



City Commission Agenda

for

April 1, 2008

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

CALL TO ORDER: 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION

Fair Housing Month

NEIGHBORHOOD COUNCILS

1. Swearing In Ceremony, Neighborhood Council #4.
2. Miscellaneous reports and announcements.

PUBLIC HEARINGS

3. Res. 9732, Budget Amendment Resolution. Action: Conduct public hearing and adopt or deny Res. 9732. **(Presented by: Melissa Kinzler)**

OLD BUSINESS

NEW BUSINESS

4. Funding recommendations for 2008/2009 CDBG and HOME Program projects for inclusion in the Annual Action Plan. Action: Accept funding recommendations and set public hearing for April 15, 2008, on the Proposed Action Plan. **(Presented by: Chris Imhoff and Shannon Hoiland)**

ORDINANCES/RESOLUTIONS

5. Res. 9734, Relating to Financing the Construction of Water Main Replacements; Establishing Compliance with Reimbursement Bond Regulations under the Internal Revenue Code. Action: Adopt or deny Res. 9734. **(Presented by: Coleen Balzarini)**

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

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 \$5000, 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.
11. Approve Agreement between the City of Great Falls and the Upper Lower River Road Water/Sewer District and Gene Thayer, Developer.
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.

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

BOARDS & COMMISSIONS

14. Preliminary Plat of Foxwood Estates. Approves 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. Action: Approve or deny Plat and Accompanying Findings of Fact.
(Presented by: Ben Rangel)
15. Appointments, Golf Advisory Board. Action: Reappoint Fidelis "Fid" Fitterer as the Men's League representative and Thom Babinecz as the Malmstrom representative for three-year terms through March 31, 2011, and appoint one new member as the non-league representative for a three-year term through March 31, 2011.
(Presented by: Marty Basta)
16. Miscellaneous reports and announcements.

CITY MANAGER

17. Miscellaneous reports and announcements.

CITY COMMISSION

18. Miscellaneous reports and announcements.

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

19. Miscellaneous reports and announcements.

MOTION TO ADJOURN

**CITY OF GREAT FALLS, MONTANA
AGENDA REPORT**

**AGENDA # 3
DATE April 1, 2008**

Item Resolution 9732 – Budget Amendment Resolution
Initiated By Statutory Budget Requirements
Action Requested Conduct Public Hearing and Adopt Resolution
Prepared & Presented By Melissa Kinzler, Budget Officer
Reviewed & Approved By Cheryl Patton, Assistant City Manager

RECOMMENDATIONS

Staff recommends the City Commission:

1. Conduct the budget amendment hearing;
2. Consider any budget changes which may be recommended during the budget amendment hearing; and
3. Adopt Resolution 9732.

MOTIONS

I move the City Commission adopt Resolution 9732.

SYNOPSIS

Montana Code Annotated, 7-6-4031, 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

\$270,000	Personal services
132,000	Operating expenditures
<u>20,000</u>	Capital outlay expenditures
\$422,000	Total Expenditures
(115,000)	Subsidy already budgeted
<u>(136,000)</u>	Anticipated Charges for Service

\$171,000 Total Reserves Needed

- 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

\$60,000 Total estimated costs (includes interviews, recruitment firm, and relocation)

(30,000) Amount in adopted budget

\$30,000 Total Reserves Needed

- 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

The General Fund fund balance (reserve) at the end of Fiscal Year 2007 was \$3,108,412. The General Fund fund balance (reserve) for FY 2008 before the budget amendments is projected to be consistent with the FY 2007 balance, which would leave a project General Fund fund balance at the end of FY 2008 of \$2,792,412.

BACKGROUND

ATTACHED are:

1. Proposed Legal Notice - Budget Amendment Hearing

Notices of Hearings

MCA 7-6-4021, requires notice of budget amendment hearing.

NOTICE OF BUDGET AMENDMENT HEARING

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

- intends to amend its annual budget;
- placed the budget amendment on file and open to public inspection at the City Clerk's Office, Room 202, Civic Center Building; and,
- set the public hearing for the amendment of the City of Great Falls 2008 Annual Operating Budget for 7 PM, Tuesday, April 1, 2008, at the City Commission Chambers, Civic Center Building.

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

Lisa Kunz
City Clerk

FOR OFFICE USE ONLY

Publication Dates: March 23, 2008
 March 30, 2008

LEGAL AD

RESOLUTION NO. 9732

BUDGET AMENDMENT RESOLUTION

A RESOLUTION RELATING TO BUDGET AMENDMENTS FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008

- A. Montana Code Annotated, 7-6-4031, requires that unless otherwise provided in state law, a public hearing is required for an overall increase in appropriation authority.
- B. the notice of hearing on budget amendment was published in accordance with MCA, 7-1-4127, as required by MCA, 7-6-4021; and,
- C. the hearing on budget amendments was held in accordance with MCA, 7-1-4131.

NOW, THEREFORE,

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

Section 1. – Budget Amendments

Budget amendments to the Fiscal Year 2008 General Fund budget, totaling \$316,000, are adopted as follows:

- a. \$171,000 in the Police Department for Animal Shelter expenditures.
- b. \$ 75,000 in the Police Department for increased personal cost due to market rate adjustments.
- c. \$ 20,000 in the City Commission budget for additional election expenditures.
- d. \$ 30,000 in the Administration budget for additional costs for new City Manager recruitment, hiring and relocation.
- e. \$ 20,000 in the City Commission budget for a special examiner to conduct further investigation into the report prepared by the Great Falls Police Department concerning the Animal Shelter operations.

Section 2. – Funding Source

Funding Source:

- \$316,000 from the General Fund, from activation of General Fund reserves.

PASSED by the Commission of the City of Great Falls, Montana, on this _____ day of _____, 2008.

Dona Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

Approved as to form: City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution No. 9732 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the day of____, 2008, and approved by the Mayor of said City on the__ day of _____, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this__ day of_____, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

AGENDA REPORT

DATE April 1, 2008

ITEM CDBG and HOME Program Proposed Use of Funds and Set the Public Hearing Date for HUD Required Annual Action Plan

INITIATED BY Community Development Staff

ACTION REQUESTED Approve Motion to Accept Recommendations for 2008/2009 CDBG & HOME Programs and Set Public Hearing Date

PREPARED & PRESENTED BY Chris Imhoff, CDBG/HOME Administrator

REVIEWED & APPROVED BY Mike Rattray, Community Development Director

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RECOMMENDATION:

Staff recommends the City Commission (1) accept recommendations for funding 2008/2009 Community Development Block Grant projects; (2) accept funding recommendations for the HOME program projects; and, (3) set April 15, 2008, as the public hearing date for the Proposed Annual Action Plan.

MOTION:

I move to accept the proposed use of funds for the 2008/2009 Community Development Block Grant 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.

SYNOPSIS:

Federal regulations require that the proposed use of Community Development Block Grant funds and HOME Program funds are included in the Annual Action Plan. The 2008/2009 Annual Action Plan will be available for public review and comment during a 30 day period beginning April 4, 2008, through May 3, 2008. A public hearing on the Proposed Annual Action Plan will be held during this comment period.

BACKGROUND:

On April 19, 2005, the City Commission approved the 5 Year Consolidated Plan. Each year an Annual Action Plan is required to be submitted to the U.S. Department of Housing and Urban Development. This document contains the proposed use of CDBG and HOME funds for the coming 2008/2009 Fiscal Year. Community Development Block Grant project proposals were received in mid-February 2008. The Community Development Council met on March 17 and 18 to hear oral presentations from the public service agency applicants, on March 18 to hear oral presentations by housing and economic development applicants, and on March 20 to hear oral presentations by applicants applying under the public facility priority. On March 25, 2008, the Community Development Council formulated its recommendations and will present its funding recommendations to the City Commission during the April 1, 2008, City Commission meeting.

The HOME Program project proposals were also received in mid-February 2008. HOME Program funding recommendations will be presented to the City Commission during the City Commission meeting on April 1, 2008. The City Commission will make final funding decisions on the HOME and the CDBG proposals at the May 6, 2008, City Commission meeting.

The Proposed Annual Action Plan will be made available to the citizens of Great Falls for review and comment for a 30 day period beginning April 4, 2008, and ending May 3, 2008. The public hearing on April 15 is a forum set to allow the citizens of Great Falls the opportunity to express their views on the proposed use of federal Community Development Block Grant and HOME Program dollars and each program's policies and performance.

The City Commission must officially adopt the Annual Action Plan and submit it to HUD before May 15, 2008.

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>GREAT FALLS CITY COMMUNITY DEVELOPMENT— HISTORIC PRESERVATION 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>GREAT FALLS CITY COMMUNITY DEVELOPMENT— REHABILITATION SPECIALIST 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>MONTANA INSTITUTE OF FAMILY LIVING/PARK MANOR 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>NEIGHBORWORKS GREAT FALLS 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>MCLAUGHLIN RESEARCH INSTITUTE 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>
<p>GATEWAY COMMUNITY SERVICES 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</p>	\$51,083	\$13,825
<p>GREAT FALLS CITY PARK & RECREATION, COMMUNITY RECREATION CENTER—ELECTRICAL Electrical system panel upgrade at Community Recreation Center located at 801 2nd Avenue North</p>	\$65,726	\$0
<p>GREAT FALLS CITY PARK & RECREATION, COMMUNITY RECREATION CENTER—HVAC Heating and cooling system upgrade at Community Recreation Center located at 801 2nd Avenue North Propose funding only if use >90% energy efficient furnace</p>	\$62,000	\$111,961
<p>GREAT FALLS CITY PARK & RECREATION—WEST KIWANIS PARK Purchase & install handicap accessible play structure, 2 benches and borders for play area at West Kiwanis Park located at 1st Avenue Northwest and 9th Street</p>	\$29,000	\$29,000
<p>GREAT FALLS CITY PUBLIC WORKS—HANDICAP RAMPS Install handicap ramps (curb cuts) to provide handicap accessibility on Central Avenue from 34th to 37th Street, Central Avenue and 42nd Street, 16th Avenue South and 4th Street and other areas at request of disabled citizens</p>	\$75,000	\$75,000
<p>GREAT FALLS CITY PUBLIC WORKS—SIDEWALK REPLACEMENT Grant program to provide assistance to low income homeowners to remove & replace hazardous sidewalks in Census Tracts 3, 4 and 5 (Park Drive to 15th Street North between Central Avenue and 8th Avenue North) and other areas at request of low income homeowners</p>	\$50,000	\$50,000
<p>GREAT FALLS SENIOR CITIZENS CENTER 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</p>	\$15,000	\$7,000

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

Public Service Activities

	<u>Requested</u>	<u>Proposed</u>
AREA VIII AGENCY ON AGING 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
BOYS & GIRLS CLUB OF NORTH CENTRAL MONTANA 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 st Avenue Southwest)	\$20,400	\$20,400
CASA-CAN CHILDREN’S ADVOCATE NETWORK Purchase computer, software, volunteer training materials and provide training conference expenses to expand volunteer program located at 415 2 nd Avenue North which provides advocates for abused and neglected children in the legal system Propose funding all except software	\$5,449	\$4,800
CASCADE COUNTY LAW CLINIC Purchase 2 computers, software, scanner, 2 printers, fax machine, shredder and Montana Annotated Code for agency located at 503 1 st Avenue North	\$5,260	\$0

CASCADE COUNTY RETIRED AND SENIOR VOLUNTEER PROGRAM	\$6,500	\$0
Purchase computer server and elderly resource directories for agency located at 1004 Central Avenue.		
EASTER SEALS-GOODWILL INDUSTRIES	\$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		
FAMILY CONNECTIONS	\$18,750	\$18,750
Provide child care scholarships for low income families; program administered through agency located at 600 Central Plaza		
GREAT FALLS CITY PARK & RECREATION—COMMUNITY RECREATION CENTER	\$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 nd Avenue North and Morony Natatorium located at 111 12 th Street North		
HANDS, INC.	\$25,000	\$20,149
Provide child care scholarships for children from low income families; program offered at all Great Falls elementary schools		
QUALITY LIFE CONCEPTS	\$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 th Avenue South		
Propose funding track system only		
VICTIM-WITNESS ASSISTANCE SERVICES, INC.	\$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 st Street South		

YOUNG PARENTS EDUCATION CENTER	\$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

CDBG PROGRAM ADMINISTRATION	\$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		

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

	<u>Requested</u>	<u>Proposed</u>
GREAT FALLS HOUSING AUTHORITY—SAND HILLS	\$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 rd Street South		
NEIGHBORWORKS GREAT FALLS	\$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		
HOME PROGRAM ADMINISTRATION	\$39,400	\$39,400
General oversight, management, promotion, financial accountability, monitoring, and coordination of the HOME program		
TOTAL HOME FUNDING REQUESTED		\$539,400
TOTAL HOME FUNDING RECOMMENDATION		\$395,730
TOTAL ANTICIPATED HOME GRANT		\$394,063
TOTAL HOME FUNDS AVAILABLE FROM PREVIOUS YEARS		\$1,667
TOTAL AVAILABLE HOME FUNDS		\$395,730

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 1, 2008

ITEM RESOLUTION NO. 9734, RELATING TO FINANACING THE CONSTRUCTION OF WATER MAIN REPLACEMENTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE

INITIATED BY FISCAL SERVICES/WATER UTILITY

ACTION REQUESTED ADOPT RESOLUTION 9734

PREPARED BY MARTHA CAPPIS, OPERATIONS SUPERVISOR

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

RECOMMENDATION: Staff recommends adoption of Resolution 9734, to establish compliance with reimbursement bond regulations under the internal revenue code.

MOTION: "I move the City Commission adopt Resolution 9734."

SYNOPSIS: Staff is proceeding with the issuance of water utility system debt, not to exceed \$4,010,000. Proceeds of the debt are intended to finance water main replacements within the city limits of Great Falls during the next two construction seasons. All issuance fees and costs will also be paid out of this financing. Staff has had discussions with the Department of Natural Resources and Conservation, which has tentatively agreed to finance the debt at 3.75% for 20 years. Pending the application review, cash balances in the Water fund will provide sufficient cash, to pay expenses pending completion of the financing process. This debt financing supplements the yearly capital improvements constructed using accumulated funds. Adoption of this Resolution serves as official recognition of the intent to reimburse related expenses for construction costs from debt financed proceeds.

BACKGROUND: Distribution mains in the City of Great Falls range in age from newly constructed to main installed in 1889. By taking a pro-active stance on water main replacement, the City has seen a decrease in the number of total unforeseen main brakes. In 2002, the City had 90 breaks, compared to 73 in 2007. The seven replacement projects will be constructed in various phases in the following areas:

- 2nd Avenue South: 5th to 7th Street South; 6th Avenue South: 9th to 14th Street South;
- 7th Avenue South: 4th to 14th Street South; 8th Avenue South: 4th to 9th Street South;
- 8th Avenue South: 13th to 14th Street South; 9th Street South: 10th to 17th Avenue South;
- 14th Street South: 19th to 20th Avenue South; 15th Street South: 10th to 12th Avenue South;
- 19th Avenue South: 14th to 17th Street South; 20th Avenue South: 14th to 18th Street South;
- 5th Avenue SW: 14th to 20th Street Southwest; 14th Street SW: 3rd to 5th Avenue SW;
- 16th Street SW: 4th to 5th Avenue SW

Mike Judge

CERTIFICATE AS TO RESOLUTION AND ADOPTING VOTE

I, the undersigned, being the duly qualified and acting recording officer of the City of Great Falls, Montana (the "City"), hereby certify that the attached resolution is a true copy of a Resolution entitled: "RESOLUTION RELATING TO FINANCING OF CERTAIN PROPOSED PROJECTS; ESTABLISHING COMPLIANCE WITH REIMBURSEMENT BOND REGULATIONS UNDER THE INTERNAL REVENUE CODE" (the "Resolution"), on file in the original records of the City in my legal custody; that the Resolution was duly adopted by the City Commission of the City at a regular meeting on April 1, 2008, and that the meeting was duly held by the City Commission and was attended throughout by a quorum, pursuant to call and notice of such meeting given as required by law; and that the Resolution has not as of the date hereof been amended or repealed.

I further certify that, upon vote being taken on the Resolution at said meeting, the following Commissioners voted in favor thereof: _____
_____ ;
voted against the same: _____ ;
abstained from voting thereon: _____ ;
or were absent: _____ .

WITNESS my hand officially this _____ day of April, 2008.

(SEAL)

Lisa Kunz, City Clerk

RESOLUTION NO. 9734

RESOLUTION RELATING TO FINANCING OF CERTAIN
PROPOSED PROJECTS; ESTABLISHING COMPLIANCE
WITH REIMBURSEMENT BOND REGULATIONS UNDER
THE INTERNAL REVENUE CODE

BE IT RESOLVED by the City Commission (the “Commission”) of the City of Great Falls, Montana (the “City”), as follows:

Section 1. Recitals.

1.01 The United States Department of Treasury has promulgated final regulations governing the use of proceeds of tax-exempt bonds, all or a portion of which are to be used to reimburse the City for project expenditures paid by the City prior to the date of issuance of such bonds. Those regulations (Treasury Regulations, Section 1.150-2) (the “Regulations”) require that the City adopt a statement of official intent to reimburse an original expenditure not later than 60 days after payment of the original expenditure. The Regulations also generally require that the bonds be issued and the reimbursement allocation made from the proceeds of the bonds within 18 months (or three years, if the reimbursement bond issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) after the later of (i) the date the expenditure is paid or (ii) the date the project is placed in service or abandoned, but (unless the issue qualifies for the “small issuer” exception from the arbitrage rebate requirement) in no event more than three years after the date the expenditure is paid. The Regulations generally permit reimbursement of capital expenditures and costs of issuance of the bonds.

1.02 The City desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified.

Section 2. Official Intent Declaration.

2.01 The City proposes to undertake certain projects, which projects and the estimated costs thereof are generally described on Exhibit A hereto, which is hereby incorporated herein and made a part hereof (the “Projects”).

2.02 Other than (i) expenditures to be paid or reimbursed from sources other than the Bonds (as hereinafter defined), (ii) expenditures permitted to be reimbursed under the transitional provision contained in Section 1.150-2(j)(2) of the Regulations, (iii) expenditures constituting preliminary expenditures within the meaning of Section 1.150-2(f)(2) of the Regulations, or (iv) expenditures in a “de minimus” amount (as defined in Section 1.150-2(f)(1) of the Regulations), no expenditures for the Projects have heretofore been paid by the City and no expenditures will be paid by the City until after the date of this Resolution.

2.03 The City reasonably expects to reimburse some or all of the expenditures made for costs of the Projects out of the proceeds of debt in an estimated maximum aggregate principal amount of approximately \$4,010,000 (the “Bonds”) after the date of payment of all or a portion of the costs of the Projects. All reimbursed expenditures shall be capital expenditures, a cost of

issuance of the Bonds or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Regulations.

Section 3. Budgetary Matters. As of the date hereof, there are no City funds reserved, allocated on a long-term basis or otherwise set aside (or reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside) to provide permanent financing for the expenditures related to the Projects, other than pursuant to the issuance of the Bonds. The statement of intent contained in this resolution, therefore, is determined to be consistent with the City's budgetary and financial circumstances as they exist or are reasonably foreseeable on the date hereof.

Section 4. Reimbursement Allocations. The City's Fiscal Services Director shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the Bonds to reimburse the source of temporary financing used by the City to make prior payment of the costs of the Projects. Each allocation shall be evidenced by an entry on the official books and records of the City maintained for the Bonds or the Projects and shall specifically identify the actual original expenditure being reimbursed.

Adopted by the City Commission of the City of Great Falls, Montana, this 1st day of April, 2008.

Dona Stebbins, Mayor

Attest: _____
Lisa Kunz, City Clerk

EXHIBIT A

<u>Description of Projects</u>	<u>Estimated Cost</u>
Seven water main replacements within the city limits of Great Falls to be completed during the next two construction seasons.	\$4,010,000

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 and John Rosenbaum. Also present were the Interim City Manager, City Attorney, Directors of Community Development, Fiscal Services, Library, Park and Recreation, Planning and Public Works, the Police Chief, Fire Chief, and City Clerk.

NEIGHBORHOOD COUNCILS

**Nancy Weinzettel
appointed to NC 4.**

1. Drawing, Neighborhood Council District No. 4. Due to tie votes between the write-in candidates for the fifth seat on Neighborhood Council District 4, a drawing was held. Commissioner Rosenbaum drew Nancy Weinzettel's name.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission appoint Nancy Weinzettel to Neighborhood Council District 4 for a two year term effective January 1, 2008.

Motion carried 4-0.

NC 4.

2. **Sandra Guynn, NC 4**, inquired if the letter to the County regarding the Home Place had been sent. Interim City Manager Cheryl Patton responded that the letter was sent and a copy would be provided.

PUBLIC HEARINGS

Res. 9729 and Ord. 3001, annexation and zoning for South Park Addition, Phase II. Adopted.

- 3A. **RESOLUTION 9729 ANNEXES SOUTH PARK ADDITION, PHASE II.**
- 3B. **ORDINANCE 3001 ASSIGNS ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH-DENSITY DISTRICT.**

Planning Director Ben Rangel reported that North Park Investments is the property owner and developer of South Park Addition Phase II. On November 6, 2007, the Commission approved the Preliminary Plat and Findings of Fact for the subdivision, which is located in southwest Great Falls between Grande Vista Park and Flood Road, and consists of 18 single family residential lots.

The developer is now ready to proceed with the final plat of Phase II, its annexation and the assignment of City zoning.

After conducting a joint public hearing, Mr. Rangel requested that the Commission adopt Resolution 9729, which would annex the subdivision, and adopt Ordinance 3001, which would assign R-3 Single-family residential zoning, and approve the final plat and annexation agreement.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9729 and Ordinance 3001.

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

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission adopt Resolution 9729 and approve the Final Plat and Annexation Agreement.

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

Motion carried 4-0.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 3001.

Motion carried 4-0.

Res. 9731, Intent to Vacate Cul-de-sac in 15th Street Bridge Addition. Postponed and Reset Public Hearing for April 15, 2008.

4. RESOLUTION 9731, INTENT TO VACATE CUL-DE-SAC IN 15TH STREET BRIDGE ADDITION.

Public Works Director Jim Rearden reported that staff is awaiting a finalized re-plat with signatures prior to conducting a public hearing.

Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the City Commission postpone and reset the public hearing for April 15, 2008.

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

Motion carried 4-0.

OLD BUSINESS

NEW BUSINESS**ORDINANCES/RESOLUTIONS**

Ord. 3002, Rezones Lots 1-7, Block 26, Huy's Addition; Res. 9730, Expressing Intent to Vacate Segment of 10th Alley South between 20th and 21st Streets South. Adopted Res. 9730, and accepted Ord. 3002 on first reading and set public hearing for April 15, 2008.

5A. ORDINANCE 3002, REZONES LOTS 1-7, BLOCK 26 HUY'S ADDITION.

5B. RESOLUTION 9730, EXPRESSING INTENT TO VACATE SEGMENT OF 10TH ALLEY SOUTH BETWEEN 20TH AND 21ST STREETS SOUTH.

Planning Director Ben Rangel reported that the owners of lots along the southside of 9th Avenue South between 20th and 21st Streets have applied through their representative, The Velmeir Companies, to rezone the referenced lots from residential to commercial zoning.

The overall plan is to relocate the residences, combine the lots with other lots fronting 10th Avenue South and to build a new CVS Pharmacy at the corner of 10th Avenue South and 20th Street. There is also interest to vacate and provide alternative access for a portion of 10th Alley South between 20th and 21st Streets.

Mr. Rangel requested the Commission adopt Resolution 9730 expressing intent to vacate a portion of 10th Alley South, accept Ordinance 3002 on first reading, and to set public hearing for April 15, 2008, to consider rezoning the referenced lots.

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

Motion carried 4-0.

Commissioner Rosenbaum moved, seconded by Commissioner Jolley, that the City Commission adopt Resolution 9730.

Mayor Stebbins asked if there was any discussion amongst the Commission. Commissioner Jolley asked why the motions weren't split. Mr. Rangel clarified there should be two separate motions. The motions were correctly re-read as reflected herein.

Motion carried 4-0.

Consent Agenda.
Approved as printed.

CONSENT AGENDA

6. Minutes, March 4, 2008, Commission meeting.
7. Total Expenditures of \$1,760,867 for the period of February 19 – March 12, 2008, to include claims over \$5,000, in the amount of \$1,539,792.
8. Contracts list.
9. Lien Release list.
10. Set public hearing for April 1, 2008, on Resolution 9732, Budget Amendment Resolution.
11. Approve Engineering Services Contract with Thomas, Dean, and Hoskins, Inc. in an amount not to exceed \$47,200 for the Water Treatment Plant Headhouse Floor Replacement.

Commissioner Jolley moved, seconded by Commissioner Bronson, that Item 7 be removed, and the City Commission approve the remaining items on the Consent Agenda.

Motion carried 4-0.

Commissioner Jolley stated that she does not believe they have an Ordinance that allows this Commission to approve payments to SME and, therefore, will not vote for Item 7 because it contains a payment to SME.

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission approve Item 7 on the Consent Agenda.

Motion carried 3-1. (Commissioner Jolley dissenting.)

BOARDS & COMMISSIONS

12. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Interim City Manager Cheryl Patton reported that the new City Manager, Greg Doyon, will start work on Monday, March 24, 2008.

CITY COMMISSION

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Commissioner Rosenbaum jokingly stated that he just got back from Green Bay and he had tried out for the quarterback position. He didn't make it, so he'll be remaining here.

Commissioner Jolley stated that she had the pleasure of hitting the first golf ball at the opening of the golf season in Great Falls. Commissioner Jolley was applauded.

PETITIONS AND COMMUNICATIONS

15. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

Ordinance 3002, left turn lane from 20th Street onto 10th Avenue South, and left turn arrows on 10th Avenue South.

15A. Art Vender, NC 9, 1606 8th Avenue South, requested that, upon final adoption of Ordinance 3002, CVS donate the land needed to provide a left turn lane from 20th Street onto 10th Avenue South. Mr. Vender explained that 20th Street is very heavily used due to the high school traffic. NC 9 feels this should have been done when Walgreens was built. He requested that this be done when 10th Avenue South is widened so people are able to make a left turn safely off 20th Street onto 10th Avenue South. Mr. Vender further requested that the Commission help persuade the State of Montana to install left turn arrows on 10th Avenue South at the time of reconstruction.

Sunshine Week. SME. ECP.

15B. Richard Liebert, 289 Boston Coulee Road, commented that it is Sunshine Week in the United States. He commended the appointment of Commissioners Bronson and Jolley and stated they bring great talent and experience to the Commission. He was glad they were part of the process for selecting a new City Manager. Mr. Liebert also commended the City for sponsoring the Gracious Space civil discourse session. He thought that might be a stepping stone to go toward a vision process. Mr. Liebert stated that at the January 7, 2008, ECP Board meeting, he inquired why there still wasn't a developmental agreement. In March, 2007, he asked the ECP Board if they had a development agreement and was informed no, not at the time, that it was still in draft form. In August, 2007, Mr. Liebert stated that he talked with Mr. Lawton and was told there still was no agreement because they were waiting on financing. Mr. Liebert read a response that he received from Mr. Pancich regarding a development agreement. When he attended the ECP Board meeting this month, Mr. Liebert stated that he was told the Assignment and Assumption Contract would serve the purpose of articulating the development agreement. He read an email he sent to Ms. Patton and her response that referred him to the Wholesale Power Contract between the City and SME. Mr. Liebert stated that agreement is a contract between the City's exchange of electricity, and it has nothing to do with building the Highwood Station, the development, the obligations, the money or the loans involved in getting HGS built. Mr. Liebert stated that it is imperative that the City get a contract or agreement similar to what the other coops of SME have. In the interest of the Sunshine Laws, Mr. Liebert asked for the Mayor's help in instructing staff to locate a pending development agreement for him to see and requested a response.

- Supreme Court Decision.** **15C. John Hubbard**, 615 7th Avenue South, read highlights of news articles. Mr. Hubbard stated he previously read the Supreme Court decision to the City and County Commissions that ordered the EPA to quit building coal fired plants because it is against the Clean Air Act. Mr. Hubbard stated \$1.5 million dollars has been wasted, and suggested building dams or windmills instead. Mr. Hubbard stated that the City keeps hiring cops, but believes there is no justice because they write tickets for cracked windshields, but they won't stop over taxation.
- Construction Labor. SME. HGS. Sunshine Week.** **15D. Ron Gessaman**, 1006 36th Avenue N.E., commented that he has sat in these chambers and listened numerous times to the continued cries for construction jobs. Mr. Gessaman read a March 12th article in the Tribune regarding the Hilton Inn. He stated the article read that wind, weather and a tight labor supply have set back construction, and that skilled labor is in short supply in Great Falls. Mr. Gessaman inquired if Great Falls has a shortage of construction labor in this town, why is the Commission continually saying we need more construction jobs. Mr. Gessaman referred to an April 1, 2007, article regarding Alstom and carbon capturing. He also referred to a February 27, 2008, article that read the same pilot plant will be starting up next week. Alstom said carbon capture should be available by 2019. Mr. Gessaman stated that, if SME is planning on carbon capture with this process at HGS, they are not going to do it very quickly. Mr. Gessaman also said this is Sunshine Week to honor the public's right to get information from all government entities. He stated that he recently attended the hearing in the courthouse where a challenge was made by the City. He didn't think what the City had to say fits in very well with Sunshine Week.
- Item 7. Itemized bills on the Consent Agenda.** **15E. Charles Bocoek**, 51 Prospect Drive, inquired about Item 7 that was pulled from the Consent Agenda and wanted to know how much the total amount was, as well as SME's portion of the bill, and what it was paid for. Mayor Stebbins stated that the report states it was a payment for energy supply expenses. Mr. Bocoek requested an explanation. Coleen Balzarini responded that the bill to SME is for the cost of energy that is provided through the PPL contract for Electric City Power customers, as well as the transmission charges that provide payment to NorthWestern Energy for the distribution lines. The fees are all paid to Southern Montana, and in turn, Southern Montana pays NorthWestern Energy and PPL. Mr. Bocoek requested that, in the future, itemized bills to SME on the Consent Agenda for whatever purpose be put out to the public to be aware of.
- SME. HGS.** **15F. Roger Norgaard**, 221 Glenwood Court, read part of an article that stated the estimated cost of the power plant has risen from its original projected cost of \$465 million to nearly \$800 million and that figure does not include any cost that may be associated with the carbon sequestration which may be required by the time construction begins. Mr. Norgaard discussed the environmental groups that have filed legal actions against SME and the RUS to prevent construction of coal plants, and have successfully prevented RUS from loaning money to coops for the purpose of constructing coal fired

plants. He stated that the SME Board is seeking financing from private lenders but the financial risks and liabilities with these types of loans are unknown at this time. Mr. Norgaard asked the Commission if any one of them knew who wrote the article. He stated that it was written by Yellowstone Valley Electric Cooperative's General Manager and that they own 40% of the project. He concluded by saying "you can see from the article that he has some real concerns, as do we."

ECP. SME. HGS.

15G. Aart Dolman, 3016 Central Avenue, pointed out that he attended the March 3, 2008, ECP meeting and discovered that there were three agreements that he did not know about before. Mr. Dolman submitted a written letter requesting that all contracts, agreements, correspondence and emails between SME and the City of Great Falls be made available for the public to read. He specifically referred to commitments by the City of Great Falls and the SME relationship which former City Manager Mr. Lawton referred to in his February 27, 2008, memo that states there is a new scenario in which Great Falls would not have a separate ownership interest in the project but would have the same interest as the five coop members. Mr. Dolman stated that since the physical properties held by SME cannot cover the required investment for this project, it is obvious to him that this is a liability issue. Mr. Dolman continued reading his letter. He also referred to and read a portion of an article from the *Missoula Independent*. He quoted the author of the article, Mr. Ochenski, saying "The phrase 'government out of control' would be fully applicable to the actions of city officials in their far-too-cozy relationship with the plant developers." He stated that when he travels out of Great Falls people negatively inquire what the folks in Great Falls are doing with this kind of a project.

HGS. Water Rights.

15H. Stuart Lewin, 615 3rd Avenue North, commented that he was in Fort Benton today and several people asked how things were coming with the coal plant and hoped the matter had been finally settled and would not be built. Mr. Lewin stated that he can't understand how this Commission is not actively involved in getting the City out of this mess. Mr. Lewin stated the loss of water rights is a bigger issue. Mr. Lewin said the City's historic water rights have been reduced 50% over this past year. Mr. Lewin stated that, as far as he knows, there was not an open discussion amongst the people about this. He stated that he has heard by many that they don't understand the complex water rights. Mr. Lewin stated if it is too complex to understand, the Commission needs to hire water rights attorneys to represent and protect the City's interest. Mr. Lewin stated that August 2 or 3 is the key date to appeal the application that amended the water rights. He asked the Commission to reconsider and find out the mistakes they made. Mr. Lewin stated that he believed the Commission has given away their future. He stated that he had seen correspondence from the Helena advisors that were hired that indicated to him they had a conflict of interest. Mr. Lewin stated that if this goes through, the PPL rights that were not superior to the City's rights will become superior, and will substantially limit the water use out of the river. Mr. Lewin suggested having a work session to find out what the

Commission did, what it could do better, and to get some real lawyers that understand water rights to represent this City.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Bronson moved, seconded by Commissioner Rosenbaum, that the regular meeting of March 18, 2008, be adjourned at 7:48 p.m.**

Motion carried 4-0.

Mayor Stebbins

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 MARCH 19, 2008	307,353.54
MASTER ACCOUNT CHECK RUN FOR MARCH 26, 2008	1,220,320.37
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MARCH 10-14, 2008	60,540.48
MUNICIPAL COURT ACCOUNT CHECK RUN FOR MARCH 17-24, 2008	3,855.00
WIRE TRANSFERS FROM MARCH 11 - 17, 2008	712,486.18
WIRE TRANSFERS FROM MARCH 18 - 24, 2008	45,827.42
WIRE TRANSFERS FROM MARCH 25 - 26, 2008	82,334.19
TOTAL: \$	<u>2,432,717.18</u>

GENERAL FUND

CITY COMMISSION

HUGHES KELLNER SULLIVAN & ALKE	SPECIAL EXAMINER REPORT ANIMAL SHELTER INQUIRY	15,268.25
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OTHER ADMIN

GREAT FALLS TRANSIT DISTRICT	REIMBURSEMENT FOR PRINTING BUS MAP/ROUTE SCHEDULES	5,300.00
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POLICE

NORTHWESTERN ENERGY	MARCH CHARGES (SPLIT AMONG FUNDS)	599.82
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FIRE

NEW WORLD SYSTEMS INC	INSTALLATION AND TRAINING SERVICES FOR UPGRADE (SPLIT AMONG FUNDS)	1,995.86
NORTHWESTERN ENERGY	MARCH CHARGES (SPLIT AMONG FUNDS)	683.08
ABARIS GROUP	EMS CONTRACT DRAFT	13,191.00

PARK & RECREATION

NORTHWESTERN ENERGY	MARCH CHARGES (SPLIT AMONG FUNDS)	524.89
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SPECIAL REVENUE FUND

LIGHTING DISTRICT

NORTHWESTERN ENERGY	MARCH CHARGES (SPLIT AMONG FUNDS)	70,356.33
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SUPPORT & INNOVATION

GREAT FALLS BUSINESS IMP DIST	JAN 2008 TAX DISTRIBUTION FOR BID	6,941.87
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POLICE SPECIAL REVENUE

NEW WORLD SYSTEMS INC	INSTALLATION AND TRAINING SERVICES FOR UPGRADE (SPLIT AMONG FUNDS)	3,991.72
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STREET DISTRICT

NORTHWESTERN ENERGY	MARCH CHARGES (SPLIT AMONG FUNDS)	63.88
WOITH ENGINEERING INC	OF 1372.1 7TH AVE N STREET IMPROVEMENTS (SPLIT AMONG FUNDS)	36,659.57
UNITED ELECTRIC LLC	PMT #1 OF 1455.2 PW STREET GARAGE LIGHTING UPGRADE	7,806.15

LIBRARY

NORTHWESTERN ENERGY	MARCH CHARGES (SPLIT AMONG FUNDS)	801.98
PLUM STREET STUDIOS	PAYMENT C FOR STONE ARCH	9,900.00

FEDERAL BLOCK GRANTS

A T KLEMENS & SONS	PMT #1 MATERIALS & LABOR REPLACE BOILER AT GATEWAY	58,419.92
A T KLEMENS & SONS	FINAL PMT MATERIALS & LABOR REPLACE BOILER AT GATEWAY	10,000.00
ENTERPRISE ELECTRIC	OF 1443.5 COMMUNITY REC CTR ELECTRICAL UPGRADE (SPLIT AMONG FUNDS)	12,375.00
HANDS PROGRAM	JAN & FEB 2008 SCHOLARSHIPS	5,604.49
LESTER T HOWARD	LABOR & MATERIALS 721 2ND AVE N	5,189.82
TRI COUNTY MECHANICAL & ELEC	EMERGENCY HOT WATER REPLACEMENT 310 5TH ST N	5,300.00

CAPITAL PROJECTS

GENERAL CAPITAL

ENTERPRISE ELECTRIC	OF 1443.5 COMMUNITY REC CTR ELECTRICAL UPGRADE (SPLIT AMONG FUNDS)	9,558.45
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STREET LIGHTING CONSTRUCTION

UNITED ELECTRIC LLC	PMT #1 SID 1310 MEADOWLARK #5	10,721.70
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ENTERPRISE FUNDS

WATER

NORTHWESTERN ENERGY	MARCH CHARGES (SPLIT AMONG FUNDS)	6,837.16
UNITED MATERIALS	OF 1494.1 SUNNYSIDE WATER PRESSURE IMPROVEMENTS PMT #7	17,769.36

SEWER

NCI ENGINEERING	PMT #4 LIFT STATION & WTP REHAB OF #1374.5	62,379.50
VEOLIA WATER NORTH AMERICA	OPERATION, MAINT & MINOR CAPITAL IMP FOR WWTP FOR JAN, FEB AND MARCH	675,213.24

STORM DRAIN

WOITH ENGINEERING INC	OF 1372.1 7TH AVE N- SD IMPROVEMENTS (SPLIT AMONG FUNDS)	13,286.34
ED BOLAND CONSTRUCTION INC	OF 1476.1 9TH ST NE STORM DRAIN PMT #1	127,788.08

SANITATION

NORTHWESTERN ENERGY	MARCH CHARGES (SPLIT AMONG FUNDS)	179.42
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ELECTRIC

SME	PMT OF ENERGY SUPPLY EXPENSE FEB 08	151,403.76
SME	PMT OF ENERGY SUPPLY EXPENSE FEB 08	561,082.42

SAFETY SERVICES

NORTHWESTERN ENERGY	MARCH CHARGES (SPLIT AMONG FUNDS)	149.95
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PARKING

NORTHWESTERN ENERGY	MARCH CHARGES (SPLIT AMONG FUNDS)	569.74
APCOA/STANDARD PARKING	APRIL 2008 COMPENSATION	22,369.33

SWIM POOLS

NORTHWESTERN ENERGY	MARCH CHARGES (SPLIT AMONG FUNDS)	453.34
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RECREATION

NORTHWESTERN ENERGY	MARCH CHARGES (SPLIT AMONG FUNDS)	488.30
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CIVIC CENTER EVENTS

CLUB BIGHOUSE	PAYOUT PROCEEDS SALIVA 08-123	30,382.63
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INTERNAL SERVICES FUND

HEALTH & BENEFITS

BLUE CROSS/BLUE SHIELD	ADMIN & REINS FEES MARCH 2008	40,343.62
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS 3/11/08-3/17/08	45,827.42
BLUE CROSS/BLUE SHIELD	HEALTH INS CLAIMS 3/18/08-3/24/08	82,334.19

INFORMATION TECHNOLOGY

NEW WORLD SYSTEMS INC	INSTALLATION AND TRAINING SERVICES FOR UPGRADE (SPLIT AMONG FUNDS)	1,995.88
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CENTRAL GARAGE

MOUNTAIN VIEW CO-OP	DIESEL FUEL	23,101.40
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PUBLIC WORKS ADMINISTRATION

NORTHWESTERN ENERGY	MARCH CHARGES (SPLIT AMONG FUNDS)	865.74
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CC FACILITY SERVICES

NORTHWESTERN ENERGY	MARCH CHARGES (SPLIT AMONG FUNDS)	1,783.36
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TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS	FINES & FORFEITURES COLLECTIONS	53,820.48
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CLAIMS OVER \$5000 TOTAL: \$ 2,211,678.44

COMMUNICATION TO THE CITY COMMISSION

DATE: April 1, 2008

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR’S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Public Works	Travis and Scharli Loney 101 Marillyn Drive Great Falls, MT	2008		N/A	Buried electrical service line crossing Marlie Drive to Marillyn Drive.
B	Park and Recreation	Montana Fish, Wildlife & Parks 1420 East Sixth Avenue, Helena, MT 59620	2008		FWP will provide \$11,500, the City shall provide remaining funds necessary to complete the project.	Installation of an American Disabilities Act (ADA) compatible dock and pathway, which will provide access from the parking areas available at Wadsworth Park.
C	Great Falls Police Department	Great Falls School District Number 1	08/29/2007 – 06/06/2008		\$141,203	GFPD to provide Great Falls School District with four confirmed police officers and equipment necessary to enforce compulsory attendance provisions of MCA, Title 20, Chapter 5, Part 1.

D	Fiscal Services	A & A Carriers, Inc. 1508 14 th Street S.W. Great Falls, MT 59404	04/01/2008 – 03/31/2010	615-0000-371-8515	\$1,146.60/mo	Daily mail pickups and deliveries (Civic Center, Park & Recreation, Public Works & Police Department).
E	Park and Recreation	Scheels	04/27/2008	564-0000-346-3045	\$500	Ice Breaker Sponsor
F	Administrative Services – Human Resources Division	Mountain West Benefits 1 North Last Chance Gulch, Helena, MT 59601	Est. 4 months	Health Ins. Fund	Fee is based on \$1.80/mo. per employee covered on the City's health insurance plan. Total cost expected to be less than \$5,000	Consultants will assist in implementing a Worksite Wellness Program.
G	Great Falls Police Department	Great Falls Housing Authority	01/01/2008 – 06/30/2008		\$64,383.96	GFPD shall provide personnel and other resources in a community policing role at the GFHA projects.
H	City Clerk	Cascade County Historical Society	04/01/2008	N/A	N/A	Local records transfer receipt.
I	Park and Recreation	National Museum of the United States Air Force (NMUSAF)	04/01/2008 – 03/31/2009	N/A	N/A	Annual loan renewal agreement (aircraft on display at Lions Park).

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

**AGENDA: 9
DATE: April 1, 2008**

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Lien Releases through the Consent Agenda

MAYOR'S SIGNATURE: _____

LIEN RELEASES

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Fiscal Services	Property Owner – Ronald R. Bowers	Current	237-3131-532-3599	\$75.56	Partial Release of Resolution #9684 to Levy and Assess Properties for Unpaid Utility Services at 308 7 th Avenue South. Lot 3, Block 480, GFO.
B	Fiscal Services	Property Owner – Ronald R. Bowers	Current	513-3162-531-3599	\$623.54 (Total Amount) \$577.08 (Lienable Charges)	Partial Release of Resolution #9281 to Levy and Assess Properties for Unpaid Sewer, Fire, Hydrant, Storm Drain and Sanitation Charges at 308 7 th Avenue South. Lot 3, Block 480, GFO.
C	Fiscal Services	Property Owner – Ronald R. Bowers	Current	513-3162-531-3699	\$700	Partial Release of Resolution #9633 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 308 7 th Avenue South. Lot 3, Block 480, GFO.

D	Fiscal Services	Property Owner at time of recording – James and Deborah Gustovich; current property owner – David Scott Munroe	Current	237-3131-532-3599	\$200	Partial Release of Resolution #9280 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 1127 7 th Avenue North. South 100 feet of Lot 8, Block 125, Great Falls 1 st Addition.
E	Fiscal Services	Property Owner – Richard L. Greer, et al.	Current	237-3131-532-3599	\$1,000	Partial Release of Resolution #9633 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 1235 8 th Avenue N.W. Lots 7-8, Block 13, Bloomingdale 1 st Addition.
F	Fiscal Services	Property Owner at time of recording – Washington Mutual Bank; current property owner – Kendra M. Radovich	Current	237-3131-532-3599	\$500	Partial Release of Resolution #9633 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 1901 17 th Avenue South. Lots 1-2, Block 1, Prospect Park Addition.
G	Fiscal Services	Property Owner – Frances A. Walton – Living Trust	Current	237-3131-532-3599	\$500	Partial Release of Resolution #9633 for Assessing the Cost of Removal and Disposal of Nuisance Weeds at 1506 16 th Street South. Lot 16, Block 9, Sunnyside Heights Addition.
H	Fiscal Services	Property Owner at time of recording – Jeramy Michael Showers	Current	451-7121-572-3599	\$4,292	Full Release of Resolution #9187 for Assessing the Costs Incurred in the Nuisance Abatement of Property located at 500 9 th Avenue South. W35' of N60' of Lot 1, Block 508, Great Falls Original

						Townsite.
I	Fiscal Services	Property Owner at time of recording – Larry Frates	Current	451-7121-572-3599	\$1,329	Full Release of Resolution #9686 for Assessing the Costs Incurred in the Nuisance Abatement of Property located at 4747 2 nd Avenue North. Lot 3, Block 3, Heren Addition.
J	Fiscal Services	Property Owner at time of recording – Dan and Maria LaVerdure; current property owner – Brian Massey	Current	451-7121-572-3599	\$709	Full Release of Resolution #9685 for Assessing the Costs Incurred in the Nuisance Abatement of Property located at 2608 1 st Avenue North. Lot 3, Block 337, Great Falls 11 th Addition.

AGENDA REPORT

DATE APRIL 1, 2008

ITEM INTERLOCAL AGREEMENT BETWEEN THE CITY OF GREAT FALLS AND THE UPPER LOWER RIVER ROAD WATER/SEWER DISTRICT FOR SERVICE DISTRICT #2, O.F #1354.2

INITIATED BY UPPER/LOWER RIVER ROAD WATER/SEWER DISTRICT

ACTION REQUESTED APPROVE INTERLOCAL AGREEMENT

PREPARED BY MARTHA CAPPIS, OPERATIONS SUPERVISOR

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

RECOMMENDATION: It is recommended that the City Commission approve the Interlocal Agreement with the Upper/Lower River Road Water/Sewer District (ULRRWSD) for Service District #2

MOTION: "I move the City Commission approve the Interlocal Agreement between the City and the Upper/Lower River Road Water/Sewer District for Service District #2 and authorize the City Manager to execute the agreement."

SYNOPSIS: The purpose of the Interlocal Agreement is to supplement the Memorandum of Understanding that was signed with the ULRRWSD in January 2007. The agreement specifically addresses the implementation of the construction of the water and sewer improvements, how properties will be connected to the systems, how annexation will occur and other related matters.

Estimated construction cost for Service District #2 is \$1,600,000. The City will continue its \$1,000,000 commitment of CDBG funds to assist the low/moderate income residents of the whole district with the costs of the utility extensions. The portion of the CDBG funds estimated for Service District #2 is \$332,000. City CDBG Housing programs for owner occupied and rental rehab assistance are recommended for eligible properties with code improvements or to cover the cost of utility service lines.

BACKGROUND: Prior to 2005, Upper/Lower River Road was not within the corporate limits of the City of Great Falls, but the area and its residents are considered part of our community. Annexation has occurred for Service District #1 whose improvements were completed in 2006. An income survey was completed in January of 2003. This survey documented that 70% of the District #2 households are low/moderate income by HUD definition.

Over the last several years, the District's Board has investigated several ways to provide acceptable water and sewer service to the area. The most affordable alternative is for the property owners to annex into the City of Great Falls and receive municipal water and sewer service. The cost of extending the municipal utility lines is the responsibility of the District's property owners.

The City is willing to assist the District in providing an affordable method for landowners to proceed with the project. The project involves the District incurring debt to finance the required utilities, and with the understanding that the landowners, in Service District #2, agree to annex to the City of

Great Falls upon completion of construction of both water and sewer lines. Therefore, the City is proposing:

1. To allow annexation to the Service District #2 upon receiving the necessary petition immediately following construction.
2. To allow the entire district to construct improvements by phases. The second phase will complete water and sewer improvements for Service District #2.
3. To assist in lessening the financial burden for the system improvements by agreeing to provide up to \$1,000,000 of CDBG assistance to the whole district. Service District #2, based on its proportion of low/moderate income households, is estimated to receive \$332,000.
4. No service line will be connected until a service agreement and annexation petition are received from the property owner.
5. To delay other normal city annexation requirements until debt service for water and sewer have been met. District residents understand that while the City will maintain roads within newly annexed territory, capital improvements will be delayed until such time as the property owners are willing to bear the expense of bringing the roadways up to acceptable city standards.

The public health and safety issues of the area support the City deviating from its established annexation policies. Annexation will occur by phase when utility lines have been extended by the District. The City of Great Falls will receive additional tax base, increased water and sewer utility revenues, increased population by some estimated 400 households when the whole district is annexed and increased development potential.

Attachment: Interlocal Agreement for Service District #2, ULRRWSD
(Not available online; on File in City Clerk's Office.)

CC: ULRRWSD Board
Lyle Meeks, Neil Consultants
Jim Rearden, Director of Public Works
David Dobbs, City Engineer
Ben Rangel, Director of Planning
Bill Walters, Senior Planner
Mike Rattray, Director of Community Development

CITY OF GREAT FALLS, MONTANA

AGENDA# 11

AGENDA REPORT

DATE APRIL 1, 2008

ITEM AGREEMENT BETWEEN THE CITY OF GREAT FALLS, THE UPPER/LOWER RIVER ROAD WATER/SEWER DISTRICT, AND GENE THAYER, DEVELOPER

INITIATED BY UPPER/LOWER RIVER ROAD WATER/SEWER DISTRICT

ACTION REQUESTED APPROVE AGREEMENT

PREPARED BY MARTHA CAPPIS, OPERATIONS SUPERVISOR

PRESENTED BY COLEEN BALZARINI, FISCAL SERVICES DIRECTOR

RECOMMENDATION: It is recommended that the City Commission approve the Agreement between the City, the Upper/Lower River Road Water/Sewer District (ULRRWSD), and Gene Thayer.

MOTION: "I move the City Commission approve the Agreement between the City of Great Falls, the Upper/Lower River Road Water/Sewer District, and Gene Thayer, and authorize the City Manager to execute the agreement."

SYNOPSIS: This agreement formalizes Mr. Thayer's' intent to collect the Improvement Fee from each sale of a lot or condo unit in the Thayer Development in the ULRRWSD Service District #1, and remit to the City on behalf of the District. The City agrees to act as the Paying Agent for the District, and remit payment to the Montana DNRC, in accordance with the debt schedule, and may only be used as the District Board directs in writing.

BACKGROUND: The City of Great Falls and the ULRRWSD have been working very closely together to extend water and sewer utility service lines throughout the District. The District passed an ordinance providing owners of property requesting a connection to the Improvements not previously assessed shall as a condition to receiving connections, must pay in advance an amount equal to the initial assessment for each connection, equaling \$5,687. each. Mr. Thayer intends to develop approximately 20 single-family residential lots, and 1 lot with 12 residential condominiums. Upon closing of each sale, Mr. Thayer, through his title company, will remit to the City the appropriate fee. The City, which is not liable for the debt in any form, agrees to hold these funds, and as necessary, submit payment to the MDNRC.

The ULRRWSD will use the funds from the Improvement fee for the costs of designing, engineering, construction, and installation of approximately 600 feet of sewer lines and related improvements to provide municipal sewer service in the Pearson Addition of Service District #1.

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

CITY OF GREAT FALLS, MONTANA

AGENDA # 12

AGENDA REPORT

DATE April 1, 2008

ITEM: ONE NEW 2008 1 TON REGULAR CAB WITH REFUSE BODY

INITIATED BY: PUBLIC WORKS DEPARTMENT

ACTION REQUESTED: AWARD BID

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

RECOMMENDATION:

Staff recommends that the City Commission award the bid for one new 2008 1 ton regular cab with refuse body to Bison Ford of Great Falls for \$47,624.40 including trade-in.

MOTION:

I move that the City Commission award the bid for one new 2008 1 ton regular cab with refuse body to Bison Ford of Great Falls for \$47,624.40 including trade-in.

SYNOPSIS:

The specifications were advertised three times in the Great Falls Tribune, placed on the City of Great Falls website, and mailed to six prospective bidders, with one bidder responding. The bid was opened on March 19, 2008. The bid submitted by Bison Ford of Great Falls meets specifications. Staff recommends accepting the \$6,600 trade-in offer for the City's 2000 Chevy 3500 w/older refuse body, #315, 1GBKC34JXYF404375. The budgeted amount for this purchase is \$75,680.

BACKGROUND:

This unit will be used in the Parks Division to handle sanitation services. Funds for its purchase are provided in the FY 2008 Central Garage Budget.

**PARKS REFUSE TRUCK
BID LIST**

1. City Motor Company
PO Box 6727
Great Falls, MT 59406
2. Bison Motors
500 10th Ave. South
Great Falls, MT 59405
3. Bennett Pontiac GMC Subaru
#26 9th Street South
Great Falls, MT 59405
4. Lithia Dodge
4025 10th Ave. South
Great Falls, MT 59406
5. Kois Brothers Equipment
PO Box 1728
Great Falls, MT 59403
6. Solid Waste Systems
Attn: Ken Reistad
PO Box 13040
Spokane, WA 99213

AGENDA REPORT

DATE April 1, 2008

ITEM: CONSTRUCTION CONTRACT AWARD: SUNNYSIDE WATER MAIN REPLACEMENT, O.F. 1540

INITIATED BY: PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION

ACTION REQUESTED: CONSIDER BIDS AND AWARD CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

MOTION: "I move the City Commission award a contract in the amount of \$718,890.00 to Phillips Construction for the Sunnyside Water Main Replacement, O. F. 1540, and authorize the City Manager to execute the construction contract documents."

PROJECT TITLE: Sunnyside Water Main Replacement, O. F. 1540

RECOMMENDED CONTRACTOR: Phillips Construction

CONTRACT AMOUNT: \$718,890.00

ENGINEER'S ESTIMATE: \$752,018.75

START DATE: Projected for April 7, 2008

COMPLETION DATE: June 2008 (77 Calendar Days)

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

SYNOPSIS: This project will replace portions of the water system located in 19th Avenue South, 20th Avenue South, 15th Street South, and complete water service work on 13th Avenue South. Most of these cast iron water mains were installed in the 1950's.

Four bids were received and opened for this project on March 19, 2008. The bids ranged from \$718,890.00 to \$897,090.00. The attached bid tabulation summarizes this information. State Revolving Fund Loan (SRF) funds and water utility funds are available for this project.

BACKGROUND: This project is part of a continuing improvement program to replace old and deteriorated water mains in many areas around the City. Water main breaks have damaged the roadway and disrupted water service to local residences. The breaks are primarily due to corrosive soils, age, and the type of pipe material used. In this area, pipeline failures were accelerated by the increased water pressure provided to Sunnyside late last year. This project, which is identified in the City's Water Capital Improvement Plan, will replace approximately 3,800 lineal feet of 6- and 8-

inch, and 1,230 lineal feet of 12-inch deteriorated cast iron pipe with PVC water main. This project will also disconnect water services from a low pressure main and reconnect them to a high pressure main for properties along the south side of 13th Avenue South from 13th Street to 20th Street. Other improvements include installation of new fire hydrants as well as, replacement of non-copper and shallow water services.

The mains are located in 15th Street from 11th Alley South to Sunnyside Avenue; 19th Avenue South from 14th Street to 17th Street; 20th Avenue South from 14th Street to 18th Street; and 14th Street from 20th Avenue South to 19th Avenue South.

City engineering staff completed the project design and will perform construction inspection and contract administration duties.

Attachment: Bid Tabulation Summary (Not available online; on file in City Clerk's Office.)

ITEM Preliminary Plat of Foxwood Estates

INITIATED BY Dahlquist Commercial & Investment L.L.C., Property Owner and Developer

ACTION REQUESTED Approve Preliminary Plat and Findings of Fact

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The Great Falls Planning Board has recommended the City Commission approve the preliminary plat of Foxwood Estates, and the accompanying Findings of Fact subject to fulfillment of stipulated conditions.

MOTION:

“I move the City Commission approve the preliminary plat of Foxwood Estates and the accompanying Findings of Fact subject to fulfillment of conditions stipulated by the Planning Board.”

SYNOPSIS:

Foxwood Estates consists of 14 proposed single family residential lots located south of Park Garden Road between Park Garden Estates and Park Garden Lane.

BACKGROUND:

The Planning Office is in receipt of applications from Dahlquist Commercial & Investment LLC, regarding the following:

- 1) Preliminary Plat of Foxwood Estates, located in the NW1/4 of Section 23, Township 20 North, Range 3 East, Cascade County, Montana.
- 2) Annexation to the City of Great Falls of the 6.75 acres contained in the proposed Foxwood Estates.
- 3) Establishing a City zoning classification of R-1 Single-family suburban district on Foxwood Estates, upon annexation.

Said Preliminary Plat consists of 14 lots ranging in size from 20,554 sq ft to 21,614 sq ft located south of Park Garden Road between Park Garden Estates and Park Garden Lane. Also proposed to be annexed simultaneously with the Foxwood Estates Subdivision is the abutting unincorporated portion of Park Garden Lane.

For additional information please refer to the attached Vicinity/Zoning Map and Preliminary Plat of Foxwood Estates Subdivision.

Access to the subdivision will be provided by a private interior road connected to Park Garden Road on the north and Park Garden Lane near the southeast corner of the development. The interior road is proposed to have a 24-ft driving surface with no curb and gutter.

City water and sanitary sewer mains will be installed in the 50-ft easement accommodating the private road within the subdivision. The sewer system includes a lift station in Lot 14 abutting Park Garden Road.

Surface runoff from the subdivision will be directed toward the internal private roadway where it will be detained and piped to the City's existing storm sewer system in Park Garden Road.

The applicant intends to fulfill the subdivision's park obligation by paying cash in lieu of dedicating land.

There have been numerous and intense discussions between the Community Development staff and the applicant and their engineering representatives concerning the fill and floodplain issues associated with this project. Attached are Memorandums from the City Building Official, dated February 13 and March 11, 2008, stating the need for an approved report by a registered design professional stipulating the requirements for compacted fill material where load bearing footings will be located. The applicant's engineer has stated an engineering report will be completed which specifies that footings must be constructed on prepared, native material and cannot be constructed on existing fill material. Also attached are Memorandums from the City Floodplain Administrator, dated February 13 and March 11, 2008, stating floodplain regulations applicable to the subdivision site and the need: a) to bring fill material into compliance with floodplain regulations; b) for documentation by an engineer demonstrating the cumulative effect of the proposed development under a flood condition; and, c) for a certification from an engineer that any development is designed in compliance with Federal, State and City floodplain regulations.

Traffic Analysis:

The average weekday trip generation rate for a single family dwelling unit, according to the Institute of Traffic Engineers' Trip Generation Manual, 7th Edition, is 9.57 vehicle trip ends. The proposed 14 single family dwelling units would produce the following trips:

14 units x 9.57 trips/unit = 134 average weekday trips

Nearby Traffic Counts & Roadway Classifications

(Traffic Counts are Average Annual Daily Traffic)

- Fox Farm Road, south of Park Garden Road (Minor Arterial) 5,734 (2005)
- Fox Farm Road, north of 25th Avenue Southwest (Minor Arterial) 7,642 (2006)
- Park Garden Road, west of Fox Farm Road (Collector) 2,172 (2006)
- Park Garden Road, east of Fox Farm Road (Collector) 840 (2006)
- Park Garden Lane (Local) Not Available

Trip Generation and Impact

The majority of trips would be expected to access the development from Fox Farm Road and Park Garden Road. The 2006 traffic count on Park Garden Road, east of Fox Farm Road, is 840 vehicles per day. Assuming all traffic used this roadway segment for access, traffic volumes would increase to 974 vehicles per day. Traffic beyond the intersection with Fox Farm Road would likely split, with

a portion continuing west and the majority of the remainder going north on Fox Farm Road.

Because of the unavailability of additional land for development in the area, this would likely be the last larger development to impact Park Garden Road. Therefore, Park Garden Road, east of Fox Farm Road would not be expected to carry much more than 1000 vehicles per day in the foreseeable future. This volume of traffic can be accommodated by the current roadway, and the additional 134 trips are not anticipated to negatively impact the roadway or the neighborhood. Both Fox Farm Road, and Park Garden Road west of its intersection with Fox Farm Road, can accommodate the small additional traffic that the development would generate.

Very little traffic from the proposed development project is anticipated to use Park Garden Lane. The houses to be built on the lots abutting the Lane are planned to be built fronting the new internal roadway, and the short connector road onto Park Garden Lane would be mainly to provide an alternate access/exit route and to accommodate emergency and sanitation vehicles.

Planning Board Consideration/Recommendation

The Planning Board initiated the public hearing on the preliminary plat on February 26, 2008, and continued the hearing until March 11, 2008, at the request of the applicant to allow time to resolve and clarify fill and floodplain issues associated with the project. During the hearing on March 11, Mr. Joe Murphy, NCI Engineering, spoke on behalf of the applicant. No proponents or opponents spoke or public comments were expressed during the hearing. At the conclusion of the public hearing, the Planning Board unanimously passed a motion recommending the City Commission approve the preliminary plat of Foxwood Estates and the accompanying Findings of Fact subject to the following conditions being fulfilled by the applicant:

- 1) The final plat of Foxwood Estates Subdivision shall incorporate correction of any errors or omissions noted by staff including provision of a notification clause to lot purchasers regarding soil conditions.
- 2) The final engineering drawings and specifications for the required public improvements to serve Foxwood Estates Subdivision shall be submitted to the City Public Works Department for review and approval prior to consideration of the final plat.
- 3) A report prepared by a registered design professional stipulating the requirements for compacted fill material where load bearing footings will be located and as described in the Memorandum, dated February 13, 2008, from the City Building Official shall be submitted to the Building Official prior to consideration of the final plat.
- 4) Documentation by an engineer demonstrating the cumulative effect of the proposed development under a flood condition and a certification from an engineer that any development is designed in compliance with Federal, State and City floodplain regulations and as described in the Memorandum, dated 3/11/08, from the City Floodplain Administrator shall be submitted to the Floodplain Administrator prior to consideration of the final plat.
- 5) An annexation agreement shall be prepared containing terms and conditions for annexation of the subdivision including agreement by the applicant:
 - a) to install, within two years of the date of annexation of the subdivision, the public improvements referenced in Condition 2) above;

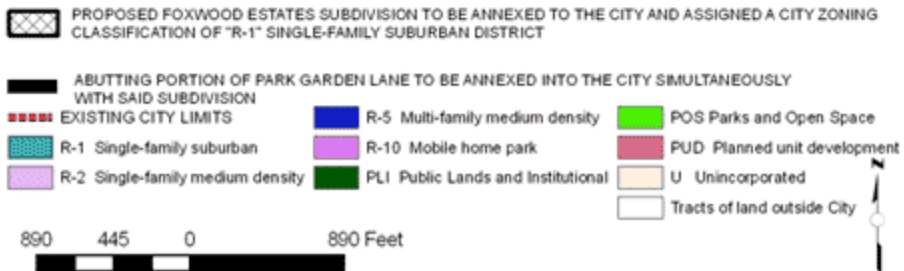
- b) to escrow the subdivision's proportionate share of the estimated cost to improve the abutting portion of Park Garden Lane to a standard acceptable to the Public Works Department;
 - c) to require all building footings to be placed on compacted native soils or compacted fill material meeting the minimum requirements of the report referenced in condition 3) above;
 - d) to comply with applicable floodplain regulations and provision of acceptable fill material including proper compaction and grading as enumerated in the Memorandum, dated 3/11/2008, from the City Floodplain Administrator; and,
 - e) to indemnify and hold City harmless for any damages that may be sustained as a result of adverse soil and/or groundwater conditions.
- 6) All applicable fees owed as a condition of plat or annexation approval shall be paid upon final platting and annexation, including:
- | | |
|-------------------------------------------------------------------------------------------------|------------------|
| a) annexation resolution fee | \$100.00 |
| b) annexation agreement fee | 200.00 |
| c) final plat fee | 200.00 |
| d) storm sewer fee (\$250/acre x 6.75 acres) | 1,687.50 |
| e) park fee (11% x 6.75 net acres x current fair market value of unsubdivided, unimproved land) | to be determined |
| f) recording fees for annexation documents (\$11 per page) | to be determined |

Attach: Vicinity/Zoning Map
 Reduced Copy of Preliminary Plat
 Memorandums from City Building Official, dated February 13 and March 11, 2008
 Memorandums from City Floodplain Administrator, dated 2/13/2008 & 3/11/08
 Findings of Fact

Cc w/o attach: Dahlquist Commercial & Investment, LLC, 500 Country Club Blvd, G. F., 59404
 Joe Murphy, NCI Engineering, PO Box 6350, G. F., 59406

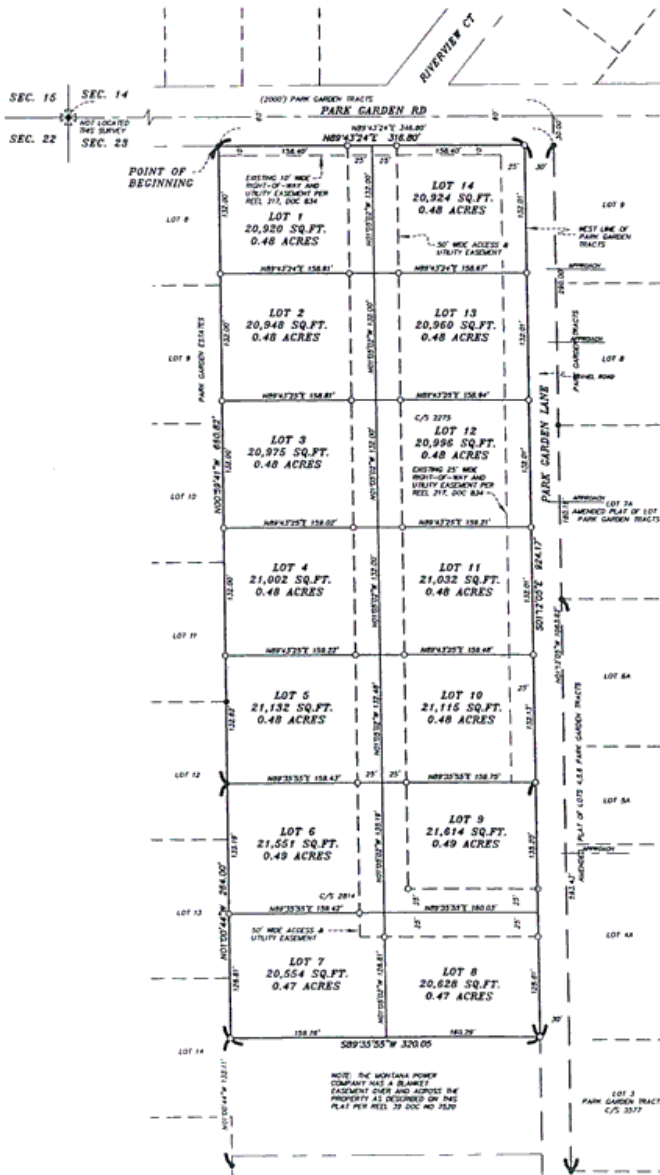
EXHIBIT "A"

VICINITY/ZONING MAP



FOXWOOD ESTATES SUBDIVISION

A SUBDIVISION IN COV'T LOT 2 OF SECTION 23, T20N, R3E, P.M.M., CITY OF GREAT FALLS, MONTANA



SCALE:



BASIS OF BEARINGS:
GPS OBSERVATION

LEGEND

- = FOUND AS NOTED
- = SET 5/8" REBAR W/IPC "WILLOUGH 14537LS"
- () = RECORD PER C/S 416

CONSENT OF MORTGAGEE

The undersigned mortgagee does hereby join in and consent to the subdivision shown on the attached plat.

Dated this _____ day of _____, 20__.

STOCKMAN BANK

By _____

STATE OF MONTANA

County of CAGGARD

This Consent of Mortgagee was acknowledged before me on this _____ day of _____, 20__.

Known by me to be _____

Notary Public, State of _____
by Commission expires _____
Residing at _____

CERTIFICATE OF SURVEY

I, Jeremy T. Milburn, Professional Land Surveyor, do hereby certify that the survey shown on this plat, and that said survey is true and complete.

Dated this _____ day of _____, 20__.

INWITERS: SCOTT BLUMFELD AND BRETT HAVERLANDT
TOTAL PLAT AREA: 6.79 ACRES
DATE SURVEYED: JULY, 2007 - DECEMBER, 2007

Memo

To: Bill Walters, Senior Planner
From: Jeff Jenkins, Building Official 
Date: February 13, 2008
Re: Preliminary Plat of Foxwood Estates Subdivision

In order to receive a building permit on this property one would be required to meet flood hazard documentation plus the following section of the International Building Code:

1803.5 Compacted fill material.

Where footings will bear on compacted fill material, the compacted fill shall comply with the provisions of an approved report, which shall contain the following:

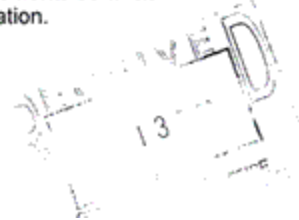
- 1. Specifications for the preparation of the site prior to placement of compacted fill material.*
- 2. Specifications for material to be used as compacted fill.*
- 3. Test method to be used to determine the maximum dry density and optimum moisture content of the material to be used as compacted fill.*
- 4. Maximum allowable thickness of each lift of compacted fill material.*
- 5. Field test method for determining the in-place dry density of the compacted fill.*
- 6. Minimum acceptable in-place dry density expressed as a percentage of the maximum dry density determined in accordance with Item 3.*
- 7. Number and frequency of field tests required to determine compliance with Item 6.*

Exception: Compacted fill material less than 12 inches (305 mm) in depth need not comply with an approved report, provided it has been compacted to a minimum of 90 percent Modified Proctor in accordance with ASTM D 1557. The compaction shall be verified by a qualified inspector approved by the building official.

The report must be submitted by a registered design professional. It would seem logical to have this report provided as a condition of annexation for the whole subdivision as opposed to having it completed fourteen times by the prospective property purchasers.

I respectfully request that the Planning Board consider these requirements be written into the annexation agreement, received and approved, prior to final annexation.

cc: Read File



Community Development Department

Memo

To: Bill Walters, Senior Planner
From: Jeff Jenkins, Building Official
Date: March 11, 2008
Re: Preliminary Plat of Foxwood Estates Subdivision

The report referenced in Section 1803.5 of the 2006 International Building Code must be submitted by a registered design professional. It is my understanding that it will be prepared, submitted for approval, and presented as part of the annexation agreement as a minimum standard for the building construction in this subdivision, which would appear to address the construction concerns.

cc: Read File



Memorandum

To: Bill Walters, Sr. Planner
From: Kim McCleary, Floodplain Administrator *K. M. Cleary*
Date: 2/13/2008
Re: Preliminary Plat of Foxwood Estates Subdivision

The proposed subdivision, Foxwood Estates is located in the 100 year floodplain. Please consider the following during the annexation process:

1. After annexation, any man-made alteration to the property, including but not limited to any ground movement, utility work, or construction would require a City floodplain permit.
2. Floodplain regulations require that, prior to construction, the property be filled to the base flood elevation (BFE). The BFE for this subdivision is 3320'. Without knowing the elevation of the ground, it is difficult to determine how much fill must be brought in to raise the elevation to 3320'.
3. Floodplain regulations further require that the BFE must be maintained for 15' in all directions of structures.
4. The lowest floor for any constructed structure in the subdivision must have an elevation of 2' above the BFE. This would include the basement floor.
5. Pre-construction and finished construction elevation certificates will be required for final floodplain permit approval.
6. Documentation by a certified professional engineer, licensed in Montana, of the probable effect on upstream, downstream and adjacent property owners caused by the proposed development will be required prior to any development in the subdivision. A mitigation plan will need to be approved by the Floodplain Administrator for any negative effect of the development found in the study prior to development. Additionally, a professional engineer must certify that any development is designed in compliance with federal, state and City floodplain regulations. It is requested that the Planning Board consider the items listed in number 6 as a condition of annexation.

In your staff^(report)dated February 5, 2008, it is stated that the majority of the subdivision site has received and will continue to receive fill material. I have obtained a copy of the County floodplain permit issued to place fill on the property in consideration. After a site inspection of the property, it appears the fill does not meet the conditions of approval of the County permit. It is recommended that the Planning Board consider requiring the fill be brought into compliance with the additional conditions attached to the County floodplain permit prior to, and as a condition of annexation.

If you have any questions, please feel free to call me at ext. 405.

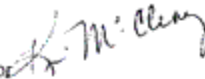
(x memorandum)

RECEIVED
13

Memorandum

To: Bill Walters, Sr. Planner

From: Kim McCleary, Floodplain Administrator



Date: 3/11/2008

Re: Preliminary Plat of Foxwood Estates Subdivision

The proposed subdivision, Foxwood Estates is entirely located in the 100 year floodplain with a base flood elevation of 3320'. This means that the property has a 1% chance of flooding in any given year. Because of concerns regarding the effect this development will have on the properties in the area in the event of flooding, and concerns that lands with evidence of flooding or high water table may be detrimental to the health, safety or general welfare of existing or future residents, the property should not be subdivided for building or residential purposes unless the hazards are eliminated or will be overcome by approved design and construction plans.

Although the county issued a floodplain permit to allow fill to be brought onto the property, that permit, which was issued to the previous owner, expired in December, 2005. The fill has not been compacted or graded, which is a requirement of State and Federal floodplain regulations, therefore, I believe there is a floodplain violation. I am requesting that the Planning Board consider requiring the fill be brought into compliance with floodplain regulations prior to and as a condition of annexation. Please see attached correspondence from the State Floodplain Coordinator.

All items stated in my memo dated February 13, 2008 continue to be considerations for this development with the exception of item number 6, which I would like to amend as follows:

6. Documentation by a certified professional engineer, licensed in Montana, that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 1/2 of a foot at any point within the community, or significantly increase the flood velocity. This study/documentation is a requirement of Federal and State floodplain regulations. Additionally, per City code, a professional engineer must certify that any development is designed in compliance with Federal, State and City floodplain regulations. It is requested that the Planning Board require this study as a condition of annexation.

The State Department of Natural Resources reviews all floodplain permit applications, and may have additional floodplain requirements for this development.

Additionally, I am requesting that the Planning Board consider requiring the applicant consult with Mr. Jim Young, City Engineer regarding any additional storm drain requirements he may have over and above those that would normally be imposed for a subdivision outside the floodplain.

If you have any questions, please feel free to call me at ext. 405.



**FINDINGS OF FACT
FOR
FOXWOOD ESTATES SUBDIVISION
SECTION 23, T20N, R3E
CASCADE COUNTY, MONTANA
(PREPARED IN RESPONSE TO 76-3-608(3)MCA)**

I. PRIMARY REVIEW CRITERIA

Effect on Agricultural

The subdivision site is surrounded by urban development and has not been used for any agricultural related uses for many years. 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 in the process of being annexed to the City of Great Falls and will be served by the Great Falls Police and Fire Departments. Response distance for emergency fire vehicles is one mile. A City water main and sanitary sewer main will be extended to serve planned development within the subdivision which is to be annexed to the City. Access to subject property will be from the abutting Park Garden Road, a paved public roadway maintained by the City.

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. Development of subject property with fourteen additional building sites will generate surface runoff which will be directed toward the internal private roadway where it will be detained and piped to the City's existing storm sewer system in Park Garden Road.

Effect on Wildlife and Wildlife Habitat

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

Effect on Public Health and Safety

Based on available information, the subdivision is not subject to abnormal potential natural hazards such as wildfire, snow or rock slides, nor potential man-made hazards such as high pressure gas lines, railroads, and high traffic volumes or nearby mining activity. As the subdivision is within the designated floodplain of the Missouri River, requirements pertaining to fill material and building elevations must be satisfied. A high voltage power line exists along the north and east boundaries of the subdivision.

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 and can be accommodated in the existing public road right of way and easements in the vicinity as well as easements to be provided on the Subdivision Plat.

IV. LEGAL AND PHYSICAL ACCESS

Legal and physical access to the subdivision is provided by the abutting Park Garden Road, a public roadway improved to City standards and maintained by the City. Access to individual lots will be provided by a paved privately maintained interior roadway.

**CITY OF GREAT FALLS, MONTANA
AGENDA REPORT**

**AGENDA # 15
DATE April 1, 2008**

ITEM Appointments, Golf Advisory Board

INITIATED BY City Commission

ACTION REQUESTED Reappoint Two Members and Appoint One Member

PRESENTED BY City Commission

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RECOMMENDATION: It is recommended that the City Commission reappoint Fidelis “Fid” Fitterer as the Men’s League representative and Thom Babinecz as the Malmstrom representative for three-year terms through March 31, 2011, and appoint one new member as the non-league representative for a three-year term through March 31, 2011, to the Golf Advisory Board.

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

SYNOPSIS: Fidelis “Fid” Fitterer and Thom Babinecz were both appointed to the Golf Advisory Board in 2004. Both Mr. Fitterer and Mr. Babinecz are interested in and eligible for reappointment. Therefore, it is recommended they be reappointed to serve another term. Tom Hall was appointed in 2005. Mr. Hall is not interested in reappointment. Therefore, it is necessary to appoint one member to serve as the non-league representative. The Golf Advisory Board is recommending the appointment of Steven Vielleux.

BACKGROUND: The Golf Advisory Board is comprised of five members with representation from the City Men’s Golf Association, City Women’s Golf Association, Malmstrom Golf Association, and non-league golfers. The Board advises the City Commission regarding the operation of municipal golf courses. Members must reside within the City limits.

Continuing members on the Golf Advisory Board include:

- Karen Motil (Women’s League)
- Phillip Baker (non-league)

Citizen’s interested in serving on the Golf Advisory Board include:

- Paul Cory
- Robert A. Smith
- Steven Vielleux
- Lonnie Yingst