



# City Commission Agenda

for

## April 15, 2008

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

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PROCLAMATIONS**

Public Safety Telecommunicator's Week

National Day of Prayer

Lewis and Clark National Historic Trail Interpretive Center 10<sup>th</sup> Anniversary Celebration

**NEIGHBORHOOD COUNCILS**

1. Miscellaneous reports and announcements.

**PUBLIC HEARINGS**

2. Lots 1 through 7, Block 26, Huy's Addition, and the westerly 250' of 10<sup>th</sup> Alley South in Block 26 between 20<sup>th</sup> and 21<sup>st</sup> Streets.  
**(Presented by: Bill Walters)**
  - A. Ord. 3002, Rezones property from R-3 Single-family high density district to C-2 General commercial district. Action: Conduct joint public hearing and adopt or deny Ord. 3002.
  - B. Res. 9735, Vacates a majority of 10<sup>th</sup> Alley South in subject Block 26. Action: Conduct joint public hearing and adopt or deny Res. 9735 and approve the Amended Plat and Accompanying Findings of Fact.
3. 2008/2009 HUD Annual Action Plan. Receive citizen input regarding the proposed Annual Action Plan required by HUD including the proposed use of 2008/2009 Community Development Block Grant and HOME Investment Partnership program funds. Action: Conduct public hearing, close hearing and schedule action on the Final Annual Action Plan for May 6, 2008. **(Presented by: Chris Imhoff)**
4. Res. 9742, to Vacate Cul-de-sac in 15<sup>th</sup> Street Bridge Addition. Action: Postpone and reset public hearing for May 6, 2008.  
**(Presented by: Jim Rearden)**

## **OLD BUSINESS**

5. Consulting Agreement, Water Rights Solutions, Inc., and First Amendment to Agreement. Action: Approve or deny agreement.  
*(Presented by: Coleen Balzarini)*

## **NEW BUSINESS**

## **ORDINANCES/RESOLUTIONS**

**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.*

6. Minutes, April 1, 2008, Commission meeting.
7. Total Expenditures of \$995,868 for the period of March 25 – April 9, 2008, to include claims over \$5000, in the amount of \$815,821.
8. Contracts list.
9. Grants list.
10. Award Construction Contract in the amount of \$73,327 to Pipeline Inspection Services, Inc. for the Water Treatment Plant Flume and Sanitary Sewer Manhole Lining Project.
11. Approve Engineering Services Contract Amendment with NCI Engineering Co. for the North Park Sewer Lift Station #27 in an amount not to exceed \$47,310.
12. Award Construction Contract in the amount of \$227,500 to Dick Anderson Construction, Inc., for the North Park Sewer Lift Station #27 Replacement.
13. Approve Final Payment to Ed Boland Construction, Inc. and the State Miscellaneous Tax Division in the amount of \$12,823.42 for the 9<sup>th</sup> Street NE Storm Drain Extension.

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

## **BOARDS & COMMISSIONS**

14. Miscellaneous reports and announcements.

## **CITY MANAGER**

15. Miscellaneous reports and announcements.

## **CITY COMMISSION**

16. Miscellaneous reports and announcements.

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

17. Miscellaneous reports and announcements.

## **MOTION TO ADJOURN**

CITY OF GREAT FALLS, MONTANA

AGENDA # 2

AGENDA REPORT

DATE April 15, 2008

ITEM Public Hearing - Ordinance 3002 to Rezone Lots 1 through 7, Block 26, Huy's Addition and Resolution 9735 to Vacate Segment of 10<sup>th</sup> Alley South between 20<sup>th</sup> & 21<sup>st</sup> Streets South

INITIATED BY The Velmeir Companies

ACTION REQUESTED Commission Adopt Ordinance 3002 and Resolution 9735 and Approve Accompanying Amended Plat, Findings of Fact and Agreement

PREPARED & PRESENTED BY Bill Walters, Senior Planner

APPROVED BY Benjamin Rangel, Planning Director

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**RECOMMENDATION:**

The City Zoning Commission has recommended the City Commission approve the request to rezone Lots 1 through 7, Block 26, Huy's Addition from R-3 Single-family high density district to C-2 General commercial district, subject to specified conditions. The Planning Board has recommended the City Commission approve the vacation of the westerly 250 feet of 10<sup>th</sup> Alley South in said Block 26 between 20<sup>th</sup> and 21<sup>st</sup> Streets, the Amended Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition to Great Falls, and the accompanying Findings of Fact.

**MOTIONS:** (Each motion to be separately considered)

"I move the City Commission adopt Ordinance 3002 and the accompanying Agreement."

and

"I move the City Commission adopt Resolution 9735 and approve the Amended Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition to Great Falls, and the accompanying Findings of Fact."

**SYNOPSIS:**

Ordinance 3002 rezones Lots 1 through 7, Block 26, Huy's Addition from R-3 Single-family high density district to C-2 General commercial district. Subject Lots 1 – 7 are addressed as 2000, 2004, 2008, 2012, 2016 & 2026 9<sup>th</sup> Avenue South. The purpose of the rezoning is to accommodate construction of a CVS Pharmacy. Resolution 9735 vacates a majority of 10<sup>th</sup> Alley South in subject Block 26. The Amended Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition to Great Falls, consolidates subject lots and vacated alley into a single lot. The accompanying Agreement contains terms and conditions associated with granting the rezoning.

**BACKGROUND:**

The owners of Lots 1 – 7, Block 26, Huy's Addition, have applied through their representative, The Velmeir Companies, to rezone subject lots from R-3 Single-family high density district to C-2 General commercial district. The applicant intends to remove the existing residential structures on subject Lots 1 – 7 and combine subject lots with adjoining property to the south to accommodate a proposed 13,225 sq ft CVS Pharmacy.

For additional information, please refer to the attached Staff Report and Recommendation which has attached to it a Vicinity/Zoning Map, preliminary site layout plan, preliminary amended plat, Findings of Fact and communications from review officials. The Report includes a traffic analysis and zoning analysis prepared by the Planning Staff.

On January 22, 2008, the City Zoning Commission/Planning Board, conducted a public hearing to consider the rezoning for Lots 1 - 7, Block 26, Huy's Addition, vacation of a segment of 10<sup>th</sup> Alley South in Block 26 and the Amended Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition. Mr. Jack Schunke, Morrison Maierle Inc., representing CVS Pharmacy, said the applicant concurs with the conditions for approval contained in the Staff Report and Recommendation and explained some of the steps planned during construction to mitigate some of the health concerns expressed by area residents. Mr. Mark Macek, Macek Companies, spoke on behalf of Velmeir Companies and CVS Pharmacy and explained what procedural steps they had undertaken to date. Speaking as proponents to the rezoning and the project were Mr. Bob Pancich, 308 Fox Drive and Barb Woith, 914 20<sup>th</sup> Street South. Speaking in opposition to the rezoning were Mr. Eldon Burgess, 2019 9<sup>th</sup> Avenue South, Ms. Phyllis Gibson, 2011 9<sup>th</sup> Avenue South, Mr. Ronald Reis, 2015 9<sup>th</sup> Avenue South, and Mr. Edward Brown, 2012 8<sup>th</sup> Avenue South. Most of the individuals speaking in opposition expressed concerns about the potential increased traffic that could result from the proposed project and the commercial uses expanding into their residential neighborhood. At the conclusion of the Hearing and after discussing primarily traffic related issues, the Zoning Commission unanimously passed a motion recommending to the City Commission that the request to rezone Lots 1 - 7, Block 26, Huy's Addition to Great Falls from R-3 Single-family high density district to C-2 General commercial district be approved, subject to the applicant and the owners of subject Lots 1 - 7 entering into an agreement with the City, agreeing:

- a) the commercial development upon subject Block 26 shall be required to comply substantially with the site layout plan, dated 01/02/2008;
- b) to not provide any vehicular approaches from subject Lots 1 - 7 directly to or from 9<sup>th</sup> Avenue South;
- c) to install and adequately maintain landscaping in accordance with final landscape plan to be submitted to and approved by the City Community Development Department, Design Review Board and the City Forester incorporating at least a 60 foot wide landscaped buffer and 6 foot high screen wall along the south side of 9<sup>th</sup> Avenue South bordering subject Lots 1 - 7;
- d) to comply with and fulfill the provisions stipulated by the City Engineer in a Memorandum, dated January 16, 2008;
- e) to install a stop sign at the exit of 10<sup>th</sup> Alley South onto 21<sup>st</sup> Street;
- f) to coordinate with the Montana Department of Transportation (MDT) regarding improvements in the 10<sup>th</sup> Avenue South right-of-way, including placement of new sidewalk, landscaping and ADA ramps, to avoid being removed during the 10<sup>th</sup> Avenue South widening project; and,
- g) to implement any improvements applicable to the proposed CVS Pharmacy that may be recommended from the traffic impact study required by MDT.

The Planning Board then unanimously passed a motion recommending the City Commission approve the vacation of the westerly 250 feet of 10<sup>th</sup> Alley South between 20<sup>th</sup> and 21<sup>st</sup> Streets, the Amended Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition to Great Falls, and the accompanying Findings of Fact, subject to the following conditions being fulfilled by the applicant:

- a) the final amended plat shall incorporate correction of any errors or omissions noted by staff, including provision of appropriate utility and public access easements; and,
- b) the final engineering drawings and specifications for the rerouted sanitary sewer main through subject Block 26 shall be submitted to the City Public Works

Department for review and approval prior to issuance of any permits for construction of the proposed CVS Pharmacy.

Also attached are copies of three communications from two neighboring property owners regarding the project; minutes of the January 22, 2008, Zoning Commission and Planning Board Hearing; and, a letter from Neighborhood Council # 9, which “recommends approval of the project with attention given to the traffic problems.”

In accordance with one of the above listed conditions of approval, the applicant has had prepared for submittal to the Montana Department of Transportation, a Traffic Impact Study for CVS Pharmacy. The preliminary study report indicates development of the proposed CVS/pharmacy would not require any significant improvements to mitigate any traffic related impacts. The MDT is currently reviewing the preliminary study report for its acceptance.

Another of the above listed conditions of approval specifies at least a 60 foot wide landscaped buffer be provided along the south side of 9<sup>th</sup> Avenue South. However, this buffer has subsequently been reduced to 55 feet to accommodate widening of the driveway at the rear of the proposed CVS Pharmacy, as mandated by the City Public Works and Fire Departments to better accommodate service and emergency vehicles. Paragraph 5 of the attached Agreement reflects the 55 foot landscaped buffer.

Attach: Ordinance 3002  
Resolution 9735  
Staff Report and Recommendation, dated January 22, 2008 (Includes Amended Plat & Findings of Fact)  
Agreement  
Amendment to Agreement  
Minutes of Planning Board/Zoning Commission Hearing, dated January 22, 2008  
Letter from Robert Gibson, dated January 22, 2008  
Letters from Ronald and Cheryl Reis, dated August 15, 2007 and January 22, 2008  
Letter from Gary Schoenthal, Chairman, NC# 9, dated December 15, 2007

Cc w/o attach: The Velmeir Companies, [mhoener@velmeir.com](mailto:mhoener@velmeir.com)  
Mark Macek, [mark@macekcompanies.com](mailto:mark@macekcompanies.com)  
John VerPlank, [John\\_VerPlank@URSCorp.com](mailto:John_VerPlank@URSCorp.com)  
Eldon Burgess, 2019 9<sup>th</sup> Avenue South  
Phyllis Gibson, 2011 9<sup>th</sup> Avenue South  
Ronald Reis, 2015 9<sup>th</sup> Avenue South  
Edward Brown, 2012 8<sup>th</sup> Avenue South  
Gary Schoenthal, 2404 6<sup>th</sup> Avenue South

ORDINANCE 3002

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

\* \* \* \* \*

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

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

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

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

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

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

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

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

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

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

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

Section 4. This ordinance shall be in full force and effect thirty (30) days after its passage and adoption by the City Commission or upon the applicant for the zone change, as referenced in the heretofore mentioned agreement, acquiring ownership and assuming title to the hereinabove described property, whichever event shall occur later. This ordinance shall be deemed null and void should the applicant for the zone change fail to acquire ownership and assume title to the hereinabove described property by August 31, 2008.

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

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

ATTEST:

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

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

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

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

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

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

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

(SEAL OF CITY)

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

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

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

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

(SEAL OF CITY)

RESOLUTION 9735

A RESOLUTION BY THE CITY COMMISSION  
OF THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE THE WESTERLY 250 FEET OF 10TH ALLEY SOUTH  
IN BLOCK 26, HUY'S ADDITION TO GREAT FALLS,  
BETWEEN 20TH STREET SOUTH AND 21ST STREET SOUTH,  
IN ACCORDANCE WITH THE PROVISIONS OF  
SECTION 7-14-4114, MONTANA CODE ANNOTATED

\* \* \* \* \*

WHEREAS, 10<sup>th</sup> Alley South in Block 26, between the east right-of-way of 20<sup>th</sup> Street South and the west right-of-way of 21<sup>st</sup> Street South was dedicated as public right-of-way as part of Huy's Addition to Great Falls; and

WHEREAS, a representative of the owners of the property abutting the westerly 250 feet of said segment of 10<sup>th</sup> Alley South has petitioned to have it vacated to accommodate construction of a CVS Pharmacy; and

WHEREAS, a condition of approval of vacation of subject right-of-way shall be the preparation of an appropriate amended plat which shows the distribution of the right-of-way requested to be vacated, reconfiguration of abutting lot(s), and reservation of required public access and utility easement(s); and

WHEREAS, the City Commission of the City of Great Falls, Montana, duly and regularly passed and adopted on the 18th day of March, 2008, Resolution 9730 entitled:

A RESOLUTION OF INTENTION BY THE CITY  
COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE THE WESTERLY 250 FEET OF 10TH ALLEY SOUTH  
IN BLOCK 26, HUY'S ADDITION TO GREAT FALLS,  
BETWEEN 20TH STREET SOUTH AND 21ST STREET SOUTH,  
IN ACCORDANCE WITH THE PROVISIONS OF  
SECTION 7-14-4114, MONTANA CODE ANNOTATED, AND  
DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW



WHEREAS, the City Clerk of said City, forthwith caused notice of said Resolution 9730 to be:

- 1) published in the Great Falls Tribune, the newspaper published nearest the right-of-way proposed for vacation; and
- 2) posted in three public places, stating therein the time and place the City Commission shall hear all persons relative to said proposed vacation.

WHEREAS, a hearing was held by the City Commission of the City of Great Falls on the 15<sup>th</sup> day of April, 2008, at 7:00 P.M. in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons relative to the proposed vacation of the westerly 250 feet of 10<sup>th</sup> Alley South in Block 26, Huy's Addition, between 20<sup>th</sup> and 21<sup>st</sup> Streets South.

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

The westerly 250 feet of 10<sup>th</sup> Alley South in Block 26, Huy's Addition, between 20<sup>th</sup> and 21<sup>st</sup> Streets South is hereby vacated.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective either thirty (30) days after its passage and approval or upon filing in the office of the Cascade County Clerk and Recorder, the hereinabove mentioned amended plat, which ever event shall occur later.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 15<sup>th</sup> day of April, 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 foregoing Resolution 9735 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 15<sup>th</sup> day of April, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 15<sup>th</sup> day of April, 2008.

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Lisa Kunz, City Clerk

(SEAL OF CITY)

**GREAT FALLS ZONING COMMISSION  
AND PLANNING BOARD**

**STAFF REPORT AND RECOMMENDATION**

**ITEM:** Zoning Map Amendment for Lots 1 - 7, Block 26, Huy's Addition to Great Falls, Vacation of a Segment of 10<sup>th</sup> Alley South, and Amended Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition

**INITIATED BY:** The Velmeir Companies

**PRESENTED BY:** Bill Walters, Senior Planner

GENERAL INFORMATION:

Owners:	Lot 1 Darron & Mary Beth Tolan 2000 9 <sup>th</sup> Ave So Great Falls, MT 59405-2737	Lot 2 Terry & Cindy Nault 2004 9 <sup>th</sup> Ave So Great Falls, MT 59405
	Lot 3 Diane Bodnar 2008 9 <sup>th</sup> Ave S Great Falls, MT 59405	Lot 4 Tara Hill-Haslid 2012 9 <sup>th</sup> Ave S Great Falls, MT 59405
	Lot 5 Marianna Jedrzejewski 2016 9 <sup>th</sup> Ave So Great Falls, MT 59405	Lot 7 Vincent Bosh 2026 9 <sup>th</sup> Ave So Great Falls, MT 59405

Applicant: The Velmeir Companies  
5757 West Maple Rd, Suite 800  
West Bloomfield, MI.

Legal Description of Property  
Requested to be Rezoned: Lots 1 - 7, Block 26, Huy's Addition to GF

Addresses of Subject Lots 1 - 7: 2000, 2004, 2008, 2012, 2016 & 2026 9<sup>th</sup> Ave So

Total Area of Subject Lots 1 - 7: Lots 1 – 5: 50 ft x 100 ft x 5 lots = 25,000 sq ft  
Lot 7: 100 ft x 100 ft = 10,000 sq ft

Existing Zoning: R-3 Single-family high density district

Existing Land Use: Single family residence on each lot

Requested Zoning: C-2 General commercial district

Zoning Map Amendment  
(CVS Pharmacy)

2

Public Hearing       #1        
Hrg. Date   Jan 22, 2008  

Purpose of Zone Change:

To accommodate construction of a 13,225 square foot CVS Pharmacy and accompanying parking lot and landscaping.

Surrounding Zoning and Land Uses:

<u>Direction</u>	<u>Legal Description</u> (Huy's Addition)	<u>Zoning Classification</u>	<u>Existing Land Use</u>
North	Lots 8-14, Blk 23	R-3 Single-family	Single Family Dwellings
East	Lot 1, Blk 27	C-2 General commercial	Vacant
South	Lots 8-14, Blk 26	C-2 General commercial	Restaurants, Fast Foods & Offices
West	Lot 7, Blk 25	R-3 Single-family	Single Family Dwelling

Attachments:

Development Review Application for Zoning Map Amendment  
Preliminary Site Layout Plan (Including colored copy)  
Preliminary (Amended) Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition to Great Falls  
Exterior Elevations of Proposed CVS Pharmacy  
Rendering of Proposed CVS Pharmacy depicting view from 9<sup>th</sup> Ave So and 21<sup>st</sup> St So  
Vicinity/Zoning Map  
Findings of Fact  
Letter from Chairman of Neighborhood Council No. 9 dated December 15, 2007  
E-mail from James Combs, Montana Department of Transportation, dated Jan. 10, 2008  
Memo from City Engineer, dated January 16, 2008

INFORMATION:

1. The Velmeir Companies has entered into Binding Letters of Intent to purchase Lots 1 – 7, Block 26, Huy's Addition, and has applied to rezone subject lots from R-3 Single-family high density district to C-2 General commercial district.
2. Subject Lots 1 through 7 are presently occupied by residential structures along the south side of 9<sup>th</sup> Avenue South having assigned addresses of 2000 through 2026 9th Avenue South.
3. The applicant intends to remove said residential structures and combine subject Lots 1 through 7 with adjoining property to the south to accommodate a proposed 13,225 sq ft CVS Pharmacy.
4. The applicant has prepared the attached site layout plan showing how they intend to redevelop a majority of Block 26 with a 13,225 sq ft building for CVS Pharmacy, access approaches, parking layout, and landscaped areas. Also attached are elevation views of the four sides of the proposed structure.

5. Access to serve the proposed development on the site, based upon the preliminary site layout plan, includes one approach to 10<sup>th</sup> Avenue South, one to 20<sup>th</sup> Street, and a connection to 21<sup>st</sup> Street through the remaining portion of 10<sup>th</sup> Alley South. No approaches to 9<sup>th</sup> Avenue South are proposed.
6. The preliminary site layout plan provides for a 61 ft wide (44 ft of private property and 17 ft of boulevard) landscaped buffer, including a 6 ft high screen wall along the north side of the project bordering 9<sup>th</sup> Avenue South.
7. Being processed simultaneously with the rezoning, are applications to vacate 10<sup>th</sup> Alley South through the westerly portion of Block 26 and an amended plat consolidating Lots 1-7 & 10-14, Block 26, Huy's Addition and the vacated 10<sup>th</sup> Alley South into one lot.
8. Attached is a communication dated December 15, 2007, from Neighborhood Council No. 9 recommending approval of the project with attention given to traffic problems. The communication notes the applicant has been in contact with NeighborWorks (formerly Neighborhood Housing Services) regarding moving all or some of the residential structures on Lots 1 – 7 as opposed to razing them.
9. The Notice of Public Hearing was mailed to neighborhood property owners on January 4, 2008, and was published in the Great Falls Tribune on January 6, 2008. A sign containing copies of the Notice of Public Hearing was placed on the property on January 14, 2008.

#### TRAFFIC ANALYSIS:

##### Trip Generation:

##### Daily Trip Generation Calculation

- Proposed land use: Pharmacy with Drive-Through Window (13,225 sq. ft.)
- Daily trip rate (weekday): 88.16 trip ends per 1,000 sq. ft. (ITE Trip Generation Rates 7<sup>th</sup> edition, 2003)
- Total daily (weekday) trip ends generated by development:  $13.225 \times 88.16 = \underline{1,166 \text{ trips/day}}$

##### Peak Hour Generation Calculation

- Proposed land use: Pharmacy with Drive-Through Window (13,225 sq. ft.)
- PM peak hour (weekday) trip rate: 8.62 trips ends per 1,000 sq. ft. (ITE Trip Generation Rates, 7<sup>th</sup> edition, 2003)
- Total weekday peak hour trip generation:  $13.225 \times 8.62 = \underline{114 \text{ trips per PM peak hour}}$

##### Trip Distribution: (Assumption)

Due to the proposed configuration of the driveways and other accesses to the site, it is assumed that a majority of the trips generated by the development will access and exit the site via 10<sup>th</sup> Avenue South and 20<sup>th</sup> Street South. Due to the fact that the proposed access to the development from 10<sup>th</sup> Alley South would not connect to a main parking lot of the business, a limited number of vehicles would use the Alley for access.

9<sup>th</sup> Avenue South, and the segment of 20<sup>th</sup> Street South north of 9<sup>th</sup> Avenue South, are anticipated to carry some of the trips, but a much smaller percentage than 10<sup>th</sup> Avenue South and the segment of 20<sup>th</sup> Street South between 9<sup>th</sup> and 10<sup>th</sup> Avenues South.

Nearby Traffic Counts:

Count ID Number	Count Location Description	Daily Traffic	Year
13	10 <sup>th</sup> Ave. S. just east of 15 <sup>th</sup> St. S.	37,970	2005
14	10 <sup>th</sup> Ave. S. just west of 25 <sup>th</sup> St. S.	32,240	2005
152	20 <sup>th</sup> St. S. just south of 10 <sup>th</sup> Ave. S.	6,088	2006
219	20 <sup>th</sup> St. S. between 8 <sup>th</sup> and 9 <sup>th</sup> Aves S.	1,228*	2006

\* In past years, traffic volumes have been as high as 1800 vehicles per day.

Functional Classification:

The functional classification of roadways that would serve the proposed development are:

- 20<sup>th</sup> Street South Collector
- 9<sup>th</sup> Avenue South Local
- 10<sup>th</sup> Avenue South Principal Arterial
- 10<sup>th</sup> Alley South Alley

Existing Traffic Control & Roadway Characteristics:

- The intersection of 20<sup>th</sup> Street South and 10<sup>th</sup> Street South is controlled by a traffic signal, with no separate phases for left turns.
- The intersection of 21<sup>st</sup> Street South and 10<sup>th</sup> Avenue South is controlled by a stop sign on 21<sup>st</sup> Street. 21<sup>st</sup> Street is not a through-street to the south, but does access the Target Shopping Complex.
- The intersection of 20<sup>th</sup> Street South and 9<sup>th</sup> Avenue South is controlled by stop signs on 9<sup>th</sup> Avenue South.
- The intersection of 21<sup>st</sup> Street South and 9<sup>th</sup> Avenue South is controlled by yield signs on 21<sup>st</sup> Street South.
- 10<sup>th</sup> Avenue South has a raised concrete median, prohibiting east-bound left turns at mid-blocks, and likewise prohibiting left turns out of adjoining property driveways.

Conclusions:

A similar project (Walgreens Pharmacy) was constructed on the corner of 23<sup>rd</sup> Street South and 10<sup>th</sup> Avenue South in 2007. A comparison of traffic counts at the intersection of 9<sup>th</sup> Avenue South and 23<sup>rd</sup> Street South, before and after development, revealed the following:

- Volumes on the north leg decreased 23% (-211 vehicles)
- Volumes on the south leg increased 72% (+516 vehicles)
- Volumes on the west leg increased 11% (+138 vehicles)
- Volumes on the east leg increased less than 1% (+3 vehicles)

Similar traffic volume increases at the intersection of 9<sup>th</sup> Avenue South and 20<sup>th</sup> Street may be expected for the proposed development, although the north leg would not be expected to decrease since it serves as one of the primary access routes to and from Great Falls High School.

At the time, it was unknown what traffic impacts the proposed Walgreens Pharmacy might have on adjoining access routes, as such a traffic impact study was required for the project. The study acknowledged some minor impacts on traffic flows in the immediate area, but did not identify any paramount issues. However, the study did present some findings and recommendations that were incorporated into the pharmacy project. It appears that several of the recommendations included in the study are also relevant to the CVS Pharmacy project. The recommendations for Walgreens are italicized, followed by an explanation of their relevance to the CVS proposal.

- *Consolidation of accesses on 10<sup>th</sup> Avenue South into one access.* The CVS proposal will also consolidate accesses by reducing the multiple driveways that currently exist along the block face to two, that is, one for CVS and retaining the existing access for Taco Treat (which is not part of the CVS proposal).
- *Install stop signs on the west and east legs of 9<sup>th</sup> Avenue South at 23<sup>rd</sup> Street.* Stop signs are already in place on both the west and east legs of 9<sup>th</sup> Avenue South at 20<sup>th</sup> Street.
- *Ensure that all permanent features associated with the proposed site construction and site work are placed at least 9 feet behind the existing "top back of curb" line. This will ensure that future construction for the widening of 10<sup>th</sup> Avenue South will not impact permanent features associated with the Walgreens site. Also note that during reconstruction, radii around the intersection of 10<sup>th</sup> Avenue South and 23<sup>rd</sup> Street South will need to be much larger to accommodate truck turning movements, so permanent features should be located accordingly.* This recommendation is also applicable to the CVS proposal. If approved, proposed improvements in the 10<sup>th</sup> Avenue South right-of-way (such as sidewalk and landscaping) should be coordinated with the Montana Department of Transportation as necessary to avoid being removed during the 10<sup>th</sup> Avenue South widening project (back of new sidewalk is projected to be approximately 8½ feet from the current curb line).

It should be noted that the traffic impact study for Walgreens did not warrant or recommend any specific traffic mitigation measures, such as the addition of left turn signal phases or intersection channelization at the intersection of 10<sup>th</sup> Avenue South and 23<sup>rd</sup> Street. In that traffic volumes on 20<sup>th</sup> Street South between 9<sup>th</sup> and 10<sup>th</sup> Avenues South are relatively comparable to those on 23<sup>rd</sup> Street and that projected trips from the CVS project will likely be slightly less than the Walgreen Pharmacy since it is smaller in size and there won't be any additional/adjoining small retail stores, it is anticipated that traffic mitigation measures also would not be warranted for the intersection of 10<sup>th</sup> Avenue South and 20<sup>th</sup> Street.

The planned widening of 10<sup>th</sup> Avenue South from 20<sup>th</sup> Street to 26<sup>th</sup> Street will add an additional travel lane in each direction. This improvement alone is expected to provide additional capacity for the roadway, thus reducing delays at intersections, including 20<sup>th</sup> Street. Under the widening project, no signal or channelization improvements are proposed for the intersection of 20<sup>th</sup> Street and 10<sup>th</sup> Avenue South. However, due to expressed concerns with the operation of this and other intersections along 10<sup>th</sup> Avenue South, the Montana Department of Transportation has initiated a separate corridor study to investigate and recommend traffic signal operation changes and improvements.

Lastly, in conjunction with a request for a 10<sup>th</sup> Avenue South approach permit by CVS, the Montana Department of Transportation Systems Impact Action process will be triggered, which requires the preparation of traffic impact study.

Recommendations:

After reviewing the similar and nearby Walgreens development; the Traffic Impact Study performed by Robert Peccia & Associates for that development; and current and proposed conditions, staff concludes that roadways and intersections adjoining the proposed CVS Pharmacy site have adequate capacity to accommodate the anticipated additional traffic. However, in anticipation of some changes in traffic volumes and patterns as a result of the pharmacy project, the following minor items, in addition to any improvements that may be recommended from the traffic impact study required by the Montana Department of Transportation, should be included as conditions of approval:

- 1) Install a stop sign at the exit of 10<sup>th</sup> Alley South onto 21<sup>st</sup> Street.
- 2) Coordinate with the Montana Department of Transportation (MDT) regarding improvements in the 10<sup>th</sup> Avenue South right-of-way, including placement of new sidewalk, landscaping and ADA ramps, to avoid being removed during the 10<sup>th</sup> Avenue South widening project.
- 3) Implement any improvements applicable to the proposed CVS Pharmacy that may be recommended from the traffic impact study required by MDT.

Cumulative Effects of Re-zone:

No cumulative affects on road systems north of 10<sup>th</sup> Avenue South in the immediate area of the project site are anticipated in the foreseeable future.

ZONING ANALYSIS:

Subject Lots 1 – 7 are presently zoned as R-3 Single-family high density district. The applicant has requested the lots be rezoned C-2 General commercial district.

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

- a) is designed in accordance with the comprehensive plan;
- b) is designed to lessen congestion in the streets;
- c) will secure safety from fire, panic or other dangers;
- d) will promote health and the general welfare;



- e) will provide adequate light and air;
- f) will prevent overcrowding of land;
- g) will avoid undue concentration of population;
- h) will facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- i) gives reasonable consideration to the character of the district;
- j) gives reasonable consideration to the peculiar suitability of the property for particular uses;
- k) will conserve the value of buildings; and
- l) will encourage the most appropriate use of land throughout the municipality.

The City's Unified Land Development Code also lists the following criteria to be considered in conjunction with an amendment to the zoning regulations and map:

- 1) The amendment is consistent with and furthers the intent of the city's growth policy;
- 2) The amendment is consistent with and furthers adopted neighborhood plans, if any;
- 3) The amendment is consistent with other planning documents adopted by the City commission, including the river corridor plan, transportation plan, and sub-area plans;
- 4) The code with the amendment is internally consistent;
- 5) The amendment is the least restrictive approach to address issues of public health, safety, and welfare;
- 6) The City has or will have the financial and staffing capability to administer and enforce the amendment.

Subject Lots 1 – 7 are bordered on the north and west sides by residential uses, on the east by vacant commercially zoned property and on the south side by commercial uses.

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

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

The Growth Policy encourages compatible infill and redevelopment which offer the community the highest degrees of efficiency and sustainability. Commercial uses should be planned according to how they serve residential neighborhoods, the City, and the surrounding region. Land use changes should be compatible with the type, scale, and physical character of the neighborhood. Land use changes should not result in infiltration of through traffic in residential neighborhoods.

It appears all of the above cited criteria are substantially met. However, specific attention should be given to items: b) is designed to lessen congestion in the streets, and k) will conserve the value of buildings. The applicant proposes to address/mitigate these two items by:

- 1) Providing significantly more landscaping than City Code requires. This will include a 61 foot wide landscaped buffer and a 6 foot high wall bordering 9<sup>th</sup> Avenue South to screen the site from the residences to the north; and

2) Not providing any vehicular access directly to or from 9<sup>th</sup> Avenue South with the intention of discouraging customers and commercial related traffic through the abutting residential neighborhood.

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

Considering the additionally proposed site design features, mitigation measures, and remaining procedural steps to insure quality of the built environment, staff concludes all of the above cited criteria are or can substantially be met, provided the requirements and conditions accompanying the below recommendation are fulfilled by the applicant.

CONCLUSION:

Property along 10<sup>th</sup> Avenue South is some of the more attractive and costly real estate in the City for commercial development and use. However, a persistent problem for most of this business corridor has been the lack of adequate property depth to accommodate larger business ventures. This limitation has periodically caused those involved in promoting business interests to look at abutting properties fronting on either 9<sup>th</sup> or 11<sup>th</sup> Avenues South, which were originally developed with residential uses. Converting or transitioning these residential uses to business uses has sometimes been controversial, in that the owners of the remaining residences see this action as an encroachment into their neighborhood.

The residential neighborhood in the vicinity of subject Lots 1 – 7 is well established and stable. Rezoning these lots and allowing a commercial use could be a disincentive to neighborhood stability, and to maintaining or improving residences in the area, because owners could perceive a transition to commercial use as decreasing their residential property values. This could set a precedent and encourage others owning residential property along 9<sup>th</sup> Avenue South to seek rezoning to a commercial use.

Alternatively, this rezoning application could create an opportunity to redevelop and upgrade a highly visible segment of the 10<sup>th</sup> Avenue South corridor, which is currently occupied by a mix of older buildings. This action could also continue to encourage other similar redevelopment along 10<sup>th</sup> Avenue South.

However, careful consideration should be taken to assure these actions do not adversely impact the adjoining residential uses. The rezoning should only occur if the Zoning Commission and the City Commission are comfortable with the additionally proposed site design features and mitigation measures proposed by the applicant to address impacts identified by review officials.

RECOMMENDATION:

The City Zoning Commission has the responsibility to review and make recommendations on zoning requests. The Planning Board has the responsibility to review and make recommendations on right-of-way vacations and resubdivisions involving more than five lots. As such, each of the two recommendations presented below are to be considered and acted upon separately by the specified Board or Commission:

**RECOMMENDATION I:** It is recommended that the Zoning Commission recommend to the City Commission that the request to rezone Lots 1 - 7, Block 26, Huy's Addition to Great Falls, from R-3 Single –family high density district to C-2 General commercial district be **approved**, subject to the Planning Board adopting Recommendation II (below) and the applicant and the owners of subject Lots 1 – 7 entering into an agreement with the City agreeing:

- a) the commercial development upon subject Block 26 shall be required to comply substantially with the site layout plan dated 01/02/2008;
- b) to not provide any vehicular approaches from subject Lots 1 – 7 directly to or from 9<sup>th</sup> Avenue South;
- c) to install and adequately maintain landscaping in accordance with a final landscape plan to be submitted to and approved by the City Community Development Department, Design Review Board and the City Forester incorporating at least a 60 foot wide landscaped buffer and 6 foot high screen wall along the south side of 9<sup>th</sup> Avenue South bordering subject Lots 1 – 7;
- d) to comply with and fulfill the provisions stipulated by the City Engineer in a Memorandum, dated January 16, 2008;
- e) to install a stop sign at the exit of 10<sup>th</sup> Alley South onto 21<sup>st</sup> Street;
- f) to coordinate with the Montana Department of Transportation (MDT) regarding improvements in the 10<sup>th</sup> Avenue South right-of-way, including placement of new sidewalk, landscaping and ADA ramps, to avoid being removed during the 10<sup>th</sup> Avenue South widening project; and
- g) to implement any improvements applicable to the proposed CVS Pharmacy that may be recommended from the traffic impact study required by MDT.

**RECOMMENDATION II:** It is recommended the Planning Board recommend the City Commission **approve** the vacation of the westerly 250 feet of 10<sup>th</sup> Alley South between 20<sup>th</sup> and 21<sup>st</sup> Streets, the Amended Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition to Great Falls, and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendation I (above) and the following conditions being fulfilled by the applicant:

- 1) The final amended plat shall incorporate correction of any errors or omissions noted by staff, including provision of appropriate utility and public access easements.
- 2) The final engineering drawings and specifications for the rerouted sanitary sewer main through subject Block 26 shall be submitted to the City Public Works Department for review and approval prior to issuance of any permits for construction of the proposed CVS Pharmacy.

Prepared by: Bill Walters and Andrew Finch, Senior Planners  
Concurrence by: Benjamin Rangel, Planning Director

Attach: As noted hereinabove

Cc w/o attach: Jim Rearden, Public Works Director  
Dave Dobbs, City Engineer  
Mike Rattray, Community Development Director  
The Velmeir Companies, [mhoener@velmeir.com](mailto:mhoener@velmeir.com)  
Mark Macek, [mark@macekcompanies.com](mailto:mark@macekcompanies.com)  
John VerPlank, [John\\_VerPlank@URSCorp.com](mailto:John_VerPlank@URSCorp.com)



P. O. Box 5021, 59403-5021

Planning Department

DEVELOPMENT REVIEW APPLICATION

Name of Project/Development: CVS Pharmacy

Owner(s): Please see exhibit E

Mailing Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_ FAX: \_\_\_\_\_

Agent(s): The Velmer Companies - MATT HOENER

Mailing Address: 5757 West MAPLE Rd, Suite 800, West Bloomfield, MI

Phone: (248) 539-7997 E-mail: mhoener@velmer.com FAX: 248-539-9449

Legal Description: Lots 1-7, 10-14 and portions of the alley and block 26 of the HUY's plat

Section: SE 1/4 sec 7. Township: 20N Range: 4E

Street Address: Please see exhibit A

Zoning: Current: Lots 1-7, R-3  
Lots 10-14, C-2 Proposed: C-2

Land Use: Current: Commercial & residential Proposed: Commercial (CVS Pharmacy)

Covenants or Deed Restriction on Property: Yes \_\_\_\_\_ No X  
If yes, please attach to application

Application Type (please check all that apply):

- Subdivision Preliminary Plat
- Subdivision Minor Plat
- Subdivision Mobile Home/RV Park
- Subdivision Final Plat
- Annexation
- Zoning Map Amendment
- Conditional Use Permit
- Establishment of Zoning with Annexation

I (We) the undersigned understand that the filing fee accompanying this application is not refundable. I (We) further understand that the fee pays for the cost of processing, and the fee does not constitute a payment for approval of the application.

I (We) also attest that the above information is true and correct to the best of my (our) knowledge.

Property Owner's Signature: [Signature] Date: 12/28/07

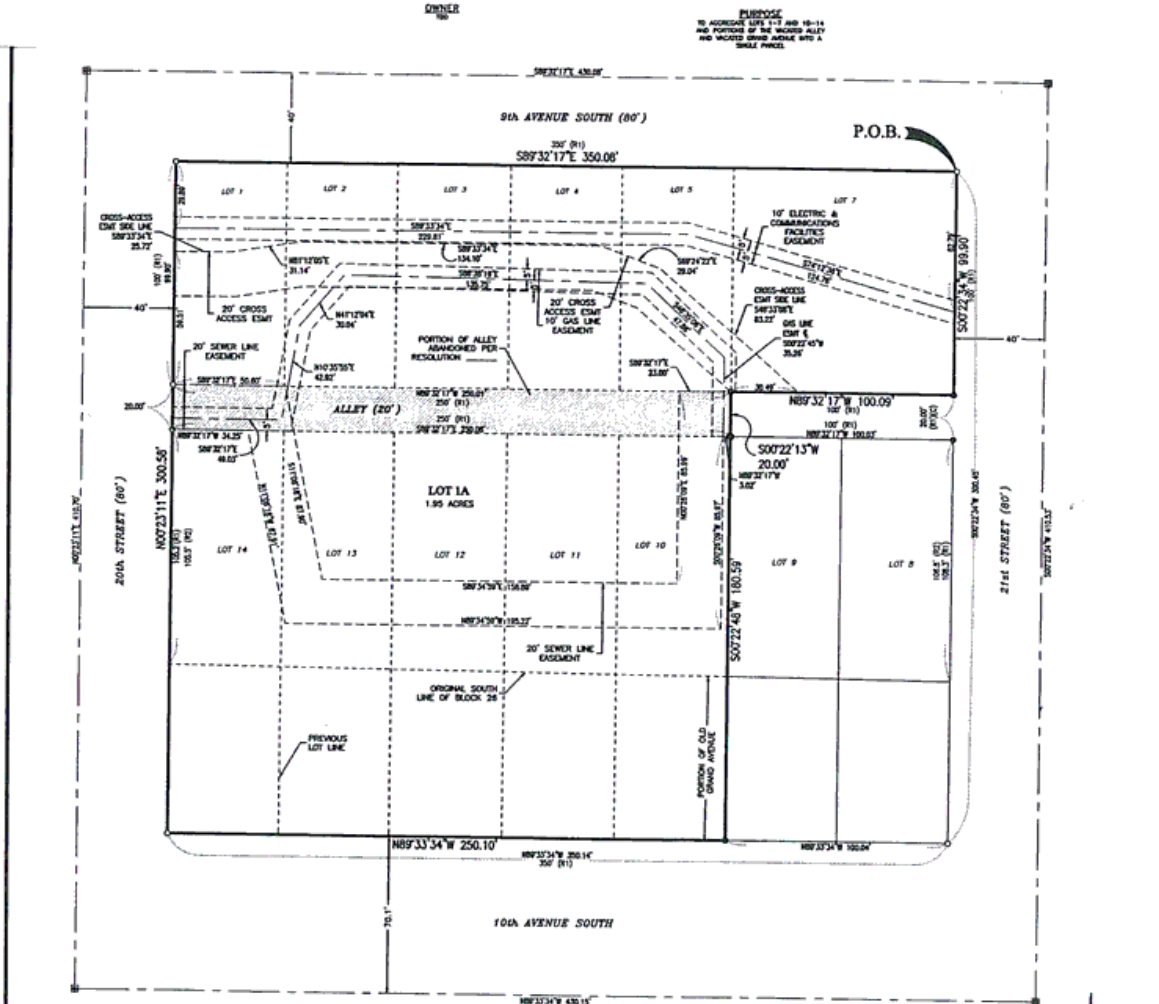
Property Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_



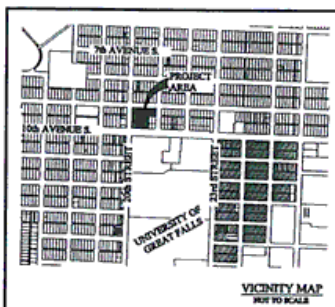


PRELIMINARY AMENDED PLAT of  
**LOTS 1-7, 10-14, & PORTIONS OF THE ALLEY and GRAND AVENUE IN BLOCK 26,  
HUY'S ADDITION to GREAT FALLS**

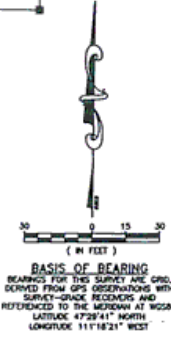
BEING LOTS 1-7, 10-14, THAT PORTION OF THE ALLEY ADJACENT TO LOTS 1-5 & 10-14, and THAT PORTION OF GRAND AVENUE ADJACENT TO LOTS 10-14 in BLOCK 26, HUY'S ADDITION to the CITY OF GREAT FALLS, SITUATED IN THE SE1/4 SECTION 7, T20N, R4E, P.M.M., CITY OF GREAT FALLS, CASCADE COUNTY, MONTANA



PURPOSE  
TO ACCORDANCE LOTS 1-7 AND 10-14  
AND PORTIONS OF THE MOORED ALLEY  
AND VICINITY GRAND AVENUE INTO A  
SINGLE PLAT.



LEGEND	
●	FOUND 100# NAIL
○	FOUND REBAR, NO CAP
■	FOUND CASE MONUMENT AT INTERSECTION OF STREET 6A
○	SET REBAR W/ RED PLASTIC CAP MARKED "A-M, INC. 15278LS"
●	SET DURNAL IN CONCRETE
(R1)	RECORD DIMENSION FROM ORIGINAL PLAT OF HUY'S ADDN (1886)
(R2)	RECORD DIMENSION FROM REPLAT OF HUY'S ADDN (1914)
(C)	CALCULATED DIMENSION

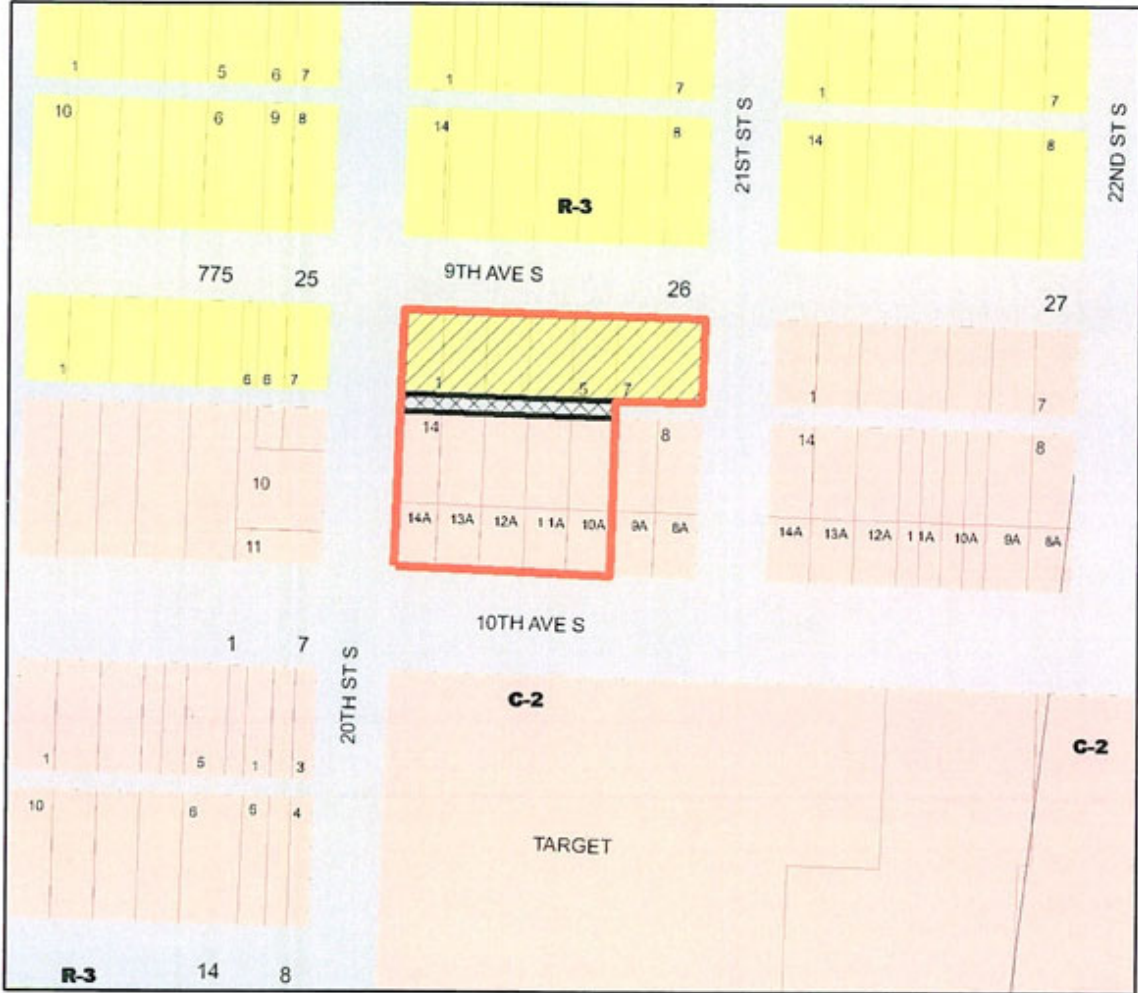










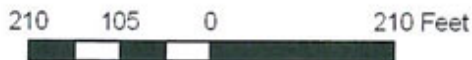
# EXHIBIT "A" VICINITY/ZONING MAP



 SEGMENT OF 10TH ALLEY SOUTH PROPOSED TO BE VACATED

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

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



**FINDINGS OF FACT  
FOR  
AMENDED PLAT OF  
LOTS 1 -7 & 10 – 14, BLOCK 26,  
HUY’S ADDITION TO GREAT FALLS  
IN THE SE1/4 OF SECTION 7, T20N, R4E  
CASCADE COUNTY, MONTANA  
(PREPARED IN RESPONSE TO 76-3-608(3) MCA)**

I. PRIMARY REVIEW CRITERIA

**Effect on Agricultural**

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

**Effect on Local Services**

The subdivision is within the city limits of Great Falls and is served by the Great Falls Police and Fire Departments. Response distance for emergency fire vehicles is two miles. City water and sanitary sewer mains also exist in the abutting avenues and alleys.

**Effect on the Natural Environment**

The subdivision is not expected to adversely affect soils or the water quality or quantity of surface or ground waters. Subject property is presently or is in the process of being zoned as General commercial district. The purpose of the subdivision is to consolidate several individual lots and a vacated alley into one lot and to provide utility and access easements.

**Effect on Wildlife and Wildlife Habitat**

The subdivision is within the city limits of Great Falls. The subdivision is not in an area of significant wildlife habitat and will not result in closure of public access to hunting or fishing areas, nor to public lands.

**Effect on Public Health and Safety**

Based on available information, the subdivision is not subject to abnormal potential natural hazards such as flooding, snow or rockslides, wildfire, nor potential man-made hazards such as high voltage power lines, high-pressure gas lines or nearby industrial or mining activity. The subdivision does abut 10<sup>th</sup> Avenue South, designated a principal arterial.

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

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

III. EASEMENT FOR UTILITIES

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

IV. LEGAL AND PHYSICAL ACCESS

The larger single lot created by the Amended Plat abuts existing improved public rights-of-way.

**TO:** To all city offices necessary  
**SUBJECT:** Proposed rezoning for CVS Pharmacy  
**FROM:** Neighborhood Council #9

15 Dec 07

On December 13<sup>th</sup>, Representatives for CVS Pharmacies presented a proposal to rezone 9<sup>th</sup> Ave So between 20<sup>th</sup> and 21<sup>st</sup> Streets from RESIDENTIAL to COMMERCIAL for the purpose of building a new CVS Pharmacy on the site of the old Cattins restaurant. Several residents in the immediate effected area were also in attendance. The mood of the residents I would consider as "passionate" but not combative or threatening as in the Walgreen's rezoning. This area is inhabited primarily by the elderly.

I informed Larry Siedell from Velmeir Company (the developer) that destroying the homes in that block should be reconsidered in favor of donating them to Neighborhood Housing or some other organization to help the low income in Great Falls or the surrounding area. They were receptive and said they have been in contact with Neighborhood Housing. I also presented the latest traffic study (2006) on 20<sup>th</sup> St So and the traffic studies that I had requested both BEFORE and AFTER the Walgreens construction on 23<sup>rd</sup> St So (just 3 blocks to the west). The studies indicated a "probable" increase of 60% - 70% on an already very busy, narrow though fare used by Great Falls High students and where parking is used on both sides of the street by the existing business.

In general, the residents were satisfied with the CVS proposal and the rezoning with the exception of loosing all the homes on the south side of 9<sup>th</sup> Ave So for security reasons (Neighborhood Watch, less people to watch out for each other). I felt that CVS would actually offer a better degree of security then is now being offered or if a different type of business were to move in. I could have requested a report from the GFPD pre & post Walgreen's but felt in wouldn't show any substantial results.

The main concern of the residents was the 4 month "construction phase" as several elderly residents have been diagnosed with severe respiratory problems including COPD. I openly commented that I found it hard to believe that a business that associates itself with public health couldn't find

**Combs, James**

452-6256

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**From:** Combs, James  
**Sent:** Thursday, January 10, 2008 8:31 AM  
**To:** 'Andrew Finch'  
**Cc:** Johnson, Mick; Prinzing, Stephen; Skinner, Jim  
**Subject:** CVS Pharmacy rezoning

Hello Andrew,

We have received the rezoning notice from Bill Walters regarding the proposed CVS pharmacy at 20th ST and 10th Ave South. We would request the developer be notified to contact Jim Skinner 406-444-9233 to discuss initiating MDT Systems Impact Action Process for this development. A Guidebook is available on-line at the MDT website.

Thanks, JAC

FYI - faxed due to e-mail problems...

Ben 1/10

Bill 1/10

**City of Great Falls  
Public Works/Engineering**

**INTER-OFFICE MEMORANDUM**

January 16, 2008

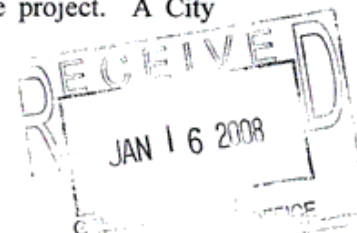
TO: Bill Walters, Senior Planner

FROM: Dave Dobbs, City Engineer

SUBJECT: Public Works Department Comments – Rezone for CVS Pharmacy

Public Works has reviewed the proposal. We have no particular comment on the rezoning. The following comments regard the redevelopment. In many ways, this project is similar to the Walgreens Pharmacy located 3 blocks to the east, built in 2006.

1. All existing water services that will not be used for the new development must be abandoned at the water main.
2. Most of the sanitary sewer main in 10<sup>th</sup> Alley South will need to be relocated so that it is not under the new CVS building. This design must be done by a Montana registered professional engineer. The proposed easement cannot be approved until a sewer plan and profile, showing surface features and elevations, is reviewed and approved. City Engineering Division personnel will inspect the relocation work per the terms of the inspection policy. An easement is required. Accommodations will also need to be made for the existing gas, electric, and other wire utilities in the alley.
3. Any existing taps on sections of the existing sewer main (which is NOT being replaced) that are not used as a part of this development must be abandoned at the main.
4. A full storm drainage plan and report, including detention, is required.
5. Existing curb cuts that are not reused in the new development will have to be restored to with regular curb and gutter and sidewalk section. This includes the cut(s) for the house on 21<sup>st</sup> Street.
6. ADA compliant handicap ramps will need to be installed at the southeast corner of 9<sup>th</sup> Ave South and 20th Street; and southwest corner of 9<sup>th</sup> Ave South and 21<sup>st</sup> Street.
7. Defective sidewalk adjacent to the project on 20<sup>th</sup> Street, 9<sup>th</sup> Ave South, and 21<sup>st</sup> Street (north of the alley) must be repaired as a part of the project. A City inspector will mark the defective areas when weather allows.



## **GREAT FALLS ZONING COMMISSION**

### **MINUTES OF THE PUBLIC HEARING FOR ZONING MAP AMENDMENT FOR LOTS 1-7, BLOCK 26, HUY'S ADDITION TO GREAT FALLS, VACATION OF A SEGMENT OF 10<sup>TH</sup> ALLEY SOUTH, AND AMENDED PLAT OF LOTS 1-7 & 10-14, BLOCK 26, HUY'S ADDITION (CVS Pharmacy)**

January 22, 2007

The public hearing was called to order at 3:09 p.m. in the Commission Chambers of the Civic Center by Chairman John Harding.

#### **ROLL CALL & ATTENDANCE**

Zoning Commission Members present:

Ms. Danna Duffy  
Mr. John Harding  
Mr. Terry Hilgendorf  
Mr. Ron Kinder  
Mr. Bill Roberts  
Mr. Joe Schaffer  
Mr. Wyman Taylor

Zoning Commission Members absent:

Mr. Art Bundtrock  
Dr. Greg Madson

Planning Staff Members present:

Mr. Andrew Finch, Senior Transportation Planner  
Ms. Deb McNeese, Administrative Assistant  
Mr. Ben Rangel, Planning Director  
Mr. Charlie Sheets, Planner I  
Mr. Bill Walters, Senior Planner

Others present:

Mr. Dave Dobbs, City Engineer

Minutes of the January 22, 2008

Public Hearing

Zoning Map Amendments for Lots 1-7, Block 26, Huy's Addition to Great Falls, Vacation of a Segment of 10<sup>th</sup> Alley South, and Amended Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition (CVS Pharmacy)

Page 2

A copy of the attendance list, as signed by those present, is attached and incorporated by reference.

## **EXPLANATION OF HEARING PROCEDURES**

Mr. Harding advised that agendas are available on the table at the back of the room and the agenda will be followed. He requested that everyone present sign the attendance list, which was also on the table. There will be an opportunity for proponents and opponents to speak. Mr. Harding asked those intending to speak to come to the rostrum, state their name, address and whom they represent. He requested remarks be on the subject before the Board at this hearing and be limited to a reasonable length of time to allow everyone equal opportunity to speak. The Chairman reserves the right to determine reasonable time. The hearing is recorded on tape as an aid in preparing minutes. He asked that cell phones and electronic devices be turned off.

## **READING OF PUBLIC NOTICE**

As there was no response to Mr. Harding's question on whether anyone present wished to have the public notice read, the public notice was not read.

## **PLANNING STAFF REPORT & RECOMMENDATION**

After reviewing the staff report and recommendation, Mr. Walters said he would be glad to respond to any questions from the Board.

## **PETITIONER'S PRESENTATION**

Mr. Jack Schunke, Morrison Maierle Inc., 901 Technology Blvd, Bozeman, MT, representing CVS Pharmacy, assured the Board that the applicant has reviewed the conclusions and recommendations presented in the staff report, and agrees to the conditions. The applicant also understands that as part of this agreement he will be responsible for reasonable improvements as recommended by the traffic study. Mr. Schunke said this project has been developed with limited activity on the north side of the property, along with a landscape buffer to better minimize any disturbance to the neighborhood. The three designated access points, none of which will be onto 9<sup>th</sup> Avenue South, should discourage business related traffic flow onto 9<sup>th</sup> Avenue South. Additionally, the construction site will be kept damp to reduce dust, and a majority of the groundwork to the site will be done at one time. Mr. Schunke hopes discussions will continue with neighbors regarding needs and concerns they might have during construction, and concluded that this project would be a great asset to the City.

Mr. Harding asked what specific items are being discussed with neighbors.

Mr. Schunke replied there has been some talk of providing temporary living facilities, air filters, etc. for those residents that might incur health issues as a result of the planned construction.



Mr. Hilgendorf questioned the parking spaces shown to the rear of the Taco Treat property, and the planned one-way traffic around the back of the CVS Pharmacy building.

Mr. Schunke explained that the parking area in question was on CVS property, and would most likely be utilized by CVS employees. Mr. Schunke did not feel that the limited amount of traffic he anticipated entering from 21<sup>st</sup> Street would be confused by the one-way traffic flow around the back of the building.

Mr. Mark Macek, Macek Companies, 801 9<sup>th</sup> Street South, spoke on behalf of Velmeir Companies and CVS Pharmacy. He said this is an opportunity to replace an older commercial property with one of high quality. For the vast majority of national developers, the existing depth of commercial lots along 10<sup>th</sup> Avenue South is inadequate. This lesser impact type of retail, along with the landscape buffering, lends to neighborhood convenience. Mr. Macek noted meetings have been held with the immediate neighborhood, and with Neighborhood Council 9 which approved the project. He added there is currently discussion with NeighborWorks for the donation of the houses being removed from the project site, which could be used as affordable housing stock.

### **PROponents OPPORTUNITY TO SPEAK**

Mr. Bob Pancich, 308 Fox Drive, said property his wife owns on the residential end of 9<sup>th</sup> Avenue South & 20<sup>th</sup> Street has been damaged by parking lot runaways from Cattin's in the past. He sees this project as an improvement to the neighborhood.

### **OPponents OPPORTUNITY TO SPEAK**

Mr. Eldon Burgess, 2019 9<sup>th</sup> Avenue South, voiced concerns of increased traffic on 20<sup>th</sup> Street South, which is already hard hit by traffic from Great Falls High. He questioned the expected traffic volumes in the report, and noted the rise in traffic on 9<sup>th</sup> Avenue South since the construction of Walgreens. He noted access to 10th Avenue South on 20<sup>th</sup> Street could be very difficult, and suggested a turn light (arrow) on 20<sup>th</sup> might help. He stated he did not want the CVS project and liked his neighborhood the way it is now.

Ms. Phyllis Gibson, 2011 9<sup>th</sup> Avenue South, spoke against the construction of the CVS Pharmacy. She said this is a quiet, stable, residentially zoned neighborhood, where neighbors know each other and have worked hard to make it safe. Removing homes to the south will make the neighborhood less safe, and increased traffic will contribute to noise and air pollution, thus lessening the quality of life and decreasing property values. Ms. Gibson submitted a letter requesting a meeting with Velmeir Companies and City representatives to discuss accommodations for her husband's disabilities that would be affected by construction of the CVS Pharmacy. She feels the City has a responsibility to protect older residential

neighborhoods from creeping commercialism. She noted that if the project were not proposed in her neighborhood, and with the existing traffic considerations, it would be a beautiful plan.

Mr. Ronald Reis, 2015 9<sup>th</sup> Avenue South, said he is not against or for this project, but wishes to be removed from this situation as his neighbors to the south have been. He provided a copy of a letter sent to Mark Macek.

Mr. Hilgendorf asked how he wished to be removed from the situation.

Mr. Reis said he would like to be bought out so he could move.

Mr. Edward Brown, 2012 8<sup>th</sup> Avenue South, spoke against the project. He said this project should not be compared to the Walgreens. The Walgreens project dealt with a run down neighborhood, while this is a well-kept area. He expressed concerns about traffic and lighting. He believes the elevation of the project is such that any lighting will cause over illumination in the residential area of 9<sup>th</sup> Avenue South. He does not believe that redevelopment of this commercial property needs to extend past the alleyway. He suggested that the old Western Drug property on 26<sup>th</sup> Street would be a better fit.

### **OTHER PUBLIC COMMENT**

Barb Woith, 914 20<sup>th</sup> Street South, an area business owner, said this is a great project. Ms. Woith stated there are some traffic issues that need to be addressed, but for Great Falls to grow there has to be changes.

### **PETITIONER'S RESPONSE**

Mr. Schunke noted that many of today's concerns will be addressed in the traffic study, which will be reviewed by the Montana Department of Transportation (MDT). An upcoming corridor study of 10<sup>th</sup> Avenue South by MDT should also address some of the signal issues. He will relay comments to the applicant, try to minimize construction concerns, and hopes communications with the neighbors remain open. He believes once the project is completed there should be minor changes to the overall environment of the area.

### **ZONING COMMISSION DISCUSSION & ACTION**

Mr. Hilgendorf asked to have the traffic study procedure explained.

Mr. Rangel said that in many cases the traffic impact study is completed concurrent with the action this Board is considering. As no significant improvements were recommended for the Walgreens project, similar results are anticipated for the CVS project. Traffic issues that exist, whether CVS is located there or not, will be addressed in a separate corridor study being conducted by the Montana Department of Transportation. Mr. Rangel stated that Staff is

recommending this body take action on the rezoning, amended plat and vacation in anticipation that the traffic impact study will add a level of recommendations that are palatable and can be accommodated by the developer.

Mr. Hilgendorf asked for clarification of the traffic count section of the staff report.

Mr. Finch said the City Commission specifically asked Staff to examine traffic before and after the Walgreens project. Traffic counts were taken at the east, west, north and south legs of the 9<sup>th</sup> Avenue South and 23<sup>rd</sup> Street intersection in January of 2006 and again in October 2007. Counts were averaged and a factor, in relation to the time of year the counts were conducted, was applied to the total to make comparisons more accurate.

Ms. Duffy asked if property owners will have an opportunity to be involved in the MDT corridor study.

Mr. Rangel said involvement has already taken place with public comments, concerns and questions driving the need for the study. The study will now consist of an analysis and the crunching of numbers, compared with standards and criteria used throughout the traffic-engineering field.

Mr. Schaffer stated that any redevelopment of this commercial entity will impact the residential neighborhood. Here is an opportunity for a high-quality commercial project that is proposing a substantial buffer between it and the residential neighborhood. He suggested using what was learned from Walgreens to make this project even better.

Mr. Harding stated he sympathized with the neighbors and having to deal with such changes, but believes when completed, this project will enhance the neighborhood as well as improve 10<sup>th</sup> Avenue South.

MOTION: That the Zoning Commission recommend to the City Commission that the request to rezone Lots 1-7, Block 26, Huy's Addition to Great Falls, from R-3 Single-family high density district to C-2 General commercial district be approved, subject to the Planning Board adopting Recommendation II (below) and the applicant and the owners of subject Lots 1-7 entering into an agreement with the City.

Made by: Mr. Schaffer

Second: Mr. Roberts

Vote: The motion carried unanimously.

MOTION: That the Planning Board recommend the City Commission approve the vacation of the westerly 250 feet of 10<sup>th</sup> Alley South between 20<sup>th</sup> and 21<sup>st</sup> Streets, the

Minutes of the January 22, 2008

Public Hearing

Zoning Map Amendments for Lots 1-7, Block 26, Huy's Addition to Great Falls, Vacation of a Segment of 10<sup>th</sup> Alley South, and Amended Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition (CVS Pharmacy)

Page 7

Amended Plat of Lots 1-7 & 10-14, Block 26, Huy's Addition to Great Falls, and the accompanying Findings of Fact, subject to the Zoning Commission adopting Recommendation I (above) and the applicant fulfilling the conditions listed on the Staff Report.

Made by: Mr. Hilgendorf

Second: Mr. Schaffer

Vote: The motion carried unanimously.

Mr. Walters stated the Planning Board/Zoning Commission is advisory to the City Commission. Once the agreement is drafted and executed, the recommendations will be forwarded to and considered by the City Commission at a public hearing, probably in late February or March.

### **ADJOURNMENT**

The hearing adjourned at 4:31 p.m.

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CHAIRMAN

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SECRETARY

AGENDA REPORT

DATE April 15, 2008

ITEM 2008/2009 Annual Action Plan Public Hearing

INITIATED BY Community Development Staff

ACTION REQUESTED Hold Public Hearing and Approve Motion

PREPARED & PRESENTED BY Chris Imhoff, CDBG/HOME Administrator

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

**RECOMMENDATION:**

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Staff recommends the City Commission conduct the public hearing to receive citizen input regarding the proposed Annual Action Plan required by HUD including the proposed use of 2008/2009 Community Development Block Grant and HOME Investment Partnership program funds and take comments heard under consideration for final action on May 6, 2008.

**MOTION:**

I move to close the public hearing and schedule action on the Final Annual Action Plan for May 6, 2008.

**SYNOPSIS:**

HUD regulations require one public hearing on the proposed Annual Action Plan which includes the use of 2008/2009 CDBG and HOME funds. The public is also encouraged to comment on the City's overall Community Development Block Grant & HOME program performance and policies.

**BACKGROUND:**

The Consolidated Plan is a five year planning and reporting document required by the U.S. Department of Housing & Urban Development which was completed and Commission approved in April, 2005. This Plan includes a community needs assessment, housing market analysis, strategic plan and an annual action plan. The Annual Action Plan portion of the Consolidated Plan includes the proposed use of CDBG and HOME funds for the approaching fiscal year. Community Development Block Grant and HOME Grant project applications were received in February, 2008. The Community Development Council reviewed the applications and made funding recommendations to the City Commission on April 1, 2007. A 30-day comment period beginning April 4, 2008 and ending May 3, 2008 has been established to receive citizen views on the Proposed Annual Action Plan, the proposed use of 2008/2009 CDBG and HOME funds, and program performance and policies. No written comments have been received to date.

At the end of the 30-day comment period, the City Commission must accept or amend the proposed Annual Action Plan and authorize submittal of the Plan which HUD must receive on or before May 15, 2008. A copy of the Proposed Annual Action Plan is available for review in the City Community Development Office, the Great Falls Public Library, and the City of Great Falls web page.

Attachment: CDBG and HOME Program Proposed use of funds

**2008/2009 PROPOSED USE OF FEDERAL GRANT FUNDS  
COMMUNITY DEVELOPMENT BLOCK GRANT**

*Affordable Housing*

	<u>Requested</u>	<u>Proposed</u>
<p><b>GREAT FALLS CITY COMMUNITY DEVELOPMENT— HISTORIC PRESERVATION</b> City-wide low interest loan program to provide additional funding for multi-family housing rehabilitation projects which require historic preservation regulation compliance</p>	\$50,000	\$49,267
<p><b>GREAT FALLS CITY COMMUNITY DEVELOPMENT— REHABILITATION SPECIALIST</b> Provision of rehab counseling, loan processing, inspections and construction monitoring for all CDBG-funded City revolving loan housing programs for low income people</p>	\$30,000	\$30,000
<p><b>MONTANA INSTITUTE OF FAMILY LIVING/PARK MANOR</b> Replace all interior door locks, keys and keyless entry system at Park Manor, an elderly/handicapped subsidized apartment building located at 100 Central Avenue</p>	\$20,000	\$20,000
<p><b>NEIGHBORWORKS GREAT FALLS</b> Revolving loan fund to provide down payment assistance, new construction, purchase and rehabilitation of houses and other activities addressing neighborhood revitalization activities in their CBDO-designated neighborhoods</p>	\$150,000	\$130,000

*Economic Development*

<p><b>MCLAUGHLIN RESEARCH INSTITUTE</b> Expand building to create job opportunities for low to moderate income persons</p>	\$100,000	\$100,000
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***Public Facility Improvements***

	<u>Requested</u>	<u>Proposed</u>
<b>GATEWAY COMMUNITY SERVICES</b> Provide handicap accessible front entryway and purchase and install heating and cooling system valves in facility located at 1220 Central Avenue which houses agency that provides comprehensive community-based alcohol & drug abuse treatment services Propose funding front entryway only	\$51,083	\$13,825
<b>GREAT FALLS CITY PARK &amp; RECREATION, COMMUNITY RECREATION CENTER—ELECTRICAL</b> Electrical system panel upgrade at Community Recreation Center located at 801 2 <sup>nd</sup> Avenue North	\$65,726	\$0
<b>GREAT FALLS CITY PARK &amp; RECREATION, COMMUNITY RECREATION CENTER—HVAC</b> Heating and cooling system upgrade at Community Recreation Center located at 801 2 <sup>nd</sup> Avenue North Propose funding only if use >90% energy efficient furnace	\$62,000	\$111,961
<b>GREAT FALLS CITY PARK &amp; RECREATION—WEST KIWANIS PARK</b> Purchase & install handicap accessible play structure, 2 benches and borders for play area at West Kiwanis Park located at 1 <sup>st</sup> Avenue Northwest and 9th Street	\$29,000	\$29,000
<b>GREAT FALLS CITY PUBLIC WORKS—HANDICAP RAMPS</b> Install handicap ramps (curb cuts) to provide handicap accessibility on Central Avenue from 34 <sup>th</sup> to 37 <sup>th</sup> Street, Central Avenue and 42 <sup>nd</sup> Street, 16th Avenue South and 4 <sup>th</sup> Street and other areas at request of disabled citizens	<b>\$75,000</b>	<b>\$75,000</b>
<b>GREAT FALLS CITY PUBLIC WORKS—SIDEWALK REPLACEMENT</b> Grant program to provide assistance to low income homeowners to remove & replace hazardous sidewalks in Census Tracts 3, 4 and 5 (Park Drive to 15 <sup>th</sup> Street North between Central Avenue and 8 <sup>th</sup> Avenue North) and other areas at request of low income homeowners	\$50,000	\$50,000
<b>GREAT FALLS SENIOR CITIZENS CENTER</b> Replace upstairs, ramp, staircase and downstairs entryway carpeting in facility located at 1004 Central Avenue which houses programs to serve the elderly Propose funding carpeting on ramp and balance toward other areas	\$15,000	\$7,000

<b>HABITAT FOR HUMANITY</b> Install sewer and water lines, excavate for foundation, and install sidewalks and parking pads at 604 7 <sup>th</sup> Street North, 2533 Castle Pines Way and 2537 Castle Pines Way	\$29,262	\$29,262
<b>HEISEY YOUTH CENTER</b> Remodel locker room at youth center located at 313 7 <sup>th</sup> Street North to make handicap accessible; renovations to include flooring, plumbing, fixtures and partitions	\$50,000	\$20,000
<b>VOICES OF HOPE</b> Install security system on elevator to provide secure access to 24 hour call center located at 915 1 <sup>st</sup> Avenue South	\$10,000	\$10,000

***Public Service Activities***

	<u>Requested</u>	<u>Proposed</u>
<b>AREA VIII AGENCY ON AGING</b> Purchase food for Meals on Wheels, a citywide home delivery meal program for seniors who are handicapped or unable to prepare meals	\$25,000	\$25,000
<b>BOYS &amp; GIRLS CLUB OF NORTH CENTRAL MONTANA</b> Recreational/educational scholarships for summer program for children from low income families; administered at two Weed & Seed Safe Haven locations (Great Falls Housing Authority–1722 Chowen Springs Loop and Westside Unit–600 1 <sup>st</sup> Avenue Southwest)	\$20,400	\$20,400
<b>CASA-CAN CHILDREN’S ADVOCATE NETWORK</b> Purchase computer, software, volunteer training materials and provide training conference expenses to expand volunteer program located at 415 2 <sup>nd</sup> Avenue North which provides advocates for abused and neglected children in the legal system Propose funding all except software	\$5,449	\$4,800
<b>CASCADE COUNTY LAW CLINIC</b> Purchase 2 computers, software, scanner, 2 printers, fax machine, shredder and Montana Annotated Code for agency located at 503 1 <sup>st</sup> Avenue North	\$5,260	\$0



<b>CASCADE COUNTY RETIRED AND SENIOR VOLUNTEER PROGRAM</b>	\$6,500	\$0
Purchase computer server and elderly resource directories for agency located at 1004 Central Avenue.		
<b>EASTER SEALS-GOODWILL INDUSTRIES</b>	\$17,750	\$17,750
Provide scholarships for P.L.A.Y., an early intervention program for children with Autistic Disorders under the age of three and purchase specialized commercial shredding equipment for Outsources Unlimited, an employment program which provides jobs for disabled workers; agency located at 4400 Central Avenue		
<b>FAMILY CONNECTIONS</b>	\$18,750	\$18,750
Provide child care scholarships for low income families; program administered through agency located at 600 Central Plaza		
<b>GREAT FALLS CITY PARK &amp; RECREATION—COMMUNITY RECREATION CENTER</b>	\$6,500	\$6,500
Provide scholarships for low income children for after school child care program, summer camp programs, and lifeguard certification; programs offered at community center located at 801 2 <sup>nd</sup> Avenue North and Morony Natatorium located at 111 12 <sup>th</sup> Street North		
<b>HANDS, INC.</b>	\$25,000	\$20,149
Provide child care scholarships for children from low income families; program offered at all Great Falls elementary schools		
<b>QUALITY LIFE CONCEPTS</b>	\$17,611	\$7,211
Purchase and install ceiling track system, additional slings and elevated bath tub at group home for people with developmental disabilities at 3937 15 <sup>th</sup> Avenue South		
Propose funding track system only		
<b>VICTIM-WITNESS ASSISTANCE SERVICES, INC.</b>	\$8,970	\$0
Purchase digital color imaging system (printer, copier, fax board, scanner, stand, warranty) and notebook computer for agency that provides assistance for victims of crimes and their families; agency located at 112 1 <sup>st</sup> Street South		

<b>YOUNG PARENTS EDUCATION CENTER</b>	\$17,000	\$17,000
Provide day care scholarships and emergency housing scholarships for low income teen or young adult parents completing high school or GED programs; programs located at alternative high school at 2400 Central Avenue		

*Administration*

<b>CDBG PROGRAM ADMINISTRATION</b>	\$183,414	\$183,414
General oversight, promotion, financial accountability, monitoring, reporting, and coordination of the CDBG program including activities to further fair housing and the Continuum of Care for Homelessness		

<b>TOTAL CDBG FUNDING REQUESTED</b>	<b>\$1,144,675</b>	
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<b>TOTAL CDBG FUNDING RECOMMENDATION</b>		<b>\$996,289</b>
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<b>TOTAL ANTICIPATED CDBG GRANT</b>		<b>\$917,014</b>
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<b>TOTAL CDBG FUNDS AVAILABLE FROM PREVIOUS YEARS</b>		<b>\$79,275</b>
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<b>TOTAL AVAILABLE CDBG FUNDS</b>		<b>\$996,289</b>
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**2008/2009 PROPOSED USE OF FEDERAL GRANT FUNDS  
HOME INVESTMENT PARTNERSHIP PROGRAM**

	<u>Requested</u>	<u>Proposed</u>
<b>GREAT FALLS HOUSING AUTHORITY—SAND HILLS</b>	\$250,000	\$250,000
Continuation of Phase I to acquire land, undertake site improvements and construct one affordable handicap accessible four-plex apartment complex at 1501 23 <sup>rd</sup> Street South		
<b>NEIGHBORWORKS GREAT FALLS</b>	\$250,000	\$106,330
Owners in Partnership XVI—construct or rehabilitate single family houses and provide down payment and closing cost assistance for low income home buyers on citywide basis		
<b>HOME PROGRAM ADMINISTRATION</b>	\$39,400	\$39,400
General oversight, management, promotion, financial accountability, monitoring, and coordination of the HOME program		
<b>TOTAL HOME FUNDING REQUESTED</b>		<b>\$539,400</b>
<b>TOTAL HOME FUNDING RECOMMENDATION</b>		<b>\$395,730</b>
<b>TOTAL ANTICIPATED HOME GRANT</b>		<b>\$394,063</b>
<b>TOTAL HOME FUNDS AVAILABLE FROM PREVIOUS YEARS</b>		<b>\$1,667</b>
<b>TOTAL AVAILABLE HOME FUNDS</b>		<b>\$395,730</b>

## CITY COMMISSION PUBLIC MEETING

April 15, 2008

A public meeting was held as part of the regular City Commission meeting on April 15, 2008, in the Commission Chambers at the Civic Center. The meeting was held to provide an opportunity for citizens to advise the City Commission on their opinions regarding the proposed Action Plan, the proposed use of CDBG funds, and on the performance of the CDBG and HOME grant programs in administration, distribution and implementation of federal funds.

The following listing is a summary of the comments which were expressed in support of the proposed disposition of funds.

**Joe Boyle, chairman, Great Falls Housing Authority Commission:** Mr. Boyle urged support of the Housing Authority's Sand Hills HOME proposal to construct accessible, subsidized housing in the form of a four-plex with two bedroom apartment units. He noted this would be phase 1 of constructing 16 affordable units and construction was expected to begin this Fall. The Housing Authority's waiting list shows the most pressing need is for one and two-bedroom units. The new units would be for the elderly, handicapped or small families. Mr. Boyle related that without HOME funds the Housing Authority could not afford to construct this affordable housing.

**Nancy Wilson, director, Meals on Wheels:** Ms. Wilson thanked the City Commission for their past support and requested continued CDBG funding for the Meals on Wheels program. She related the meal delivery program is growing. Ms. Wilson also noted Great Falls is the only town in Montana that does not have to put people on the waiting list for this meal delivery program, partly because they have been able to use CDBG funding.

**Sheila Rice, executive director, NeighborWorks Great Falls (aka Neighborhood Housing Services, Inc.):** Ms. Rice thanked the City Commission for many, many years of support for NWGF. She related she supports the proposed allocations for this year but wished to open a dialogue with the City of Great Falls regarding the City's role in affordable housing. Ms. Rice distributed a chart which showed a decrease in the City's overall support of NWGF. She noted the chart did not show the following: a) the decrease in overall funding available to the City which has occurred; b) the impact of program income; c) NWGF's production which for many years was nine to 10 units annually and this last year was 34 units; d) increase in tax base as a result of NWGF activities; and, e) impact of affordable housing on economic development. Ms. Rice asked the City Commission to examine their role in affordable housing, especially as efforts move forward to conduct a community-wide housing assessment. She noted five of the seven priorities in the plan are related to housing, while only 25% of the annual amount is allocated to affordable housing.

**Stuart Lewin:** Mr. Lewin commended the work Ms. Rice has done with NWGF, in particular the home buyer education which counseled potential home buyers to obtain fixed mortgage rates. This information greatly helped local people avoid the mortgage foreclosure crisis which is occurring elsewhere in the country.

**Ron Guessman:** Mr. Guessman indicated that he believes what Ms. Rice meant to say regarding the tax base was that the tax revenue rather than the tax base is increased.

**Dona Stebbins, mayor:** Ms. Stebbins noted that NHS aka NWGF has been doing foreclosure prevention for 13 years and this foresight helped decrease the level of the foreclosure problem in Great Falls.

**Bill Bronson, city commissioner,** questioned **Marty Basta, department head for the Park and Recreation Department,** regarding the two proposals the Park & Recreation Department Community Recreation Center submitted. Mr. Bronson questioned why the Community Development Council recommended not funding the electrical upgrade proposal but recommended funding the HVAC upgrade proposal at nearly twice the requested amount. Mr. Basta explained that after talking with the Community Development Council the Park & Recreation Department prioritized a high efficiency cooling and heating system and decided if they could purchase a more energy efficient system they would re-evaluate the need for an electrical upgrade.

**Mary Jollie, city commissioner,** questioned Joe Boyle as to why last year the Housing Authority was given funds for building a tri-plex and this year they are proposing to build a four-plex. **Kevin Hager, deputy director, Great Falls Housing Authority,** indicated that after looking at the size of the recently purchased site they determined four four-plexes would fit on the site. Because of the increased cost of construction it made more sense overall economically to build more units. Ms. Jollie also questioned Mr. Hager as to whether NWGF support has decreased as a result of the City through the Housing Authority taken more CDBG funds. Mr. Hager noted the Housing Authority has been allocated HOME funds rather than CDBG funds.

No one spoke in opposition of the proposed disposition of funds.

AGENDA REPORT

DATE April 15, 2008

ITEM Resolution 9742 Vacate Cul-de-sac in 15<sup>th</sup> Street Bridge Addition

INITIATED BY Public Works Department

ACTION REQUESTED Postpone and Reset Public Hearing for May 6, 2008

PRESENTED BY Jim Rearden, Public Works Director

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**RECOMMENDATION:**

It is recommended the City Commission postpone the public hearing set in this matter on April 15, 2008, and reset said hearing on May 6, 2008, to approve the vacation of the cul-de-sac (known as 12<sup>th</sup> Avenue North) in the 15<sup>th</sup> Street Bridge Addition, and adopt Resolution 9742.

**MOTION:**

“I move the City Commission postpone and reset the public hearing for May 6, 2008.”

**SYNOPSIS:**

On February 19, 2008, Resolution 9731 was set for public hearing on March 18, 2008, to consider the intent to vacate cul-de-sac (known as 12<sup>th</sup> Avenue North) in the 15<sup>th</sup> Street Bridge Addition. However, the amended plat is still being prepared by the consultant and will be available for the May 6, 2008, City Commission meeting.

**BACKGROUND:**

The City of Great Falls is currently considering relocating the existing City Recycling Center and Trash Disposal Facility and have had an appraisal completed on the property.

The subject right-of-way is located at 1100 15<sup>th</sup> Street North. Though the cul-de-sac was never officially built, the right-of-way needs to be vacated for the purpose of selling the City owned property known as Lot 2. Lot 1 is owned by Admiral Beverage Corporation, (Pepsi Cola).

NCI Engineering is in the process of preparing an appropriate amended plat which shows the distribution of the right-of-way proposed to be vacated, reconfiguration of the abutting Lots 1 and 2, and reservation of required utility easement(s).

RESOLUTION 9742

A RESOLUTION BY THE CITY COMMISSION  
OF THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE A DEDICATED CUL-DE-SAC (KNOWN AS 12<sup>TH</sup> AVENUE NORTH)  
LOCATED IN THE 15<sup>TH</sup> STREET BRIDGE ADDITION TO GREAT FALLS,  
IN ACCORDANCE WITH THE PROVISIONS OF  
SECTION 7-14-4114, MONTANA CODE ANNOTATED

\* \* \* \* \*

WHEREAS, there exists a platted, dedicated public roadway consisting of a sixty (60) foot strip of land and cul-de-sac located in the 15<sup>th</sup> Street Bridge Addition, more particularly described as follows:

A tract of land in the NW ¼ of Section 6, T20N, R4E, P.M.M. located between Lots 1 and 2 of the 15<sup>th</sup> Street Bridge Addition; and designated and identified in various documents of record as “a City Street”, said tract being more particularly described as follows:

Beginning at the centerline intersection of 10<sup>th</sup> Avenue North and 13<sup>th</sup> Street; thence S89°53'E, 430.17 feet to the centerline intersection of 10<sup>th</sup> Avenue north and 14<sup>th</sup> Street; thence North 525.08 feet along the abandoned centerline of 14<sup>th</sup> Street to the north boundary of the Old Chicago, Milwaukee, St. Paul, & Pacific Railroad; thence N82°20'W, 90.83 feet; thence North 207.03 feet; thence S82°19'E, 201.83 feet to the true point of beginning; thence 149.42 feet Northerly along a circular curve to the right with a radius of 60.0 feet; thence 17.91 feet Easterly along a circular curve to the left with a radius of 20.0 feet; thence S89°57' E, 107.55 feet; thence 31.42 feet Northerly along a circular curve to the left with a radius of 20.0 feet; thence S0°03'W, 14.10 feet; thence 1.40 feet Southerly along a circular curve to the right with a radius of 923.0 feet; thence S89°52'E, 2.0 feet; thence 86.53 feet Southerly along a circular curve to the right with a radius of 925.0 feet; thence 33.32 feet Northerly along a circular curve to the left with a radius of 20.0 feet; thence N89°57'W, 105.46 feet; thence 17.91 feet Southerly along a circular curve to the left with a radius of 20.0 feet; thence 146.56 feet Northerly along a circular curve to the right with a radius of 60.0 feet to the true point of beginning, containing 19,565 square feet and .449 acres.

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

WHEREAS, for several years said cul-de-sac (not formerly constructed) was used as public access to the City Pulverizer Complex; and,

WHEREAS, upon vacation of said cul-de-sac, the abandoned right-of-way shall revert to and be consolidated with the adjacent Lots 1 and 2 of the 15<sup>th</sup> Street Bridge Addition.

WHEREAS, the City Commission of the City of Great Falls, Montana, duly and regularly passed and adopted on the 19th day of February, 2008, Resolution 9731 entitled:

A RESOLUTION OF INTENTION  
BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA,  
TO VACATE A DEDICATED CUL-DE-SAC (KNOWN AS 12<sup>TH</sup> AVENUE NORTH)  
LOCATED IN THE 15<sup>TH</sup> STREET BRIDGE ADDITION TO GREAT FALLS,  
IN ACCORDANCE WITH THE PROVISIONS OF  
SECTION 7-14-4114, MONTANA CODE ANNOTATED, AND  
DIRECTING NOTICE TO BE GIVEN AS PROVIDED BY LAW

WHEREAS, the City Clerk of said City, forthwith caused notice of said Resolution 9731 to be:

- 1) published in the Great Falls Tribune, the newspaper published nearest the right-of-way proposed for vacation; and
- 2) posted in three public places, stating therein the time and place the City Commission shall hear all persons relative to said proposed vacation.

WHEREAS, a hearing was held by the City Commission of the City of Great Falls on the 6<sup>th</sup> day of May, 2008, at 7:00 P.M. in the Commission Chambers of the Great Falls Civic Center, where said Commission heard all persons relative to the proposed vacation of said cul-de-sac (known as 12<sup>th</sup> Avenue North)..

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

The cul-de-sac as dedicated within the 15<sup>th</sup> Street Bridge Addition to Great Falls is hereby vacated.

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that this Resolution shall become effective either thirty (30) days after its passage and approval or upon filing in the office of the Cascade County Clerk and Recorder, the amended plat consolidating the abandoned right-of-way with the adjacent Lots 1 and 2 of the 15<sup>th</sup> Street Bridge Addition, which ever event shall occur later.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 6<sup>th</sup> day of May, 2008.

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

ATTEST:

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

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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



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

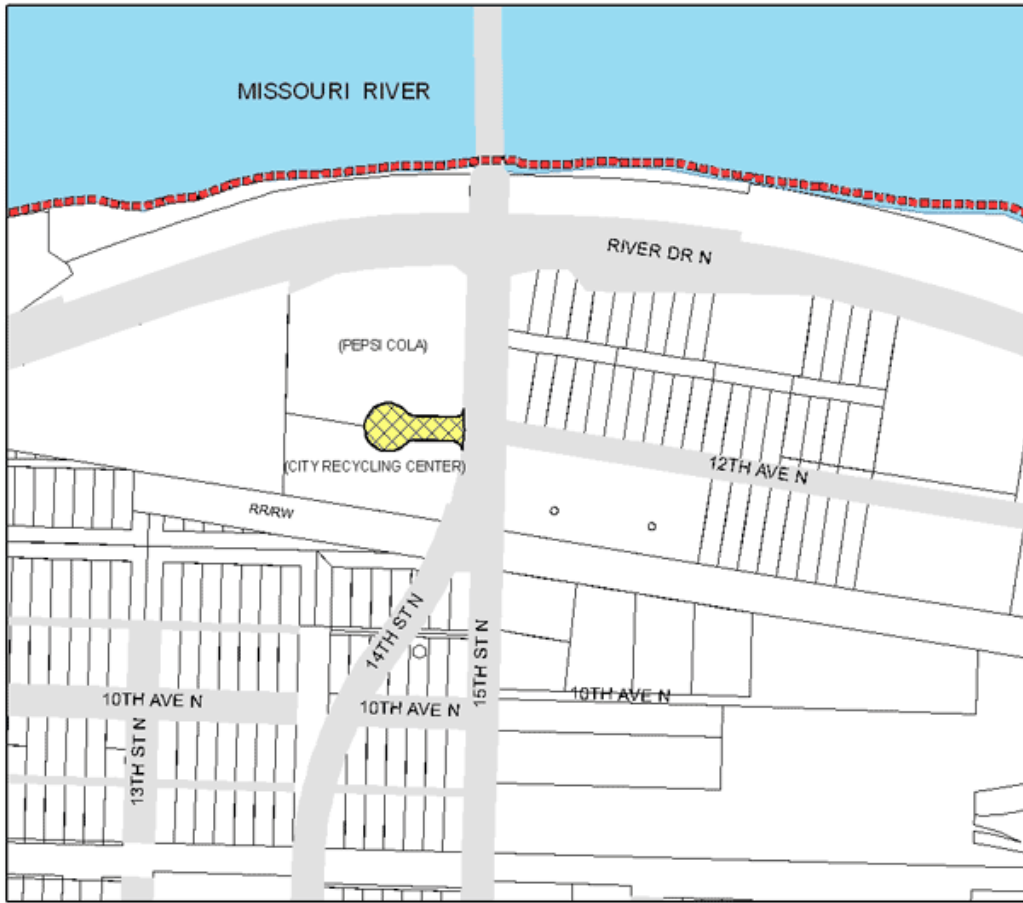
I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9742 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 6<sup>th</sup> day of May, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 6<sup>th</sup> day of May, 2008.

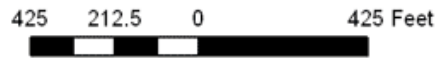
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Lisa Kunz, City Clerk

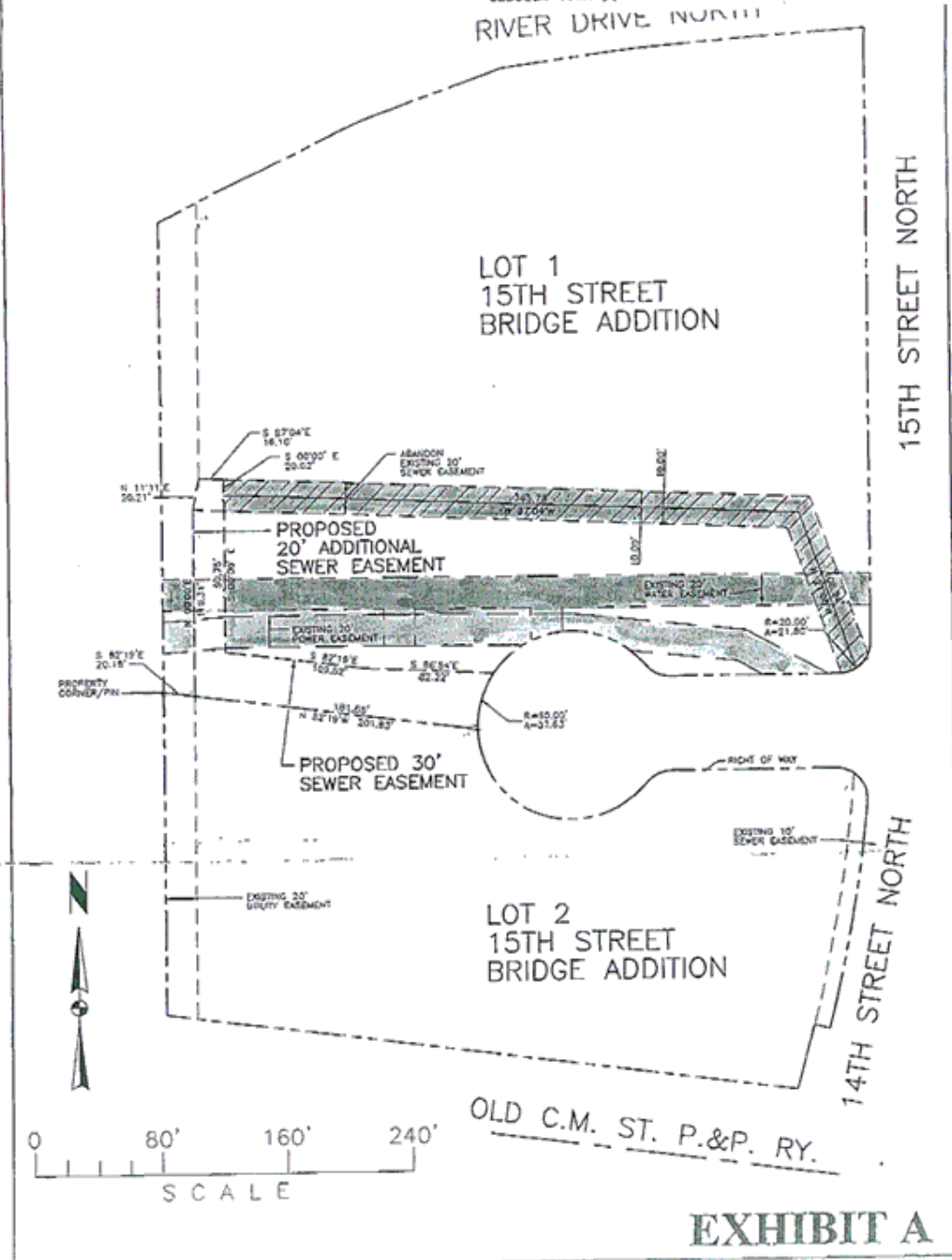
(CITY SEAL)

# EXHIBIT "A" VICINITY MAP



 RIGHT-OF-WAY PROPOSED TO BE VACATED





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**EXHIBIT A**

CITY OF GREAT FALLS, MONTANA

AGENDA # 5

AGENDA REPORT

DATE April 15, 2008

ITEM Consulting Agreement with Water Right Solutions and First Amendment

INITIATED BY City Interest in Utilizing, Protecting & Defending Its Various Water Rights and Reservations

ACTION REQUESTED Authorize the City Manager to Execute a Consulting Agreement and First Amendment to the Agreement with Water Right Solutions, Inc.

PRESENTED BY Coleen Balzarini, Fiscal Services Director

- **R\*E\*V\*I\*S\*E\*D\***
- **(original contract year should be 2002 NOT 2005)**

**RECOMMENDATION:** It is recommended that the City Commission authorize the City Manager to execute a consulting agreement and first amendment to the agreement with Water Right Solutions, Inc.

**MOTION:** I move the City Commission authorize the City Manager to execute a Consulting Agreement and First Amendment to the Agreement with Water Right Solutions, Inc.

**SYNOPSIS:** Water Right Solutions, Inc. has been serving the City as a consultant on water right related issues since 2002. The initial work was performed as a result of the industrial use water needs of International Malting Company. In 2005 ~~2~~ a consulting agreement was approved and executed which authorized WRSI to perform a range of water right services on behalf of the City. The 2005 ~~2~~ contract is in need of updating in regards to the range of services and fees. The first amendment to the agreement authorizes WRSI to conduct decree examination work in basins 41QJ and 41Q to identify water rights claims that could, if decreed, potentially adversely impact water rights currently held by the City of Great Falls. Based upon Staff's recommendation and Commissioner Bronson's review and concurrence of the recommendation (copy attached), the Commission is asked to approve this agreement and first amendment.

**BACKGROUND:**

**Consultant Agreement:** On June 18, 2005 ~~2~~, the City Commission authorized the City Manager to enter into an Agreement with Water Right Solutions, Inc (WRSI). Services performed by WRSI since that time have included filings with the Department of Natural Resources and Conservation (DNRC) to correct and amend the City's existing water rights and reservations, application and support of requests to add new points of diversion and places of use to the City's water reservation to accommodate industrial companies operating or intending to locate operations in Great Falls. A new agreement has been prepared that updates the scope of work that might be performed by WRSI and the fees related to the work. The fee schedule has been the same since 2005. Fee increases are necessary due to inflationary cost increases as well as increasing demands on WRSI staff, which are occurring as a direct result of the acceleration of the adjudication of Montana water rights.

**First Amendment to Agreement:** On February 6, 2008, the MT Department of Natural Resources and Conservation (DNRC) Montana Water Court issued a Notice of Entry of Temporary Preliminary Decree for the Missouri River, From Holter Dam to Sun River (Basin 41QJ). This basin has 2,584 water right claims on file with DNRC. The City has three water right claims in this basin as well as additional water rights in the downstream 41Q Basin. Staff recommends that the City evaluates and if necessary exercise its right to object to information contained in the Temporary Preliminary Decree that may have an adverse impact on the City's water rights.

All interested parties, including the City, have an opportunity to review their own water rights, as well as the water rights of other parties, during the Temporary Preliminary Decree time period. Such a review would evaluate potential impacts to City water rights in relation to others and in relation to conflicting information

related to City water rights, in Basin 41QJ. The review would also evaluate Basin 41QJ claims and potential impacts on the City's downstream water rights in Basin 41Q. There are no known existing issues, and it is possible that no issues related to City water rights will be identified that would require further action. In order to make that determination, it is necessary to review the 2,584 water right claims and their potential impact to the City's rights. There are a number of different scenarios that might have an adverse impact on the City's rights.

Example 1: A water right holder in 41QJ is claiming or using water rights which are in excess of its historical use or existing claimed rights. This excess claim poses a potential negative impact to the City rights and therefore the City should object during the preliminary decree period.

Example 2: A City water right contains incorrect information such as a 'place of use' description that requires correction by the City.

The 180 day comment period is the primary opportunity for the City to participate in the Water Court proceedings related to Basin 41QJ. The City's right to appeal any adverse decision is limited once the Final Decree is issued. Therefore, Staff believes it is advisable to engage Water Right Solutions to review the preliminary decree and related 2,584 water right claims on behalf of the City. It is anticipated this may take up to 32 hours of consulting time to review and provide recommendations on what actions, if any, the City should make in regards to Basin 41QJ water rights. Based on the consultant's reported findings and recommendations it is possible that additional expenses may be necessary to protect the City's water rights.

## CONSULTING AGREEMENT

THIS AGREEMENT is entered into between WATER RIGHT SOLUTIONS, INC.,(WRSI) 303 Clarke Street, Helena, Montana 59601 ("Consultant") and City of Great Falls (City), P.O. Box 5021, Great Falls, MT 59403 ("Owner") on the following terms and conditions.

### W I T N E S S E T H

1. Scope of Work. The Owner seeks to obtain the services of the Consultant and the Consultant agrees to provide to the Owner the following described services and scope of work:

WRSI will provide the following services: 1) Preparation of water rights documents associated with Applications for Permit Changes on City economic development projects or other municipal purposes; 2) Prepare documents necessary for the adjudication and defense of existing water rights, including the review of Water Court decrees, analysis of competing water rights for the purpose of objections; 3) Prepare analysis and research for the acquisition of additional water rights; 4) Attend, meetings and prepare presentations to the City Commission and other entities as requested; 5) Consultant will provide expert testimony at hearings before the DNRC, Water Court and District Court as needed.

Work will be coordinated as mutually agreed between the parties as various ongoing and new projects that involve water rights issues proceed through various legal/administrative processes.

2. Personnel. The Consultant may employ such employees as it deems necessary to operate its business affairs and to complete the Scope of Work set forth above. If the Consultant enters into any subcontract with an outside firm or person for particular tasks or particular expertise needed to complete the Scope of Work, such subcontracts (other than routine water sampling tests) shall be subject to the written approval of the Owner; provided, however, that any subcontracts identified in the Scope of Work (with subcontract fees set forth therein) shall be deemed to be approved by the Owner. The Consultant shall have the right to supervise and direct all work performed by any such subcontractors and the costs and fees of the subcontractors shall be paid by the Owner so long as subcontracts are approved in writing by the Owner or were included in the original Scope of Work.

3. Compensation. In consideration of the services rendered to the Owner as set forth in the Scope of Work, the Owner agrees to compensate the Consultant as follows:

a. Fees. All staff consulting fees, including travel, shall be billed at the rate of \$85.00 per hour. Consulting fees for the Principals of WRSI shall be billed at the rate of \$100.00 per hour. Expert testimony billed at \$150.00 per hour.

b. Expenses. Owner agrees to compensate the Consultant for reasonable expenses incurred in performing the Scope of Work including, but not by way of limitation: copies, postage, federal express, telephone charges, fax charges, use of automobile (at 0.65/mile) meals, filing fees, and water sample costs. In lieu of actual costs for meals, the Consultant may charge a reasonable per diem rate that shall be similar to the federal per diem rate. The general overhead costs of operating

Consultant's business (e.g., office space, utilities, equipment, secretarial support) are included in the hourly fees and shall not be billed to the Owner as expenses.

4. Invoices. The Consultant shall submit to the Owner monthly invoices providing a detailed accounting of all hourly services rendered and all expenses incurred. All itemized expenses submitted shall be supported by copies of receipts (except for reasonable per diem and mileage reimbursement).

5. Payment. The Owner agrees to pay the Consultant for all fees and expenses contained in the invoice within thirty (30) days of receipt of the invoice. Any invoices not paid within said 30 day period shall bear interest at the rate of 10% per annum.

6. Term. This Agreement shall be in force and effect until the Scope of Work is completed and the Consultant has been paid in full or until otherwise terminated as set forth in Paragraph 7.

7. Termination. Either party may terminate this Agreement upon providing the other party thirty (30) days prior written notice of the intent to terminate the Agreement. All notices shall be given as provided in Paragraph 8. In the event of termination of the Agreement by the Owner, the Owner shall still be liable to the Consultant for Consultant's fees and expenses incurred prior to the date of receipt of the Notice of Termination.

8. Notices. Any notice required by or issued in relation to this Agreement shall be made by first class mail to the following addresses of the parties:

Water Right Solutions, Inc.  
303 Clarke Street  
Helena, Montana 59601

City of Great Falls  
Fiscal Services, P.O. Box 5021  
Great Falls, MT 59403

All notices sent by mail shall be deemed to have been received three days after having been deposited in any United States Post Office properly addressed to the above address.

9. Independent Contractor. In performing the Scope of Work services under this Agreement, the Consultant and any person acting on behalf of the Consultant are independent contractors and are not and shall not be deemed employees or agents of the Owner.

10. Governing Law. The parties consent and agree that this Agreement is entered into in Helena, Montana, and that this contract shall be construed and enforced in accordance with the laws of the State of Montana. The parties further consent to and agree that the justice court and/or state district court for Lewis and Clark County, Montana, shall have jurisdiction over any disputes that may arise under this Agreement and that the prevailing party shall be entitled to costs and reasonable attorney fees. As an alternative to litigation, the parties may agree to submit the matter to binding arbitration and agree on a third party to resolve the dispute.

11. Amendments. This is the complete agreement of the parties and it supersedes any agreement or understanding that has been made prior to this Agreement. Any changes or alterations to this Agreement shall be in writing, duly signed by both parties, and affixed to the contract as an Amendment. This Agreement may not be assigned without the written consent of both parties, except as provided in Paragraph 13.

12. Waiver. The failure of a party to object to, or to take affirmative action with respect to, any conduct by the other party which is in violation of this Agreement shall not be construed as a waiver of the violation or breach or a waiver of any future violation, breach or wrongful conduct.

13. Survival of Agreement. This agreement shall not be terminated by a restructuring or incorporation of either party. This agreement shall be binding upon and inure to the benefit of the successors and assigns of the parties hereto. If either of the parties restructures but remains within the general scope of their business, this Agreement shall remain in effect and can be assigned.

14 Insurance: Consultant hereby agrees to obtain at its own expense and to keep in full force and effect during the contract term the following insurance coverages. All policies shall be issued by companies licensed to do business in the State of Montana and having at least an "A" rating in the current Best's Manual. All such policies of insurance shall be endorsed to be primary of all other valid and collectible coverages maintained by the Consultant and the City of Great Falls, with respect to their activities in relation to the services provided. All applicable policies will be written on an occurrence basis. Claims made policies are not acceptable and do not constitute compliance with the Permit Holder's obligation under this paragraph.

*Comprehensive General Liability* – Said coverage shall have limits of not less than \$750,000 per claim \$1,500,000 per occurrence combined single limit for bodily injury and property damage. Coverage shall name, as additional insured, the City of Great Falls.

*Professional Liability Insurance* - Consultant will maintain at its expense: Professional Liability Insurance in the amount of \$1,000,000 including coverage for errors and omissions caused by Consultant's negligence in the performance of its duties under this agreement."

Consultant shall furnish to the City of Great Falls certificates of insurance including a copy of the Additional Insured Endorsement as evidence that the required coverage is in effect.

15. Indemnification City and Consultant mutually agree to indemnify, hold harmless and defend the officers, directors, agents, servants and employees ("indemnitees") of the City and Consultant respectively from and against all liabilities, damages, actions, costs, losses, claims and expenses (including attorney's fees), on account of personal injury, death or damage to or loss of property of profits arising out of or resulting, in whole or in part, from any act, omission,



negligence, fault or violation of law or ordinance of City or Consultant.

16. Effective Date The effective date of this Agreement shall be the date of the last party to sign the Agreement. This Agreement governs and controls all work performed by the Consultant for the Owner from the effective date of the Agreement.

OWNER: City of Great Falls

By \_\_\_\_\_

Date: \_\_\_\_\_

CONSULTANT: Water Right Solutions, Inc.

By \_\_\_\_\_

Date: \_\_\_\_\_

David M. Schmidt  
Principal, Senior Water Rights Specialist

## AMENDED CONSULTING AGREEMENT

THIS FIRST AMENDMENT entered into between WATER RIGHT SOLUTIONS, INC. (WRSI) and The City of Great Falls (City) is an attachment to the scope of work as follows:

Conduct decree examination work in basins 41QJ and 41Q to identify water rights claims that could, if decreed potentially adversely impact water rights currently held by the City of Great Falls. WRSI will examine Montana Water Court Decrees to identify claims that would warrant objection. After consultation with the City WRSI would prepare draft objections (if any) for the City Attorneys, review.

It is anticipated this may take up to 32 hours of consulting time to review and provide recommendations on what actions, if any, the City should make in regards to Basin 41QJ water rights. Based on the consultant's reported findings and recommendations it is possible that additional work by WRSI may be necessary to protect the City's water rights. Any such additional work will be discussed and approved in advance by WRSI and City.

City of Great Falls

By \_\_\_\_\_  
Greg Doyon, City Manager

Water Right Solutions, Inc.

By \_\_\_\_\_  
David M. Schmidt, Principal Senior Water Rights Specialist

Regular City Commission Meeting

Mayor Stebbins presiding

**CALL TO ORDER:** 7:00 PM

**PLEDGE OF ALLEGIANCE**

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

**PROCLAMATION:** Mayor Stebbins read a proclamation for Fair Housing Month.

**NEIGHBORHOOD COUNCILS**

**NC4 Swearing In - Nancy Weinzettel.** 1. Swearing In Ceremony of Neighborhood Council 4 member Nancy Weinzettel.

**NC6.** 2A. **Sally Macmillan, NC 6,** welcomed City Manager, Greg Doyon, and pledged that NC 6 will work with him and do what they can to make his tenure with the City of Great Falls a successful one. Ms. Macmillan said she is also chair of Great Falls Transit and urged Mr. Doyon to ride the public transit and learn what it is all about. She expressed kudos to Jim Rearden and Public Works Department staff. She stated that Jim attended neighborhood council meetings and kept everyone informed about the water pressure problems and the water main replacement. She thanked the workers and stated that the Public Works Department has gone above and beyond doing good things for them. Ms. Macmillan stated that some neighbors and businesses do not realize that there is an ordinance that states the sidewalks must be cleared of snow by a certain time. Ms. Macmillan fell at a business located in the NC 6 area in January and broke her ankle. She asked that a reminder notice about the ordinance be placed in an article in the newspaper, the Noah Scott police column or in the utility bills. Ms. Macmillan thanked Commissioner Jolley for attending neighborhood council meetings.

**NC4.** 2B. **Sandra Guynn, NC 4,** welcomed the City Manager, Greg Doyon, and said the council is looking forward to working with him. Ms. Guynn stated that the council is grateful for the new fifth member of their council.

**PUBLIC HEARINGS****Res. 9732, Budget  
Amendment. Adopted.****3. RESOLUTION 9732, BUDGET AMENDMENT RESOLUTION.**

Assistant Fiscal Services Director Melissa Kinzler reported that § 7-6-4031, MCA, requires that, unless otherwise provided in state law, a public hearing is required for an overall increase in appropriation authority. Due to unexpected expenditures not anticipated when the fiscal year 2007/2008 budget was adopted, a budget amendment resolution for the general fund is needed to appropriate \$316,000 as follows:

- 1) Unanticipated Animal Shelter expenditures - \$171,000
- 2) Additional personal services budget Police Department – market value adjustments- \$75,000
- 3) Additional election expenditures - \$20,000
- 4) Additional expenditures for new City Manager recruitment, hiring and relocation - \$30,000
- 5) Unanticipated expenditures for a special examiner to conduct further investigation into the report prepared by the Great Falls Police Department concerning the Animal Shelter operations - \$20,000

Ms. Kinzler stated that the general fund balance (reserve) at the end of fiscal year 2007 was \$3,108,412. The general fund balance (reserve) for fiscal year 2008 before the budget amendments is projected to be consistent with the fiscal year 2007 balance, which would leave a projected general fund balance at the end of fiscal year 2008 of \$2,792,412.

Mayor Stebbins declared the public hearing open. No one spoke in favor of Resolution 9732. Those speaking in opposition to Resolution 9732 were:

**Nancy Blatter**, 1709 20<sup>th</sup> Avenue South, requested a breakdown of the Animal Shelter expenditures in the amount of \$171,000. Ms. Kinzler responded that \$115,000 was originally budgeted in the general fund. It was a subsidy that was usually paid to the Humane Society. The budget that is required is \$270,000 for personal services, \$132,000 operating expenditures, and \$20,000 for capital outlay expenditures, totaling \$422,000. The amount of \$115,000 was budgeted, plus anticipated charges for services are \$136,000, leaving a reserve needed of \$171,000. Ms. Blatter asked what was covered in the personal services of \$270,000. Ms. Kinzler responded that amount was for staff - five animal control officers, a manager, two or three temporary office staff and kennel staff.

**Susan Kahn**, 1708 Alder Drive, inquired if the City was improving its volunteer program at the Animal Shelter. Ms. Kahn stated that Ric Valois (the tree man) has volunteered to get cats out of trees and he has not been contacted. Ms. Kahn stated she was also concerned when a specific breed of dog was taken to the shelter, the animal group was not being contacted. She concluded that she would like to see the Cascade County Humane Society take the shelter back and run it more economically.

**Gary Blatter**, 1709 20<sup>th</sup> Avenue South, commented that it seems there is a huge difference in the amount of money the City spent to run the shelter versus the Human Society. Mr. Blatter stated if there is a better and cheaper way of running it, he doesn't think quality will be a problem.

**Kathleen Gessaman**, 1006 36<sup>th</sup> Avenue N.E., welcomed the City Manager, Greg Doyon. Due to Mr. Lewin not being able to attend, Ms. Gessaman read a letter in his behalf.

**Ron Gessaman**, 1006 36<sup>th</sup> Avenue N.E., asked why the City is still involved in the Animal Shelter. Mr. Gessaman stated that it was last June when the City took over the animal shelter, and when Mr. Lawton told the Commission it would be for 90 days to six months. Mr. Gessaman stated there is no indication that the City has any desire to give up the Animal Shelter. The initial takeover is now a permanent takeover. Mr. Gessaman suggested if there is a cheaper way to operate the shelter, the City should explore those options. Mr. Gessaman stated his concern about the additional monies for the election budget and stated that these additional monies will be something the City will always be subjected to in the future with the consolidation of the election precincts at the Fairgrounds.

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 Resolution 9732.**

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

Commissioner Jolley stated that the election cost was twice as much as anticipated. Assistant City Manager Cheryl Patton stated that the cost was \$10,000 more than prior years and staff would plan better in the future. Commissioner Jolley also stated that she agrees that the City is spending more to care for dogs and cats in this city. Ms. Jolley asked Chief Grove if he added the additional Animal Shelter expenses in the next budget. Chief Grove answered that he is still looking at the costs to establish a proper budget to present to the City Manager and Commission. Commissioner Jolley stated that the special examiner for the Animal Shelter has presented her report and made recommendations. The Commission has not spoken

about the report yet and Commissioner Jolley hoped there would be a discussion in the future. Commissioner Jolley asked if anticipated charges for services were for licensing and adoption fees and asked if staff felt it was on target. Ms. Kinzler answered that it is where it was anticipated – about \$65,000 - \$68,000 for actual revenue from animal licenses, impound fees, adoption fees and commission fees.

Commissioner Beecher assured the public that the City has no desire to continue to operate the Animal Shelter forever. As soon as the appropriate officials have the proper perspective as to what is going to be required to run the shelter effectively, there will be organizations sought to run the shelter. The City does not want to be in this business for any longer than it needs to be.

Commissioner Bronson echoed Commissioner Beecher's comment, and stated his position that the operations of the shelter need to be contracted out to a private, non-profit entity. At this point, in reviewing the information that the fiscal department has put together, Commissioner Bronson said he is becoming persuaded what ultimately may be the true cost of operating that function. At that point, he said the Commission will have a lengthy discussion and a public hearing as to whether or not that expense is appropriate. Commissioner Bronson noted that a lot of that expense for that operation would go down to some extent if people in this community who act irresponsibly with respect to their pets, stop acting irresponsibly.

Commissioner Jolley stated that the last budget amendment public hearing was in 2001. That was seven years and four elections ago. Commissioner Jolley stated she was happy to have a public hearing on the budget amendment.

Motion carried 5-0.

### **OLD BUSINESS**

### **NEW BUSINESS**

**Accepted funding recommendations for 2008/2009 CDBG and HOME Program projects, and set public hearing for April 15, 2008.**

#### **4. FUNDING RECOMMENDATIONS FOR 2008/2009 CDBG AND HOME PROGRAM PROJECTS FOR INCLUSION IN THE ANNUAL ACTION PLAN.**

CDBG Administrator Chris Imhoff stated this year's grant allocation process began November 12, 2007, and continued through February 15, 2008. A total of 28 applications for CDBG and three applications for HOME were received. The Community Development Council met three evenings in late February to hear presentations from CDBG, Public Service, Housing, Economic Development and Public Facility applicants. The

council met a fourth time to work through the allocation process and prepare recommendations. Staff prepared the funding recommendation for the HOME grant. The recommendation is that the Commission accept the proposed use of CDBG and HOME funds for the 2008/2009 program year for inclusion in the annual action plan and set public hearing for April 15, 2008.

Shannon Hoiland stated the council had the opportunity to review both the written grant applications and to hear presentations from each of the grant applicants. The council consists of 10 citizens. The council uses a scoring model to rate each of the projects based on several criteria including the percentage of low to moderate income individuals served. After completing the scoring model, detailed discussions were held amongst the council to determine the appropriate funding recommendation. This year to insure that the funding recommendations met HUD's minimum requirements for individuals served, a spreadsheet was created to calculate this figure. The percentage of low to moderate individuals served with this year's recommendations exceeds the minimum set forth by HUD

Commissioner Jolley requested copies of the scoring models for the various recommendations made. Ms. Jolley asked if she heard correctly that the council recommended the Home Investment Partnership Program – the Sandhills Development. Chris Imhoff answered that the recommendation was from staff. Ms. Imhoff stated that this year the CDC did all of the CDBG recommendations.

Dale Schwanke complimented Chris Imhoff and Melanie Lattin. Mr. Schwanke said it was a very difficult, time consuming process and they were very helpful.

**Commissioner Beecher moved, seconded by Commissioner Bronson, that the City Commission accept the proposed use of funds for the 2008/2009 CDBG Program and HOME Program for inclusion in the Annual Action Plan and set the public hearing for April 15, 2008, on the Proposed Annual Action Plan.**

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

Motion carried 5-0.

**ORDINANCES/RESOLUTIONS**

**Res. 9734, Relating to Financing the Construction of Water Main Replacements; Establishing Compliance with Reimbursement Bond Regulations under the Internal Revenue Code. Adopted.**

**5. RESOLUTION 9734, RELATING TO FINANCING THE CONSTRUCTION OF WATER MAIN REPLACEMENTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE.**

Fiscal Services Director Coleen Balzarini reported that Resolution 9734 is to comply with IRS regulations regarding a potential need to incur costs for the seven water distribution projects. Ms. Balzarini stated that the City may incur costs prior to actually getting final financing. This is one of many resolutions to be approved. Each of the listed projects, except for one, was included in the Water Master Plan. Staff intends to submit an application to DNRC regarding financing and she stated that it looks like the City would be able to get funding for the \$4 million dollars at 3.75 % for 20 years. Ms. Balzarini reported that the IRS has already done their initial evaluation, and the City has already passed the additional bonds test that exists in the current debt resolution.

**Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9734.**

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

Motion carried 5-0.

**Consent Agenda.  
Approved as printed.**

**CONSENT AGENDA**

6. Minutes, March 18, 2008, Commission meeting.
7. Total Expenditures of \$2,432,717 for the period of March 10-26, 2008, to include claims over \$5,000, in the amount of \$2,211,678.
8. Contracts list.
9. Lien Release list.
10. Approve Interlocal Agreement between the City of Great Falls and the Upper Lower River Road Water/Sewer District for Service District #2. OF 1354.2.
11. Approve Agreement between the City of Great Falls and the Upper Lower River Road Water/Sewer District and Gene Thayer, Developer. OF 1354.
12. Award bid for one new 2008 1-ton regular cab with refuse body to Bison Ford in the amount of \$47,624.40 including trade-in.
13. Award construction contract to Phillips Construction in the amount of \$718,890 for the Sunnyside Water Main Replacement Project. OF 1540.



**Commissioner Jolley moved, seconded by Commissioner Beecher, to remove Items 7 and 10, and that the City Commission approve the remaining items on the Consent Agenda.**

Motion carried 5-0.

**Item 7.**

Commissioner Jolley stated that Item 7 involves payments to SME. She stated that she votes against payments to SME because they don't comply with the ordinance that created Electric City Power. Commissioner Jolley asked what the payments to NorthWestern Energy were for. Ms. Balzarini responded that the amount paid to NorthWestern Energy was the cost for distribution. She explained that electricity is delivered through the main transmission lines, and then it comes off the transmission lines to homes. NorthWestern Energy owns those lines. Commissioner Jolley asked if the light poles and street lighting also belonged to NorthWestern Energy. Ms. Balzarini answered that NorthWestern Energy owns about 9,000 of the 9,500 street lights in the City of Great Falls. The City owns about 500, or the State of Montana through the Highway Department owns a part of those. But, NorthWestern Energy owns most of those and the City leases them.

Commissioner Jolley stated that with regard to Item 7, she only opposes the payments to SME.

Mayor Stebbins called for the vote with regard to Item 7.

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

**Item 10.**

With regard to Item 10, Commissioner Jolley asked if the CDBG funds were going to be required over the next several years, and asked if they were applied for yet. Community Development Director Mike Rattray responded that, when the project was started with Upper Lower River Road Water and Sewer District, they requested \$1 million dollars in block grant funds to be allocated over three different phases. The first phase was completed in 2006 and the amount of \$333,000 was allocated. The contract was just awarded for the second phase and \$333,000 was allocated for that. Mr. Rattray stated that in 2010 they will be ready for the third and final phase. Commissioner Jolley asked if CDBG funds were used. Mr. Rattray answered that two-thirds of that \$1 million dollars was budgeted and approved. He concluded that in the 2009/2010 block grant allocation she will see another request for that allocation. Commissioner Jolley asked if block grant monies were used this year. Mr. Rattray said it was allocated a year ago. They are a year behind for Phase II.

**Commissioner Jolley moved, seconded by Commissioners Beecher Bronson, that the City Commission approve Item 10 on the Consent Agenda.**

Motion carried 5-0.

### **BOARDS & COMMISSIONS**

**Foxwood Estates.  
Preliminary Plat and  
accompanying Findings  
of Fact approved.**

#### **14. PLANNING ADVISORY BOARD.**

Mayor Stebbins stated that this item is a Preliminary Plat of Foxwood Estates. It will approve a Preliminary Plat and accompanying Findings of Fact for Foxwood Estates consisting of 14 proposed single family residential lots located south of Park Garden Road between Park Garden Estates and Park Garden Lane.

Planning Director Ben Rangel added that the City Planning Board unanimously recommends Commission approval. Additionally, in the near future, and as the developer is ready to proceed, Mr. Rangel reported that the Commission will be requested to consider the final plat of the subdivision, its annexation and the assignment of City zoning.

Commissioner Jolley inquired if the flood plain issue was settled to the satisfaction of City staff and planners. Mr. Rangel responded that it is settled to the satisfaction of City staff. He said it was an issue that staff wanted to be certain of its settlement between the developer and the City before it went to the Planning Board.

**Commissioner Bronson moved, seconded by Commissioner Beecher, that the City Commission approve the Preliminary Plat of Foxwood Estates and accompanying Findings of Fact subject to the fulfillment of the conditions that were stipulated by the City Planning Advisory Board.**

Motion carried 5-0.

**Fidelis "Fid" Fitterer and  
Thom Babinecz  
reappointed and Steven  
Vielleux appointed to the  
Golf Advisory Board for  
three-year terms through  
March 31, 2011.**

#### **15. APPOINTMENTS, GOLF ADVISORY BOARD.**

Mayor Stebbins stated that this item concerns appointments to the Golf Advisory Board. Park and Recreation Director Marty Basta reported that there was an opening on the Golf Advisory Board. That position was advertised and four applications were received. Steven Vielleux was the recommendation of the Golf Advisory Board. He is recently retired, is an avid golfer, and has attended several Golf Advisory Board meetings and expressed interest in serving on this Board.

**Commissioner Jolley moved, seconded by Commissioner Beecher, that**

the City Commission reappoint Fidelis “Fid” Fitterer as the Men’s League representative and Thom Babinecz as the Malmstrom representative to the Golf Advisory Board for three-year terms through March 31, 2011, and appoint Steven Vielleux as the non-league representative to the Golf Advisory Board for a three-year term through March 31, 2011.

Motion carried 5-0.

**16. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**CITY MANAGER**

Thanked Commission.

**17. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

City Manager Gregory T. Doyon stated that it was an honor to be here. Mr. Doyon stated that this was a tremendous opportunity. He thanked the Commission for selecting him as their next City Manager. Mr. Doyon also stated that he looks forward to serving the residents of Great Falls. He stated that he looks forward to sitting down with the Commission and working through some goals for him. He asked for their patience as he gets acclimated and learns the ropes. He thanked everyone for the warm reception.

**CITY COMMISSION**

**18. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

**PETITIONS AND COMMUNICATIONS**

**19. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.**

Mayor Stebbins opened the meeting to Petitions and Communications.

Rate/Tax increases. HGS.  
Yellowstone Park.

**19A. John Hubbard**, 615 7<sup>th</sup> Avenue South, commented that the power company is asking for another rate hike and that people who are handicapped or on Social Security can’t afford it. Mr. Hubbard stated that the schools are asking for more money that the lottery is supposed to handle. The Great Falls Fire Department is asking for new equipment. The Great Falls Police Department is asking for more policemen. Mr. Hubbard stated no new taxes, no new cops, no new fire equipment, and no raise for the power people. Mr. Hubbard stated that HGS is a bad idea. He suggested tapping into the geothermal pressure at Yellowstone Park before it blows up.

Montgomery Energy.  
SME. Contracts.

**19B. Aart Dolman**, 3016 Central Avenue, complimented Commissioner Jolley for asking questions of staff. Mr. Dolman appreciated the letter he received from staff after the last Commission meeting. Mr. Dolman stated he was puzzled by the article in the paper today. He said, as a former police

commissioner in Havre, he was asked to institute the open meeting laws there. So, when he read the newspaper today, he said a red flag went up. Mr. Dolman read part of Ms. Balzarini's response to Montgomery Energy. He said he was not aware of a meeting where the Commission asked Ms. Balzarini to write this letter. Assistant City Manager Cheryl Patton responded that the letter was received on March 5<sup>th</sup> and was addressed to City Manager John Lawton. She asked Ms. Balzarini, as the most knowledgeable staff person, to prepare a response. Commissioner Jolley stated that she thought the letter should have been sent to the Commission before sending the response. Ms. Patton stated that was the intent, but in the transition that didn't happen. Commissioner Jolley asked if a letter could be written stating that the City Commission didn't see this letter before the response was sent. Ms. Patton responded that Ms. Balzarini's response was correct. Because of the long term power contract with SME, the City did not have the ability to negotiate power deals with other providers. That was the position being conveyed in the letter. The response to Montgomery Energy should come from SME if they are interested, since the All Requirements Contract is with SME until such time as it expires or the City Commission or SME would terminate it. Staff was operating under a policy and contract that was approved by the City Commission.

Commissioner Jolley stated the contract is for power until 2047. Great Falls has a charter form of government and is supposed to follow state law regarding finance. Commissioner Jolley stated one of the state laws is you can't have a contract for longer than 10 years without competitive bidding. The CAFR has a typo in it that states the power contract is until 2011. Ms. Jolley asked City Attorney if a contract until 2047 is allowed under state law. City Attorney Dave Gliko answered that the City passed an ordinance that allowed the City to supersede state statute and allows a contract to be entered into for an unspecified period. Mr. Gliko stated the City is not bound by that state regulation. Commissioner Jolley stated that, according to the State, the City of Great Falls is bound to the laws that deal with finance, taxation, planning and zoning. Mr. Gliko responded that much is true. But, speaking of the City's contracting power, under the charter form of government with self-governing powers, the City is free to exercise self governing powers in the area of contracts and terms.

Commissioner Bronson stated that he concurs with Mr. Gliko's legal analysis.

Mr. Dolman stated the letter to Montgomery Energy should have been signed by the Mayor and not a staff member. He pointed out that it is the Commission's duty to provide oversight.

**Sunnyside area.**

**19C. Gary Blatter**, 1709 20<sup>th</sup> Avenue South, commented that he received a letter in his mailbox about something important to the Sunnyside area residents. He stated he was shocked that it proposed five houses were going in the area without any improvements. Planning Director Ben Rangel

reviewed the letter and stated that he is not aware of this correspondence. He assumed Mr. Blatter was referring to the homes that will be relocated from the location where CVS Pharmacy is being proposed. The houses are being proposed to be relocated to an area a block from Sunnyside School. The lots where the homes are proposed to be located are a unique situation. The northern half of those lots is within the City, and the southern portion of those same lots is within the County. NeighborWorks, who is the recipient of these homes from the CVS Corporation, will be going through steps to amend the plat to the area because the lots are not large enough. Then there will be an annexation for the portions that remain in the County and the City will assign zoning of R-3 to those lots. There were about 11 parcels of land that NeighborWorks was interested in having consolidated under this amended plat, five of which will accept the homes from the CVS area and the others will then be home sites for future homes that NeighborWorks is interested in having built in the area. In terms of improvements, Mr. Rangel said they will be required to install all of the same improvements as any other property being annexed into the City. Mr. Rangel stated that they will, at this point in time as part of the annexation, install curbs and gutters. The sidewalks and roadway improvement itself will be done in time. There is interest in perhaps spreading the cost of that public infrastructure improvement of the roadway to a broader special improvement district so that other residents in the area that will also benefit from improvement of the roadway will contribute towards this cost.

**Agenda.**

**19D. Ron Gessaman**, 1006 36<sup>th</sup> Avenue N.E., commented that the agenda he downloaded on Monday was not the same agenda as tonight. There was nothing on the top of the agenda stating it was revised. It only contained an asterisk that stated items 14 and 15 were corrected. Mr. Gessaman suggested there being a big note at the top stating the agenda had been revised. At the top of the agenda it states that the public has the right to comment. Mr. Gessaman said the public was not asked to comment on any item tonight. In the future, Mr. Gessaman suggested that public comment be asked for on each item on the agenda. On agenda item 12, Mr. Gessaman stated he found it interesting that this item concerned the purchase of a truck for \$47,624 that was originally budgeted for \$75,680, which is a 40% difference. He asked if this was an indication of poor budgeting and was it one of the reasons the City had to reallocate \$313,000 from reserves tonight. Mr. Gessaman commented on Resolution 9537 passed several years ago. He read a portion of the document that referred to a development agreement. He stated that no one can find that development agreement. Mr. Gessaman stated, if this development agreement does not exist, how does the City expect to settle if this plant is not built.

**Observatory.**

**19E. Orrin Loftin**, 3805 7<sup>th</sup> Street N.E., #114, relayed his idea to build an observatory. Mr. Loftin stated this would benefit education, as the students could tour the observatory and spur their imaginations. Contracts would be entered into that would produce revenue. The college geniuses in the state could build and run it. Mr. Loftin said, "We are the state of exploration. We

need to take a stake and hammer it in the ground - we will have the Lewis and Clark Observatory.”

**Visioning Process.**

**19F. Kathleen Gessaman**, 1006 36<sup>th</sup> Avenue N.E., read a portion of the Great Falls Boards and Commissions code of ethics that states local government exists to serve the best interests of the people. Ms. Gessaman stated that tied in with an email she received from Brett Doney that talked about a visioning process for the City of Great Falls, much like Vision 2000 back in the mid-80’s. Ms. Gessaman stated that the common goal was to have a safe and healthy environment for the community. She thought it would be a good time to get together, city and county, to decide where we want to go with the future, and what do we envision for our children and grandchildren.

**SME. CO<sub>2</sub>.**

**19G. Ken Thornton**, 31 Paradise Lane, commented about the article in the newspaper about the City not looking at the offer from Montgomery Energy. Mr. Thornton pointed out that the City needs to look at the cost of climate control gasses – CO<sub>2</sub>. In the past six months the investment bankers have decided that any plants that they will lend funds for must have a detailed accounting of how they will handle the CO<sub>2</sub> problem. Mr. Thornton stated that SME and this City have never addressed the cost of CO<sub>2</sub> in any of their analysis of the financing of this plant. The plant will be here for 30 years and there will be a CO<sub>2</sub> cost. Montgomery Energy’s natural gas produces about one-third less CO<sub>2</sub> per megawatt. There will be a significant decrease even if the cost of the natural gas is higher. The idea that the City is tied to SME until 2047 is insane. Mr. Thornton urged the Commission to look at the financial aspects of the plant and get out of it as soon as it can.

**SME Security Deposit.**

**19H. Carol Fisher**, 500 53<sup>rd</sup> Street South, commented that she was at the meeting when the City Commission approved the \$1.4 million dollar security deposit for SME. She found it hard to believe that the various funds were just lying around, and that taking money out of various accounts wouldn’t cause a shortage. Ms. Fisher said now there are budget shortages in some of the various departments in the City. Ms. Fisher believed that was caused by the \$1.4 million dollars that was pulled out as a security deposit and given to SME. Ms. Fisher said it also bothered her that there was no contractual agreement to give SME a security deposit.

**Albertson’s. Visitor’s Center.**

**19I. Susan Kahn**, 1708 Alder Drive, commented that she was sad to see the City is losing the downtown Albertson’s store. She said it is a good opportunity for the City to appeal to different businesses that might come into play there. She suggested a Trader Joes. Ms. Kahn also suggested that the volunteers at the Visitor’s Center be given passes to the Electric City Water Park.

**Fund Raiser.**

**19J. Kelly Cyr**, 401 Sweetgrass Court, stated that she is starting a fund raiser for battered women, men and children. Ms. Cyr is a full-time advocate and activist for fighting domestic violence. Her first fund raiser is a Great Falls talent show at the Black Eagle Community Center on Saturday. Ms.

Cyr stated that she is trying to get a domestic violence movement going. She has lived this life. She wrote a book entitled *Supreme Love* – a battered woman’s true story. Ms. Cyr stated that there will be four more fund raisers throughout the summer. She will send the grand prize winner to the American Idol tryouts in Missoula.

**ADJOURNMENT**

**Adjourn.**

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the regular meeting of April 1, 2008, be adjourned at 8:30 p.m.**

Motion carried 5-0.

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Mayor Stebbins

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City Clerk

**ITEM:** \$5000 Report  
 Invoices in Excess of \$5000

**PRESENTED BY:** Fiscal Services Director

**ACTION REQUESTED:** Approval With Consent Agenda

APPROVAL: \_\_\_\_\_

**TOTAL CHECKS ISSUED AND WIRE TRANSFERS MADE ARE NOTED BELOW WITH AN ITEMIZED LISTING OF ALL TRANSACTIONS GREATER THAN \$5000:**

MASTER ACCOUNT CHECK RUN FOR APRIL 2, 2008	140,005.27
MASTER ACCOUNT CHECK RUN FOR APRIL 9, 2008	485,094.15
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MARCH 31 - APRIL 04, 2008	89,112.50
WIRE TRANSFERS FROM MARCH 25 - 31, 2008	92,791.29
WIRE TRANSFERS FROM APRIL 1 - 9, 2008	<u>188,864.92</u>
TOTAL: \$	<u>995,868.13</u>

**GENERAL FUND**

**LEGAL**

BROWNING KALECZYC BERRY & HOVEN	LEGAL FEES CASE 3283.002 FOR JAN & FEB	10,912.30
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**SPECIAL REVENUE FUND**

**PLANNING**

BETTY TYNES	REIMBURSEMENT OWED DEVELOPER FOR PREVIOUS INSTALLED IMPROVEMENTS SAND HILLS ADDITION	11,443.64
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**CTEP PROJECT**

THOMAS DEAN & HOSKINS	BAY DRIVE PHASE TWO -PROJECT DEV	7,431.75
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**FEDERAL BLOCK GRANTS**

OTHER GUYS WOOD FLOORS	SAND & FINISH FLOORS BOYS & GIRLS CLUB	9,755.46
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**WEST BANK URBAN RENEWAL**

NCI ENGINEERING	4TH AVE NW IMPROVEMENTS OF #1488	10,965.01
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**CAPITAL PROJECTS**

**STREET LIGHTING CONSTRUCTION**

UNITED ELECTRIC LLC	PMT #2 OF SID 1308/EAGLES CROSSING	17,246.30
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**ENTERPRISE FUNDS**

**WATER**

BISON MOTOR CO INC	FORD F250 2008 1/2 TON PICK-UP	14,455.80
EASTSIDE ELECTRIC MOTORS	REPAIRS ON 250 HP WESTINGHOUSE MOTOR FOR WATER PLANT	12,450.00

**SEWER**

MT DEPT OF ENVIRONMENTAL QUALITY WATER PROTECTION BUREAU	DISCHARGE FLOW RATE PERMIT 2007	18,902.00
VEOLIA WATER NORTH AMERICA	OPERATIONS & MAINTENANCE APR 2008	225,071.08

**ELECTRIC**

SME	PMT OF ENERGY SUPPLY EXPENSE JAN 08	57,202.60
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**SAFETY SERVICES**

QWEST	MAR 10 TO APR 09, 2008 CHARGES	6,115.67
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**GOLF COURSES**

STRAY MOOSE PRODUCTIONS	15 - YAMAHA 2008 GOLF CARS	35,625.00
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**CIVIC CENTER EVENTS**

WELLS FARGO BROKERAGE SERV	TICKETING SYSTEM CONTRACT	13,858.44
IRONRIDGE	PAYOUT PROCEEDS IRON #08-126	8,055.81

**INTERNAL SERVICES FUND**

**HEALTH & BENEFITS**

BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS MAR 25 - 31, 2008	92,791.29
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS APR 1 - 7, 2008	120,941.93

**CENTRAL GARAGE**

MOUNTAIN VIEW CO-OP	UNLEADED/DIESEL FUEL	59,325.28
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**TRUST AND AGENCY**

**COURT TRUST MUNICIPAL COURT**

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	65,751.50
CASCADE COUNTY TREASURER	FINES & FORFEITURES SURCHARGES	11,893.00
VICTIM WITNESS ASSISTANCE SERV	FINES & FORFEITURES SURCHARGES	5,627.00

**CLAIMS OVER \$5000 TOTAL:** \$ 815,820.86

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

**AGENDA: 8  
DATE: April 15, 2008**

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

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

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

**MAYOR’S SIGNATURE:** \_\_\_\_\_

**CONTRACT LIST**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>FUND</b>	<b>AMOUNT</b>	<b>PURPOSE</b>
<b>A</b>	Great Falls Police Department	New World Systems Corporation 888 West Big Beaver Road, Suite 600 Troy, MI 48084-4749	04/2008	Weed and Seed Grant	\$10,000	Additional Software License Agreement
<b>B</b>	Great Falls Police Department	New World Systems Corporation 888 West Big Beaver Road, Suite 600 Troy, MI 48084-4749	07/01/2008 – 06/30/2011	Split between Police Dispatch, Fire & Court	\$127,256	Standard Software Maintenance Support Services
<b>C</b>	Great Falls Police Department	New World Systems Corporation 888 West Big Beaver Road, Suite 600 Troy, MI 48084-4749	04/2008	Weed and Seed Grant	\$7,500	Additional Support Services for installation of messaging (change management, planning, documentation, installation, support training, pilot go-live and transition into the mobile customer support team).
<b>D</b>	Park and Recreation	AA Sports, Ltd.	04/2008	564-6442-562-3912	\$11,485	Ice Breaker Road Race Timing

		4840 SW Western Avenue, Suite 400 Beaverton, OR 97005				Service
<b>E</b>	Planning Ellen Sievert Historic Preservation Officer	Montana Historic Preservation Office Montana Historical Society, P.O. Box 201202, Helena, MT 59620-1202	04/01/2008 – 03/31/2009	213-1817-512-1113	\$5,500 Grant matched on 60/40 basis	CLG training and historic preservation efforts.

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

**AGENDA: 9  
DATE: April 15, 2008**

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

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

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

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

**GRANTS**

	<b>DEPARTMENT</b>	<b>OTHER PARTY (PERSON OR ENTITY)</b>	<b>PERIOD</b>	<b>GRANT AMOUNT REQUESTED</b>	<b>CITY MATCH (INCLUDE FUND MATCH TO BE PAID OUT OF)</b>	<b>PURPOSE</b>
<b>A</b>	Park and Recreation	Montana Department of Natural Resources and Conservation, 2705 Spurgin Road, Missoula, MT 59804-3199	04/15/2008 – 06/15/2008	An amount not to exceed - \$13,500	100% - match will be by cash, in-kind and/or donated contributions.	Urban Forestry Program – Planting street trees where American Elm have been lost to Dutch Elm Disease.

**ITEM:** CONSTRUCTION CONTRACT AWARD: WATER TREATMENT PLANT  
FLUME AND SANITARY SEWER MANHOLE LINING PROJECT, O.F. 1519.4

**INITIATED BY:** \_\_\_\_\_ PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

**ACTION REQUESTED:** \_\_\_\_\_ AWARD CONTRACT

**PRESENTED BY:** \_\_\_\_\_ JIM REARDEN, PUBLIC WORKS DIRECTOR

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**MOTION:** “I move the City Commission award a contract in the amount of \$73,327.00 to Pipeline Inspection Services Inc. for the WTP Flume and Sanitary Sewer Manhole Lining Project, O.F. 1519.4, and authorize the City Manager to execute the agreements.”

**PROJECT TITLE:** WTP Flume and Sanitary Sewer Manhole Lining Project, O.F. 1519.4

**RECOMMENDED CONTRACTOR:** Pipeline Inspection Services Inc.

**CONTRACT AMOUNT:** \$73,327.00

**ENGINEER’S ESTIMATE:** \$54,235.00

**START DATE:** April, 2008

**COMPLETION DATE:** August, 2008

**PENALTY / INCENTIVE TERMS:** Liquidated Damages, \$400.00/Day

**SYNOPSIS:** The purpose of this project is to provide rehabilitation for a leaking concrete influent flume at the City of Great Falls Water Treatment Plant (WTP), and to preserve newly constructed concrete sanitary sewer manholes for the new Agribusiness Park and the Refinery located on the north side of to the Missouri River. This project will provide protection from higher than normal levels of Hydrogen Sulfide (H<sub>2</sub>S) gas created by the wastewater from the agricultural processing of grains at the Malting Plant and the petroleum products produced at the Montana Refinery Company.

The leaking flume at the WTP conveys clarified water from the Missouri River to the filter basins inside the clear-well building. The flume has recently begun leaking, with several unsuccessful attempts made by WTP personnel to patch suspected leaking areas. This construction contract will provide a polyurea compound that will stop the leaking and also provide some structural support for this aging structure.

The effect of H<sub>2</sub>S gas causes the concrete manholes to deteriorate from the corrosive effects of acidic byproducts produced from the gas. Seventeen of the 36 new manholes on the sewer main have been chosen to be lined under this project due to high H<sub>2</sub>S and resulting deterioration. The remaining manholes will be lined if they show a more aggressive pace of deterioration in the future.

The bid opening was held on April 2, 2008 with five bids submitted for the manhole lining portion of the contract and four bids submitted for the WTP flume part of the project. Pipeline Inspection Services Inc., submitted both low bids. The low bid for the WTP Flume is \$29,952.00 and \$43,375.00 for the Manhole portion of the project. The bid tabulation summary is attached. Funding for the project will come from sewer capital funds and Water Treatment Plant miscellaneous project funds.

**BACKGROUND:** The WTP flume is approximately 102 feet long with a 4-foot by 4-foot square cross-section, and is supported on piers with dirt backfill. It was originally built in 1932.

In 2005, construction was completed that built new wastewater conveying facilities for the newly constructed Malting Plant. These waste water facilities include a 2,300 gallon per minute sewage lift station, 36-manholes, and approximately 15,000 lineal feet of 18 to 36 inch PVC sanitary sewer main.

City Engineering Staff completed the project design and will perform construction inspection and administrative duties.

Attachments: Bid Tabulation Summary

File: 1519.4awdAR

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

BID TABULATION SUMMARY

WTP Flume and Sanitary Sewer Manhole Lining Project  
 O.F. 1519.4

Project Number \_\_\_\_\_  
 Bids Taken at Civic Center  
 Date: April 2, 2008  
 Tabulated By: Kari Wambach

	Name & Address of Bidder	Acknowledge Addendum #1	Acknowledge Addendum #2	10% Bid Security	Affidavit of Non-Collusion	Certificate of Non-Segregated Facilities	Certificate of Compliance with Insurance Req.	Total Bid Schedule 1	Total Bid Schedule 2
1	Matheson Painting 615 South Oregon Avenue Pasco, WA 99301	√	√	√	√	√	√	\$78,026.00	\$103,710.40
2	Planned & Engineered Const. 3400 Centennial Drive Helena, MT 59601	√	√	√	√	√	√	\$87,500.00	No Bid
3	Pipeline Inspection Services PO Box 3023 Nampa, ID 83653	√	√	CC	√	√	√	\$43,375.00	\$29,952.00
4	Supertec Infrastructure Tech. 600 Border Lane Rexford, MT 59930	√	√	√	√	√	√	\$80,488.31	No Bid
5	Cascade Industries NW 217 240th Street SE Bothell, WA 98021	√	√	√	√	√	√	\$77,541.15	\$38,818.56
6	A-1 Refinishing 4154 Michell Avenue Billings, MT 59101	√	√	CC	No Not	Bid A	Package Planholder	No Bid	\$36,709.92
7									
8									
9									
10	<b>Engineer's Estimate</b>							\$25,915.00	\$28,320.00

AGENDA REPORT

DATE April 15, 2008

ITEM: ENGINEERING SERVICES CONTRACT AMENDMENT: NORTH PARK SEWER LIFT STATION #27 REPLACEMENT, O.F. 1374.5.

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: APPROVE ENGINEERING CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

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**RECOMMENDATION:** Approve Engineering Contract Amendment between the City of Great Falls and NCI Engineering Co. (NCI) for engineering services to be performed for the North Park Sewer Lift Station #27 Replacement, O.F. 1374.5.

**MOTION:** “I move the City Commission approve the Engineering Contract Amendment between the City of Great Falls and NCI Engineering Co. for engineering services for the North Park Sewer Lift Station #27 Replacement, O.F. 1374.5 for a fee not to exceed \$47,310, and authorize the City Manager to execute the agreements.”

**SYNOPSIS:** City Staff has negotiated an amendment to a previously approved professional engineering services contract (attached) with NCI to inspect the construction project at Lift Station #27. NCI has designed the project and coordinated the bidding process, with Dick Anderson Construction Inc. submitting the lowest responsible bid. City engineering and Veolia staff is assisting with project administration duties.

**BACKGROUND:** Originally built in 1977, Lift Station #27 has experienced heavy corrosion over the years and has suffered extreme damage. Cathodic protection was added to the lift station recently to stop future corrosion, but the cost to repair the existing damage is greater than the replacement cost. The cathodic protection system will be recovered for future use.

The lift station’s dry well will be replaced along with mechanical, electrical, and control equipment located in the lift station. Rehabilitation will be done on the existing wet well at the lift station including general maintenance and repairs that are needed. Construction is scheduled for late summer and will be completed by the fall. The delay between the award date and the start of construction is due to the long lead time required for procurement of the dry well and control equipment. This equipment will be ordered immediately after the contract is awarded.

City engineering and Veolia staff will assist with project administration duties.



**A G E N D A   R E P O R T**

**DATE** April 15, 2008

**ITEM:** CONSTRUCTION CONTRACT AWARD: NORTH PARK SEWER LIFT STATION #27 REPLACEMENT, O.F. 1374.5

**INITIATED BY:** PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

**ACTION REQUESTED:** AWARD CONTRACT

**PRESENTED BY:** JIM REARDEN, PUBLIC WORKS DIRECTOR

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**MOTION:** "I move the City Commission award a contract in the amount of \$227,500.00 to Dick Anderson Construction, Inc. for the North Park Sewer Lift Station #27 Replacement, O.F. 1374.5, and authorize the City Manager to sign the construction contract documents."

**PROJECT TITLE:** North Park Sewer Lift Station #27 Replacement, O.F. 1374.5

**RECOMMENDED CONTRACTOR:** Dick Anderson Construction, Inc.

**CONTRACT AMOUNT:** \$227,500.00

**ENGINEER'S ESTIMATE:** \$285,000.00

**START DATE:** August 25, 2008 (for construction)

**COMPLETION DATE:** October 23, 2008 (60 Calendar Days)

**PENALTY/INCENTIVE TERMS:** Liquidated Damages, \$650.00/Day

**SYNOPSIS:** This project involves the replacement and rehabilitation of the existing Lift Station #27 located in the North Park area.

The bid opening was held on April 2, 2008 with 4 bids submitted. Dick Anderson Construction, Inc. submitted the low bid in the amount of \$227,500.00. The bid tabulation summary is attached. Funding for this project will come from the sewer fund.

**BACKGROUND:** Originally built in 1977, Lift Station #27 has experienced heavy corrosion over the years and has suffered extreme damage. Cathodic protection was added to the lift station recently to stop future corrosion, but the cost to repair the existing damage is greater than the replacement cost. The cathodic protection system will be recovered for future use.

Construction will include replacing the lift station's dry well along with mechanical, electrical, and control equipment. Rehabilitation will be done on the existing wet well including general maintenance and repairs that are needed. Construction is scheduled for late summer and will be completed by the fall. The delay between the award date and the start of construction is due to the long lead time required for procurement of the dry well and control equipment. This equipment will be ordered immediately after the contract is awarded.

NCI Engineering Co. completed the project design and will perform construction inspection and contract administration duties. City engineering and Veolia staff will assist with project administration duties.

Attachment: Bid Tabulation Summary

City of Great Falls													
Sewer Lift Station Replacement O.F. 1374.5													
Bid Date 4/2/2008													
Engineer's Certification													
Item No.	Item	Unit	Est. Quantity	Engineer's Estimate		Dick Anderson Construction		Ed Boland Construction		James Talcott Construction		Phillips Construction	
				Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
101	Demo Existing Pump Station Dry Pit and Bypass Pumping	L.S.	1	\$ 25,000.00	\$ 25,000.00	\$ 17,500.00	\$ 17,500.00	\$ 13,700.00	\$ 13,700.00	\$ 38,807.00	\$ 38,807.00	\$ 42,805.00	\$ 42,805.00
102	Modify Existing Wet Well Structure	L.S.	1	\$ 15,000.00	\$ 15,000.00	\$ 18,500.00	\$ 18,500.00	\$ 14,200.00	\$ 14,200.00	\$ 11,595.00	\$ 11,595.00	\$ 36,075.00	\$ 36,075.00
103	Site Work, Excavation and Surface Restoration	L.S.	1	\$ 35,000.00	\$ 35,000.00	\$ 40,000.00	\$ 40,000.00	\$ 109,600.00	\$ 109,600.00	\$ 87,871.00	\$ 87,871.00	\$ 104,260.00	\$ 104,260.00
104	Piping and Site Mechanical Modifications	L.S.	1	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,000.00	\$ 12,400.00	\$ 12,400.00	\$ 15,601.00	\$ 15,601.00	\$ 26,490.00	\$ 26,490.00
105	Dry Pit and Internal Mechanical and Electrical	L.S.	1	\$ 175,000.00	\$ 175,000.00	\$ 100,000.00	\$ 100,000.00	\$ 97,200.00	\$ 97,200.00	\$ 120,741.00	\$ 120,741.00	\$ 138,745.00	\$ 138,745.00
106	Site Electrical and Telephone Service	L.S.	1	\$ 10,000.00	\$ 10,000.00	\$ 28,000.00	\$ 28,000.00	\$ 25,875.00	\$ 25,875.00	\$ 5,711.00	\$ 5,711.00	\$ 21,930.00	\$ 21,930.00
107	Outside Utility Conflicts	L.S.	1	\$ 5,000.00	\$ 5,000.00	\$ 3,500.00	\$ 3,500.00	\$ 3,425.00	\$ 3,425.00	\$ 6,441.00	\$ 6,441.00	\$ 12,674.00	\$ 12,674.00
108	Miscellaneous Field Work or Material	Unit	10,000	\$ 1.00	\$ 10,000.00	\$ 1.00	\$ 10,000.00	\$ 1.00	\$ 10,000.00	\$ 1.00	\$ 10,000.00	\$ 1.00	\$ 10,000.00
BASE TOTAL					\$ 285,000.00		\$ 227,500.00		\$ 286,400.00		\$ 296,767.00		\$ 392,979.00

A G E N D A   R E P O R T

DATE April 15, 2008

**ITEM:** FINAL PAYMENT – 9<sup>TH</sup> STREET NORTHEAST STORM DRAIN EXTENSION - O.F. 1476.1

**INITIATED BY:** PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

**ACTION REQUESTED:** APPROVE FINAL PAY REQUEST

**PRESENTED BY:** JIM REARDEN, PUBLIC WORKS DIRECTOR

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**RECOMMENDATION:** Staff recommends the approval of Final Payment to Ed Boland Construction, Inc. and the State Miscellaneous Tax Division for 9<sup>th</sup> Street NE Storm Drain Extension - O.F. 1476.1.

**MOTION:** "I move the City Commission approve Final Payment of \$12,823.42 to Ed Boland Construction, Inc. and the State Miscellaneous Tax Division for 9<sup>th</sup> Street NE Storm Drain Extension - O.F. 1476.1, and authorize the City Manager to execute the necessary documents and make the payments."

**SYNOPSIS:** Eleven bids were received on November 21, 2007. Ed Boland Construction submitted the low bid and was awarded a contract for \$149,489.00

Ed Boland Construction has completed the contract work in accordance with the plans and specifications. Construction began on January 2, 2008 and was substantially complete within the allotted contract time. The two-year project warranty period began on the date of substantial completion, February 6, 2008. The final project cost is \$140,611.50 which is \$8,877.50 under the contract amount. Cost savings were attributable to not using the majority of the miscellaneous work bid item. Storm drain funding allocated for the project is available for final payment.

**BACKGROUND:** The northern edge of Great Falls has been one of the fastest growing areas of the City in recent years and further development has been proposed. This development is resulting in additional storm water runoff into the drainage basin below. In order to prevent downstream erosion, flooding and other problems, public storm drainage facilities are being planned. A recent engineering master plan study of the area recommends that storm drainage facilities including storm drains and a series of detention ponds be constructed in phases within and downstream of the current development area. This project was the first phase of planned improvements in the basin and consisted of the construction of a storm drain between the Northview and Eagles Crossing

Additions.

The project work scope included construction of approximately 1,500 lineal feet of 24 through 36 inch diameter pipe along with manholes, an outlet structure, and drainage ditch. The storm drain is located in a utility easement located between the Northview and Eagles Crossing Additions and within existing public right-of-way in the Eagles Crossing Addition.

Because the storm drainage improvements served several subdivisions and other land outside the City, the project was designed and constructed by the City. The City's capital costs will be recovered from developers as the adjacent property is annexed and developed.

HKM Engineering completed the project design. City staff provided construction management and inspection.

Attachments: Final Pay Request (Not available online; on file in City Clerk's Office.)