



# City Commission Agenda

for

## May 20, 2008

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

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENTATIONS**

Presentation of Officer Awards by the Citizens Academy

**NEIGHBORHOOD COUNCILS**

1. Miscellaneous reports and announcements.

**PUBLIC HEARINGS**

**OLD BUSINESS**

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

2. Ord. 3007, Assign City Zoning to West Ridge Addition Phase V. Assigns zoning classification of R-3 Single-family high density district to West Ridge Addition Phase V upon annexation. Action: Accept Ord. 3007 on first reading and set public hearing for June 17, 2008. **(Presented by: Ben Rangel)**
3. Res. 9753, Designating the Great Falls Convention Visitors Bureau to receive Lodging Facility Use Tax (Bed Tax). Action: Adopt or deny Res. 9753. **(Presented by: Carol Lindseth)**
4. Res. 9749, Creating an Animal Shelter/Enforcement Advisory Committee. Action: Adopt or deny Res. 9749. **(Presented by: Cheryl Patton)**

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

5. Minutes, May 6, 2008, Commission meeting.
6. Total Expenditures of \$1,078,648 for the period of May 1-14, 2008, to include claims over \$5000, 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 2<sup>nd</sup> 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 1<sup>st</sup> 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 7<sup>th</sup> and 3<sup>rd</sup> 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.

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

#### **BOARDS & COMMISSIONS**

17. Revised Final Plat and Development Agreement for Prairie Ridge Estates. Action: Approve or deny revised plats and agreement. ***(Presented by: Ben Rangel)***
18. Appointment, Great Falls Housing Authority Board. Appoint one tenant member to a two-year term through June 30, 2010.
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:** Ordinance 3007 to Assign City Zoning to West Ridge Addition Phase V

**From:** Charles Sheets, Planner 1

**Initiated By:** S & L Development, LLC, Property Owner and Developer

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

**Action Requested:** City Commission accept Ordinance 3007 on first reading and set a public hearing for June 17, 2008, to consider adoption of Ordinance 3007.

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission accept Ordinance 3007 on first reading and set a public hearing for June 17, 2008.”

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

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**Zoning Commission Recommendation:** At the conclusion of a public hearing held 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 West Ridge Addition Phase V, upon annexation to the City.

**Background:** During a meeting held January 8, 2008, the City Commission conditionally approved the Preliminary Plat of West Ridge Addition Phases V – VI, as recommended by the Planning Board.

The developer now requests approval of the final plat and annexation of Phase V of the Preliminary Plat. The subdivision is located along the west boundary of 2<sup>nd</sup> Street Northeast and along 37<sup>th</sup> & 38<sup>th</sup> Avenues Northeast. The subdivision consists of 24 single-family lots ranging in size from 10,520 sq. ft. to 12,295 sq. ft.

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

The public roadways contained therein will be improved with standard City paving, curb and gutter. Discussions between the developer and the adjoining property owner failed to come to an agreement on the construction of temporary, graveled cul-de-sacs at the west terminus of 37<sup>th</sup>

and 38<sup>th</sup> Avenues Northeast. The developer is now discussing alternatives with the City Engineer's Office. The developer has agreed to reimburse the City a proportionate share of paving, curb and gutter and water main previously installed in 2<sup>nd</sup> Street Northeast. An easement for the Montana Refinery Crude Oil Line passes through the subdivision. The developer has adjusted lot lines within the subdivision to provide buildable areas on the affected lots.

City water and sanitary sewer mains are proposed to be installed in the east-west roadways. A sanitary sewer main will also be installed along the west side of 2<sup>nd</sup> Street Northeast. The developer will provide easements within the subdivision for private utilities such as telephone, cable, power and gas.

Surface drainage from Phase V generally flows to the east and south. Storm drainage from a majority of the subdivision will be piped to the City's Northeast Regional Storm Water Retention Facility, located ½ mile to the east. The developer has agreed to pay the subdivision's proportionate share of the costs of the Retention Facility and the offsite storm piping system.

The developer has agreed to pay a fee in lieu of dedicating park land. The payment in lieu of dedication is acceptable to the City Park and Recreation Department.

Subject property borders West Ridge Addition Phase IV and Skyline Park Addition Phase 11, which are being developed as single-family residential subdivisions. It is anticipated the planned single-family residential use of the property will be compatible with neighboring uses.

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.

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 V 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

1) 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 twelve criteria stated above 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 West Ridge Addition Phase V, 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.

**Alternates:** The City Commission could deny acceptance of Ordinance 3007 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 3007
2. Vicinity/Zoning Map
3. Reduced copy of final plat

Cc: S & L Development LLC, 221 30<sup>th</sup> Ave NE, Great Falls, MT 59404  
HKM Engineering, P O Box 49, Great Falls, MT 59404

ORDINANCE 3007

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO WEST RIDGE ADDITION PHASE V, IN SECTION 26, TOWNSHIP 21 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA

\* \* \* \* \*

WHEREAS, S & L Development, LLC is the owner of record of West Ridge Addition Phase V, in Section 26, Township 21 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, S & L Development, LLC has petitioned the City of Great Falls to annex West Ridge Addition Phase V; and,

WHEREAS, S & L Development, LLC has petitioned said West Ridge Addition Phase V, 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 West Ridge Addition Phase V, was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 17<sup>th</sup> 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 West Ridge Addition Phase V 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 West Ridge Addition Phase V 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 17<sup>th</sup> day of June, 2008.

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

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 3007 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 17<sup>th</sup> day of June, 2008 and approved by the Mayor of said City on the 17<sup>th</sup> day of June, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 17<sup>th</sup> day of June, 2008.

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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 17<sup>th</sup> 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 3007 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

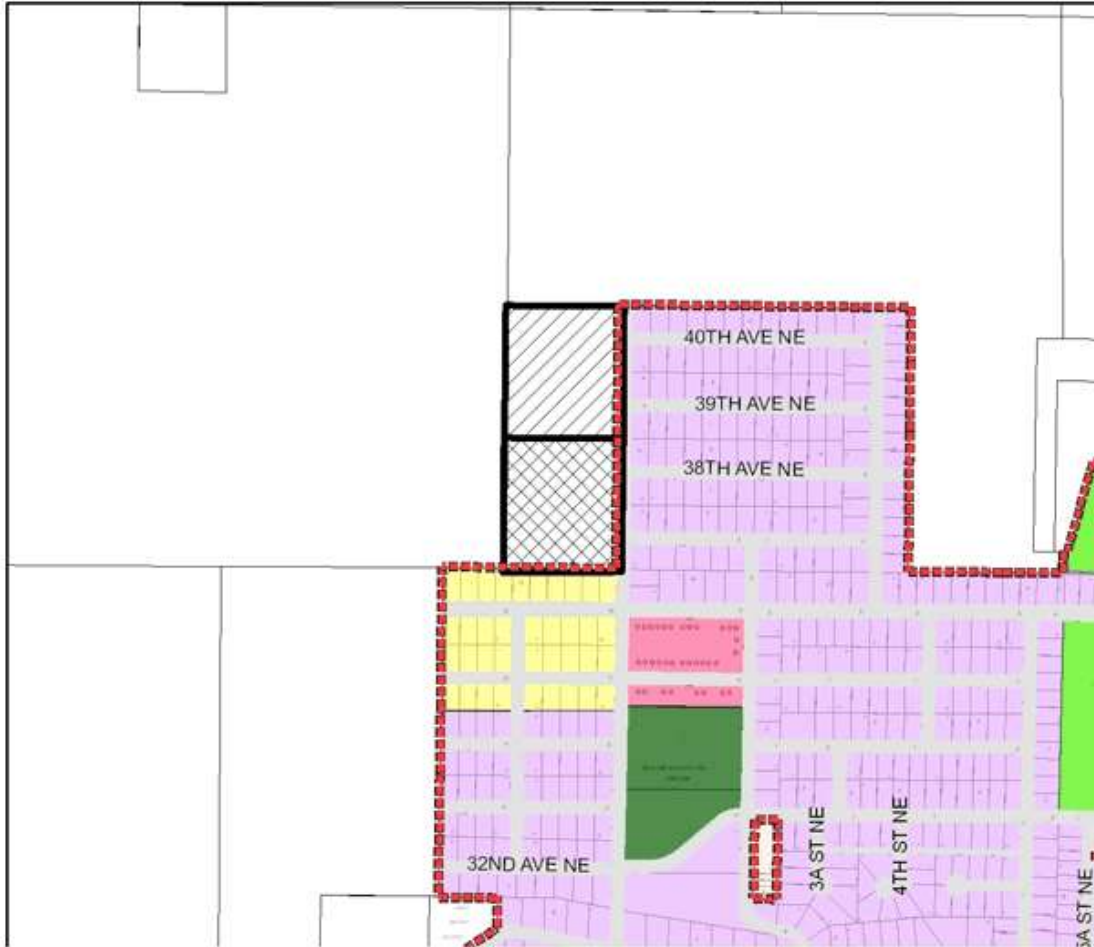
On the Bulletin Board, first floor, Civic Center Building;  
On the Bulletin Board, first floor, Cascade County Court House;  
On the Bulletin Board, Great Falls Public Library

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Lisa Kunz, City Clerk

(CITY SEAL)

# VICINITY/ZONING MAP



FINAL PLAT OF WEST RIDGE ADDITION PHASE V TO BE ANNEXED TO THE CITY



REMAINING PORTION OF THE AREA CONTAINED WITHIN THE PRELIMINARY PLAT OF WEST RIDGE ADDITION PHASES V AND VI

City Limits

R-2 Single-family medium density

R-3 Single-family high density

PLI Public Lands and Institutional

POS Parks and Open Space

PUD Planned unit development

U Unincorporated enclave

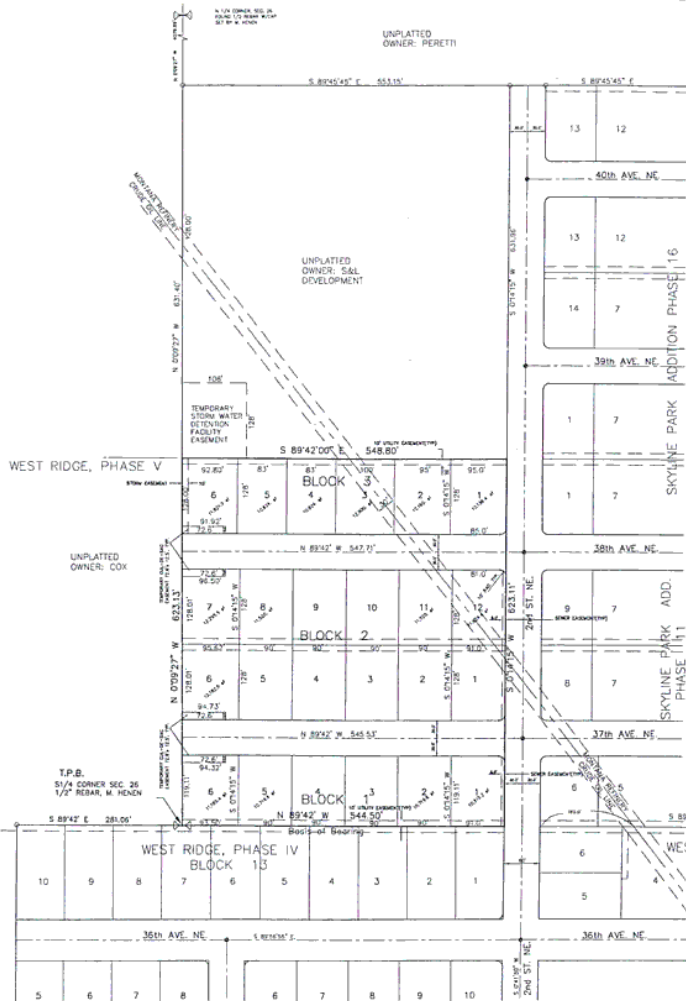
Tracts of land outside City

880 440 0 880 Feet





**SUBDIVISION PLAT OF  
WEST RIDGE ADDITION, PHASE V  
IN THE W1/2 SWSE SEC. 26, T 21 N, R 3 E, P.M.M.  
CASCADE COUNTY, MONTANA**



**CERTIFICATE DISPENSING WITH PARK OR PLAYGROUND**

I, Gregory T. Dayn, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at a regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2008, found no necessity due to the size and location of the Plat of West Ridge Addition - Phase V to the City of Great Falls, Cascade County, Montana, and instead selected a cash donation in the sum of \$\_\_\_\_\_ for the park land in lieu of the land that would have been dedicated if a dedication were made, in accordance with Section 76-3-62(1)(X), M.C.A.

\_\_\_\_\_  
City Manager, City of Great Falls, Montana

**CERTIFICATE OF PUBLIC SERVICE DIRECTOR**

I, Jim Reardon, Public Service Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying Plat of West Ridge Addition, Phase V and the survey it represents, and that I find the same conform to regulations governing the platting of lands, and to presently platted adjacent land, as near as circumstances will permit and I do hereby approve the same. Dated this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Jim Reardon,  
Public Service Director  
City of Great Falls, Montana

**CERTIFICATE OF CITY COMMISSION**

I, Gregory T. Dayn, City Manager of Great Falls, Montana, do hereby certify that the accompanying plat was duly examined and approved by the City Commission of the City of Great Falls at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
City Manager, City of Great Falls, Montana

**CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES**

I, Gregory T. Dayn, City Manager of the City of Great Falls, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at its regular meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2008, found that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available to the above described property, namely the said facilities of the City of Great Falls, Montana, and this certificate is made pursuant to section 76-4-124 M.C.A., permitting the Clerk and Recorder of Cascade County, Montana, to record the accompanying plat.

\_\_\_\_\_  
City Manager, City of Great Falls, Montana

**CERTIFICATE OF GREAT FALLS PLANNING BOARD**

We, the undersigned, John Harding, President of said Great Falls City Planning Board, Great Falls, Cascade County, Montana, and Benjamin M. Rangel, Secretary of said Great Falls City Planning Board, do hereby certify that the accompanying Subdivision Plat of West Ridge Addition, Phase V to Great Falls, Cascade County, Montana has been submitted to the said Great Falls City Planning Board of Great Falls, Cascade County, Montana, for examination by them and was approved at a meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
President, Great Falls Planning Board

ATTEST:

\_\_\_\_\_  
Secretary, Great Falls Planning Board

**CERTIFICATE OF DEDICATION**

We, the undersigned property owner(s), do hereby certify that we have caused to be surveyed, for the purpose of dedicating streets and the subdivision of Lots and Blocks the following described land in Great Falls, Cascade County, Montana, to wit:

**DESCRIPTION**

The land being described lies in the W1/2, SW1/4, SE1/4, Section 26, T 21 N, R 3 E, P.M.M., Cascade County, Montana and is the South portion of former C/S #3381.

PHASE V of West Ridge Addition Beginning at S1/4 corner Section 26, the True Point of Beginning; thence N 02°27' W along the N-S subsection line of Sec. 26, 623.13 ft.; thence S 89°42'00" E, 548.80 ft. to the West boundary Skyline Park Add. Phase II; thence S 07°41'5" W along the West boundary of Skyline Park Add. Phase II, 623.13 ft.; thence N 89°42'00" W along the South boundary of Sec. 26, 544.5 ft. to the True Point of Beginning.

Herein described Phase V contains 7,820 acres

The above described tract of land is to be known and designated as the subdivision plat of WEST RIDGE ADDITION, PHASE V to the City of Great Falls, Cascade County, Montana, and the land included in all streets and owners shown on said plat are hereby granted and donated to the use of the public forever.

\_\_\_\_\_  
S & L Development, LLC

\_\_\_\_\_  
S & L Development, LLC

State of Montana  
County of Cascade

On this \_\_\_\_ day of \_\_\_\_\_, 2008, before me,  
the undersigned, a Notary Public in and for the State of Montana,  
personally appeared \_\_\_\_\_ known to me to be  
the persons who executed the foregoing Certificate of Dedication, and they  
acknowledged to me that they executed the same.

Signature of Notary \_\_\_\_\_  
Printed Name of Notary \_\_\_\_\_  
Notary Public for the State of Montana  
Residing at Great Falls, Montana  
My commission expires \_\_\_\_\_

**CERTIFICATE OF SURVEYOR**

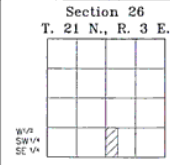
State of Montana  
County of Cascade

Dwight L. Axelson, a Registered Land Surveyor, do hereby certify that I have performed the survey on the attached Plat of West Ridge Addition, Phase V, that such survey was made on 27 day of September, 2007, that said survey is true and complete as shown. Dated this \_\_\_\_ day of \_\_\_\_\_, 2008.

Dwight L. Axelson      Registrar No. 28615



BLOCK NO.	LOTS	ZONING	AREA
1	1-6	R 3	64,877.8 sf
2	PHASE V 1-12	R 3	139,883.8 sf
3	1-6	R 3	70,165.7 sf
<b>TOTAL</b>	<b>24</b>		<b>274,927.3 sf</b>
			<b>ROAD AREA</b> 65,712 sf



**LEGEND**

○ FOUND SECTION CORNER  
○ WITH PIN / CAP  
● EXISTING CURB MONUMENT

**County Treasurer's Certification**

I hereby certify that no real property taxes assessed and levied on the land being divided are delinquent.

\_\_\_\_\_  
Cascade County Treasurer

**Cascade County  
Clerk and Recorder**

**BASIS OF BEARING**

Basis of bearing is the South boundary of Section 26, Township 21 North, Range 3 East of the P.M.M.

**HMM**  
ENGINEERING  
2701 16th Avenue NE  
PO Box 49  
Great Falls, MT 59403  
Phone: (406) 453-4085  
Fax: (406) 453-4288

COUNTY OF CASCADE  
**SUBDIVISION PLAT No. \_\_\_\_\_**

Proposed for:  
S & L Development  
221 30th Ave. NE  
Great Falls, MT 59405

Page 1 of 1



**Item:** Res. 9753 Designating the Great Falls Convention Visitors Bureau to receive Lodging Facility Use Tax (Bed Tax)

**From:** Cheryl Patton, Assistant City Manager

**Initiated By:** Great Falls Convention and Visitors Bureau

**Presented By:** Carol Lindseth, GFCVB President

**Action Requested:** Adopt Resolution 9753

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission adopt Resolution 9753 contingent upon the Great Falls Convention and Visitors Bureau receiving 501(c)(6) status from the IRS.”

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

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**Recommendation:** The newly formed Great Falls Convention and Visitors Bureau recommends that the City Commission adopt Resolution 9753 approving the change in designated non-profit to receive Lodging Facility Use Tax Revenues. Passage of the resolution is recommended to be conditioned upon GFCVB receiving the 501 (c)(6) IRS status.

City Staff further recommends that the GFCVB report annually to the City Commission on its accomplishments over the past year. The first report would be due by July 1, 2009.

**Background:** In 1987, by Resolution 8126, the City Commission designated the Great Falls Area Chamber of Commerce to receive Lodging Facility Use Tax Revenue (bed tax) for the City of Great Falls. This year, the Convention and Visitor’s Bureau of the Great Falls Chamber of Commerce has formed a separate non-profit to be known as the Great Falls Convention and Visitors Bureau (GFCVB). The GFCVB is requesting that the City Commission designate the new non-profit as the official agency to receive the community’s lodging facility use tax revenue as provided for in section 15-65-121 M.C.A. The GFCVB has applied for 501 (c)(6) status from the IRS as is a requirement of the agency receiving use of funds.

The GFCVB has provided a copy of their new Organizational Chart, List of Board Members, Bylaws, and the Marketing Plan for 2008-2009.

Two city employees are listed as members of the GFCVB and were prior members of the CVB Committee of the Chamber of Commerce, they are Patty Rearden and Dona Hughes. The GFCVB must submit its Marketing Plan and qualifying documents to the Montana Tourism Advisory Committee on June 2, 2008. In order to comply they must be designated by the City of Great Falls to receive the funds.

The GFCVB has been formed exclusively to promote the economic well being of the community through effective marketing, attracting conventions, meetings, tourism and events for Great Falls, Montana and the surrounding area.

**Concurrences:** The Great Falls Area Chamber of Commerce Executive Committee and staff support the decision of the CVB to separate from the Chamber and form their own non-profit. (letter from Jim Strauss, Chairman of the Great Falls Area Chamber of Commerce attached).

**Fiscal Impact:** The projected revenue figure for bed tax funds for Great Falls is estimated at \$107,664 for FY 2009. The City has received funding from the CVB in FY 2008 of \$15,000 for the Visitor's Center. The 2008-2009 Marketing Plan of the GFCVB again includes \$15,000 for the Visitor's Center for FY 2009. There is no fiscal impact or organizational impact to the City organization beyond the revenue for the Visitor's Center.

**Alternatives:** The City Commission can choose to adopt or deny Resolution 9753. If the Resolution is denied then the community's share of the Lodging Facility Use Tax (bed tax) would go by default to the regional non-profit tourism corporation known as Russell Country. (15-65-121 M.C.A.)

**Attachments/Exhibits:**

Resolution 9753

Letter of request from GFCVB President, Carol Lindseth

Letter of support from Jim Strauss, Chairman, Chamber of Commerce

Organizational Chart

List of Board Members

Bylaws

Marketing Plan 2008-2009

Attachments (except for Resolution 9753) are not available online but are on file in the City Clerk's Office.

## **RESOLUTION 9753**

### **A RESOLUTION DESIGNATING THE GREAT FALLS CONVENTION AND VISITORS BUREAU AS THE NON-PROFIT ORGANIZATION TO RECEIVE AVAILABLE LODGING FACILITY USE TAX REVENUE FOR THE PURPOSE OF PROMOTING AND MARKETING THE GREAT FALLS AREA FOR TOURISM**

**WHEREAS**, the 1987 Montana legislature recognized the vast importance of tourism to Montana's future economy by creating a lodging facility use tax commonly referred to as the bed tax; and

**WHEREAS**, these funds are directed to the Montana Historical Society; the University System; the Department of Fish, Wildlife and Parks; Montana's tourism regions and Convention/Visitor's Bureaus; and the Department of Commerce's Travel Montana programs and allows qualifying cities (those who collect over \$35,000 in tax revenues) to use a limited amount of those funds for tourism promotion; and

**WHEREAS**, pursuant to section 15-65-121 (e) (ii) M.C.A. the City of Great Falls is a qualified city receiving over \$35,000 in tax revenues; and

**WHEREAS**, state statute section 15-65-122 M.C.A. requires a non-profit organization for each qualifying city to submit an annual marketing plan to the State Tourism Advisory Council for the use of those local funds; and

**WHEREAS**, the City of Great Falls has received a request from the Great Falls Convention and Visitors Bureau, becoming a statutorily eligible organization, to begin to receive lodging tax revenue; and

**WHEREAS:** the City first established by Resolution 8126 the Great Falls Area Chamber of Commerce as recipient of local lodging tax revenue in June of 1987; and

**WHEREAS:** the Great Falls Area Chamber of Commerce supports the change in designated recipient.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:** that the City Commission designates the Great Falls Convention and Visitor's Bureau as Great Falls' non-profit organization to receive facility use tax revenue commencing May 20, 2008, conditioned upon the GFCVB meeting all requirements imposed by state statute.

**BE IT FURTHER RESOLVED:** that the Great Falls Convention and Visitor's Bureau is required to present an annual report on activity based on the prior year annual Marketing Plan prior to beginning of the City's next fiscal Year (July 1) and each year thereafter.

**PASSED by the Commission of the City of Great Falls, Montana on this 20<sup>th</sup> day of May, 2008.**

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Dona R. Stebbins, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the forgoing Resolution No. 9753 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 20<sup>th</sup> day of May, 2008, and approved by the Mayor of said City, on the 20<sup>th</sup> day of May, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 20<sup>th</sup> day of May, 2008.

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Lisa Kunz, City Clerk

(SEAL OF THE CITY)



**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:** Adoption of Resolution 9749

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission adopt Resolution 9749.”

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

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**Staff Recommendation:** Staff recommends the adoption of Resolution 9749, creating an Animal Shelter/Enforcement Advisory Committee.

**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.

At the same time, The Animal Foundation (the Foundation) is raising money to construct a new animal shelter. With the City back in the shelter and enforcement business, the Foundation is

asking for a decision as to the City's willingness to participate in 50% of a new shelter, total cost estimated at \$3 Million with the City's share at \$1.5 Million. If the City does not wish to participate in the costs of the new shelter then the City would have to find a way to hold animals picked up under municipal ordinance which could include continuing to operate some functions out of the existing shelter.

An Animal Shelter/Enforcement Advisory Committee is recommended to assist the Commission and staff in resolving all the various issues relating to shelter and enforcement operations, financial responsibility, citizen satisfaction and animal welfare. If this resolution is adopted, the Committee would be made up of seven members appointed by the City Commission. Two members would be recommended by the HSCC and two members would be recommended by the Foundation. Three additional members would come from the elected Neighborhood Council Members.

The Committee's charge is to find the best course of action for the community to provide humane treatment of animals in the care and responsibility of the City of Great Falls within the limits of the City's financial means.

The Animal Shelter/Enforcement Advisory Committee would meet two times each month for up to 3 years. The Committee would have a timeline approved by the Commission for making certain critical recommendations. Staff would be assigned by the City Manager to work with the Committee and would include the Police Chief and one Police Captain; the Fiscal Services Director and the Budget Officer.

**Concurrences:** The Police and Fiscal Services departments agree with recommending this resolution.

**Fiscal Impact:** The fiscal impact of creating an Animal Shelter/Enforcement Advisory Committee will 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.

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

The Animal Shelter Advisory Committee will be charged with recommending an appropriate level of City financial support to the new shelter and to the City's ongoing responsibility of enforcing the municipal animal ordinances.

**Alternatives:** The City Commission can choose to deny Resolution 9749 or the City Commission could choose to amend the resolution to designate a different membership composition.

**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 20<sup>th</sup> day of May, 2008.**

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Dona R. Stebbins, Mayor

ATTEST:

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Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify 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 20<sup>th</sup> day of May, 2008, and approved by the Mayor of said City, on the 20<sup>th</sup> day of May, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 20<sup>th</sup> day of May, 2008.

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Lisa Kunz, City Clerk

(SEAL OF THE CITY)

Regular City Commission Meeting

Mayor Stebbins presiding

**CALL TO ORDER:** 7:02 PM

**PLEDGE OF ALLEGIANCE**

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

**PROCLAMATIONS:** Mayor Stebbins read a proclamation for National Police Week.

**NEIGHBORHOOD COUNCILS**

- NC 3 & 9**                      **1A.** Mayor Stebbins swore in Al Smith with Neighborhood Council 3 and Joe Leggett with Neighborhood Council 9.
- NC 4**                              **1B.** **Sandra Guynn**, Chair of Neighborhood Council 4, 3624 9<sup>th</sup> Avenue South. The Council would like to see the entire 10<sup>th</sup> Avenue North roadway annexed into the City. There is concern about the 45 mph speed limit and would like to see it reduced. Ben Rangel will look into this request and provide a report back to the Commission.
- NC 8**                              **1C.** **Karen Grove**, Chair of Neighborhood Council 8, 1816 1<sup>st</sup> Avenue North, offered a reminder of the Flag Raising Ceremony on Sunday, May 25, for their new flag pole in their park. Ms. Grove also reminded the neighborhood they meet regularly on the 3<sup>rd</sup> Thursday of each month. Also, on May 8, they will meet jointly with NC 7 to discuss spending funds they have to increase knowledge and information about their councils.

**PUBLIC HEARINGS**

- Res. 9742, Vacation of Cul-de-sac in 15<sup>th</sup> Street Bridge Addition. Adopted.**
- 3. RES. 9742, VACATION OF CUL-DE-SAC IN 15<sup>TH</sup> STREET BRIDGE ADDITION.**
- Public Works Director Jim Rearden reported that Res. 9742 would consider vacation of a 250' right-of-way between the City Recycling Center and Pepsi Bottling. The cul-de-sac was never built and is no longer deemed necessary. This vacation is prompted by the proposed sale of the recycling center property and will add additional square footage to the parcel being proposed for sale. Staff recommends the adoption of Res. 9742.
- Mayor Stebbins declared the public hearing open. No one spoke in favor of Resolution 9742.

Speaking in opposition to Resolution 9742 was:

**Ron Gesseman**, 1006 36<sup>th</sup> Avenue NE, stated if the right-of-way is left, other possible uses could be found for Lot 2, and since we don't have a use for Lot 2, why would we be in such a rush to abandon it.

There being no other speakers, Mayor Stebbins declared the public hearing closed and asked for the direction of the City Commission.

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Res. 9742.**

There was no further discussion by the Commission.

Motion carried 5-0.

### **OLD BUSINESS**

**Consulting Agreement,  
Water Right Solutions,  
Inc., and First  
Amendment to  
Agreement. Approved.**

#### **4. CONSULTING AGREEMENT, WATER RIGHT SOLUTIONS, INC., AND FIRST AMENDMENT TO AGREEMENT.**

Fiscal Services Director Coleen Balzarini reported that the Water Right Solutions (WRS) contract is being brought back as requested from the April 20, 2008, meeting where staff was directed to review some of the wording in the contract and the indemnification clause. This has been taken care of. WRS has been acting as a consultant for the City of Great Falls since 2002. The City became involved with WRS when the Malting Plant had a need for raw water. WRS assisted the City in making use of our water reservation by moving the place of use and point of diversion. While going through that process, it became apparent that there were other issues with our rights regarding location, volume, flow, etc., that also needed to be reviewed. WRS prepared a report looking at all these issues and advised what needed to be done. Staff is currently asking to enter into a new contract with WRS which would provide fee increases for WRS. There is also a first amendment to the agreement to ask WRS to review the preliminary decree and 2,584 water right claims that are in the 41QJ Basin as it is going through the adjudication process. Since 2002, WRS has received \$105,500 in fees or approximately \$21,000 per year. This is a professional services contract and to this point the City has been very satisfied with the services and responsiveness of WRS.

**Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission authorize the City Manager to execute a Consulting Agreement and First Amendment to the Agreement with Water Right Solutions, Inc.**

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

Commissioner Rosenbaum stated that he checked with some engineering firms that he works with and contacted one of the clients that WRS works with and received stellar reports.

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

**Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, stated he is still opposed to this contract with Water Rights Solutions, Inc. and feels it is unnecessary and ill-advised. He is opposed to the wording of the indemnity clause in the contract. He would like the City to request more time from the water court in addition to hiring a water rights attorney to give recommendations as to who the expert should be to advise the city on its water rights.

**Dave Schmidt**, Water Rights Solutions, Inc., stated in response to Mr. Lewin's concerns that he is not comfortable debating a Montana water court case before the City Commission, but he stands by his advice and previous testimony. He provided an overview of his firm's credentials. He further stated he is confident that they can continue to do a good job for the City of Great Falls.

**Brett Doney**, Great Falls Development Authority, 3048 Delmar, stated he did not want to comment directly about this particular contract, but to express the support of GFDA in protecting our water rights and developing a strategy to acquire more rights for the benefit of economic development in Great Falls.

**Kathleen Gesseman**, 3006 36<sup>th</sup> Avenue NE, spoke in opposition to the new contract with Water Rights Solutions, Inc.

**Ron Gesseman**, 3006 36<sup>th</sup> Avenue NE, stated he felt the City should slow down in this process and request more time from the water court to get our comments in place.

Commissioner Bronson stated he does not have any issues with the indemnity clause in the contract and finds nothing unusual or inappropriate in terms of how it is drafted or carried out and finds that is no basis for rejection of the contract. He further stated he can understand the concerns of some citizens' viewpoint that we are giving something away; however, in our water rights legal system you can claim all you want, but if you don't use it, you lose it. What has been done with the City water rights to this point can be revisited if that is the desire of the Commission after consultation with legal counsel. Ms. Balzarini confirmed that the City consulted with two water rights attorneys on two separate issues specifically, as well as general counsel from one of those water right attorneys on a regular basis. Commissioner Bronson further stated that he feels that Water Rights Solutions is in position to address the factual issues. If the Mayor and other

Commissioners concur, he would direct staff to have these matters reviewed by outside legal counsel so we can be comfortable with strategies.

Commissioner Jolley stated she spoke with someone at the Department of Natural Resources and they suggested it would be likely we could get an extension although she didn't know how that worked. To amend the amendment was something he suggested could be done. If we could claim more than 20,000 acre feet it doesn't look to me like we have anything to lose at this point.

Commissioner Rosenbaum stated he knows that water rights are not to be taken lightly. The item under discussion right now is about getting our contract with the provider for services. He stated that disputes don't necessarily come from the water judge, but from other users and they will be the ones who will dispute our ability to use that much water. He further stated that we needed to get our provider on board and ask the questions; so he will support the contract.

Motion carried 4-1. (Commissioner Jolley dissenting)

**2008/2009 HUD Annual  
Action Plan. Adopted.**

**5. 2008/2009 HUD ANNUAL ACTION PLAN REGARDING THE  
PROPOSED USE OF 2008/2009 COMMUNITY DEVELOPMENT  
BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP  
PROGRAM FUNDS.**

Community Development Block Grant Administrator Chris Imhoff stated this is the final step in the CDBG and HOME Grant allocation process. In order to continue to receive the yearly allocation of these grants, the City is required to submit a plan to HUD by May 15 including the proposed use of the funds for this year. The City is slated to receive just over \$917,000 of CDBG and \$394,000 of HOME funds. The annual action plan including the CDBG and HOME fund recommendations has been available for citizen comment for the last 30 days between April 4 and May 3 and has received no written comments, phone calls, or other comments other than at the public hearing that the Commission conducted on April 15. The Community Development Council and City staff are recommending that the Commission adopt the annual action plan including the proposed use of the 2008/2009 CDBG and HOME program funds and authorize its submittal to the US Department of Housing and Urban Development.

**Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission adopt the Annual Action Plan including the 2008/2009 Community Development Block Grant and HOME Program funds as recommended.**

Mayor Stebbins asked for discussion amongst the Commission.

Commissioner Jolley recused herself from the discussion and the vote.

Mayor Stebbins asked for comment from the public.

**Brett Doney**, Great Falls Development Authority, 3048 Delmar Drive, thanked the Commission for approving McLaughlin Research request for funds for their expansion. He also thanked the Commission for the \$68,000 in micro-loan funds given last year to the Development Authority and noted they have closed on the loan to Dimetri's Restaurant, allowing that building to be put back into use.

**Dave Crum**, Assistant Director of Operations and Development for McLaughlin Research Institute, 3324 13<sup>th</sup> Avenue South, thanked Chris Imhoff for her efforts and the Council's recommendation on McLaughlin's expansion. He stated the expansion would create 18 new jobs, and McLaughlin would be able to recruit new scientists. He thanked the Commission for their support.

Motion carried 4-0 (Commissioner Jolley recused)

**Land Purchase, Township 21 North, Range 3 East; NE ¼ of NE ¼ of Section 31 and situated east of 19<sup>th</sup> Street North and North of 33<sup>rd</sup> Avenue NE extended. Approved.**

**6. LAND PURCHASE FROM DUANE & DARIN VICK IN TOWNSHIP 21 NORTH, RANGE 3 EAST; NE ¼ OF NE ¼ OF SECTION 31 AND SITUATED EAST OF 19<sup>TH</sup> STREET NORTH AND NORTH OF 33<sup>RD</sup> AVENUE NE EXTENDED.**

Public Works Director Jim Rearden stated that on February 13, the City Commission authorized the payment of 5% of the purchase price in earnest money on a 20-acre parcel for a future transfer site and compost yard. This action would authorize the purchase of the property. He went over goals that the Recycling Focus Group identified for recycling, functions of the transfer site, and funding sources for the purchase.

**Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission approve the purchase of 20 acres of land in Township 21 North, Range 3 East, NE ¼ of NE ¼ of Section 31.**

Mayor Stebbins asked for discussion amongst the Commission.

Commissioner Rosenbaum stated that this is an opportunity for the City to move into a higher, better use for the 15<sup>th</sup> Street property and clean that up.

Mayor Stebbins stated that she agreed, and she was impressed that sludge from the Water Treatment Plant could be transported to drying beds of three to five acres, and we can actually recycle that and use it as compost.

Mayor Stebbins asked if there was any comment from the public.

**Stuart Lewin**, 615 3<sup>rd</sup> Avenue North, stated he was opposed to this land purchase because the plan has not been carefully enough considered.



**Kathleen Gesseman**, 1006 36<sup>th</sup> Avenue NE, stated she is a bit opposed to this because there isn't enough thought going into the sludge being recycled.

**Ron Gesseman**, 1006 36<sup>th</sup> Avenue NE, stated that he was getting tired of coming up here. He is not in support of moving the facility out of town.

**John Hubbard**, 615 7<sup>th</sup> Ave. So., stated some thought should be given to putting sludge in the compost.

Motion carried 5-0

**NEW BUSINESS**

**ORDINANCES/RESOLUTIONS**

**Ord. 3003, Assigns C-2 General commercial district zoning to Lots 34 and 35A, Beebe Tracts. Accepted on first reading and set public hearing for June 3, 2008.**

**7. ORDINANCE 3003, ASSIGN CITY ZONING TO LOTS 34 AND 35A BEEBE TRACTS.**

Planning Director Ben Rangel stated that in February of 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 to provide more effective services to the community as well as 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. A number of properties have already been annexed under this program. This item involved Murph's Bowling Alley and Night Club located on 2<sup>nd</sup> Avenue North near 57<sup>th</sup> Street. As a condition for the continued receipt of City water and sewer service, the property owner has provided written consent for the annexation.

**Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that this body accept Ordinance 3003 on first reading and set a public hearing for June 3, 2008.**

Mayor Stebbins asked for discussion amongst the Commission. No one responded.

Mayor Stebbins asked for comments from the public. No one responded.

Motion carried 5-0.

**Ord. 3004, Assigns R-3 Single-family high density district to Bootlegger Addition Phase I.**

**8. ORDINANCE 3004 TO ASSIGN CITY ZONING TO BOOTLEGGERS ADDITION PHASE I.**

Planning Director Ben Rangel stated that in January of 2008, the City  
05/06/2008

**Accepted on first reading and set public hearing for June 3, 2008.**

Commission conditionally approved the Preliminary Plat of Bootlegger Addition Phases I – II located in north Great Falls just west of Bootlegger Trail and between Northview Addition and Eagle’s Crossing Addition.

The developers, McIntyre Enterprises and Murphy Real Estate, now request approval of the final plat and annexation of Phase I consisting of 26 single-family residential lots.

**Commissioner Jolley moved, seconded by Commissioners Beecher and Bronson, that the City Commission accept Ordinance 3004 on first reading and set a public hearing for June 3, 2008.**

Mayor Stebbins asked for discussion amongst the Commission. No one responded.

Mayor Stebbins asked for comments from the public. No one responded.

Motion carried 5-0.

**Ord. 3006, Assigns R-3 Single-family high density district to Castle Pines Addition Phase VI. Accepted on first reading and set public hearing for June 3, 2008.**

**9. ORDINANCE 3006 TO ASSIGN CITY ZONING TO CASTLE PINES ADDITION PHASE VI.**

Planning Director Ben Rangel stated that the preliminary plat of Castle Pines Addition Phases VI – VIII was approved by the City Commission in March of 2008. The subdivision is located along the east side of 13th Street South and along 28th Avenue South. Harold Paulson is the property owner and developer and is ready to proceed with the final plat for Phase VI which consists of 23 single-family residential lots.

**Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission accept Ordinance 3006 on first reading and set a public hearing for June 3, 2008.**

Mayor Stebbins asked for discussion amongst the Commission. No one responded.

Mayor Stebbins asked for comments from the public. No one responded.

Motion carried 5-0.

**Res. 9743, Remodel Tax Benefits, 1721 10<sup>th</sup> Ave. S. Approved.**

**10. RESOLUTION 9743, REMODEL TAX BENEFITS, 1721 10<sup>TH</sup> AVENUE SOUTH.**

Community Development Director Mike Rattray stated that Res. 9743 allows for the taxes generated by the expansion of the McDonald’s on 10<sup>th</sup> Avenue South to be added to the existing tax base over a five-year period in increments of 20% each year.

**Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9743.**

Mayor Stebbins asked for discussion amongst the Commission. No one responded.

Mayor Stebbins asked for comments from the public. No one responded.

Motion carried 5-0.

**Res. 9745, Acknowledging receipt of Letter of Approval from Montana DNRC and Authorize Sale and Delivery of \$4,010,000 Water Revenue Bonds. Adopted.**

**11. RESOLUTION 9745, ACKNOWLEDGING THE RECEIPT OF THE LETTER OF APPROVAL FROM MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND AUTHORIZE THE SALE AND DELIVERY OF THE CITY'S \$4,010,000 IN WATER REVENUE BONDS.**

Fiscal Services Director Coleen Balzarini stated that the Water Department is in need of borrowing money to replace existing distribution lines and the estimated cost of the seven projects is \$4,010,000. That also includes the cost of issuance related to the bond, including bond counsel and the origination fee to DNRC. The interest rate from DNRC is 3.75%. The term will be 20 years.

**Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission adopt Resolution 9745.**

Mayor Stebbins asked for discussion amongst the Commission. No one responded.

Mayor Stebbins asked for comments from the public. No one responded.

Motion carried 5-0.

**Consent Agenda. Approved as printed.**

**CONSENT AGENDA**

- 12. Minutes, April 15, 2008, Commission meeting.
- 13. Total Expenditures of \$2,460,747 for the period of April 16-30, 2008, to include claims over \$5,000, in the amount of \$2,156,966.
- 14. Contracts list.
- 15. Approve final payment to Dick Anderson Construction, Inc., and the State Miscellaneous Tax Division in the amount of \$6,266.04 for the Giant Springs Storm Drain Outfall Rehabilitation.

**Commissioner Jolley moved, seconded by Commissioner Beecher, with the exception of agenda item 13, to approve the Consent Agenda.**

Motion carried 5-0.

Commissioner Jolley stated that Item #13 is a payment to SME and she

excluded that for the reason that she doesn't think we should be paying it until we have an ordinance that reflects that we have that kind of an arrangement.

**Commissioner Beecher moved, seconded by Commissioner Bronson, that we accept Item 13 as presented.**

Mayor Stebbins called for the vote.

Motion carried 4-1. (Commissioner Jolley dissenting)

**BOARDS & COMMISSIONS**

**Preliminary Plat, Eagles Crossing Addition Phase IV, and Accompanying Findings of Fact. Approved.**

**16. PRELIMINARY PLAT OF EAGLE'S CROSSING ADDITION PHASE IV.**

Planning Director Ben Rangel stated that Matt Rosendale is the owner and developer of this subdivision and is requesting approval of the Preliminary Plat and the Findings of Fact for Eagle's Crossing Addition Phase IV located just north of Great Falls along the west side of Bootlegger Trail, consisting of 16 residential lots. The City Planning Board unanimously recommends approval.

**Commissioner Bronson moved, seconded by Commissioners Rosenbaum and Beecher, that this body approve the Preliminary Plat of Eagle's Crossing Addition Phase IV, and the accompanying Findings of Fact, subject to fulfillment of stipulated conditions.**

Mayor Stebbins asked for discussion amongst the Commission. No one responded.

Mayor Stebbins asked for comments from the public. No one responded.

Motion carried 5-0.

**17. APPOINTMENTS TO THE DESIGN REVIEW BOARD.**

**Design Review Board Appointments. Appointed Jule Stuber and Bruce Forde.**

**Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission appoint Jule Stuber as the architect member and Bruce Forde to the Design Review Board for three-year terms through March 31, 2011.**

Mayor Stebbins asked for discussion amongst the Commission. No one responded.

Mayor Stebbins asked for comments from the public. No one responded.

Motion carried 5-0.

**Housing Authority Board Appointments. Appointed Michael McCleary and reappointed Grace McLean.**

**18. APPOINTMENTS TO THE HOUSING AUTHORITY BOARD.**

**Commissioner Jolley moved, seconded by Commissioner Rosenbaum, that the City Commission appoint Michael J. McCleary to a five-year term through June 30, 2013, and reappoint Grace McLean as a tenant member for a two-year term through June 30, 2010, to the Great Falls Housing Authority Board.**

Mayor Stebbins asked for discussion amongst the Commission. No one responded.

Mayor Stebbins asked for comments from the public. No one responded.

Motion carried 5-0.

**Advisory Commission on International Relationships. Appointed Laura McGee and Heather Palermo.**

**19. APPOINTMENTS TO THE ADVISORY COMMISSION ON INTERNATIONAL RELATIONSHIPS.**

**Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that this body appoint Laura McGee and Heather Palermo to three-year terms through May 31, 2011, to the Advisory Commission on International Relationships.**

Mayor Stebbins asked for discussion amongst the Commission. No one responded.

Mayor Stebbins stated that she knows Heather and she is very enthusiastic and completes what she starts and that is a very wise appointment.

**Sandra Erickson, 2313 4<sup>th</sup> Avenue SW, stated she is currently the chair of the ACIR and wanted to personally introduce the two new applicants and urged the Commission to appoint them to the Commission.**

Motion carried 5-0.

**20. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS**

**CITY MANAGER**

**21. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**Budget, Fire Union Negotiations, Ambulance contract, transfer station compost.**

City Manager Greg Doyon stated he is beginning to work through the budget, and he appreciates the staff's patience and looks forward to discussing the Commission's priorities in the upcoming budget work sessions later this week. Fire union negotiations are continuing, and he would anticipate briefing the Commission on the status of those negotiations. He will be meeting with Dave Kuhn with regard to his concerns about the EMS

ordinance and proposed contract. If the Commission wants a work session on water rights, he will get one scheduled and include the gentleman from the State if that is desired. He commented about the potential sludge use at the transfer station and stated there is some regulation required for that. Staff will provide the public and the Commission with more information when that would be used and under what circumstances.

### PETITIONS AND COMMUNICATIONS

#### 22. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

#### **Electric City Power.**

**Ed McKnight**, 906 3<sup>rd</sup> Avenue North, voiced his concerns about the financials of Electric City Power since its first year of operation. Mr. McKnight directed several questions to the Commissioners regarding Electric City Power and indicated he wanted each Commissioner's answer immediately this evening.

Mayor Stebbins stated he would receive a written response.

Commissioner Jolley asked if the question was multiple choice or could she answer yes or no.

McKnight stated to the question of honest accounting?

Commissioner Jolley stated yes.

#### **Economy and politics.**

**John Hubbard**, 615 7<sup>th</sup> Avenue South, made comments on the economy and politics.

#### **Board & Commission Attendance Policy.**

**Ron Gesseman**, 1006 36<sup>th</sup> Avenue N.E., read from the City Code Title 2, Chapter 56, regarding attendance policy of boards and commissions. He provided a handout he compiled of attendance of Electric City Power board meetings and commented on the attendance of Randy Gray and Dawn Willey. He asked the Commission to enforce the City Code.

#### **Earth Day.**

**Kathleen Gesseman**, 1006 36<sup>th</sup> Avenue N.E., thanked the Commission and Malmstrom Air Force Base for helping to sponsor Earth Day.

#### **Fire Department Response.**

**Brett Doney**, Great Falls Development Authority, 3048 Delmar Drive, commended the Fire Department on their response to the fire this week at Montana Specialty Mills.

### CITY COMMISSION

#### 23. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

**Response to McKnight questions.**

Commissioner Beecher stated that in response to Mr. McKnight’s questions, he would make a request back to McKnight that since the City does do audited financial statements yearly--that are unqualified passing audits--if he would submit his findings that he has told us in a verbal form in written form documented with wherever those figures are from, we would be happy to check those against the audited statements or have our auditors sit down with him and provide the answers to those questions.

**McKnight questions, commend Police Department.**

Mayor Stebbins concurred with Commissioner Beecher. She would like to see Mr. McKnight’s findings in writing as well and have them compared to the audit statement. She further stated she would like to congratulate Chief Grove on Police Week and the fine job the police force does.

**Commend Police Department, response to McKnight.**

Commissioner Bronson wanted to also commend the Police Department. He also stated he concurs with Commissioner Beecher’s request to Mr. McKnight to submit his numbers to the city to be reviewed, and we are happy to look at them. He further stated that the Commission has asked City Manager Doyon to make recommendations regarding every aspect of the budget including Electric City Power and our involvement with SME. He further requested any citizen who criticizes what the City is currently involved in, if that citizen has an alternative he would like to see and hear that alternative because he does not want to go back to the days where we are beholden to Northwestern Energy and what they did to the City.

**Recycling center compost, school mill levy.**

Commissioner Rosenbaum stated that regarding the land purchase and the recycling center, recycling is currently offered by the private provider. The composting is an issue of qualifications but does require a DEQ permit to discharge waste and those permits are scrutinized by the DEQ and not the City of Great Falls, so industrial users’ waste has to be pretreated to meet DEQ requirements. He stated it is his personal opinion to support the school mill levy for a proper education for our future leaders.

**Adjourn.**

**ADJOURNMENT**

There being no further business to come before the Commission, **Commissioners Beecher moved, seconded by Commissioners Bronson and Rosenbaum, that the regular meeting of May 6, 2008, be adjourned at 8:57 p.m.**

Motion carried 5-0.

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

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



Agenda # 6  
Commission Meeting Date: May 20, 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:**

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MASTER ACCOUNT CHECK RUN FOR MAY 7, 2008	266,560.73
MASTER ACCOUNT CHECK RUN FOR MAY 14, 2008	511,520.11
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MAY 1 TO MAY 2, 2008	72,513.00
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MAY 5 TO MAY 9, 2008	6,645.00
WIRE TRANSFERS FROM MAY 1 TO MAY 7, 2008	103,907.22
WIRE TRANSFERS FROM MAY 8 TO MAY 14, 2008	<u>117,501.95</u>
TOTAL: \$	<u>1,078,648.01</u>

**GENERAL FUND**

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**OTHER ADMIN**

SUHR TRANSPORT CITY MANAGER RELOCATION EXPENSES 14,915.00

**POLICE**

ENERGY WEST APRIL CHARGES (SPLIT AMONG FUNDS) 2,792.97

**FIRE**

ENERGY WEST APRIL CHARGES (SPLIT AMONG FUNDS) 5,027.80

**PARK & RECREATION**

ENERGY WEST APRIL CHARGES (SPLIT AMONG FUNDS) 4,541.07

**VISITORS CENTER**

ENERGY WEST APRIL CHARGES (SPLIT AMONG FUNDS) 142.45

**SPECIAL REVENUE FUND**

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**CTEP PROJECT**

THOMAS DEAN & HOSKINS BAY DRIVE BIKE/PEDESTRIAN PROJECT DEVELOPMENT 9,103.05

**POLICE SPECIAL REVENUE**

KAMINSKY & ASSOCIATES INC ADVANCED FIELD TRAINING OFFICER COURSE PRESENTATION 5,420.00



**SPECIAL REVENUE FUND (CONTINUED)**

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**STREET DISTRICT**

MONTANA WASTE SYSTEMS APRIL CHARGES (SPLIT AMONG FUNDS) 131.60

**LIBRARY**

ENERGY WEST APRIL CHARGES (SPLIT AMONG FUNDS) 4,319.61

**PARK & RECREATION SPECIAL REVENUE**

NATURAL STRUCTURES SLIDES FOR NEIGHBORHOOD POOLS 17,138.00

**FEDERAL BLOCK GRANTS**

UNITED MATERIALS RIVER RD WATER/SEWER PROJ PMT #1 110,190.82  
ANDRE EXCAVATION & SEWER SERV RIVER RD WATER/SEWER PRIVATE HOOKUP 5,000.00  
DAVID KUGLIN PMT #1 FOR CDBG SIDEWALK 26,564.99  
REPLACEMENT

**HOME GRANTS**

NEIGHBORWORKS DRAWDOWN #3 FOR DOWN PAYMENT & 5,441.80  
CLOSING COST ASSISTANCE

**COMMUNITY DEVELOPMENT**

AMY JOHNS REFUND FOR PAVING BOND AT AMY'S 7,600.00  
MORNING PERK 910 9TH ST NW

**CAPITAL PROJECTS**

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**GENERAL CAPITAL**

CONTRACT FLOORING CARPET & LABOR MUNICIPAL COURT 6,097.00  
JAMES TALCOTT CONSTRUCTION PMT #9 POOLS AND SPLASHDECKS 25,200.70

**STREET LIGHTING CONSTRUCTION**

UNITED ELECTRIC LLC PMT #2 SID #1310 MEADOWLARK STREET 12,696.75  
LIGHTING  
UNITED ELECTRIC LLC PMT #3 SID #1308 EAGLES CROSSING 5,456.01

**ENTERPRISE FUNDS**

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**WATER**

ENERGY WEST APRIL CHARGES (SPLIT AMONG FUNDS) 9,102.61  
UNITED MATERIALS PMT #8 SUNNYSIDE WATER PRESSURE IMP 61,569.80

**SANITATION**

ENERGY WEST APRIL CHARGES (SPLIT AMONG FUNDS) 324.18  
MONTANA WASTE SYSTEMS APRIL CHARGES (SPLIT AMONG FUNDS) 69,167.78

**ELECTRIC**

SME PMT OF ENERGY SUPPLY EXPENSE FEB 08 38,445.41

**SAFETY SERVICES**

ENERGY WEST APRIL CHARGES (SPLIT AMONG FUNDS) 698.24

**PARKING**

TEE INC APRIL SNOW REMOVAL RAMPS/LOTS 1,210.00  
(SPLIT AMONG FUNDS)

**ENTERPRISE FUNDS (CONTINUED)**

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**GOLF COURSES**

ENERGY WEST	APRIL CHARGES (SPLIT AMONG FUNDS)	805.20
MONTANA WASTE SYSTEMS	APRIL CHARGES (SPLIT AMONG FUNDS)	49.67

**SWIM POOLS**

ENERGY WEST	APRIL CHARGES (SPLIT AMONG FUNDS)	4,779.89
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**RECREATION**

ENERGY WEST	APRIL CHARGES (SPLIT AMONG FUNDS)	1,536.08
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**CIVIC CENTER EVENTS**

GREAT FALLS SYMPHONY	MANNHEIM STEAMROLLER TICKET RECPTS	17,420.60
GREAT FALLS SYMPHONY	GALWAY TICKET RECEIPTS	27,070.00
BENEFIS FOUNDATION	POINTER SISTERS TICKET PROCEEDS	14,771.42

**INTERNAL SERVICES FUND**

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**HEALTH & BENEFITS**

BLUE CROSS/BLUE SHIELD	ADMIN & REINS FEES MAY 2008	40,824.84
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS MAY 1 TO MAY 9, 2008	65,461.81
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS MAY 6 TO MAY 12, 2008	117,501.95

**FISCAL SERVICES**

POSTMASTER	POSTAGE CHARGES FOR MARCH & APRIL	14,186.11
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**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	UNLEADED FUEL	23,342.90
BISON MOTOR CO	2- 2008 1/2 TON VANS	25,069.34

**PUBLIC WORKS ADMINISTRATION**

ENERGY WEST	APRIL CHARGES (SPLIT AMONG FUNDS)	7,670.20
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**CC FACILITY SERVICES**

TEE INC	APRIL SNOW REMOVAL CIVIC CENTER (SPLIT AMONG FUNDS)	3,920.00
ENERGY WEST	APRIL CHARGES (SPLIT AMONG FUNDS)	5,291.11

**TRUST AND AGENCY**

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**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	55,863.00
CASCADE COUNTY TREASURER	FINES & FORFEITURES COLLECTIONS	10,895.00

**CLAIMS OVER \$5000 TOTAL:** \$ 884,756.76

COMMUNICATION TO THE CITY COMMISSION

DATE: May 20, 2008

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

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

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

**MAYOR’S SIGNATURE:** \_\_\_\_\_

**CONTRACT LIST**

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
<b>A</b>	Park and Recreation	Jay D. Paulsen Big Sky Fireworks, Inc. 3 Newlan Creek Road White Sulphur Springs, MT 59645	07/04/2008	100-1499-512-3599	\$15,000	4 <sup>th</sup> of July Fireworks Display
<b>B</b>	Park and Recreation	M and F Finishing	May-June, 2008	CDBG Grant	\$23,522.90	Install ADA accessible sidewalks from the Gibson Park parking lot to the Vinegar Jones Historic Cabin and the Gibson Park Flower Garden
<b>C</b>	Park and Recreation/ Mansfield Box Office	VisionOne	08/01/2008 – 08/01/2013	571-6271-562-3599	\$0.50/ticket	Ticketing service fee – Addendum to VisionOne contract instituted on July 1, 2004
<b>D</b>	Park and Recreation	GRELIN Entertainment, Inc.	July 12, 2008	261-6419-561-3961	\$7,000	RiverFest artist fees

E	Public Works Engineering and Police Department	GPD PC Consulting Engineers	05/2008 – 09/2008	General Capital Projects Fund	\$2,000	Design electrical wiring for installation of electrical outlets for headbolt heaters for the Police Department parking lot. <b>OF 1529.1</b>
F	Public Works Engineering	Geomatrix Consultants, Inc.	05/2008 – 12/2008	West Bank	\$6,525	Environmental Site Assessment of the 4 <sup>th</sup> Avenue Northwest corridor. <b>OF 1488</b>

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

**AGENDA: 8  
DATE: May 20, 2008**

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

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

**ACTION REQUESTED:** Ratification of Lien Releases through the Consent Agenda

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

**LIEN RELEASES**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Fiscal Services	Property Owner – Chad Frank (formerly Penny M. Huntsberger)	Current	237-3131-532-3599	\$200.00	Partial Release of Resolution #9633 Assessing the Cost of Removal and Disposal of Nuisance Weeds at 925 3 <sup>rd</sup> Avenue South. S75' Lot 8, Blk 409, GFO.
<b>B</b>	Fiscal Services	Property Owner – First Franklin Mortgage Trust (formerly James B. Swayne)	Current	237-3131-532-3599	\$400.00	Partial Release of Resolution #9633 Assessing the Cost of Removal and Disposal of Nuisance Weeds at 115 20 <sup>th</sup> Street S.W. N1/2 Lot 2, Blk 6, COM.
<b>C</b>	Fiscal Services	Property Owner – Clarita Reaugh	Current	513-3162-531-3599	\$318.85	Partial Release of Resolution #9684 to Levy and Assess Properties for Unpaid Utility Services at 1316 2 <sup>nd</sup> Avenue N.W. Lot 5, Blk 36, West Great Falls Addition.

<b>D</b>	Fiscal Services	Property Owner at time of recording – Michael T. and Kristina K. Hengenius; current property owner – EMC Mortgage Corp.	Current	513-3162-531-3599	\$167.97	Partial Release of Resolution #9684 to Levy and Assess Properties for Unpaid Utility Services at 1003 2 <sup>nd</sup> Ave. N.W. Lot 14, Blk 28, West Great Falls Addition.
<b>E</b>	Fiscal Services	Property Owner at time of recording – Nicholas and Leah Justus; current property owner – Harry W. Evans III.	Current	513-3162-531-3599	\$409.60	Partial Release of Resolution #9684 to Levy and Assess Properties for Unpaid Utility Services at 505 5 <sup>th</sup> Avenue South. Lot 13, Blk 450, GFO.



**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:** Set Public Hearing for June 3, 2008, for recovering costs incurred in securing and clean-up of the structure located at 209 2<sup>nd</sup> Avenue North.

**Suggested Motion:**

1. Commissioner moves:

“I move the City Commission set the public hearing for June 3, 2008, for the adoption of Resolution # 9744.”

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

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**Staff Recommendation:** Staff recommends the City Commission set the public hearing for June 3, 2008, for the adoption of Resolution # 9744.

**Background:** The City has received numerous complaints involving 209 2<sup>nd</sup> 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 1<sup>st</sup> and 2<sup>nd</sup> floors. Upon a 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 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 2<sup>nd</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> day of June, 2008, and approved by the Mayor of said City, on the 3<sup>rd</sup> day of June, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City, this 3<sup>rd</sup> 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 <sup>nd</sup> 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 &amp; Excavating</i>	04-18-08

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the City Commission will hold a public hearing on June 3<sup>rd</sup>, 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 2<sup>nd</sup> 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

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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 2<sup>nd</sup> 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:** Set a Public Hearing

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission set a public hearing for the consideration of the sale of Highland Park property for June 3, 2008.”

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

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**Staff Recommendation:** Staff recommends that the City Commission se a public hearing for the consideration of the sale of Highland Park property for June 3, 2008.

**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





**Item:** Exception request to the Housing Loan Policies for the maximum loan to the owner of the property 718-726 1<sup>st</sup> Ave No., L4,5,6,&7, B318 GFO

**From:** Community Development Department

**Initiated By:** Bruce Haman, CDBG Housing Rehab Specialist

**Presented By:** Kevin Hager, Great Falls Housing Authority

**Action Requested:** Approve exception to the policy

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission approve a loan to Joseph Beaudry for \$65,000.00 @ 0% interest for 192 months to completely rehab 2 apartments, replace the roof on a 22 unit building and refurbish the tenant storage facilities at the Leland Annex Apartments, 718-726 1<sup>st</sup> Ave No.”

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

---

**Staff Recommendation:** The Loan Review Board and staff recommend that the City Commission approve an exception to the ‘Housing Loan Policies’ limit of \$30,000 for a loan to Joseph Beaudry for \$65,000.

**Background:** The Rental Improvement Loan program allows property owners to improve the quality of their properties by bringing them up to current codes. HUD fair market rent guidelines are used to establish rents that are affordable for low to moderate income tenants. The owner must agree not to raise rents for a two year period. The loan is required to be paid back monthly at 0% interest. The term of the loan is established on a case basis depending on each projects feasibility or ability to pay back. Traditionally, the term of the loans range from 5-15 years.

Traditionally the RIL program has been funded annually with Community Development Block Grant funds. The repaid funds revolve back into the program for future projects. For the last seven years no funds have been requested from the Community Development Block Grant program. With this positive net flow, the RIL program is able to fund larger projects as well as keeping up with the smaller rehab requests.

**Project Work Scope:** This is the second request by the owner for rehab funding. There are currently 44 units in the three buildings. The owner used the first phase funds of \$150,000.00 to replace boilers, plumbing upgrades, electrical upgrades and completely rehab 10 units. The second phase of \$65,000.00 will be used to replace the entire roof, bring 2 units from 'un-rentable' to 'rentable', rehab the tenant storage facilities and replace the exit doors.

**Concurrences:** The Housing Loan Review Board has reviewed the project and made approval recommendations for 'exception to the loan limits' to the City Commission on April 16<sup>th</sup>, 2008.

**Fiscal Impact:** The additional funding of \$65,000.00 to the current loan will net a larger payback to the Revolving Loan Fund.

**Alternatives:** City Commission has the option to approve or deny

**Attachments/Exhibits:**



**Item:** Memorandum of Understanding for creation of a Tax Increment Financing Industrial District for the Great Falls International Airport

**From:** Benjamin Rangel, Planning Director

**Initiated By:** Cynthia Schultz, Great Falls International Airport Authority

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

**Action Requested:** City Commission accept Memorandum of Understanding

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission accept the Memorandum of Understanding between the City of Great Falls and the Great Falls International Airport Authority in support of creating a Tax Increment Financing Industrial District for the Airport and authorize the City Manager to execute the document.”

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

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**Staff Recommendation:** It is recommended the City Commission accept the Memorandum of Understanding for creation of a Tax Increment Financing Industrial District for the Great Falls International Airport

**Background:** The Great Falls International Airport Authority is interested in having a Tax Increment Financing Industrial District (TIFID) created for the Great Falls International Airport, in accordance with Section 7-15-4299, MCA.

The Authority is interested in fostering the development, growth and retention of secondary, value-adding industries at the Airport. This interest is a part of the Authority’s overall mission to promote aviation related economic development, to improve area employment opportunities and to expand the tax base. The funds from the TIFID are proposed to be used for the various activities and types of industrial infrastructure development projects allowed for and authorized in Section 7-15-4288, MCA.

The Memorandum of Understanding expresses the City’s support to create the proposed TIFID and its interest to manage and administer the District. The MOU also expresses the Authority’s interest in providing the technical assistance, support and services needed to create the TIFID.

To accomplish the stated interests, the City proposes to provide sufficient staff resources to facilitate and coordinate local review and approval processes needed to create the TIFID. In turn, the Authority has retained the consultant services of Stelling Engineers, Inc. and Community Development Services of Montana to assist in the creation of the District.

**Concurrences:** The Airport Director has signed the MOU on behalf of the Great Falls International Airport Authority. Additionally, representatives from the City's Public Works, Community Development, Fiscal Services, Administration and Planning Departments have been involved throughout early discussions with Airport Authority and consultant representatives regarding anticipated involvement and relationships in the creation, management and administration of the proposed TIFID.

**Fiscal Impact:** There will be a cost to the City for provision of staff resources to facilitate and coordinate local review and approval processes in the creation of the District and long term costs for the management and administration of the District, primarily to be provided by the Planning and Fiscal Services Departments. It is anticipated these costs can be accommodated with existing staff.

Additionally, if a District is created, there may be a fiscal impact to other local and State taxing jurisdictions. The level of impact would be equal to their proportionate share of any incremental tax revenue retained by the District. However, the level of increased tax revenue may not be as great without creation of the district, particularly if public infrastructure is not made available to the area to facilitate and encourage development of secondary, value-adding industries. There are also provisions to partially off-set any impacts by returning any unused revenues to the taxing bodies, if so determined.

**Alternatives:** The City Commission could choose to not enter into the Memorandum of Understanding and proceed without a formal understanding of its relationship with the Airport in the creation of the TIFID. Additionally, not entering into the MOU may also indicate the City is not interested in or supportive of creating the TIFID, which may negatively impact the Authority's and community's ability to facilitate the development and growth of secondary, value-adding industries.

**Attachments/Exhibits:**

1) Memorandum of Understanding between City of Great Falls and Great Falls International Airport Authority

Cc: Cynthia Schultz, Great Falls International Airport Authority  
Janet Cornish, Community Development Services of Montana  
Kathy Harris, Stelling Engineers, Inc.

**A Memorandum of Understanding  
Between  
City of Great Falls and Great Falls International Airport Authority**

**THIS MEMORANDUM OF UNDERSTANDING** is entered into by and between the above named entities in support of the creation, development and administration of a Tax Increment Financing Industrial District (TIFID) for the Great Falls International Airport.

**RECITALS:**

- A. The Great Falls International Airport Authority is interested in fostering the development of secondary, value-adding industries in the City of Great Falls as part of its overall mission to promote aviation related economic development, to improve area employment opportunities and to expand the tax base.
- B. The creation of a Tax Increment Financing Industrial District will help fund the supportive public infrastructure needed for the development of secondary, value-adding industries at the Airport.
- C. The City of Great Falls is interested in using Tax Increment Financing, as authorized in 7-15-4282 through 4293, MCA, as a tool to foster economic and community development in the proposed area.
- D. The Great Falls International Airport Authority is interested in providing to the City of Great Falls the technical assistance, support and services needed to create the referenced District, in accordance with Montana law and local ordinances.

**IT IS UNDERSTOOD:**

- 1. That the City accepts the technical assistance, support and services offered by the Authority to create the TIFID.
- 2. That the Authority, through its contracting authority, will provide the referenced assistance to create the TIFID, in accordance with Montana law and local ordinances.
- 3. That the Authority will provide the City with a map and associated legal description for the proposed TIFID.
- 4. That the City will provide sufficient staff resources to facilitate and coordinate local review and approval processes needed to create the TIFID.
- 5. That the City will exercise its authority and responsibility to manage and administer the created TIFID, in accordance with Montana law and local ordinances.

These understandings are effective upon execution of this Memorandum of Understanding and continue until such time as either party hereto terminates this Memorandum by the method hereinafter prescribed.

This understanding remains in effect until termination by withdrawal of either party hereto after giving thirty (30) days advance written notice to the other party.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2008.

By \_\_\_\_\_  
City Manager, City of Great Falls, Montana

By \_\_\_\_\_  
Director, Great Falls International Airport Authority



**Item:** Final Payment – 7<sup>th</sup> and 3<sup>rd</sup> Avenues North Water Main Replacement, O. F. 1464

**From:** Engineering Division

**Initiated By:** Public Works Department

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

**Action Requested:** Approve Final Pay Request

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**Suggested Motion:**

1. Commissioner moves:

"I move the City Commission approve Final Payment for the 7<sup>th</sup> and 3<sup>rd</sup> Avenues North Water Main Replacements, O. F. 1464, in the amount of \$8,719.12 to Phillips Construction, and \$88.07 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 the vote.

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

**Background:**

Significant Impacts

This project replaced portions of the water system located in 7<sup>th</sup> Avenue North, 3<sup>rd</sup> Avenue North, 24<sup>th</sup> Street North, 2<sup>nd</sup> Avenue South, and 9<sup>th</sup> Street North. Most of these water mains were installed in the 1890's and 1920's.

Citizen Participation

Not Applicable.

Workload Impacts

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

Purpose

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

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

#### Project Work Scope

This project replaced 2,845 lineal feet of 6- and 8-inch water main, 3,000 lineal feet of 12-inch water main, 13 fire hydrants and 152 water service connections.

The mains are located in 7<sup>th</sup> Avenue North from 20<sup>th</sup> Street to 22<sup>nd</sup> Street, 7<sup>th</sup> Avenue North from 27<sup>th</sup> Street to 32<sup>nd</sup> Street, 3<sup>rd</sup> Avenue North from 27<sup>th</sup> Street to 30<sup>th</sup> Street, 24<sup>th</sup> Street North from 5<sup>th</sup> Avenue to 4<sup>th</sup> Avenue, 2<sup>nd</sup> Avenue South from 21<sup>st</sup> Street to 22<sup>nd</sup> Street, and 9<sup>th</sup> Street North from 2<sup>nd</sup> Avenue to 3<sup>rd</sup> Avenue.

#### Evaluation and Selection Process

The City accepted four bids for this project on July 18, 2007 and City Commission awarded the contract to Phillips Construction on August 7, 2007 in the amount of \$931,824.00.

#### Conclusion

City staff has verified that Phillips Construction has completed all work and punch list items in accordance with the plans and contract. The City can accept the project and execute the Final Payment. The project was completed within the contract time. The two year warranty period started at the time of substantial completion which was November 16, 2007.

#### **Concurrences:**

Not Applicable.

#### **Fiscal Impact:**

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

The final project cost is \$880,718.70, which is \$51,105.30 under the amount awarded and approved. The lack of water service replacement work and very little miscellaneous work contributed to the low final contract amount. This water main replacement project was funded through the City's Water Capital Improvement Fund.

#### **Alternatives:**

The City Commission could vote to deny final payment.

#### **Attachments/Exhibits:**

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



**Item:** Purchase of Anhydrous Ammonia

**From:** Water Treatment Plant

**Initiated By:** Public Works Department

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

**Action Requested:** Approval of Bid

---

**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission accept the low bid from DPC Industries, Inc., and authorize staff to purchase anhydrous ammonia in the amount of \$150 per 147-lb. cylinder for FY 2008/09.”

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

---

**Staff Recommendation:** Staff recommends that the City Commission accept the low bid from DPC Industries, Inc., in the amount of \$150 per 147-lb. cylinder for anhydrous ammonia for FY 2008/09.

**Background:** Anhydrous ammonia is used in the water treatment process to produce chloramine, which provides a disinfectant residual in the drinking water. Specifications and bid materials were prepared for the purchase of anhydrous ammonia for the Water Treatment Plant for the upcoming fiscal year. Notices were sent out to all prospective bidders and publicly advertised. The low bid from DPC Industries, Inc., our current supplier, was acceptable as submitted.

Bids were accepted on May 7, 2008 for FY 2008/09 Water Treatment Plant chemical needs. DPC Industries, Inc., of Billings, Montana, provided the lowest acceptable bid for anhydrous ammonia at \$150 per 147-lb. cylinder. This Commission action would award a contract for FY 2008/09.

**Concurrences:** not applicable

**Fiscal Impact:** This price reflects a 3.4% increase from the FY 2007/08 contract price. The new contract would allow for the purchase of a maximum of 100 cylinders for a total cost of \$15,000.

**Alternatives:** not applicable

**Attachments/Exhibits:** Bid tab attached





**Item:** Purchase of Liquid Chlorine

**From:** Water Treatment Plant

**Initiated By:** Public Works Department

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

**Action Requested:** Approval of Bid

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission accept the low bid from DPC Industries, Inc., and authorize staff to purchase liquid chlorine in the amount of \$648 per ton for FY 2008/09.”

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

---

**Staff Recommendation:** Staff recommends that the City Commission accept the low bid from DPC Industries, Inc., in the amount of \$648 per ton for liquid chlorine for FY 2008/09.

**Background:** Liquid chlorine is used in the water treatment process to provide disinfection of the drinking water. Specifications and bid materials were prepared for the purchase of liquid chlorine for the Water Treatment Plant for the upcoming fiscal year. Notices were sent out to all prospective bidders and publicly advertised. The low bid from DPC Industries, Inc., our current supplier, was acceptable as submitted.

Bids were accepted on May 7, 2008 for FY 2008/09 Water Treatment Plant chemical needs. DPC Industries, Inc., of Billings, Montana, provided the lowest acceptable bid for liquid chlorine at \$648 per ton. This Commission action would award a contract for FY 2008/09.

**Concurrences:** not applicable

**Fiscal Impact:** This price reflects a 4.7% increase from the FY 2007/08 contract price. The new contract would allow for the purchase of a maximum of 75 tons for a total cost of \$48,600.

**Alternatives:** not applicable

**Attachments/Exhibits:** Bid tab attached



**Item:** Purchase of Liquid Aluminum Sulfate

**From:** Water Treatment Plant

**Initiated By:** Public Works Department

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

**Action Requested:** Approval of Bid

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**Suggested Motion:**

1. Commissioner moves:

“I move that the City Commission accept the low bid from Thatcher Company and authorize staff to purchase liquid aluminum sulfate in the amount of \$285 per dry ton for FY 2008/09.”

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

---

**Staff Recommendation:** Staff recommends that the City Commission accept the low bid from Thatcher Company in the amount of \$285 per dry ton for liquid aluminum sulfate for FY 2008/09.

**Background:** Liquid aluminum sulfate is used in the water treatment process to coagulate suspended particles in the raw water stream to allow their removal. Specifications and bid materials were prepared for the purchase of liquid aluminum sulfate for the Water Treatment Plant for the upcoming fiscal year. Notices were sent out to all prospective bidders and publicly advertised. The low bid from Thatcher Company, our current supplier, was acceptable as submitted.

Bids were accepted on May 7, 2008 for FY 2008/09 Water Treatment Plant chemical needs. Thatcher Company, of Missoula, Montana, provided the lowest acceptable bid for liquid aluminum sulfate at \$285 per dry ton. This Commission action would award a contract for FY 2008/09.

**Concurrences:** not applicable

**Fiscal Impact:** This price reflects a 3.6% decrease from the FY 2007/08 contract price. The new contract would allow for the purchase of a maximum of 700 dry tons for a total cost of \$199,500.

**Alternatives:** not applicable

**Attachments/Exhibits:** Bid Tab attached





**Item:** Revised Final Plat & Development Agreement for Prairie Ridge Estates  
**From:** Bill Walters, Senior Planner  
**Initiated By:** Spencer Woith, Project Engineer  
**Presented By:** Benjamin Rangel, Planning Director  
**Action Requested:** City Commission Approve Revised Final Plat & Agreement

---

**Suggested Motion:**

1. Commissioner moves:

“I move 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.”

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

---

**City Planning Board Recommendation:** The Planning Board has recommended the City Commission approve: 1) the revised final plat of Prairie Ridge Estates Addition, subject to correction of any errors or omissions noted by staff; 2) reducing the minimum front setback for the 20 single-family lots which are zoned Planned unit development district from 20 to 10 feet; and 3) the revised Development Agreement, which would contain the following amendments:

- a) Replace Paragraph 6.A. pertaining to public roadway improvements with a separate paragraph referencing the private roadway standards to be implemented.
- b) Delete Paragraph 11 pertaining to installation of sidewalk in the public roadway.
- c) In Paragraph 12 pertaining to warranty and ownership of public improvements, delete reference to street improvements.
- d) Delete Paragraph 14 pertaining to indemnifying and holding the City harmless due to marginal fire hydrant flows. (Recent improvement in water pressure in the vicinity has enhanced fire hydrant capacity and eliminated the need for the indemnity clause.)
- e) Adding a paragraph to prohibit on-street vehicle parking on that side of Prairie Ridge Drive abutting the three lots in Block 2 of subdivision. (A roadway width of 30 feet (back of curb to back of curb) cannot adequately accommodate fire and sanitation trucks if parking is allowed on both sides of the roadway.)

**Background:** On September 18, 2007, the City Commission approved the final plat, development agreement and 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 suburban district to PUD Planned unit development district.

Attached is a communication dated May 7, 2008, from Spencer Woith, the project engineer, which outlines requested revisions to the project. The revisions are primarily due to the inability to meet public roadway grades as required by City Code. The two most significant changes include making Ridge View Drive a private roadway instead of a dedicated public roadway and narrowing its width from 35 feet to 30 feet (back of curb to back of curb).

In that the final plat and development agreement, as approved on September 18, 2007, have not yet been filed and recorded, minor revisions can still be made through this less formal review and approval process. This process provides opportunity to advise the Planning Board/Zoning Commission of proposed revisions and recommend any conditions or amendments to the development agreement that are unique to the proposed revisions.

For additional information, please refer to the attached Vicinity/Zoning Map, the final plat approved by the City Commission last September and the revised final plat presently under consideration.

**Concurrences:** Representatives from the City's Public Works and Fire Departments have been involved in the review of this project, leading to the revisions requested by the applicant.

**Fiscal Impact:** As the primary feature of the revisions is making Ridge View Drive a private roadway instead of a dedicated public roadway, the City's street maintenance responsibility and liability associated with this subdivision is eliminated.

**Alternatives:** The requested revisions to the final plat and Development Agreement for Prairie Ridge Estates Addition could be disapproved, but the City would then be assuming the responsibility of maintaining a roadway that exceeds maximum grades required by City Code.

**Attachments/Exhibits:**

Letter from Spencer Woith, dated May 7, 2008

Vicinity/Zoning Map

Reduced Copy of Final Plat Approved by City Commission Sept. 18, 2007

Reduced Copy of Revised Final Plat

Revised Development Agreement

Cc: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Eugene and Jane Thayer, 220 40<sup>th</sup> Ave S, Great Falls, MT 59405  
Woith Engineering, 1725 41<sup>st</sup> St S, Great Falls, MT 59405

May 7, 2008

Planning Staff  
City of Great Falls  
P.O. Box 5021  
Great Falls, MT 59403

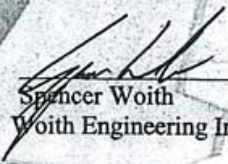
Dear City Planning Staff,

Being resubmitted is the final plat of Prairie Ridge Estates Addition to include changes identified herein below.

1. Removed the cul-de-sacs and narrowed the roadway travel surface.
  - This allows for the creation of a gated community.
  - This will necessitate the creation of a Homeowners Association
  - This will allow us to create a development with a more rural comforting appeal.
  - This will meet City Code requirements by not creating public roadways with grades in excess of 10 percent.
  - Hammer Head widened/extended to 30'
  - No parking on one side of private road serving individual plat lots. (i.e. No parking on the side of Ridge View Drive abutting Block 2.)
2. Eliminate sidewalks.
3. Changes of the front setback to ten (10) feet will allow for more unique and creative placement of houses on the lots.
4. Fire hydrant flows now meet fire suppression requirements for State Fire Code.

We feel that these changes have not altered the intent of the original plat. Furthermore we feel that these changes will create a very innovative and original development that will stand out as a unique example in Great Falls. Thank you for your time.

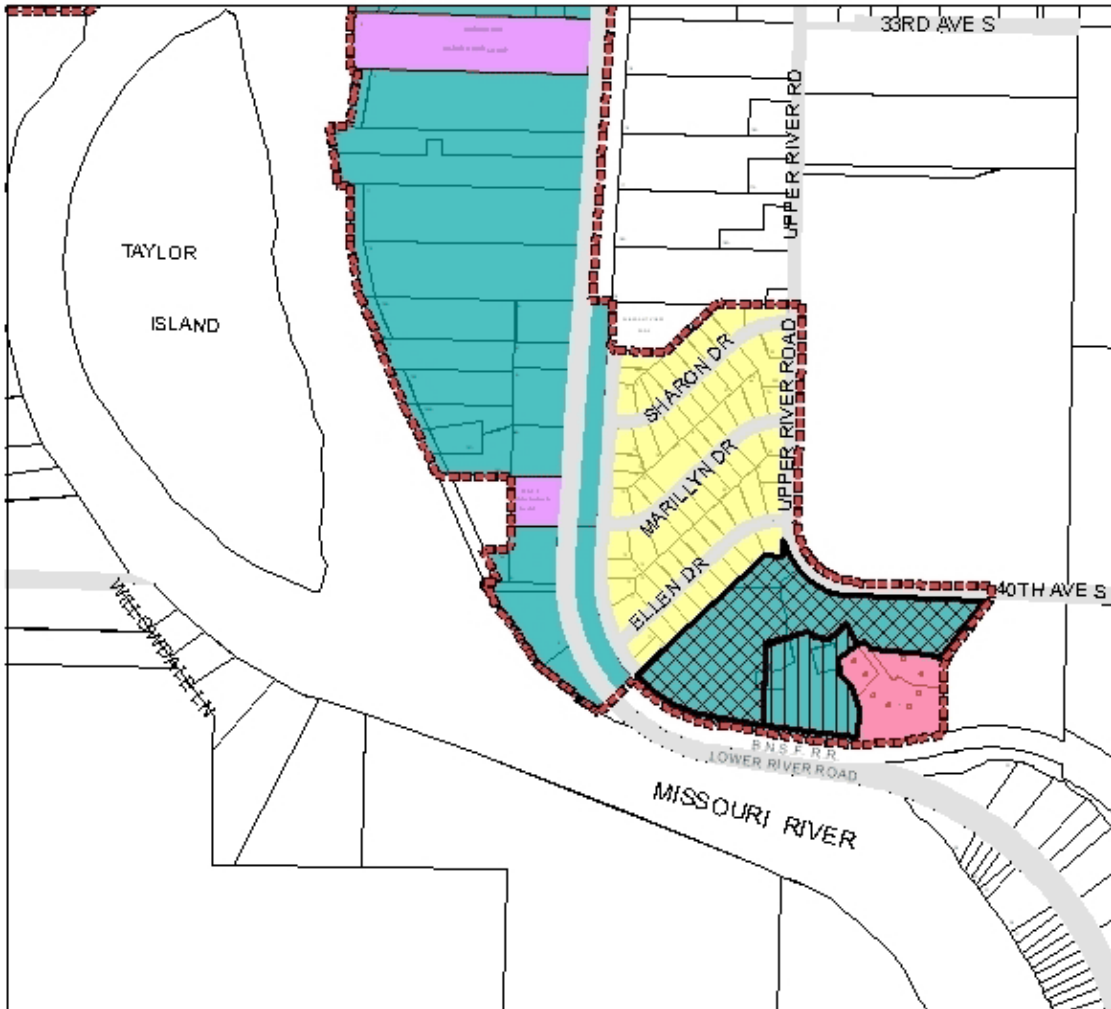










  
Spencer Woith  
Woith Engineering Inc.



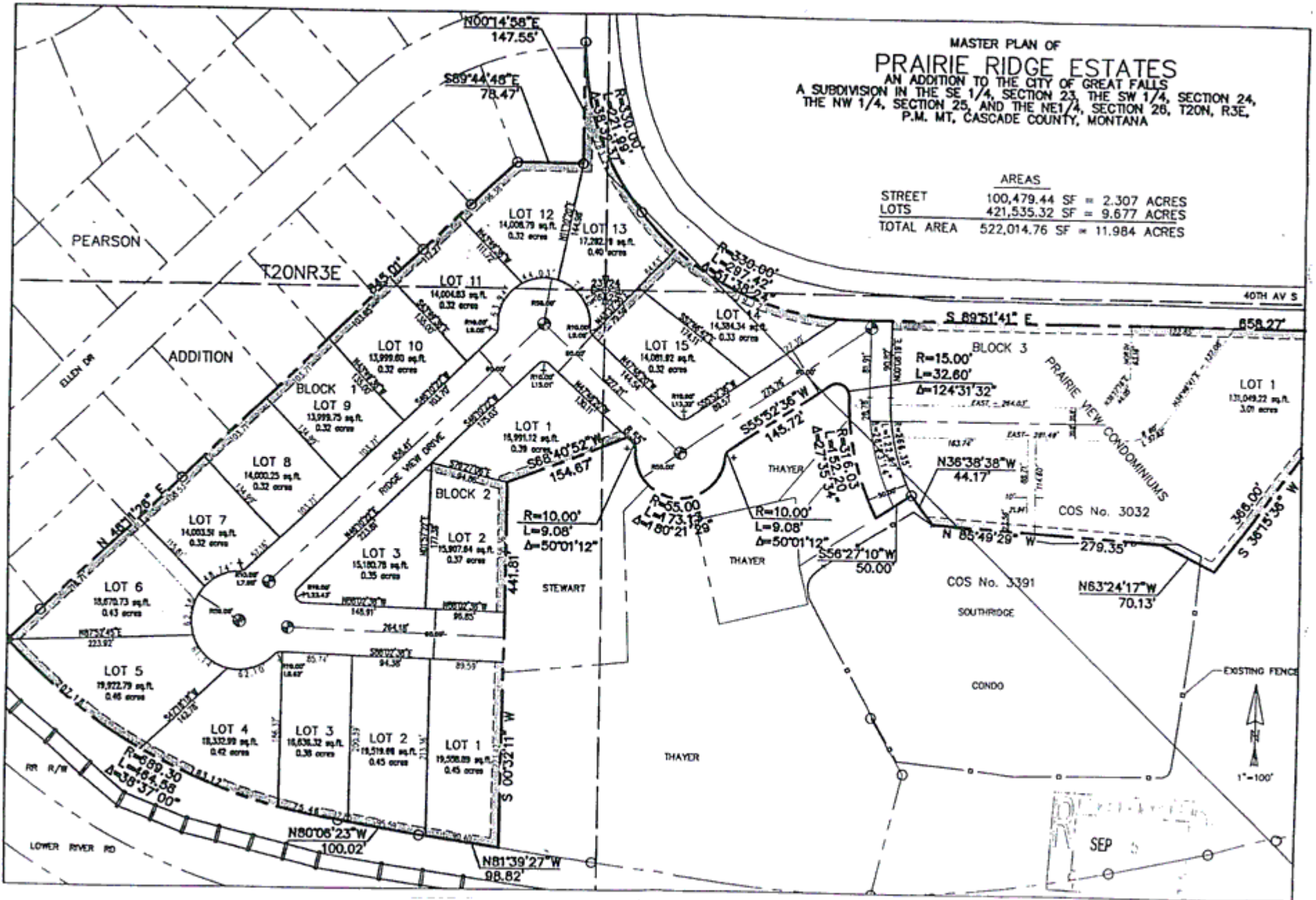
# EXHIBIT "A"

# VICINITY/ZONING MAP



-  PROPOSED PRAIRIE RIDGE ESTATES SUBDIVISION AND REZONING FROM "R-1" SINGLE-FAMILY SUBURBAN TO "PUD" PLANNED UNIT DEVELOPMENT
-  LOT 4, BLOCK 1, SOUTHRIDGE FIRST ADDITION AND REMAINDER OF CERTIFICATE OF SURVEY 3391 TO BE REZONED FROM "R-1" SINGLE-FAMILY SUBURBAN TO "PUD" PLANNED UNIT DEVELOPMENT
-  CITY LIMITS
-  R-10 Mobile home park
-  R-1 Single-family suburban
-  PUD Planned unit development
-  R-3 Single-family high density
-  Tracts of land outside City





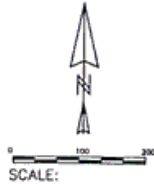
FINAL PLAT APPROVED BY CITY COMMISSION SEPT. 18, 2007



*REVISED*  
 PLAT OF  
**PRAIRIE RIDGE ESTATES ADDITION**  
 TO THE CITY OF GREAT FALLS

A SUBDIVISION IN THE SE 1/4 SEC 23, SW 1/4 SEC 24, NE 1/4 SEC 26  
 NW 1/4 SEC 25, T20N, R3E, P.M. MT, CASCADE COUNTY, MONTANA

**VICINITY MAP**



**BASIS OF BEARING**  
 BASIS OF BEARING IS TRUE NORTH  
 BASED ON GEODETIC INVERSES USING  
 SURVEY GRADE G.P.S. SYSTEM.

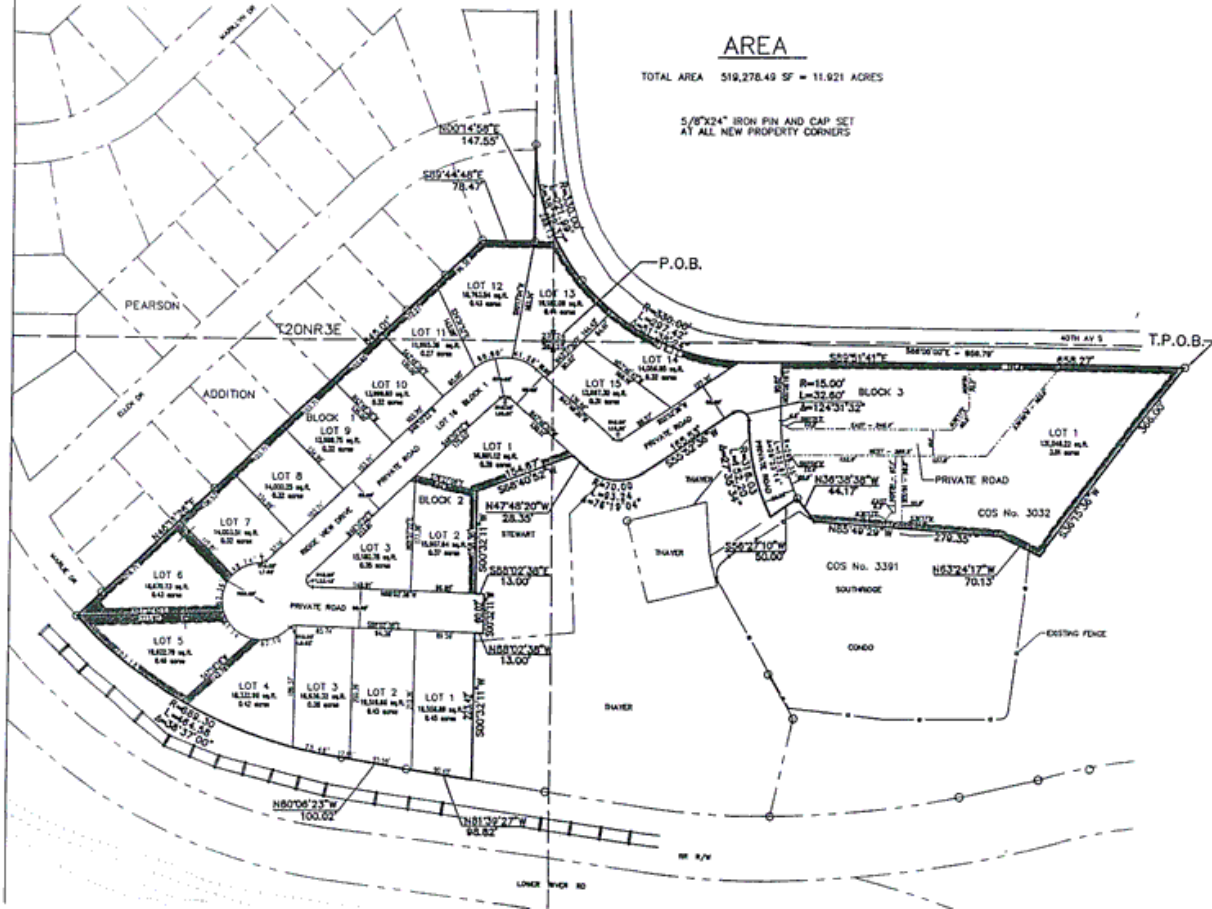
**LEGEND**

- FOUND SECTION CORNER
- FOUND MONUMENT
- P.O.B. POINT OF BEGINNING
- T.P.O.B. TRUE POINT OF BEGINNING
- sq. ft. SQUARE FEET
- (0°00'00") RECORD BEARING
- CONDOMINIUM EASEMENT DIMENSIONS
- CONDOMINIUM EASEMENTS
- ADDITION BOUNDARY
- NEW PROPERTY LINES
- EXISTING PROPERTY LINES
- EXISTING SECTION LINE
- STREET CENTER LINES
- 10' UTILITY EASEMENT, UNLESS OTHERWISE DIMENSIONED

**AREA**

TOTAL AREA 519,278.49 SF = 11.921 ACRES

5/8"x24" IRON PIN AND CAP SET  
 AT ALL NEW PROPERTY CORNERS





**Item:** Appointment to the Housing Authority Board

**From:** City Manager's Office

**Initiated By:** Great Falls Housing Authority

**Presented By:** City Commission

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

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**Suggested Motion:**

1. Commissioner moves:

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

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

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

**Background:** Albert Anderson has served as a tenant member of the Great Falls Housing Authority Board since January of 2002. Mr. Anderson is not eligible for reappointment. Therefore it is necessary to appoint one tenant to fill the vacancy.

Purpose

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

Evaluation and Selection Process

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

Continuing members of this board are:

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

Tenants interested in serving on this Board:

Katherine Pickens

**Concurrences:** Not applicable.

**Fiscal Impact:** Not applicable.

**Alternatives:** Continue advertising to seek further citizen input.

**Attachments/Exhibits:**

Board Application