary

Excerpt from Park & Recreation Board Meeting January 14, 2008

HIGHLAND PARK

2.7 acres of undeveloped Highland Park located across from the Fire Training Facility has been appraised for \$40,000 for potential sale. Staff is recommending the sale of this property and that the funds received to be used towards improvements at Jaycee and Water Tower pools with the addition of a drop slide at each pool, added benches and tree planting to complete the project.

Board motioned to approve the sale of 2.7 acres of undeveloped Highland Park property located across from the Fire Training Center and use the proceeds from that sale to complete the pool projects at Jaycee and Water Tower pools. Motion seconded and carried.

Board discussed the Master Plan that was created in 1995 for parkland criteria on developing and/or identifying surplus park property. Board requested they receive a copy of the recommendations from the Master Plan and have it put on the Park and Recreation web page for review.

CITY OF GREAT FALLS
 PO BOX 5021
 GREAT FALLS, MONTANA 59403

BID TABULATION SUMMARY
 Highland Park Property
 Block 21 and Block 22 Highland Park Addition

Project Number _____
 Bids taken at Park & Recreation
 Date: April 30, 2008
 Tabulated by: _____
 Page 1 of 1

	Bidder	Bid Amount	Bid Bond	Affidavit of Non-collusion	Certificate of Non-Segregated	Certificate of Insurance
1.	Roy & Diane Volk	Not accepted/no bid bond included	NO			
2.	Marty Harvie	\$52,000.00	\$5,200			
3.	Williamson Fencing & Sprinklers	\$55,001.00	\$6,000			
4.						
5.						
6.						
7.						
8.						



Item: Resolution 9749, Creating an Animal Shelter/Enforcement Advisory Committee

From: City Manager's Office

Initiated By: City Staff

Presented By: Cheryl Patton, Assistant City Manager

Action Requested: Adopt or Deny Resolution 9749

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (adopt)/(deny) Resolution 9749.”

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

Background: On May 20, 2008, staff recommended the adoption of Resolution 9749 creating an Animal Shelter/Enforcement Advisory Committee to assist the Commission in a variety of issues relating to the animal shelter and animal control. However, members of the City Commission have advised that they are comfortable in making immediate decisions necessary, and that an advisory committee, as is contemplated in Resolution 9749, should be postponed until shelter and enforcement operations have been finalized.

Additional Background: The City of Great Falls did not renew a contract with the Humane Society of Cascade County (HSCC) and resumed operation of the City owned Animal Shelter and all municipal animal code enforcement duties in July of 2007 following several months of attempting to resolve citizen complaints and performance issues with the contractor. The decision by the City has been a contentious and divisive issue in the community.

The City Commission has advised the community that it does not intend for the City to continue to operate the shelter in the future but intends to contract for shelter operation when an acceptable contractor can be found willing to provide the level of service desired by the City. In the meantime, the animal shelter and all animal code enforcement operations are being provided by the police department. Staff is working to assess the accurate level of financial support which will be necessary for either the City to continue to provide the services or for support of a contractor.

Concurrences: NA

Fiscal Impact: The fiscal impact of creating an Animal Shelter/Enforcement Advisory Committee would be minimal with staff time the most significant City contribution.

However, the annual fiscal impact of the City continuing to operate the Animal Shelter and providing animal enforcement is anticipated to be \$622,000 for FY 2009. The City is experiencing related revenue for FY 2008 of \$136,000.

When a new shelter is built, there will be a need for the City to participate in the cost of the construction. The amount requested by the Animal Foundation is \$1.5 million. This will not include annual operating expenses.

Alternatives: The City Commission can choose to adopt, deny or amend Resolution 9749.

Attachments/Exhibits: Resolution 9749

RESOLUTION 9749

A RESOLUTION CREATING AN ANIMAL SHELTER/ENFORCEMENT ADVISORY COMMITTEE TO ADVISE ON THE ROLE OF THE CITY OF GREAT FALLS PERTAINING TO ANIMAL ENFORCEMENT AND SHELTER OPERATIONS

WHEREAS: The City of Great Falls owns and currently operates the existing animal shelter in Great Falls, and

WHEREAS: Since July of 2007 the City has performed all duties necessary to enforce the animal ordinances in the City which were performed previously by the Cascade County Humane Society on behalf of the City, and

WHEREAS: The Animal Foundation is raising funds to build a new Animal Shelter and has requested City participation, and

WHEREAS: Within the community there are differing opinions as to the level of involvement the City government should have relating to both animal control and enforcement as well as the future shelter and shelter operations.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA: The Animal Shelter/Enforcement Committee is hereby established to prepare recommendations to the City Commission pertaining to Animal Ordinances, Animal Control/Enforcement Issues and Animal Shelter Operations including the City's financial responsibility. The Committee would further act as a liaison in regards to the current [animal control,] shelter operations and the community.

1. **MEMBERSHIP.** The Committee shall consist of 7 members that share an interest in animal issues. All members must be residents of the City of Great Falls. The City Commission will endeavor to appoint the following: 2 members recommended by the Animal

Foundation who have not been on the foundation's Board of Directors for the past 3 years; 2 members recommended by the Humane Society of Cascade County who have not been on the society's Board of Directors for the past 3 years; 3 members from the current roster of elected neighborhood council members who have not served on the Board of Directors of either the Animal Foundation or the CCHS. All members should have an interest in resolving all animal issues for the betterment of the community.

2. **STAFF LIAISONS.** Staff of the City of Great Falls would be assigned to work with the Advisory Committee. Staff members include: Police Chief Corky Grove; Captain Tim Shanks; Fiscal Services Director Coleen Balzarini; and Budget Officer Melissa Kinzler. Staff members would attend Committee meetings but would not have a vote on issues before the Committee or on recommendations made to the City Commission.
3. **TERM.** The Advisory Committee would be created for a period of 3 years. The Committee could be renewed following the 3 year term if determined necessary by the City.

PASSED by the Commission of the City of Great Falls, Montana on this 3rd day of June, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the forgoing Resolution No. 9749 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 3rd day of June, 2008, and approved by the Mayor of said City, on the 3rd day of June, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 3rd day of June, 2008.

Lisa Kunz, City Clerk

(SEAL OF THE CITY)



Item: 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: City Commission

Presented By: Benjamin Rangel, Planning Director

Action Requested: City Commission accept Ordinance 3008 on first reading and set a public hearing for July 1, 2008, to consider adoption of Ordinance 3008.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission accept Ordinance 3008 on first reading and set a public hearing for July 1, 2008.”

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

Zoning Commission Recommendation: The Zoning Commission, following a public hearing held May 13, 2008, 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. 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: The City Commission could deny acceptance of Ordinance 3008 on first reading and not set the public hearing. However, such action would deny the applicants due process and consideration of a public hearing, as provided for in City Code and State Statute.

Attachments/Exhibits:

1. Ordinance 3008
2. Vicinity/Zoning Map
3. Preliminary Amended Plat

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

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





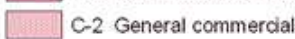
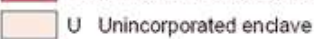
Lisa Kunz, City Clerk

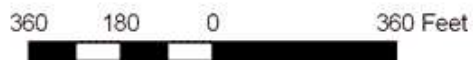
(CITY SEAL)

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: Resolution 9748, Annual Special Improvement District (SID) Revolving Fund Analysis

From: Martha Cappis, Operations Supervisor

Initiated By: State and Federal SID Revolving Fund Cash Balance Guidelines

Presented By: Coleen Balzarini, Fiscal Services Director

Action Requested: Adoption of Resolution 9748

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission adopt Resolution 9748”

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

Staff Recommendation: Staff recommends adoption of Resolution 9748, authorizing the closure of one SID Subsidiary Debt Service Fund to the Revolving Fund, and no release of SID Revolving Fund dollars to any subsidiary fund or to the General Fund at this time.

Background: Each year, staff analyzes the fund balances of the SID Subsidiary Funds and the SID Revolving Fund.

Maximum Reserves: It has been advised by bond counsel that the IRS considers any SID Revolving Fund balance over 10% of the original issue amounts of current outstanding bonds to be excessive, and subject to arbitrage. Accordingly, the City is currently limited to a maximum balance of \$308,000 in the SID Revolving Fund.

Minimum Reserves: M.C.A, 7-12-4222 (1) (b) provides for deposits equal to 5% of the original SID bond issue amounts to secure the SID Revolving Fund. M.C.A, 7-12-4222 (2) states the City Commission must transfer to the revolving fund monies in the district fund that are not required for payment of any bond or warrant of the district. Accordingly, the City is currently required to have a minimum balance of \$40,000 in the SID Revolving Fund.

Revolving Fund Lending Authority: M.C.A 7-12-4223 states: “Whenever any special improvement district bond . . . or any interest thereon shall be due and payable and there shall then be either no money or not sufficient money in the appropriate district fund with which to

pay the same, an amount sufficient to make up the deficiency may, by order of the council be loaned by the revolving fund to such a district fund.” Accordingly, the annual analysis indicates no subsidiary fund cash deficiencies and therefore, no revolving fund loans are necessary at this time.

Revolving Fund Surplus Release Authority: M.C.A 7-12-4227 (1)states: “Whenever there is an amount in the revolving fund in excess of the amount deposited in the revolving fund under M.C.A 7-12-4169(2) and in excess of 5% of the outstanding special improvement district bonds and warrants and the council considers any part of the excess to be greater than the amount necessary for payment or redemption of maturing bonds or warrants secured thereby or interest thereon, the council may: (1) by vote of all its member at a meeting called for that purpose order the amount of excess that is greater than the amount necessary for the payment or redemption of maturing bonds or warrants secured thereby or interest thereon or any part thereof transferred to the general fund of the city or town.” M.C.A 7-12-4229 authorizes a municipality to transfer the funds placed in the revolving fund as a result of M.C.A 7-12-4169(2) to the general fund after final payment of the district’s bonds or warrants are paid. Staff recommends no release of funds at this time, leaving the revolving fund balance at \$155,228.19, as security for the \$800,000 in SID Bonds currently outstanding.

The SID Revolving Fund and the SID debt service funds retain security as follows:

1. \$217,394.18 projected ending cash balance in excess of current debt service obligations for active SID’s
2. \$155,228.19 SID Revolving Fund balance retained as additional security for outstanding bonds, which reflects 3.8 times greater debt service coverage than the minimum required on Current SID bonds outstanding.

Concurrences: Analysis has been conducted in a manner that demonstrates compliance with State Statutory and Federal IRS cash balance limits.

Fiscal Impact: The SID Revolving Fund cash balance will increase to \$155,228.19, and the SID Subsidiary Fund cash balances will be \$217,394.18.

Alternatives: The City Commission may transfer any amount up to \$115,228 of Revolving fund monies to the General Fund.

Attachments/Exhibits: Resolution 9748, Annual Special Improvement District (SID) Revolving Fund Analysis

**SID REVOLVING FUND
ANALYSIS SUMMARY**

ORIGINAL ISSUE VALUE OF CURRENT BONDS OUTSTANDING	3,080,000.00	
REVOLVING RESERVE @ 10% OF ORIGINAL ISSUE	<u>308,000.00</u>	
AVAILABLE FOR TRANSFER TO GENERAL FUND (PROJECTED REVOLVING FUND CASH BALANCE LESS 10% OF ORIGINAL BONDS ISSUED) (IF NEGATIVE, NO FUNDS ARE REQUIRED TO BE TRANSFERRED)		<u><u>(\$152,771.81)</u></u>
 CURRENT BONDS OUTSTANDING	 800,000.00	
REVOLVING RESERVE @ 5% OF CURRENT BONDS OUTSTANDING (PER 7-12-4222 (1) (b), MCA)	<u>40,000.00</u>	
AVAILABLE FOR TRANSFER TO GENERAL FUND (PER 7-12-4227(1), MCA) (PROJECTED REVOLVING FUND CASH BALANCE LESS 5% OF CURRENT BONDS OUTSTANDING)		<u><u>\$115,228.19</u></u>

REVOLVING FUND AND SID DEBT SERVICE FUNDS SECURITY

SID REVOLVING CASH BALANCE APRIL 29, 2008

	\$151,804.42	
COMPLETED SID'S TO BE CLOSED TO THE REVOLVING FUND (PER 7-12-4222 (2), MCA):	3,423.77	
ACTIVE SID'S REQUIRING LOANS FROM THE SID REVOLVING FUND (PER 7-12-4223, MCA):	0.00	
ACTIVE SID'S REPAYING LOANS TO THE REVOLVING FUND (PER 7-12-4227, MCA):	<u>0.00</u>	
RECOMMENDED SURPLUS RELEASE (PER 7-12-4227 AND 7-12-4229, MCA):	0.00	
SID REVOLVING FUND PROJECTED CASH BALANCE AFTER CLOSURES & LOAN TRANSACTIONS: AND RECOMMENDED SURPLUS RELEASE	<u><u>\$155,228.19</u></u>	
 TOTAL LOANS TO SID DEBT SERVICE FUNDS TO COVER 100% OF THE OUTSTANDING SID BONDS IN THOSE SID'S WITH ANTICIPATED DEFICIENCIES		
PRIOR YEAR LOANS	\$0.00	
ADD: CURRENT YEAR LOANS	0.00	
LESS: CURRENT YEAR PAYBACKS	0.00	
LESS: CLOSED FUND WRITEOFFS	<u>0.00</u>	
TOTAL LOANS	<u><u>\$0.00</u></u>	
PROJECTED ENDING CASH BALANCES IN EXCESS OF CURRENT DEBT SERVICE OBLIGATIONS FOR THE ACTIVE SID'S (EXCLUDES REVOLVING FUND LOANS)	<u><u>\$217,394.18</u></u>	

Prior Year Missed

What REALLY Happened

PASSED by the Commission of the City of Great Falls, Montana, on this 3rd day of June, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9748 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 3rd day of June, 2008, and approved by the Mayor of said City on the 3rd day of June, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 3rd day of June, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

Regular City Commission Meeting

Mayor Pro Tempore Bill Bronson presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

ROLL CALL: City Commissioners present: Bill Bronson as Mayor Pro Tempore, Mary Jolley, Bill Beecher and John Rosenbaum. Mayor Stebbins was excused. Also present were the City Manager, Assistant City Manager, City Attorney, Directors of Community Development, Fiscal Services, Park and Recreation and Planning, Acting Director of Public Works, the Police Chief, Fire Chief and Assistant Fire Chief, and the City Clerk.

PRESENTATION: On behalf of the members of the first class of the Citizens Academy, JoAnn Null presented awards to Sgt. Stinar and Officer Klundt, as well as a check in the amount of \$235 to Chief Grove, on behalf of the Great Falls Police Department, to express their gratitude for his support of the program.

NEIGHBORHOOD COUNCILS

NC 4

1. **Sandra Guynn, NC 4**, asked for an update regarding her request to look into the possibility of annexing 10th Avenue North from 38th to 57th Streets. Planning Director Ben Rangel responded that staff has begun the process of looking into the possibility of annexing 10th Avenue North and will be preparing a report to the Commission for its consideration.

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

Ord. 3007, Assign City Zoning to West Ridge Addition Phase V.

Accepted Ord. 3007 on first reading and set public hearing for June 17, 2008.

2. **ORDINANCE 3007, ASSIGN CITY ZONING TO WEST RIDGE ADDITION PHASE V.**

Planning Director Ben Rangel reported that in January, 2008, the City Commission approved the Preliminary Plat of West Ridge Addition, Phases V and 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 does consist of 24 single-family residential lots. Mr. Rangel requested that the City Commission accept Ordinance 3007 on first reading, and set public hearing for

June 17, 2008, to consider assignment of City zoning, approve the Final Plat for Phase V, as well as its annexation.

Commissioner Beecher moved, seconded by Commissioner Jolley, that the City Commission accept Ordinance 3007 on first reading, and set public hearing for June 17, 2008.

Mayor Pro Tempore Bronson asked if there were any comments from members of the public, or any discussion amongst the Commission. No one responded.

Motion carried 4-0.

Res. 9753, Designating the Great Falls Convention Visitors Bureau to receive Lodging Facility Use Tax (Bed Tax). Adopted.

3. RESOLUTION 9753, DESIGNATING THE GREAT FALLS CONVENTION VISITORS BUREAU TO RECEIVE LODGING FACILITY USE TAX (BED TAX).

Carol Lindseth, President of the Great Falls Convention and Visitors Bureau, reported that the newly formed Great Falls Convention and Visitors Bureau recommends that the City Commission adopt Resolution 9753, approving the change in the designated non-profit entity to receive the Lodging Facility Use Tax (Bed Tax) revenues.

Mayor Pro Tempore Bronson asked if there were any questions from the Commission. There being none, Mayor Pro Tempore Bronson stated that he would entertain a motion.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9753, contingent upon the Great Falls Convention and Visitors Bureau receiving 501(c)6 status from the IRS.

Mayor Pro Tempore Bronson asked if there were any comments from members of the public, or any discussion amongst the Commission. No one responded.

Motion carried 4-0.

Res. 9749, Creating an Animal Shelter/Enforcement Advisory Committee. Tabled and reset for June 3, 2008.

4. RESOLUTION 9749, CREATING AN ANIMAL SHELTER/ ENFORCEMENT ADVISORY COMMITTEE.

Mayor Pro Tempore Bronson stated that, although the agenda indicates that Cheryl Patton, Assistant City Manager, was to offer a report, he requested that another motion be made and seconded from a member of the Commission, and then there would be discussion about it.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission table the adoption or denying of Resolution 9749 until June 3, 2008.

Mayor Pro Tempore Bronson stated that, just for the public's information, individual members of this Commission have received some comments from members of the community about this particular Ordinance [*sic*]. There has been some discussion by members of this Commission in budget meetings about what role the City may play in the future with respect to animal control and enforcement issues. There is a consensus among the members of the Commission at this time that the public has not yet had an opportunity to sufficiently digest this Ordinance [*sic*], what the scope and role of this committee would be, and whether or not the Commission wants to proceed along the lines of what is set forth in the proposed action item. In deference to the community, the Commission is going to table this matter, assuming the vote carries tonight, and then take the matter up with public comment at the June 3, 2008, meeting.

Mayor Pro Tempore Bronson asked if any members of the public wished to comment on the motion or the matter that is currently pending before the Commission.

Richard Liebert, 289 Boston Coulee Road, commended the thoroughness of the staff report in that it included the background, fiscal impact, concurrences and alternatives.

Motion carried 4-0.

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

5. Minutes, May 6, 2008, Commission meeting.
6. Total Expenditures of \$1,078,648 for the period of May 1-14, 2008, to include claims over \$5,000, in the amount of \$884,757.
7. Contracts list.
8. Lien Release list.
9. Set public hearing for June 3, 2008, on Res. 9744, Cost Recovery at 209 2nd Avenue North.
10. Set public hearing for June 3, 2008, for consideration of sale of city-owned Highland Park property.
11. Approve exception request to the Housing Loan Policies for the maximum loan to the owner of property at 718-726 1st Avenue North.
12. Approve Memorandum of Understanding for Creation of a Tax Increment Financing Industrial District for the Great Falls International Airport.
13. Approve final payment to Phillips Construction and the State Miscellaneous Tax Division in the amount of \$8,807.19 for the 7th and 3rd Avenues North Water Main Replacements.
14. Award contract to DPC Industries, Inc., for the purchase of anhydrous

ammonia in the amount of \$150 per 147-lb cylinder for FY 2008/09.

15. Award contract to DPC Industries, Inc., for the purchase of liquid chlorine in the amount of \$648 per ton for FY 2008/09.
16. Award contract to Thatcher Company for the purchase of liquid aluminum sulfate in the amount of \$285 per dry ton for FY 2008/09.

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

Mayor Pro Tempore Bronson asked if there was any discussion amongst the Commission. There being none, Mayor Pro Tempore Bronson called for the vote.

Motion carried 4-0.

Mayor Pro Tempore Bronson asked if there was any public discussion from the public. No one responded.

BOARDS & COMMISSIONS

**Revised Final Plat,
Building Setbacks and
Development Agreement
for Prairie Ridge Estates.
Approved.**

17. REVISED FINAL PLAT AND DEVELOPMENT AGREEMENT FOR PRAIRIE RIDGE ESTATES.

Planning Director Ben Rangel reported that in September, 2007, the City Commission approved the Final Plat, Development Agreement and the Rezoning Ordinance for Prairie Ridge Estates Addition, as recommended by the Planning Board/Zoning Commission. The subdivision is located at the south end of Upper River Road and consists of 20 single-family residential lots and one lot for 12 residential condominium units. The property within the subdivision was also rezoned from R-1 single-family residential to PUD Planned Unit Development. The property owners and developers have requested the project be revised due to the inability to meet public roadway grades as required by City code. The two most significant changes include making Ridge View Drive within the subdivision a private roadway instead of a dedicated public roadway, and narrowing its width from 35 feet to 30 feet from back of curb to back of curb. Upon a vote of 4-2, the Planning Board/Zoning Commission recommended the City Commission approve the Revised Final Plat, building setbacks and Development Agreement. The dissenting votes were primarily concerned that, as a result of making the roadway private and narrowing its width, the developer will also plan to eliminate the adjoining sidewalks. The four votes in favor of the requested revisions acknowledged that sidewalks are a desired facility, but recognized that within a PUD zoned development with private ownership and maintenance of infrastructure facilities, that it is up to the developer's prerogative to install or not install certain facilities, including sidewalks. However, all life safety and emergency vehicle access will be required and will be provided within the subdivision.

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Revised Final Plat, Building Setbacks and Development Agreement for Prairie Ridge Estates Addition as recommended by the City Planning Board.

Mayor Pro Tempore Bronson asked if there were any public comments or inquiries. No one responded. Mayor Pro Tempore Bronson asked if there were any questions from the Commission

Commissioner Jolley asked what the inability to do the road grading meant. Mr. Rangel responded that the primary roadway within the subdivision, because of the steepness of the topography, would exceed the 10% grade that City code requires. The developer was willing to accept the liability and responsibility for a steeper grade.

Commissioner Beecher asked if this was a gated community where access is restricted. Mr. Rangel responded that, as part of the request for revision to the Final Plat, the developer's representative did provide about 10 points they were requesting to be revised within the Plat. The fact that the roadway would be private and the Homeowner's Association would be responsible for maintenance of the roadway, they also stated that it would become a gated community. That is still an item up for consideration by the developer.

Mayor Pro Tempore Bronson inquired if any questions from members of the Commission invited any comment from the public.

Casey Fowler, 1112 Harrison Street, inquired what gated community meant. Mr. Rangel responded that the homes that are built within the subdivision being served by a private roadway would have an electronic gate of sorts at the entrance to the subdivision so that only the residents that live in that area or who provide authorization to others to enter the subdivision would have the ability to open the gate to go into the subdivision.

Motion carried 4-0.

18. APPOINTMENT, GREAT FALLS HOUSING AUTHORITY BOARD.

**Katherine Pickens
appointed to the Great
Falls Housing Authority
Board.**

Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Katherine Pickens as a tenant member for a two year term through June 30, 2010, to the Great Falls Housing Authority Board.

Mayor Pro Tempore Bronson asked if there was any discussion among the Commission or any inquiry or comment from the public. Hearing none, he called for the vote.

Motion carried 4-0.

19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**CITY MANAGER**

Great Falls EMS, Great Falls Development Authority, MAFB, SME.

20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

City Manager Gregory T. Doyon updated the City Commission that the Fire Chief and the City Attorney continue to work on reviewing the proposed ambulance contract with Great Falls EMS and are hoping to provide them with feedback in the coming week. In the past week, he had been involved with Great Falls Development Authority business recruitment sessions. He stated that he had also been out to MAFB, and also attended a farewell dinner for Col. Finan. He also continues to work with Coleen Balzarini with regard to summarizing the City's current status with SME and what options the City Commission has at this juncture. He was in Billings last Thursday and Friday and with some recent developments there, he wants that information inserted in the memo as well.

Mayor Pro Tempore Bronson asked if there were any questions for Mr. Doyon. No one responded.

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

Mayor Pro Tempore Bronson opened the meeting to Petitions and Communications.

Cost of Power.

21A. Ed McKnight, 906 3rd Avenue North, read a list of information he requested two weeks ago regarding the cost of power. Mr. McKnight stated that he doesn't like being adversarial. He wants to provide the City Commission with an alternative suggestion but needs factual numbers.

House condemnation and proposed demolition.

21B. Debby Schultz, 706 19th Street S.W., expressed her emotional and monetary distress to the City Commission regarding stop work orders and proposed demolition of her house.

Cable 7 Board, Chinook Wind Coalition meeting.

21C. Richard Liebert, 289 Boston Coulee Road, thanked the City for supporting Cable 7, and asked if the Commission could appoint more people to the Cable 7 Board. Mr. Liebert encouraged the City Commission to attend the next Chinook Wind Coalition meeting with Brett Doney.

Inflation.

21D. John Hubbard, 615 7th Avenue South, made comments regarding Saudis selling bombs, increasing taxes and gas prices, and Senator Obama. Mr. Hubbard also read two poems.

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

Commissioner Jolley reported that she spoke with Ms. Schultz on the phone. She stated that she feels terrible for Ms. Schultz's situation. But, she didn't appeal when she had the chance.

Mayor Pro Tempore Bronson reported that the appeal period for the condemnation of the house has passed without the option for the appeal being exercised by Ms. Schultz. He advised Ms. Schultz to consult legal counsel.

Ms. Schultz stated that she didn't know there was an appeal process.

Commissioner Jolley added that she hates to be the bearer of more bad news to Ms. Schultz, but if the City of Great Falls spends money removing her house, she will get a bill for that too. The Commission does not get to approve or disapprove the removal of the house, but does approve or disapprove the costs involved.

Community Development Director Mike Rattray clarified that City staff prepared a chronological listing of the 35 steps it went through with regard to Ms. Schultz. At least six or seven certified letters were mailed to Debby Schultz that she signed for. One letter explained the condemnation process and the appeal process.

Mayor Pro Tempore Bronson stated that he wanted to make the community of Great Falls aware of an event that he and Mr. Doyon attended at MAFB on Saturday evening. At the suggestion of Col. Finan at MAFB, the mayor and the commissioners decided to present to the Canadian Snowbirds the key to the City of Great Falls. In large part in recognition of their fallen comrade, Capt. McCaughey, who died in an unfortunate plane crash last year. Bronson had the pleasure of presenting that award in a public ceremony to the members of the Canadian Snowbirds. They were very deeply touched by this recognition. They know it represents the good will and sentiments of the people of Great Falls. Maj. Mitchell wanted Mr. Bronson to express to the citizens of Great Falls their great and undying appreciation. To underscore the importance of the event on Saturday evening, Lt. Gen. Charles Bouchard, of the Canadian Defense Forces, made a personal trip to Great Falls to be a part of that ceremony. He also wanted Mr. Bronson to express his gratitude and appreciation to the citizens of Great Falls for all that it has done. As Col. Finan noted on Saturday evening, this event brought closure for their loss.

Commissioner Beecher requested staff follow up with Mr. McKnight's request for information.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioners Rosenbaum and Jolley, that the regular meeting of May 20, 2008, be adjourned at 7:57 p.m.**

Motion carried 4-0.

Mayor Pro Tempore Bronson

City Clerk



Agenda # 12
Commission Meeting Date: June 3, 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 MAY 21, 2008	721,111.47
MASTER ACCOUNT CHECK RUN FOR MAY 28, 2008	504,994.11
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MAY 12 TO MAY 16, 2008	66,477.70
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MAY 17 TO MAY 23, 2008	2,955.00
WIRE TRANSFERS FROM MAY 15 TO MAY 21, 2008	<u>761,229.33</u>
TOTAL: \$	<u><u>2,056,767.61</u></u>

GENERAL FUND

LEGAL

BROWNING KALECZYC BERRY & HOVEN, P.C.	LEGAL FEES MARATHON OIL COMPANY v. GREAT FALLS	15,728.75
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SPECIAL REVENUE FUND

POLICE SPECIAL REVENUE

PAT BRINKMAN	INVESTIGATIVE FUNDS	8,000.00
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STREET DISTRICT

GREAT FALLS REDI-MIX INC	ASPHALTIC CONCRETE MATERIAL	6,800.18
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LIBRARY

EBSCO	SUBSCRIPTION RENEWALS	6,892.74
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LIBRARY FOUNDATION

PLUM STREET STUDIOS INC	1ST PAYMENT PLUMBING FOR THE WATER FEATURE	12,000.00
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PARK & RECREATION SPECIAL REVENUE

WALKER DESIGN GROUP	EZ DOCK FOR FISHING ACCESS	17,303.00
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FEDERAL BLOCK GRANTS

DAVID KUGLIN	CDBG SIDEWALK REPLACEMENT PMT #2	24,754.83
MEALEY CONSTRUCTION	PMT #3 ADA ENTRANCE RENOVATION	8,214.19
	PROJECT CHILDREN'S MUSEUM	

CAPITAL PROJECTS

GENERAL CAPITAL

MEALEY CONSTRUCTION	PMT #1 POLICE DEPT WINDOWS	11,017.96
RECREATION SUPPLY CO	NATATORIUM WATER SLIDE	18,375.00

HAZARD REMOVAL

MRTE INC	209 2ND AVE N DEMOLITION	26,000.00
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ENTERPRISE FUNDS

WATER

PHILLIPS CONSTRUCTION	PMT #2 SUNNYSIDE WATER MAIN REPLACEMENT	179,115.78
GREAT FALLS COMMUNITY ICE FOUNDATION	PMT #2 FACILITY UTILITY IMPROVEMENTS SPLIT PAYMENT	75,186.00
BATTERY WAREHOUSE	BATTERIES FOR SCADA SYSTEM	7,561.90
JOHNSON ELECTRIC	REPLACE PRIMARY FEEDERS	30,888.00
NORTH PARK INVESTMENTS LLC	SOUTH PARK ADDITION WATER MAIN	16,417.00
PHILLIPS CONSTRUCTION	FINAL PMT WATER MAIN REPLACEMENT 7TH AND 3RD AVENUES NORTH	8,719.12
THATCHER CO	PMT #23 ALUMINUM SULFATE-LIQUID	5,467.35

SEWER

GREAT FALLS COMMUNITY ICE FOUNDATION	PMT #2 FACILITY UTILITY IMPROVEMENTS SPLIT PAYMENT	9,000.00
GE ENERGY	CO-GENERATION PROJECT TROUBLESHOOT RELAYS NOT WORKING	5,070.00
NCI ENGINEERING	PMT #6 LIFT STATION & WTP REHAB PROJECT	14,895.00
VEOLIA WATER NORTH AMERICA	CO-GENERATION SYSTEM	31,568.03
VEOLIA WATER NORTH AMERICA	OPERATION & MAINTENANCE MAY 2008	225,071.08

STORM DRAIN

DICK ANDERSON CONSTRUCTION	FINAL PMT GIANT SPRINGS STORM DRAIN OUTFALL	6,142.01
APPLE VALLEY BACKHOE SERVICE	PMT #1 FLOOD ROAD TO BELVIEW PALISADE STORM DRAIN CONNECTOR	30,241.49

SANITATION

NCI ENGINEERING	RIGHT OF WAY VACATION	5,025.00
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ELECTRIC

SME	PMT OF ENERGY SUPPLY EXPENSE APRIL 08	709,528.82
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SAFETY SERVICES

QWEST	APRIL 2008 E911 CHARGES	6,116.59
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CIVIC CENTER EVENTS

LASK SEATING CO	50% DOWN FOR 800- CATHEDRAL CHAIRS	13,580.00
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INTERNAL SERVICES FUND

HEALTH & BENEFITS

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS MAY 13 TO MAY 19, 2008	49,987.90
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CENTRAL GARAGE

CITY MOTOR CO INC	6 - 2008 CHEVROLET IMPALA POLICE PURSUIT SEDANS	120,259.20
MOUNTAIN VIEW CO-OP	FUEL	39,360.20

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	62,942.70
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CLAIMS OVER \$5000 TOTAL: \$ 1,807,229.82

COMMUNICATION TO THE CITY COMMISSION

DATE: June 3, 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	Park and Recreation	Great Falls Farmers Market	06/01/2008 – 09/30/2008	100-0000-346-4029	\$250	Use Permit - Conduct Farmers Market - Whittier Park and Park Drive
B	Fiscal Services	GPD PC Consulting Engineers, 524 1 st Ave. S., Great Falls, MT 59401	06/2008	417-1556-515-9316	Hourly at the not-to-exceed sum of \$2,000	Electrical design for installation of approx. 4 light poles in the new Water Tower neighborhood SILD 1314 SLD 1305
C	Public Works	Concrete Doctor	Spring 08 - Spring 09	Street Maintenance	\$25,000.00	2008 Misc. Concrete Maintenance Contract OF 1485.4
D	Public Works Engineering	Montana Department of Transportation	04/2004 – 12/2009	N/A	None	BNRR - River Drive supplemental right-of-way agreement for purchase of a small parcel (958 SF) and payment for replacement of the Water Plant access gate and sprinkler system OF 1307

E	Public Works Engineering	Montana Department of Transportation	06/2007 – 12/2008	N/A	None	1 st Avenue North – Park Drive to 9 th Street – Mill and Overlay OF 1531
F	Public Works Engineering	Montana Department of Transportation	06/2007 – 12/2008	N/A	None	6 th Street North – 8 th Avenue North to Central Avenue – Mill and Overlay OF 1531
F-G	Public Works Engineering	Montana Department of Transportation	06/2007 – 12/2008	N/A	None	River Drive – 1 st Avenue North to 9 th Street - Mill and Overlay OF 1531



Item: Harvard Glee Club Men's Chorus

From: Chase Mohny, Harvard Senior and Vice President of the Harvard Glee Club Lite

Initiated By: Lisa Kunz

Presented By: Lisa Kunz

Action Requested: Sponsor the Harvard Glee Club's concert on June 15, 2008

Suggested Motion:

1. Commissioner moves:

I move that the City Commission approve the request that the City sponsor the Harvard Glee Club's concert on June 15, 2008, by contributing up to \$500 for the use of the Mansfield Center for the Performing Arts.

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

Staff Recommendation: The Harvard Glee Club requests that the City sponsor the 60 voice internationally celebrated men's chorus on June 15, 2008, by foregoing the rental rates of the Mansfield Center for the Performing Arts. However, to be consistent with City policy, staff recommends a reduction in their rental rate fee in an amount up to \$500.

Background: In a letter dated May 5, 2008, Chase Mohny, Vice President of the Harvard Glee Club Lite, announced that, in celebration of its 150th anniversary, the Harvard Glee Club will be touring and performing concerts in 12 cities across the United States and would like to include a concert in Great Falls.

The 60 Voice Harvard Glee Club is Harvard's internationally celebrated men's chorus and the oldest college chorus in America. Over the past 20 years, the ensemble has released seven new recordings and hosted 12 Men's Chorus Festivals.

The Harvard Glee Club members intend to work with the school music departments in an effort to get as many of the Glee Club members placed in student's homes to allow for more casual interaction with students and their parents. This would create an opportunity for Great Falls youth to find out about new scholarship opportunities at Harvard. Harvard is making attendance

possible for lower and average income students. This would provide an opportunity for local youth to become aware of the opportunities that are open to them.

Due to the number of similar requests each year, the following guiding principals have been established for the City to contribute an amount up to \$500:

- Requests should only be accepted from non-profit, public service organizations; and
- Requests will be granted only where the City Commission or another City agency finds a public purpose in co-sponsoring an event; and
- Requests will be considered when the event is to serve the public rather than to raise funds; and
- The event is free to the public; and
- The event benefits the youth of the community.

This request meets all of the above-referenced requirements.

Concurrences:

Fiscal Impact: Sponsoring this event will have an impact on the City Commission's 2007/2008 budget in an amount up to \$500.

Alternatives: The City Commission could deny this request.

Attachments/Exhibits:

1. Letter to City Commission dated May 5, 2008
 2. Request Summary
- (Attachments/Exhibits not available online; on file in City Clerk's Office.)



Item: North Central Montana Military Road Map

From: Benjamin Rangel, Planning Director

Initiated By: Committee of 80, Great Falls Area Chamber of Commerce

Presented By: Benjamin Rangel, Planning Director

Action Requested: Adopt North Central Montana Military Road Map

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission adopt the attached version of the North Central Montana Military Road Map with seven (7) bulleted provisions.”

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

Staff Recommendation: It is recommended that the City Commission adopt the attached version of the North Central Montana Military Road Map with seven (7) bulleted provisions.

Background: At a work session on May 6, 2008, the City Commission received an overview of the North Central Montana Military Road Map from representatives of the Committee of 80, Great Falls Area Chamber of Commerce. The Committee’s purpose in educating and gaining support for the Road Map is to present a single regional voice regarding current and future military missions in North Central Montana, involving the Montana Air National Guard and Malmstrom Air Force Base. The Coalition of Missile Counties and Legislators will also be approached to support the Road Map. The Committee’s ultimate goal is to present it to the Governor and solicit his support for current and future military missions.

Concurrences: The Committee of 80; Military Affairs Committee; Chamber of Commerce Executive Committee; and, Chamber of Commerce Board of Directors have all adopted the Road Map with eight (8) bulleted provisions.

Fiscal Impact: No direct or immediate financial impacts to the City’s budget are anticipated with approval of the Road Map.

Alternatives: The Committee initially requested the City Commission endorse a Road Map consisting of eight (8) bulleted provisions. However, one of the provisions, which read,

“Continue to protect military infrastructure through appropriate land use zoning and enforcement” was subsequently eliminated to address a Commission concern. The Commission was concerned that the provision implied a public position or policy that endorses the use of zoning and land use enforcement to control development near MAFB; a strategy that has not been fully reviewed or discussed in the public arena and is not currently reflected in any public policy documents governing land use controls. As such, the Commission chose not to endorse the provision.

Attachments/Exhibits:

1) North Central Montana Military Road Map (Version with seven bulleted provisions)

Cc: Cynthia Schultz, Great Falls International Airport



North Central Montana Military Road Map



1. North Central Montana community leadership is united to protect and enhance our military role to protect our nation.
2. Support flexible options for basing military assets.
3. Support MANG's efforts to attract associate units to support USAF roadmap objectives for combined components.
4. Expand MAFB ACUIZ study to analyze impact of F-22/F-35 aircraft operations
5. Support MANG's study to analyze impact of F-22/F-35 aircraft operations to GTF Part 150 Noise Study
6. Leverage our unique air combat training assets to brand Montana's Big Sky as the "Air Combat Training Center of Choice" for Department of Defense next generation weapon systems
7. Pursue emerging military missions as opportunities present (UAV's, Cyberspace, etc)





Item: Final Payment – Sanitary Sewer Trenchless Rehabilitation, Phase 11,
O. F. 1425.6

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Approve Final Pay Request

Suggested Motion:

1. Commissioner moves:

"I move the City Commission approve Final Payment for the Sanitary Sewer Trenchless Rehabilitation, Phase 11, O. F. 1425.6, in the amount of \$12,384.22 to PEC Inc., and \$125.09 to the State Miscellaneous Tax Fund and authorize the City Manager to make the payments."

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

Staff Recommendation: Approve final payment request.

Background:

Significant Impacts

This project lined several vitrified clay pipe sewer mains located throughout the City which had begun showing cracks and were in danger of structural failures.

Citizen Participation

Not Applicable.

Workload Impacts

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

Purpose

The project used trenchless technology in the form of Cured-In-Place-Pipe (CIPP) to line several sewer mains that were past their expected useful lifespan. These pipes had developed cracks and in some cases large holes. This damage caused environmental concerns, maintenance problems and concerns about keeping the lines in working order.

Project Work Scope

This project lined approximately 2,150 lineal feet of 8 and 9 inch sewer main. Several large main breaks had to be dug out and repaired before lining was completed.

The mains were located at various locations throughout the City and were found to be in very poor condition during normal cleaning and video inspections done throughout the year. These mains were considered high priority to receive liners before total replacement was needed.

Evaluation and Selection Process

The City accepted two bids for this project on February 23, 2007 and the City Commission awarded the contract to PEC Inc. on March 6, 2007 in the amount of \$120,791.00. A change order was added during the project in the amount of \$29,410.00 due to additional spot repairs needed and an additional 400 feet of 9-inch lining.

Conclusion

City staff has verified that PEC Inc. has completed all work and punch list items in accordance with the plans and contract. The one year post rehabilitation inspections were recently done as required by the contract. The City can accept the project and execute the Final Payment. The project was completed within the contract time. The two year warranty period started at the time of substantial completion which was May 5, 2007.

Concurrences:

Not Applicable.

Fiscal Impact:

Lining of these mains will save on maintenance due to man hours and resources necessary for repairs to broken sewer mains and will eliminate environmental hazards associated with sewer waste seeping into the ground around the pipes.

The final project cost is \$148,255.95 which is \$1,945.05 under the amount awarded and approved. The difference is mainly due to installing more 8-inch pipe quantity instead of 9-inch pipe quantity that was originally planned. This sewer lining project was funded through the City's Sewer Capital Funds.

Alternatives:

The City Commission could vote to deny final payment.

Attachments/Exhibits:

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



Item: Construction Contract Award: Phase I – 7th & 8th Avenues South Water Main Replacement, O. F. 1515

From: Engineering Division

Initiated By: Public Works Department

Presented By: Jim Rearden, Public Works Director

Action Requested: Consider Bids and Approve Contract

Suggested Motion:

1. Commissioner moves:

"I move the City Commission award a contract in the amount of \$629,312.50 to United Materials of Great Falls, Inc. for the Phase I – 7th & 8th Avenues South Water Main Replacement, O. F. 1515, and authorize the City Manager to execute the construction contract documents."

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

Staff Recommendation: Approve construction contract award.

Background:

Significant Impacts

This project will replace portions of the water system located in 8th, 7th, 6th, and 5th Avenues South. Most of these water mains were installed in the 1890's thru the 1920's, except for the 6th Avenue South main which was installed in 1989.

Citizen Participation

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

Workload Impacts

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

Purpose

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

Project Work Scope

This project will replace approximately 4,825 lineal feet of 6- and 8-inch water main, 9 fire hydrants and 154 water service connections; 4,200 square yards of gravel, and 5,655 square yards of asphalt for road repairs.

The mains are located in 8th Avenue South from 13th Street to 14th Street; 7th Avenue South from 10th Street to 14th Street; 6th Avenue South from 10th Street to 14th Street; and 5th Avenue South from 11th Street to 14th Street.

Evaluation and Selection Process

Six bids were received and opened for this project on May 21, 2008. The bids ranged from \$828,000.00 to \$629,312.50. One bid was rejected because of numerous problems and omissions in the bidding requirements. United Materials of Great Falls, Inc. submitted the low bid and has executed all the necessary documents.

The engineer's estimate is \$775,380.00. United Materials is an established responsible local contractor and has done many projects within the City. United Materials has the resources and the manpower to complete this project.

Conclusion

City staff recommends awarding the construction contract to United Materials of Great Falls, Inc. in the amount of \$629,312.50.

Concurrences:

DEQ has reviewed and approved the plans and specifications for this project, and has given their approval on the selected bidder.

Fiscal Impact:

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

The price for this project, approximately \$130.00 per foot, is quite a bit lower than the engineer's estimate of approximately \$160.00 per foot. This appears to be due to the lack of work around the state and the increased number of bidders, not only local, but also from Bozeman and Billings. By comparison here are some projects bid and completed recently: Sunnyside water main replacement, awarded on April 1, 2008, was \$718,890.00 which is approximately \$143.00 per foot and 7th & 3rd Avenue North water main replacement constructed in late 2007 cost \$880,718.70 which is approximately \$150.00 per foot.

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

Alternatives:

The City Commission could vote to deny award of the construction contract and re-bid the project or do nothing and continue to repair main breaks as they occur.

Attachments/Exhibits:

1. Bid tabulation is attached.

CITY OF GREAT FALLS
 P.O. BOX 5021
 GREAT FALLS, MT 59403

BID TABULATION SUMMARY
 Phase I - 7th & 8th Avenues South WMR
 OF 1515

Project Number _____
 Bids Taken at Civic Center
 Date: May 21, 2008
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid
1	Bender Construction PO Box 10413 Bozeman, MT 59719							Rejected Bid not read
2	Liggett Construction 3000 Division Road Great Falls, MT 59404	√		√	√	√	√	\$658,770.00
3	Ed Boland Construction 4601 7th Ave. So. Great Falls, MT 59405	√		√	√	√	√	\$812,890.00
4	United Materials, Inc. P.O. Box 1690 Great Falls, MT 59403	√		√	√	√	√	\$629,312.50
5	Western Municipal Const. 5855 Elysian Road Billings, MT 59101	√		√	√	√	√	\$828,000.00
6	Phillips Construction 795 Ulm-Vaughn Rd. Great Falls, MT 59404	√		√	√	√	√	\$693,735.00
7	Shumaker Trucking Company P.O. Box 1279 Great Falls, MT 59403-1279	√		√	√	√	√	\$779,079.00
8								
9								
10	Engineer's Estimate							\$775,380.00



Item: Asphaltic Concrete Material
From: Street Division
Initiated By: Public Works Department
Presented By: Jim Rearden, Public Works Director
Action Requested: Award Bid

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission award the bid to supply asphaltic concrete material to United Materials of Great Falls for \$570,750.”

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

Staff Recommendation: Staff recommends that the City Commission award the bid to supply asphaltic concrete material to United Materials of Great Falls for \$570,750.

Background:

Purpose:

The asphaltic concrete materials requested will be used by the Street Division to conduct street repair projects.

Evaluation and Selection Process:

The specifications were advertised two times in the Great Falls Tribune, mailed to two prospective bidders and advertised on the City of Great Falls Website. The bids were opened on May 21, 2008 with two bidders responding.

BIDDER	MATERIAL	PRICE PER TON	ESTIMATED TONS	TOTAL COST
United Materials	MPWSS Type B	\$40.00	9,000	\$360,000
	MPWSS Type S-2	\$41.25	3,000	\$123,750
	MSS Grade D	\$43.50	2,000	\$ 87,000
			TOTAL BID PRICE	\$570,750

Mileage: Cost difference between the two bid sources is \$1.16 per ton which still leaves United Materials as the low bid.

Conclusion:

The materials bid by United Materials meet specifications for the asphaltic concrete material.

Fiscal Impact: The contracted price for asphaltic concrete in FY 07/08 was \$38.35 per ton for MPWSS Type B, \$40.35 per ton for MPWSS Type S-2, and \$40.85 per ton for MSS Grade D. The total bid price difference from last year is an increase of \$22,850 or +4%. Funding for this year's purchase of asphaltic concrete is in the proposed FY 2009 Street Maintenance Budget.

For information purposes, we have included a comparison showing what the City of Missoula pays for the same materials in their street program.

CITY	TYPE B	TYPE S-2	GRADE D
Great Falls	\$40.00	\$41.25	\$43.50
Missoula	\$33.49	\$36.95	\$34.89

Alternatives: The City Commission could vote to reject the bids.

Attachments/Exhibits: Bid Tab, Bid List

ASPHALTIC CONCRETE MATERIAL BID LIST

1. GREAT FALLS REDI-MIX
P.O. BOX 1989
GREAT FALLS, MT 59403

2. UNITED MATERIALS
P.O. BOX 1690
GREAT FALLS, MT 59403