



City Commission Agenda

for

March 18, 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

NEIGHBORHOOD COUNCILS

1. Appointment, Neighborhood Council Member District 4. Action: Conduct drawing and appoint member to Neighborhood Council District 4.
2. Miscellaneous reports and announcements.

PUBLIC HEARINGS

3. South Park Addition Phase II, consisting of 18 single-family residential lots. **(Presented by: Ben Rangel)**
 - A. Res. 9729, Annexes said property. Action: Conduct joint public hearing and adopt or deny Res. 9729.
 - B. Ord. 3001, Assigns zoning classification of R-3 Single-family high-density district. Action: Conduct joint public hearing and adopt or deny Ord. 3001.
4. Res. 9731, Intent to Vacate Cul-de-sac in 15th Street Bridge Addition. Action: Postpone and reset public hearing for April 15, 2008. **(Presented by: Jim Rearden)**

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

5. Lots 1-7, Block 26, Huy's Addition. **(Presented by: Ben Rangel)**
 - A. Ord. 3002, Rezones said property from R-3 Single-family high density district to C-2 General Commercial District subject to specified conditions. Action: Accept Ord. 3002 on first reading and set public hearing for April 15, 2008.
 - B. Res. 9730, Expressing Intent to Vacate Segment of 10th Alley South between 20th and 21st Streets South. Action: Adopt Res. 9730 and set public hearing for April 15, 2008.

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

6. Minutes, March 4, 2008, Commission meeting.
7. Total Expenditures of \$1,760,867 for the period of February 19 through March 12, 2008, to include claims over \$5000, in the amount of \$1,539,792.
8. Contracts list.
9. Lien Release list.
10. Set public hearing for April 1, 2008, on Res. 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.

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

BOARDS & COMMISSIONS

12. Miscellaneous reports and announcements.

CITY MANAGER

13. Miscellaneous reports and announcements.

CITY COMMISSION

14. Miscellaneous reports and announcements.

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

15. Miscellaneous reports and announcements.

MOTION TO ADJOURN

A G E N D A R E P O R T

DATE March 18, 2008

ITEM Neighborhood Council Member Appointment– District 4

INITIATED BY Patty Cadwell, Neighborhood Council Coordinator

ACTION REQUESTED Conduct Drawing and Make Appointment

PRESENTED BY Lisa Kunz, City Clerk

- - - - -

RECOMMENDATION: It is recommended that the City Commission conduct another drawing of the Neighborhood Council – District 4 tie vote candidates and then make an appointment to Neighborhood Council – District 4.

MOTION: After conducting the drawing, I move the City Commission appoint _____ to Neighborhood Council - District No. 4 for a two year term effective January 1, 2008.

SYNOPSIS: The Neighborhood Council election was held November 6, 2007, in conjunction with the City’s general election. Pursuant to Title 2, Chapter 50 of our Municipal Codes, each neighborhood district shall have a council comprised of five resident members. In the case of Neighborhood Council - District No. 4, six write-in individuals with two votes each tied for the fifth seat on that council. On December 4 and 18, 2007, and January 22 and February 5, 2008, the Commission held drawings of those tie vote candidates. All individuals drawn have declined the appointment. Therefore, it is necessary to conduct another drawing of the write-in individuals with one vote each and appoint the fifth seat to Neighborhood Council - District 4. The election administrator has verified and reported that those individuals are qualified electors and residents of their designated neighborhood district.

The City Attorney recommends the City Commission hold a fair and impartial drawing of the tie vote candidates to select the fifth member of Neighborhood Council - District 4.

AGENDA REPORT

DATE March 18, 2008

ITEM Public Hearing – Resolution 9729 to Annex and Ordinance 3001 to Establish City Zoning Upon South Park Addition Phase II

INITIATED BY North Park Investments, Property Owner and Developer

ACTION REQUESTED Commission Adopt Resolution 9729 and Ordinance 3001 and Approve Final Plat and Agreement related to South Park Addition Phase II

PREPARED BY Charles Sheets, Planner I

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Planning Board and Zoning Commission have recommended the City Commission approve the final plat and annexation of South Park Addition Phase II and assign a zoning classification of R-3 Single-family high-density district, upon annexation to the City.

MOTION (Each motion to be separately considered):

“I move the City Commission adopt Resolution 9729 and approve the final plat and Annexation Agreement all related to South Park Addition Phase II.”

And

“I move the City Commission adopt Ordinance 3001.”

SYNOPSIS:

Resolution 9729 annexes South Park Addition Phase II which consists of 18 single-family residential lots. Ordinance 3001 assigns a zoning classification of R-3 Single-family high density to South Park Addition Phase II, upon annexation of same to City.

BACKGROUND:

On November 6, 2007, the City Commission conditionally approved the Preliminary Plat of South Park Addition Phase II. Lots in the subdivision will be accessed by Ferguson Drive from the east and Flood Road to the west. The developer will install standard City paving, curb and gutter in the east-west roadway (Dixie Lane) within the subdivision and in the abutting southern 265 foot portion of Ferguson Drive. The remaining 311 foot northern portion of Ferguson Drive, being dedicated on the subdivision plat, will remain unimproved and barricaded until the abutting property to the west is developed.

City water mains will be installed in Dixie Lane and Ferguson Drive being dedicated on the subdivision plat and in Flood Road. A City sanitary sewer main will be installed in Dixie Lane within the subdivision. Previously a sanitary sewer main was installed in Ferguson Drive to the existing sewer main near the southerly end of Delmar Drive.

Surface drainage from the subdivision will flow within the streets ultimately to the City storm sewer system at the intersection of Buena Drive and Ferguson Drive. The applicant will be obligated to pay for a proportionate share of the cost of extending the storm sewer system to the west side of Grande Vista Park.

Flood Road abutting the development is being annexed simultaneously with the subdivision. In addition, the developer has escrow sufficient funds to pay for 50% of the costs of a standard City minor roadway section.

To fulfill the subdivision’s park obligation, the developer has paid a fee in lieu of dedicating land.

Subject property is presently zoned in the County as “R-2” Low Density Residential District and is proposed to be zoned R-3 Single-family high density upon annexation to the City.

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

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

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

Subject property is a natural progression of the City’s growth and borders South Park Addition Phase I, which also is being developed as a single-family residential subdivision. Annexation of subject property will enhance health, safety and welfare through application of City Codes and provision of municipal services.

Staff concludes that the basic conditions set forth in the conditional approval of the preliminary plat of South Park Addition Phase II are being met by the developer in the overall process of final plat, final engineering and Annexation Agreement preparation.

The Planning Board and Zoning Commission, during a meeting held December 11, 2007, unanimously passed motions recommending the City Commission approve the final plat, annexation and assignment of a zoning classification of R-3 Single-family high density to South Park Addition Phase II, subject to the applicant agreeing to the following conditions:

- 1) Incorporate correction of any errors or omissions noted by staff in the final plat of South Park Addition Phase II.
- 2) Prepare final engineering documents for required public improvements to serve the subdivision for approval by the Public Works Department.
- 3) Execute an Annexation Agreement acceptable to the City of Great Falls and submit the appropriate supporting documents referenced in the agreement.
- 4) Pay all applicable fees and charges due as a consequence of either plat or annexation approval.

The above Conditions 2, 3 & 4 have been fulfilled and Condition 1 will be fulfilled prior to filing of the plat.

Attach: Resolution 9729
Ordinance 3001
Reduced Copy of Drawing Portion of Final Plat
Annexation Agreement

Cc: North Park Investments, 4701 North Star Blvd
Lou Fontana, 200 13th St N

**ANNEXATION AGREEMENT
FOR
SOUTH PARK ADDITION PHASE II
IN THE N1/2 OF SECTION 22,
TOWNSHIP 20 NORTH, RANGE 3 EAST,
CASCADE COUNTY, MONTANA**

1. PREFACE

The following is a binding Agreement dated this _____ day of _____, 20 _____, between NORTH PARK INVESTMENTS, L.L.C., hereinafter referred to as "Owner," and the CITY OF GREAT FALLS, MONTANA, a municipal corporation of the State of Montana, hereinafter referred to as "City," regarding the requirements for filing the Final Plat and the annexation to the corporate limits of City, of SOUTH PARK ADDITION PHASE II, in the N1/2 of Section 22, Township 20 North, Range 3 East, Cascade County, Montana, hereinafter referred to as "Subdivision."

2. PRIOR ACTIONS

The Preliminary Plat of Subdivision, prepared by Fontana & Moore Engineering & Land Surveying, was conditionally approved by City on November 6, 2007.

3. SUPPORTING DOCUMENTS

- A. A final plat of Subdivision, prepared by Fontana & Moore Engineering & Land Surveying, and filed of record in the Clerk and Recorder's Office of Cascade County, Montana.
- B. Final engineering drawings and specifications prepared by Fontana & Moore Engineering & Land Surveying, consisting of documents for sanitary sewer mains, water mains, drainage improvements, paving, sidewalk, curb and gutter. Said drawings and specifications are on file in the City Engineer's office.
- C. Infrastructure Contracts between Owner and its contractors which shall be filed in the office of the Great Falls Planning Department, upon execution of said Contracts.

- D. Financial statement dated _____, by _____ of Great Falls, to indicate the capability of Owner to pay for the public improvements referenced in Paragraph 3.B. hereinabove. A copy of the same is filed in the office of the Great Falls Planning Department.
- E. Two certificates of deposit: CD# 2200045388 Issued 1/11/08 for \$15,175.58 to mature on 1/11/2012 and CD# 2200045387 Issued on 1/11/08 for \$22,108.75 to mature on 1/11/2012.

4. AMENDMENTS

Minor changes to engineering documents and such revisions to the engineering drawings as are deemed appropriate and necessary by City’s Engineer and City’s Public Works Department and which do not materially affect the hereinabove mentioned final plat, can be made as follows:

- A. The proposed revision will be submitted to City’s Public Works Department for review and, if approved, the City Engineer or Public Works Director will sign and adequately annotate the change.
- B. The annotated revision becomes a part of this Agreement upon City’s Public Works Department approval.
- C. Changes during construction shall be made by change order approved by City’s Public Works Department.
- D. “As Built” reproducible drawings shall be supplied to City’s Engineer upon completion of the construction.
- E. All amendments to this Agreement, except as allowable above in this section, shall be in writing and approved by City and Owner.

5. FEES AND CHARGES

- A. Prior to annexation of Subdivision, Owner shall, in addition to the Preliminary Plat Fee of \$500.00, Annexation Application Fee of \$100.00 and Zoning Application Fee of \$400.00, which have been paid, pay the following required fees and annexation charges as provided by City policy, ordinances and resolutions:

a) Annexation Agreement Fee	\$ 200.00
b) Resolution of Annexation Fee	\$ 100.00
c) Storm Sewer Fee (\$250/acre x 6.26 acres)	\$ 1565.00
d) Park Fee in Lieu of Land Dedication (\$6000/acre x 3.82 acres x 11%)	\$ 2521.20
e) Recording fees for Agreement and Resolution (\$11 per page x 10 pages)	<u>\$ 110.00</u>
Total fees made payable to City of Great Falls	\$ 4496.20
- B. Owner or its successors or assigns shall reimburse City for its expenses incurred in testing and acceptance of public utilities to serve Subdivision at the rates charged by City for said work at the time performed.
- C. Water tapping, water connection, sewer service tapping, and sewer connection fees will be assessed at the time of installation.
- D. The absence of any fee from this agreement lawfully charged by the City in connection with construction activity associated with Subdivision shall not constitute a waiver by the City.

6. PUBLIC IMPROVEMENTS

Owner agrees to complete within two (2) years of the date of this Agreement, the installation of the sanitary sewer and water improvements, street paving and curb and gutter to serve Subdivision, according to plans referenced in Paragraph 3.B. above and filed in the City Engineer's Office and in accordance with standards of City.

7. FLOOD ROAD IMPROVEMENTS

Owner hereby agrees to pay for fifty percent (50%) of the costs of a standard City minor roadway section and water main improvements to be installed in the portion of Flood Road abutting Subdivision (estimated at \$ 22,108.75) and (28.44%) of planned storm drainage improvements across Grande Vista Park (estimated at \$ 15,175.58) when deemed necessary by City. At such time Owner's proportionate share of the actual cost of the above referenced roadway and storm drainage improvements are definitely determined, amounts equal to said costs shall be transferred from the above referenced certificates of deposit to City. Upon said transfer(s), any remaining balance in the above referenced certificates of deposit shall be released to Owner.

8. RESTRICTIONS ON BUILDING PERMITS AND OCCUPANCY

Building permits for lots in Subdivision shall not be issued until the contracts for installation of the public improvements have been executed. Owner acknowledges that City will not permit the occupancy of any residential structure in Subdivision until street improvement and water and sanitary sewer mains within Subdivision have been installed, tested and accepted by City, which acceptance will not be unreasonably withheld by City.

9. APPROACH RESTRICTIONS TO FLOOD ROAD

Owner hereby agrees that private driveway approaches directly to Lot 9, Block 1 and Lot 9, Block 2, of Subdivision from Flood Road shall not be permitted.

10. FUTURE STORM DRAINAGE FACILITIES

Owner hereby agrees to waive right to protest any future area wide special improvement district for storm drainage facilities and further agrees to pay for proportionate share of any future storm drainage improvements which service Subdivision that may be installed with or without an area wide special improvement district. The term "area wide" as used herein, means any area larger than that covered by Subdivision which is a contributor to the drainage sub-basin of which Subdivision is a part.

11. PUBLIC ROADWAY LIGHTING

Owner hereby agrees to waive its right to protest any future special lighting district for public roadway lighting facilities that service Subdivision, and further agrees to pay for proportionate share of the costs associated with roadway lighting which service Subdivision that may be installed with or without a special lighting district.

12. FUTURE REIMBURSEMENTS FOR WATER MAIN IN FLOOD ROAD

- A. Owner shall pay the full cost of the equivalent eight inch (8") water main to be immediately installed in Flood Road abutting Subdivision, but shall be entitled to reimbursement for one-half of the cost of the equivalent eight inch (8") water main from the owner of Block 15, Bel-View Palisade Addition, upon annexation of same to City.
- B. Owner shall provide City with its actual cost of the installation of the hereinabove mentioned water main in Flood Road and sanitary sewer main in Ferguson Drive within twelve (12) months after approval and acceptance thereof by City. In the event of Owner's failure to provide City with said cost data, City shall not be obliged to undertake

collection of the reimbursement provided for herein, and the responsibility for collection thereof shall be that of Owner, its heirs, successors and assigns. Failure of Owner to provide City with said cost data for reimbursement as herein required shall in no way alter the obligation of any other party to make reimbursement as provided for herein, said failure affecting only City's obligation to assist in collection thereof.

13. REIMBURSEMENT FOR OVERSIZED WATER MAIN IN FLOOD ROAD AND FOR INSTALLATION OF WATER MAIN IN FERGUSON DRIVE

Owner agrees to install a twelve inch (12") water main instead of the standard eight inch (8") water main in the portion of Flood Road abutting subdivision. Owner further agrees to install an additional 311 feet of eight inch (8") water main in Ferguson Drive to provide a second source of water supply to the subdivision. City agrees to reimburse the Owner for the oversizing cost of water main installed in Flood Road and for the 311 feet of water main installed in Ferguson Drive within (30) days of its acceptance of the installations and appropriate billing, including provisions of adequate information and documentation supporting said costs. It is the intent of City to obtain reimbursement for the herein above mentioned 311 feet of water main in Ferguson Drive from the owner of Tract 14, Ranchos Grande Vista No. 1, upon annexation of same to City.

14. SIDEWALKS

It is hereby agreed that the following exception to the strict adherence of Subdivision requirements will be permitted: sidewalks serving and abutting any lot in Subdivision shall be installed as a condition of final occupancy by the then lot owner within six (6) months (allowing for unfavorable weather conditions only) of occupancy. It is understood that the above provision regarding sidewalks shall not preclude City from exercising its authority provided by Chapter 12.28, Municipal Code of the City of Great Falls pertaining to sidewalks.

15. WAIVER OF PROTEST OF ANNEXATION

Owner does hereby waive any and all statutory procedure notice on right of protest to annexation of Subdivision, as provided for by State law.

16. WARRANTY, OWNERSHIP AND INSPECTION OF UTILITY AND STREET IMPROVEMENTS

A. After the public utilities, drainage and street improvements described in Paragraph 3. B. hereof have been installed and accepted by City, the same shall be in all respects treated, owned and maintained as though the same had been constructed and installed by City. However, to the extent installed by Owner, Owner or its contractor shall guarantee said improvements against defective work and materials for a period of two (2) years from date of acceptance of the completed improvements by City.

B. Installation of the public utilities and street improvements described in Paragraph 6. hereof, shall be subject to City's infrastructure inspection policy in place at the time of installation.

17. ANNEXATION PREREQUISITES

Subdivision is contiguous to City; is not included within the boundary of any other incorporated municipality; and is not a part of any fire district existing or organized under any of the provisions of Chapter 33, Title 7, of the Montana Code Annotated. Subdivision, upon annexation to City, will be provided fire protection services by City comparable to that provided incorporated properties.

18. MAINTENANCE DISTRICTS

Owner waives its right to protest the lawful creation by City of maintenance districts for any proper purpose including, but not limited to, fire hydrant and street maintenance and shall pay the proportionate share of the costs associated with said maintenance districts as they may be applied to parcels in Subdivision.

19. CITY ACCEPTANCE AND ZONING

In consideration of the foregoing, City hereby accepts and approves the final plat of Subdivision and will approve the property contained within the boundaries of Subdivision for incorporation by annexation into the corporate limits of the City of Great Falls, Montana, as R-3 Single-family high density district zoning classification. It is hereby understood that the preceding language regarding zoning of lots in Subdivision does not preclude City from reclassifying lots if an area wide reclassification is undertaken, in which event City agrees to reclassify said lots as a conforming use.

20. BINDING EFFECT

The provisions covenants and terms of this Agreement shall run with the land and bind the present owners, their devisees, heirs, successors, and assigns; and any and all parties claiming by, through, or under them, shall be taken to agree and covenant with each of the parties to the Agreement, their devisees, heirs, successors and assigns, to conform to the provisions, covenants and terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have set their hands and seal the day, month and year first hereinabove written.

THE CITY OF GREAT FALLS, MONTANA
A Municipal Corporation of the State of Montana

City Manager

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
 :ss.
County of Cascade)

On this _____ day of _____, in the year A. D. 20 _____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared _____ known to me to be the City Manager of the City of Great Falls, Montana, is the person whose name is subscribed to the instrument within and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of Montana

(NOTARIAL SEAL)

Notary Public (Printed)
Residing at _____
My Commission Expires _____, 20____

OWNER

By: _____

State of Montana)
 :ss.
County of _____)

On this _____ day of _____, in the year A. D. 20 _____, before me, the undersigned, a Notary Public for the State of Montana, personally appeared _____ whose name is subscribed to the instrument within and acknowledged to me that (s)he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Notarial Seal the day and year first above written.

Notary Public for the State of Montana

Notary Public (Printed)
Residing at _____
My Commission Expires _____, 20____

(NOTARIAL SEAL)

RESOLUTION 9729

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, TO EXTEND THE BOUNDARIES OF SAID CITY TO INCLUDE SOUTH PARK ADDITION PHASE II, IN SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA, MORE PARTICULARLY DESCRIBED HEREINBELOW; ALL AS SHOWN ON THE MAP ATTACHED HERETO MARKED EXHIBIT "A" AND BY THIS REFERENCE MADE A PART HEREOF.

* * * * *

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

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

South Park Addition Phase II, located in Section 22, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana, and containing 6.259 acres more or less,

all as shown on the map attached hereto marked Exhibit "A" and by this reference made a part hereof and according to the final plat of South Park Addition Phase II; and,

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

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

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

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

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

That the boundaries of the City of Great Falls, Montana, be and the same are hereby extended so as to embrace and include within the corporate limits of said city all of the land hereinabove described, included as: "SOUTH PARK ADDITION PHASE II, IN SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST, P.M.M., CASCADE COUNTY, MONTANA."

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

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

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

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 18th day of March, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9729 was placed on its final passage by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the 18th day of March, 2008, wherein it was approved by said Commission.

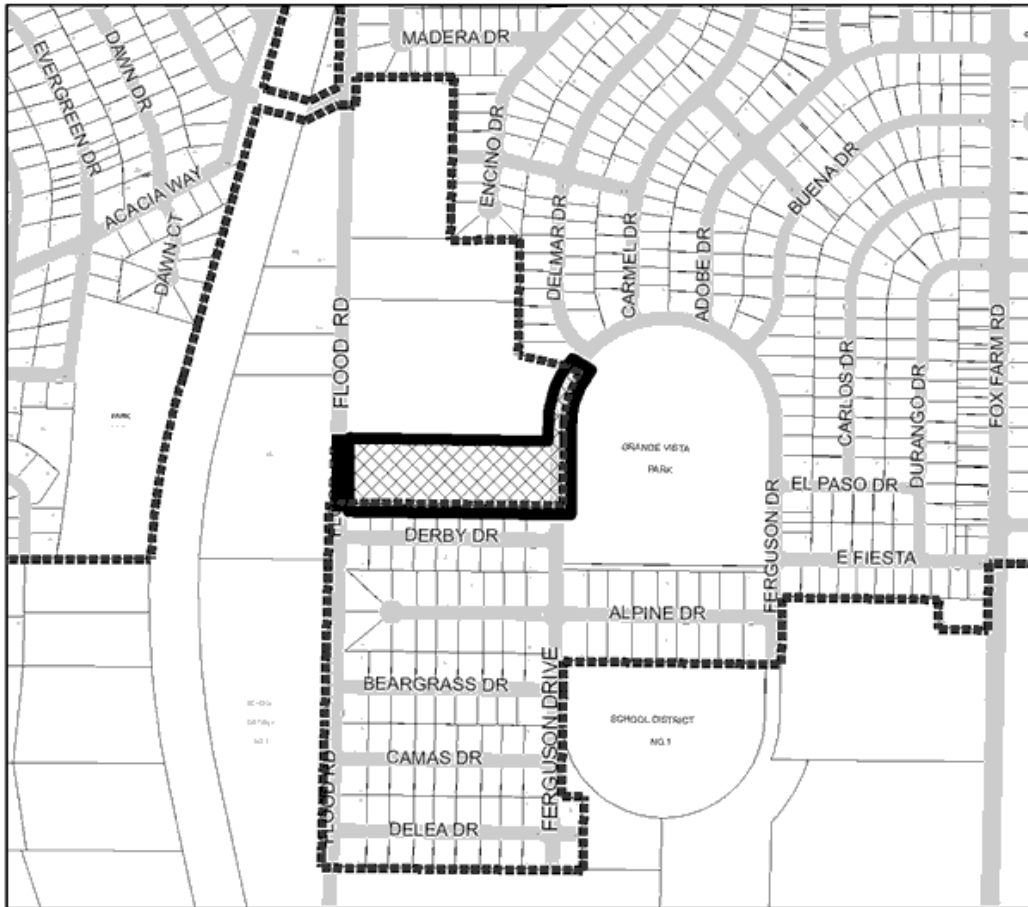
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of March, 2008.



Lisa Kuntz, City Clerk



(CITY SEAL)

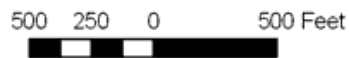
EXHIBIT "A"

VICINITY MAP



-  SOUTH PARK ADDITION PHASE II PROPOSED TO BE ANNEXED TO THE CITY OF GREAT FALLS
-  PORTION OF FLOOD ROAD TO BE ANNEXED SIMULTANEOUSLY WITH SOUTH PARK ADDITION PHASE II

-  City Limits
-  Tracts of land outside City



ORDINANCE 3001

AN ORDINANCE ASSIGNING A ZONING CLASSIFICATION OF
R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT TO
SOUTH PARK ADDITION PHASE II,
IN THE N½ OF SECTION 22, TOWNSHIP 20 NORTH, RANGE 3 EAST,
P.M.M., CASCADE COUNTY, MONTANA

* * * * *

WHEREAS, North Park Investments has petitioned the City of Great Falls to annex South Park Addition Phase II, located in the N½ of Section 22, Township 20 North, Range 3 East, P.M.M., Cascade County, Montana; and,

WHEREAS, North Park Investments has petitioned said South Park Addition Phase II be assigned a City zoning classification to accommodate single-family residences, upon annexation to City; and,

WHEREAS, notice of assigning a zoning classification of R-3 Single-family high density district to said South Park Addition Phase II was published in the Great Falls Tribune advising that a public hearing on this zoning designation would be held on the 18th day of March, 2008, before final passage of said Ordinance herein; and,

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

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

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

Section 2. That the zoning of South Park Addition Phase II be designated as R-3 Single-family high density district.

Section 3. This ordinance shall be in full force and effect either thirty (30) days after its passage and adoption by the City Commission or upon filing in the office of the Cascade County Clerk and Recorder the resolution annexing South Park Addition Phase II into the corporate limits of the City of Great Falls, Montana, whichever event shall occur later.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this 18th day of March, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 3001 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 18th day of March, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City on this 18th day of March, 2008.

Lisa Kunz, City Clerk

(CITY SEAL)

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

Lisa Kunz, being first duly sworn, deposes and says: That on the 18th day of March, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Ordinance 3001 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

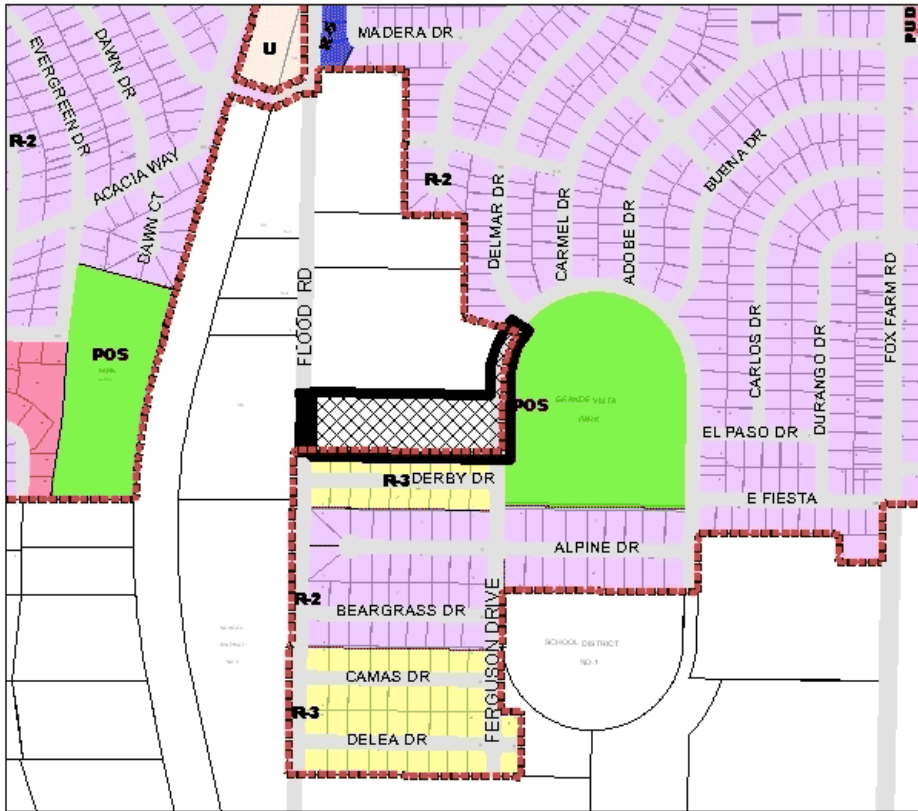
On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Court House;
On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(CITY SEAL)

EXHIBIT "A"

VICINITY/ZONING MAP

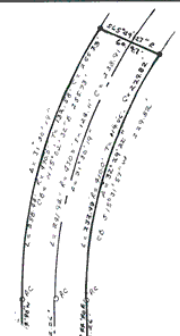
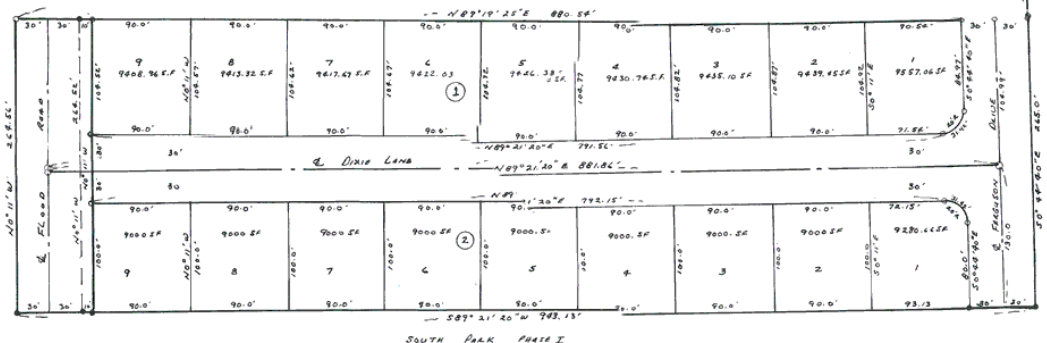


FINAL PLAT OF SOUTH PARK ADDITION PHASE II
 PORTION OF FLOOD ROAD TO BE ANNEXED SIMULTANEOUSLY WITH SOUTH PARK ADDITION PHASE II
 City Limits

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

500
 250
 0
 500 Feet

**A SUBDIVISION PLAT
OF THE
SOUTH PARK ADDITION - PHASE II
TO THE
CITY OF GREAT FALLS
IN THE N1/2 OF SECTION 22, T. 20 N., R. 3 E., P.M.M.
CASCADE COUNTY, MONTANA**



CERTIFICATE OF DEDICATION

We, the undersigned property owners, do hereby certify that we have caused to be surveyed and platted into lots, blocks, and streets as shown by the attached plat. The tract of land is to be known as the PLAT OF THE SOUTH PARK ADDITION - PHASE II to the City of Great Falls, a subdivision in the N1/2 of Section 22, T. 20 N., R. 3 E., P.M.M., Cascade County, Montana, more particularly described as follows:

Beginning at NE corner of the South Park Addition - Phase I, the true point of beginning; thence S 89° 21' 20" W, 843.13 feet to the westerly r/w of Flood Road; thence along said westerly r/w, N 00° 11' W, 263.52 feet; thence N 89° 19' 25" E, 880.54 feet to the westerly r/w of Ferguson Drive; thence N 00° 44' 40" W, 62.28 feet to the P.C. of a curve to the right with the following datum: R = 472.09 feet & L = 250.44 feet for a Chord Bearing of N 15° 52' 32" E, and for a Chord Distance of 265.73 feet; thence S 85° 49' 27" E, 90.47 feet to the easterly r/w of Ferguson Drive and a point in a curve to the left with the following datum: R = 419.09 ft. L = 232.48 feet for a Chord Bearing of S 15° 31' 15" W and a Chord Distance of 239.32 feet to the P.C.; thence S 00° 44' 40" E, 62.28 feet; thence S 00° 44' 40" E, 265.00 feet to the true point of beginning, containing in all 6.1557 ± acres ± 1/100.

The above described tract of land is to be known and designated as the PLAT OF THE SOUTH PARK ADDITION - PHASE II to the City of Great Falls, Cascade County, Montana, and the land included in the roadways as shown on said plat are hereby granted and donated to the use of the public forever.

NORTH PARK INVESTMENTS LLC (ED BOLAND)
LANCE OLSON, CHAIRMAN, BOARD OF COUNTY COMMISSIONERS
TINA FONTANA MOORE, CLERK & RECORDER, CASCADE COUNTY, MONTANA

STATE OF MONTANA } SS
COUNTY OF CASCADE }

On this _____ day of _____, 2007, before me, a Notary Public, in and for the State of Montana, personally appeared NORTH PARK INVESTMENTS LLC (ED BOLAND), known to me to be the person who executed the foregoing Certificate of Dedication and he acknowledged to me that he executed the same.

Notary Public for the State of Montana
Residing in _____
My commission expires _____

CERTIFICATE OF SURVEYOR

I, ANZARINA FONTANA MOORE, Professional Land Surveyor, Montana Registration No. 9522LS, do hereby certify that in August of 2007, I surveyed the tract of land shown on the attached PLAT OF THE SOUTH PARK ADDITION - PHASE II to the City of Great Falls, Cascade County, Montana, as described in the Certificate of Dedication, and that the survey was made in accordance with the provisions of Title 76, Chapter 3, Part 4, MCA.

Anzarina Fontana Moore
Professional Land Surveyor
Montana Registration No. 9522LS

CERTIFICATE OF GREAT FALLS CITY PLANNING BOARD

We, the undersigned, _____, President of the said Great Falls City-County Planning Board, Great Falls and Cascade County, Montana, and _____, Secretary of said Great Falls City-County Planning Board, do hereby certify that the accompanying PLAT OF THE SOUTH PARK ADDITION - PH II to the City of Great Falls, Cascade County, Montana, has been submitted to the said Great Falls City-County Planning Board for examination by them and was found by them to conform to law and was approved at a meeting held on the _____ day of _____, 2007.

_____, President, City Planning Board
_____, Secretary, City Planning Board

CERTIFICATE OF PUBLIC SERVICE DIRECTOR

I, JIM REARDEN, Public Service Director for the City of Great Falls, Montana, do hereby certify that I have examined the accompanying PLAT OF THE SOUTH PARK ADDITION - PHASE II to the City of Great Falls, Cascade County, Montana, and the survey that it represents, and I find the same conforms to the regulations governing the platting of land and to presently zoned adjacent lands, as near as circumstances will permit and I do hereby approve the same on this _____ day of _____, 2007.

JIM REARDEN, Public Service Director, City of Great Falls

CERTIFICATE OF CITY COMMISSION

I, JOHN W. LAWTON, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that this PLAT OF THE SOUTH PARK ADDITION - PHASE II to the City of Great Falls, Cascade County, Montana, was duly examined and approved by the Commission of the City of Great Falls at its regular meeting held on the _____ day of _____, 2007.

JOHN W. LAWTON, City Manager, City of Great Falls, Montana

CERTIFICATE OF AVAILABILITY OF MUNICIPAL SERVICES

I, JOHN W. LAWTON, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, found that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available to the above described property, namely, the facilities of the City of Great Falls, Cascade County, Montana, and that this certificate is made pursuant to Section 76 - 4 - 124, MCA, thereby permitting the Clerk and Recorder of Cascade County, Montana to record the accompanying plat. Dated this _____ day of _____, 2007.

JOHN W. LAWTON, City Manager, City of Great Falls, Montana

LEGEND:
OWNERS: NORTHSIDE INVESTMENTS LLC
REASON FOR SURVEY: SOUTH PARK ADDITION - PH II
BASIS OF BEARINGS: PLAT BOOK
● FOUND CORNERS BY MOORE (1822LS)
○ SET 58° 31' NEAR (1822LS)

TOTAL NET LOT AREA 166,216.35 SQ FT or 3.8155 ACRES
DEDICATED STREET AREA 186,457.71 SQ FT or 2.4439 ACRES
TOTAL AREA OF SUBDIVISION 272,674.06 SQ FT or 6.2597 ACRES

AREAS:

BLOCK 1

LOT #1	9,537.08 SF
LOT #2	9,439.48 SF
LOT #3	9,436.10 SF
LOT #4	9,430.74 SF
LOT #5	9,426.38 SF
LOT #6	9,422.03 SF
LOT #7	9,417.67 SF
LOT #8	9,413.32 SF
LOT #9	9,408.96 SF

BLOCK 2

LOT #1	9,530.08 SF
LOT #2	9,500.00 SF
LOT #3	9,500.00 SF
LOT #4	9,500.00 SF
LOT #5	9,500.00 SF
LOT #6	9,500.00 SF
LOT #7	9,500.00 SF
LOT #8	9,500.00 SF
LOT #9	9,500.00 SF

CERTIFICATE ACCEPTING A CASH DONATION IN LIEU OF PARK DEDICATION

I, JOHN W. LAWTON, City Manager of the City of Great Falls, Cascade County, Montana, do hereby certify that the City Commission of the City of Great Falls, Montana, at a regular meeting held on the _____ day of _____, 2007, found no necessity due to the size and location of the proposed residential subdivision for the setting aside or dedication of any park or playground within the platted area of the PLAT OF THE SOUTH PARK ADDITION - PHASE II to the City of Great Falls, Cascade County, Montana, and instead accepted a cash donation in the sum of \$ _____ park fund in lieu of the land that would have been dedicated if a dedication were made, in accordance with Section 76 - 3 - 621 (1) (a), MCA.

JOHN W. LAWTON, City Manager, City of Great Falls, Montana

CERTIFICATE OF CITY TREASURER

I, JESS ANDERSON, County Treasurer of Cascade County, examined the records covering the areas included ADDITION - PHASE II to the City of Great Falls, Montana, and find that the taxes on the same have been paid for the last five years. I

July that I have
THE SOUTH PARK
find that the taxes on
_____, 2007.
Cascade County, Montana



**FONTANA & MOORE
ENGINEERING & LAND SURVEYING**
SOUTH PARK ADDITION - PH II

SCALE: 1" = 50'
DATE: 09/22/07
DRAWN BY: LF
REVISED:

AGENDA REPORT

DATE March 18, 2008

ITEM Resolution 9731 Intent to Vacate Cul-de-sac in 15th Street Bridge Addition

INITIATED BY Public Works Department

ACTION REQUESTED Postpone and Reset Public Hearing for April 15, 2008

PRESENTED BY Jim Rearden, Public Works Director

- - - - -

RECOMMENDATION:

It is recommended the City Commission postpone the public hearing set in this matter on March 18, 2008, and reset said hearing on April 15, 2008, to approve the vacation of the cul-de-sac (known as 12th Avenue North) in the 15th Street Bridge Addition, and adopt Resolution 9731.

MOTION:

“I move the City Commission postpone and reset the public hearing for April 15, 2008.”

SYNOPSIS:

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

BACKGROUND:

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

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

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

RESOLUTION 9731

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

* * * * *

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

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

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

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

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

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

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

That Tuesday, the 4th 18th day of March, 2008, at 7:00 P.M. in the Commission Chambers of the Great Falls Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place at which the Great Falls City Commission shall hear all persons relative to the proposed vacation of the cul-de-sac (known as 12th Avenue North) located in the 15th Street Bridge Addition; and

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of said City shall forthwith cause notice of this Resolution to be: (1) published twice in the Great Falls Tribune, the newspaper published nearest such land; and, (2) posted in three public places.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 19th day of February, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9731 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 19th day of February, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 19th day of February, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

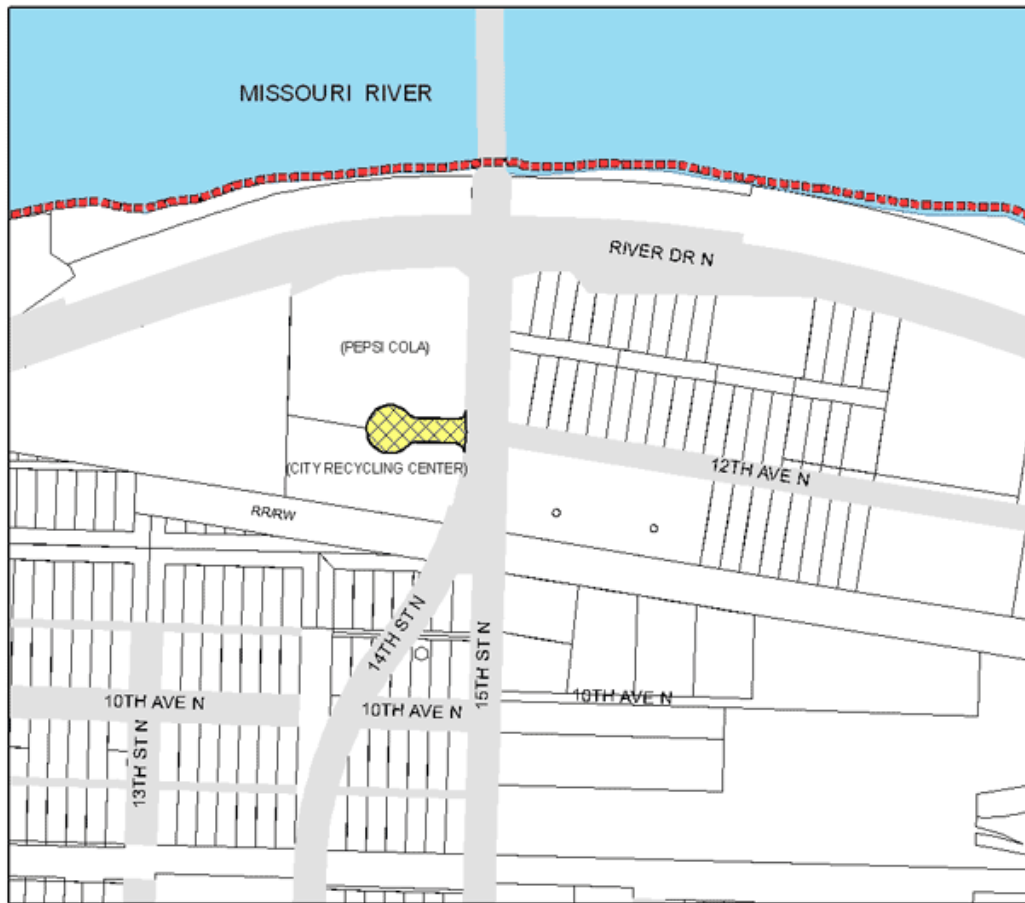
Lisa Kunz, being first duly sworn, deposes and says: that on the 19th day of February, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Resolution 9731 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

- On the Bulletin board, first floor, Civic Center building
- On the Bulletin board, first floor, Cascade County Court House
- On the Bulletin Board, Great Falls Public Library

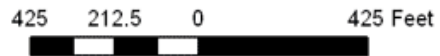
Lisa Kunz, City Clerk

(SEAL OF CITY)

EXHIBIT "A" VICINITY MAP



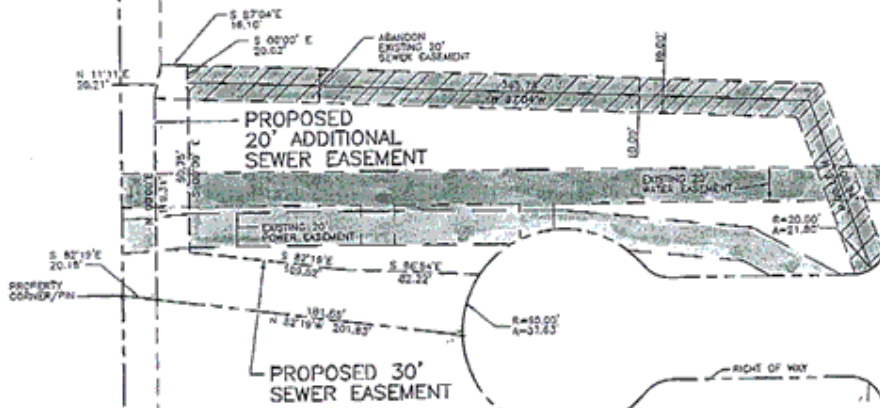
 RIGHT-OF-WAY PROPOSED TO BE VACATED



RIVER DRIVE NORTH

15TH STREET NORTH

LOT 1
15TH STREET
BRIDGE ADDITION



LOT 2
15TH STREET
BRIDGE ADDITION

14TH STREET NORTH

OLD C.M. ST. P.&P. RY.

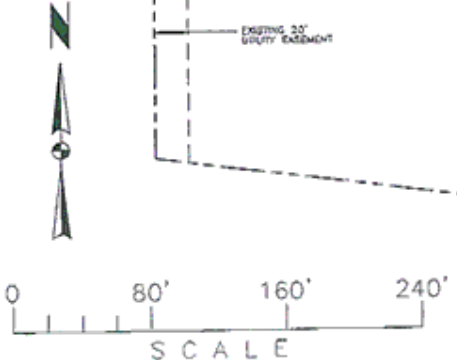


EXHIBIT A

J:\2008\00-12\landdevelopment\121\DWG\00121\PEPS\EASEMENT\EXHIBIT.dwg, 05/15/2002 10:49:57 AM, TDH, TDH Great Falls

A G E N D A R E P O R T

DATE March 18, 2008

ITEM Ordinance 3002 to Rezone Lots 1 through 7, Block 26, Huy’s Addition and Resolution 9730 Expressing Intent to Vacate Segment of 10th Alley South between 20th & 21st Streets South

INITIATED BY The Velmeir Companies

ACTION REQUESTED Commission Adopt Resolution 9730 and Accept Ordinance 3002 on First Reading and Set Hearing

PREPARED BY Bill Walters, Senior Planner

APPROVED & PRESENTED BY Benjamin Rangel, Planning Director

- - - - -

RECOMMENDATION:

The City Zoning Commission has recommended the City Commission approve the request to rezone Lots 1 through 7, Block 26, Huy’s Addition, from R-3 Single-family high density district, to C-2 General commercial district, subject to specified conditions. The Planning Board has recommended the City Commission approve the vacation of the westerly 250 feet of 10th Alley South in said Block 26 between 20th and 21st Streets.

MOTIONS:

“I move the City Commission adopt Resolution 9730.”

and

“I move the City Commission accept Ordinance 3002 on first reading and set a public hearing for April 15, 2008, to consider adoption of Ordinance 3002.”

SYNOPSIS:

Ordinance 3002 rezones Lots 1 through 7, Block 26, Huy’s Addition, from R-3 Single-family high density district, to C-2 General commercial district. Subject Lots 1 – 7 are addressed as 2000, 2004, 2008, 2012, 2016 & 2026 9th Avenue South and the purpose of the rezoning is to accommodate construction of a CVS Pharmacy. Resolution 9730 expresses intent to vacate a majority of 10th Alley South in subject Block 26.

BACKGROUND:

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

Attached is a vicinity/zoning map and a colored preliminary site layout plan.

On January 22, 2008, the City Zoning Commission/Planning Board, conducted a public hearing to consider the rezoning for Lots 1 - 7, Block 26, Huy’s Addition, vacation of a segment of 10th Alley South in Block 26 and the Amended Plat of Lots 1-7 & 10-14. Block 26, Huy’s Addition. Mr. Jack Schunke, Morrison Maierle Inc., representing CVS Pharmacy, said the applicant concurs with the conditions for approval contained in the Staff Report and Recommendation and explained some of the steps planned during construction to mitigate some of the health concerns expressed by area residents. Mr. Mark Macek, Macek Companies, spoke on

behalf of Velmeir Companies and CVS Pharmacy and explained what procedural steps they had undertaken to date. Speaking as proponents to the rezoning and the project were Mr. Bob Pancich, 308 Fox Drive and Barb Woith, 914 20th Street South. Speaking in opposition to the rezoning were Mr. Eldon Burgess, 2019 9th Avenue South, Ms. Phyllis Gibson, 2011 9th Avenue South, Mr. Ronald Reis, 2015 9th Avenue South, and Mr. Edward Brown, 2012 8th Avenue South. Most of the individuals speaking in opposition expressed concerns about the potential increased traffic that could result from the proposed project and the commercial uses expanding into their residential neighborhood. At the conclusion of the Hearing and after discussing primarily traffic related issues, the Zoning Commission unanimously passed a motion recommending to the City Commission that the request to rezone Lots 1 - 7, Block 26, Huy's Addition to Great Falls, from R-3 Single –family high density district to C-2 General commercial district be approved, subject to the applicant and the owners of subject Lots 1 – 7 entering into an agreement with the City, agreeing:

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

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

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

It is anticipated a copy of the Staff Report and Recommendation on the rezoning, alley vacation and amended plat, copies of communications regarding the project received to date, minutes of the January 22, 2008, Zoning Commission and Planning Board Hearing, the final resolution to vacate the involved segment of 10th

Alley South, the hereinabove referenced agreement and the involved amended plat and accompanying Findings of Fact will be provided to the Commission prior to the April 15, 2008 hearing.

Attach: Ordinance 3002
Vicinity/Zoning Map
Resolution 9730
Preliminary Site Layout Plan

Cc w/o attach: The Velmeir Companies, mhoener@velmeir.com
Mark Macek, mark@macekcompanies.com
John VerPlank, John_VerPlank@URSCorp.com

ORDINANCE 3002

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

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

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

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

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

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

Lisa Kunz, City Clerk

(SEAL OF CITY)

RESOLUTION 9730

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

* * * * *

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

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

WHEREAS, attached as Exhibit "A" and by this reference made a part hereof, is a map illustrating the existing 10th Alley South and portion thereof requested to be vacated; and

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

That Tuesday, the 15th day of April, 2008, at 7:00 P.M. in the Commission Chambers of the Great Falls Civic Center, Great Falls, Montana, be and the same is hereby set as the time and place at which the Great Falls City Commission shall hear all persons relative to the proposed vacation of the westerly 250 feet of 10th Alley South in Block 26, Huy's Addition, between 20th and 21st Streets South; and

BE IT FURTHER RESOLVED BY SAID CITY COMMISSION that the City Clerk of said City shall forthwith cause notice of this Resolution to be: (1) published once in the Great Falls Tribune, the newspaper published nearest such land; and, (2) posted in three public places.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, on this 18th day of March, 2008.

Dona R. Stebbins, Mayor

ATTEST:

Lisa Kunz, City Clerk

(SEAL OF CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

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

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Resolution 9730 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 18th day of March, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City this 18th day of March, 2008.

Lisa Kunz, City Clerk

(SEAL OF CITY)

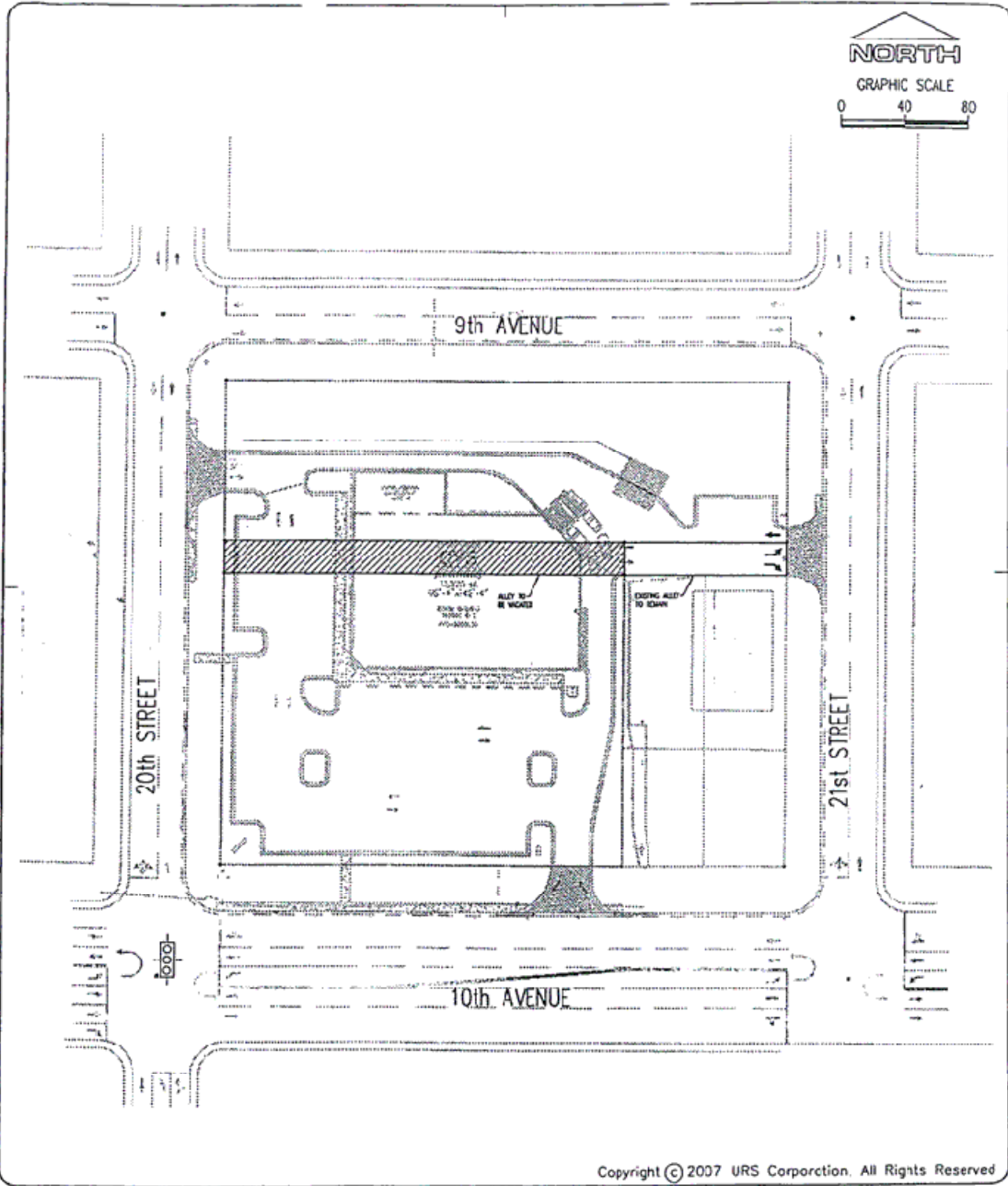
State of Montana)
County of Cascade :ss
City of Great Falls)

Lisa Kunz, being first duly sworn, deposes and says: that on the 18th day of March, 2008, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did publish and post as required by law and as prescribed and directed by the Commission, Resolution 9730 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

- On the Bulletin board, first floor, Civic Center building
- On the Bulletin board, first floor, Cascade County Court House
- On the Bulletin Board, Great Falls Public Library

Lisa Kunz, City Clerk

(SEAL OF CITY)



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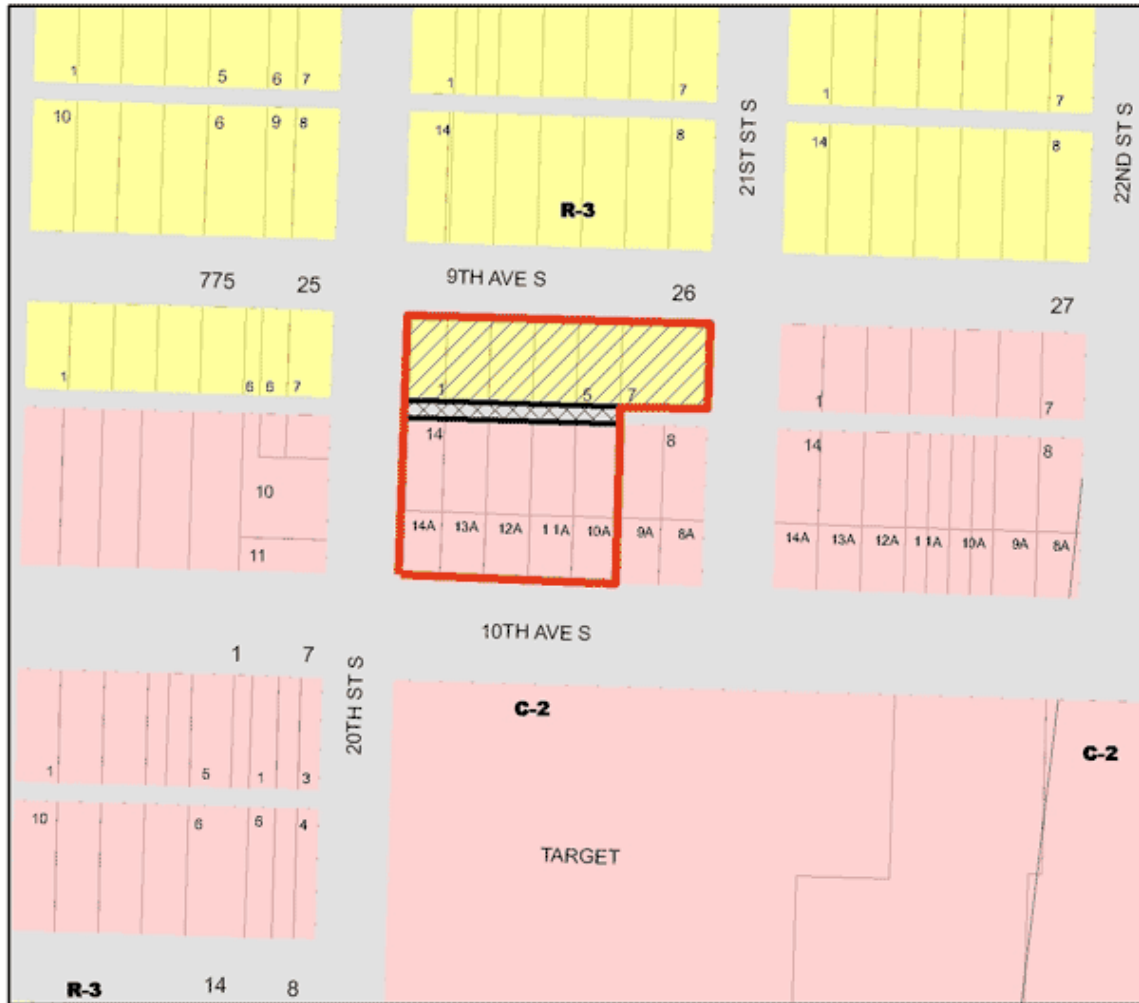
TITLE
PROPOSED ALLEY VACATION


URS URS CORPORATION, GRAND RAPIDS, MI., 616-574-8500

DATE 12/19/2007	JOB NO. 12939192
DR. MSB	SKETCH NO.
CK. JEV	EXHIBIT A

EXHIBIT "A"

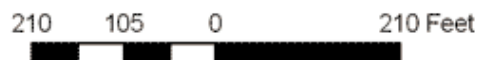
VICINITY/ZONING MAP



 SEGMENT OF 10TH ALLEY SOUTH PROPOSED TO BE VACATED

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

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





Regular City Commission Meeting

Mayor Stebbins presiding

CALL TO ORDER: 7:00 PM

PLEDGE OF ALLEGIANCE

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

NEIGHBORHOOD COUNCILS

NC 2. **1A. Bob Mehlhoff, NC 2,** stated that Neighborhood Council 2 is against the proposed change of status at the Great Falls Pre-Release Center to accept sex offenders. Mr. Mehlhoff encouraged the Commission to oppose the proposed change.

NC 4. **1B. Sandra Guynn, NC 4,** thanked the Commission for the memo regarding annexation of the Home Place. Ms. Guynn referred to page 2 of the memo and asked the City to write a letter to the County in the council's behalf.

PUBLIC HEARINGS

- Res. 9727 and Ord. 2999, annexation and zoning for Cottage Grove Addition, Phase 3. Adopted.**
- 2A. RESOLUTION 9727 ANNEXES COTTAGE GROVE ADDITION, PHASE 3.**
- 2B. ORDINANCE 2999 ASSIGNS ZONING CLASSIFICATION OF PUD PLANNED UNIT DEVELOPMENT DISTRICT.**

Planning Director Ben Rangel reported that Discovery Meadows, Inc. is the property owner and developer of Cottage Grove Addition, Phase 3. On January 8, 2008, the Commission approved the Preliminary Plat and Findings of Fact for the subdivision, which is located in east Great Falls, near the soccer park. It consists of 28 single family residential lots. The developer is now ready to proceed with the final plat of Phase 3, its annexation and the assignment of City zoning.

After conducting a joint public hearing, Mr. Rangel requested that the Commission adopt Resolution 9727, which would annex the subdivision and to adopt Ordinance 2999, which would assign PUD Planned unit development zoning, and to approve the final plat and annexation agreement.

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

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Resolution 9727 and Ordinance 2999.

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

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Resolution 9727 and approve the Final Plat and Annexation Agreement.

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

Motion carried 5-0.

Commissioner Rosenbaum moved, seconded by Commissioner Beecher, that the City Commission adopt Ordinance 2999.

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

Motion carried 5-0.

Res. 9728 and Ord. 3000, annexation and zoning for 20 foot strip of land to be combined with Lot 1, Block 6, Meadowlark Addition No. 5. Adopted.

3A. RESOLUTION 9728 ANNEXES UNINCORPORATED 20 FOOT STRIP OF LAND TO BE COMBINED WITH THE INCORPORATED LOT 1, BLOCK 6, MEADOWLARK ADDITION NO. 5.

3B. ORDINANCE 3000 ASSIGNS ZONING CLASSIFICATION OF R-3 SINGLE-FAMILY HIGH DENSITY DISTRICT UPON UNINCPORORATED LAND.

Planning Director Ben Rangel reported that Meadowlark Partners LLP is the property owner and developer of Meadowlark Addition No. 5. The subdivision, located in southwest Great Falls, was annexed into the City on August 21, 2007. It consists of 20 single family residential lots. The developer would now like to add an unincorporated 20 foot strip of land to Lot 1, Block 6 of the subdivision to provide additional yard space for a new home.

After conducting a joint public hearing, Mr. Rangel requested that the Commission adopt Resolution 9728, which would annex the strip of land and adopt Ordinance 3000, which would assign R-3 Single-Family zoning, and approve the amended plat to combine the strip of land with Lot 1, Block 6 of the subdivision.

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 9728 and Ordinance 3000.

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

Commissioner Jolley moved, seconded by Commissioner Bronson, that the City Commission adopt Resolution 9728 and approve the Amended Plat of Lot 1, Block 6, Meadowlark Addition No. 5.

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

Motion carried 5-0.

Commissioner Bronson moved, seconded by Commissioners Beecher and Rosenbaum, that the City Commission adopt Ordinance 3000.

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

Motion carried 5-0.

**Ord. 2998, amending
OCCGF 15.50. Adopted.**

**4. ORDINANCE 2998, AMENDING OCCGF 15.50 TO ADOPT THE
2006 EDITION OF THE INTERNATIONAL FIRE CODE (IFC).**

Fire Marshal Doug Bennyhoff reported that § 7-33-4208, Montana Code Annotated, states that municipalities must adopt local fire codes that meet the minimum standard that the state has adopted. Municipalities are allowed to adopt more stringent fire code requirements at a local level, but cannot be more lenient. Mr. Bennyhoff stated that the International Fire Code, which he is recommending for adoption, is a companion code of the International Building Code currently used by the building officials.

After conducting a public hearing, Mr. Bennyhoff requested that the Commission adopt Ordinance 2998. Mr. Bennyhoff stated from the date of final adoption until the effective date 30 days later, industry may choose to have plans and premises reviewed under either the 2003NFPA 1 Uniform Fire Code or the 2006 International Fire Code. During that 30 day period, use of the International Fire Code is recommended.

Mayor Stebbins declared the public hearing open. No one spoke in favor of or opposition to Ordinance 2998.

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

Commissioner Rosenbaum moved, seconded by Commissioner Bronson, that the City Commission adopt Ordinance 2998.

Mayor Stebbins asked if there was any discussion amongst the Commission. Commissioner Rosenbaum stated that the uniformity to fit the building code has merit. Both codes work together.

Commissioner Bronson echoed Commissioner Rosenbaum’s comments. Commissioner Bronson stated further that, in his law practice, he deals with international codes of this kind. The IFC is a natural progression of the City’s efforts to improve fire protection. In his independent research, Commissioner Bronson stated that this could improve insurance ratings for property in this community, as it has in other communities that have adopted it.

Commissioner Jolley said she trusts Fire Marshal Doug Bennyhoff on this.

Motion carried 5-0.

OLD BUSINESS

NEW BUSINESS

ORDINANCES/RESOLUTIONS

**Consent Agenda.
Approved as printed.**

CONSENT AGENDA

- 5. Minutes, February 19, 2008, Commission meeting.
- 6. Total Expenditures of \$1,000,721 for the period of February 12-27, 2008, to include claims over \$5,000, in the amount of \$825,535.
- 7. Contracts list.
- 8. Grants list.
- 9. Approve Labor Agreement with the Plumbers and Fitters Local #41.

Commissioner Jolley moved, seconded by Commissioner Beecher, that the City Commission approve the Consent Agenda as presented.

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

Motion carried 5-0.

BOARDS & COMMISSIONS

Preliminary Plat, Castle Pines Addition Phases VI-VIII. Approved

10. PRELIMINARY PLAT, CASTLE PINES ADDITION, PHASES VI-VIII.

The Planning Advisory Board recommends approval of the Preliminary Plat and accompanying Findings of Fact of Castle Pines Addition, Phases VI-VIII, consisting of 36 residential lots located along the east side of 13th Street South and south of 27th Avenue South.

Commissioner Beecher moved, seconded by Commissioner Rosenbaum, that the City Commission approve the Preliminary Plat of Castle Pines Addition, Phases VI-VIII, and the accompanying Findings of Fact, subject to fulfillment of conditions stipulated to by the Planning Board.

Mayor Stebbins asked if there were any questions from the public or any discussion amongst the Commission. No one responded.

Motion carried 5-0.

11. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY MANAGER

12. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

CITY COMMISSION

13. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

PETITIONS AND COMMUNICATIONS

14. MISCELLANEOUS REPORTS AND ANNOUNCEMENTS.

Mayor Stebbins opened the meeting to Petitions and Communications.

There were no Petitions and Communications from the public.

ADJOURNMENT

Adjourn.

There being no further business to come before the Commission, **Commissioner Beecher moved, seconded by Commissioners Rosenbaum and Bronson, that the regular meeting of March 4, 2008, be adjourned at 7:20 p.m.**

Motion carried 5-0.

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 5, 2008	229,668.79
MASTER ACCOUNT CHECK RUN FOR MARCH 12, 2008	385,231.89
MUNICIPAL COURT ACCOUNT CHECK RUN For MARCH 3-7, 2008	95,695.47
WIRE TRANSFERS FROM FEB 19-25, 2008	69,599.41
WIRE TRANSFERS FROM FEB 26-29, 2008	71,487.12
WIRE TRANSFERS FROM MARCH 3-10, 2008	126,088.03
WIRE TRANSFERS FROM FEB 19, 2008	719,845.31
WIRE TRANSFERS FROM MARCH 11, 2008	<u>63,251.29</u>
TOTAL: \$	<u>1,760,867.31</u>

GENERAL FUND

POLICE

ENERGY WEST	FEB CHARGES (SPLIT AMONG FUNDS)	3,474.87
CASCADE COUNTY ATTORNEY	DISPOSITION OF FORFEITED ITEM	5,970.00
ADVANCED INTERACTIVE SYSTEMS	WARRANTY RENEWALS FOR WEAPONS & AIS SIMULATOR	8,634.00

FIRE

ENERGY WEST	FEB CHARGES (SPLIT AMONG FUNDS)	7,459.69
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PARK & RECREATION

ENERGY WEST	FEB CHARGES (SPLIT AMONG FUNDS)	8,126.00
MONTANA WASTE SYSTEMS	FEB CHARGES (SPLIT AMONG FUNDS)	39.36

VISITORS CENTER

ENERGY WEST	FEB CHARGES (SPLIT AMONG FUNDS)	210.78
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SPECIAL REVENUE FUND

CTEP PROJECT

LIBERTY ELECTRIC INC	PMT #5 10TH STREET BEAUTIFICATION	5,397.97
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LIBRARY

ENERGY WEST	FEB CHARGES (SPLIT AMONG FUNDS)	5,102.55
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FEDERAL BLOCK GRANTS

J & B CONTRACTING SERVICES INC	CEILING REPAIRS -BOYS & GIRLS CLUB	8,853.73
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MEALEY CONSTRUCTION INC	PMT #2 ADA ENTRANCE CHILDRENS MUSEUM FILE #720705	9,724.77
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APPLE VALLEY BACKHOE SERV	SEWER REPLACEMENT CDBG	9,000.00
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HOME GRANTS

NEIGHBORWORKS	DRAWDOWN #2 FOR DOWN PAYMENT & CLOSING COSTS- FILE #770603	21,446.15
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CAPITAL PROJECTS

GENERAL CAPITAL

JAMES TALCOTT CONSTRUCTION INC	PMT #7 NEIGHBORHOOD POOLS AND SPLASHDECKS RENOVATIONS	132,434.63
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JAMES TALCOTT CONSTRUCTION INC	INSTALL CONDUIT TO RUN FIBER OPTIC CABLE FOR RECTRAC AT WATER PARK	5,272.74
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ENTERPRISE FUNDS

WATER

ENERGY WEST	FEB CHARGES (SPLIT AMONG FUNDS)	12,866.52
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SANITATION

ENERGY WEST	FEB CHARGES (SPLIT AMONG FUNDS)	370.74
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MONTANA WASTE SYSTEMS	FEB CHARGES (SPLIT AMONG FUNDS)	56,802.61
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ELECTRIC

SME	PMT OF ENERGY SUPPLY EXPENSE DEC 07	63,251.29
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SME	PMT OF ENERGY SUPPLY EXPENSE JAN 08	719,845.31
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SAFETY SERVICES

ENERGY WEST	FEB CHARGES (SPLIT AMONG FUNDS)	868.72
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GOLF COURSES

ENERGY WEST	FEB CHARGES (SPLIT AMONG FUNDS)	1,067.62
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MALISANI INC	PARTIAL PMT ANACONDA HILLS & EAGLE FALLS GRANITE TEE SIGNS	10,365.00
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ENTERPRISE FUNDS (CONTINUED)

SWIM POOLS

ENERGY WEST FEB CHARGES (SPLIT AMONG FUNDS) 5,775.01

RECREATION

ENERGY WEST FEB CHARGES (SPLIT AMONG FUNDS) 2,566.70
JACKS ATHLETIC SUPPLY 3,456- ICE BREAKER T-SHIRTS 11,948.77

CIVIC CENTER EVENTS

K & J CONVENTION SERV LLC MADE IN MONTANA SET-UP 7,853.50

INTERNAL SERVICES FUND

HEALTH & BENEFITS

BLUE CROSS/BLUE SHIELD HEALTH INS CLAIMS 2/19-2/25, 2008 69,599.41
BLUE CROSS/BLUE SHIELD HEALTH INS CLAIMS 2/26-2/29, 2008 71,487.12
BLUE CROSS/BLUE SHIELD HEALTH INS CLAIMS 3/3-3/10, 2008 126,088.03

FISCAL SERVICES

POSTMASTER POSTAGE FOR UTILITIES 14,279.24

CENTRAL GARAGE

MOUNTAIN VIEW CO-OP UNLEADED FUEL 20,332.90

PUBLIC WORKS ADMINISTRATION

ENERGY WEST FEB CHARGES (SPLIT AMONG FUNDS) 12,553.83

CC FACILITY SERVICES

ENERGY WEST FEB CHARGES (SPLIT AMONG FUNDS) 9,893.01

TRUST AND AGENCY

COURT TRUST MUNICIPAL COURT

CITY OF GREAT FALLS FINES & FORFEITURES COLLECTIONS 70,302.32
CASCADE COUNTY TREASURER FINES & FORFEITURES SURCHARGES 14,378.00
VICTIM WITNESS ASSISTANCE SERV FINES & FORFEITURES SURCHARGES 6,149.00

CLAIMS OVER \$5000 TOTAL: \$ 1,539,791.89

COMMUNICATION TO THE CITY COMMISSION

DATE: March 18, 2008

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

PRESENTED BY: Lisa Kunz, City Clerk

ACTION REQUESTED: Ratification of Contracts through the Consent Agenda

MAYOR’S SIGNATURE: _____

CONTRACT LIST

	DEPARTMENT	OTHER PARTY (PERSON OR ENTITY)	PERIOD	FUND	AMOUNT	PURPOSE
A	Park and Recreation	Northwest Family Fellowship	March 2008	411-3131-535-9319	\$25,000 (approx.)/ea.	Widen the park area along Jaycee Park on 23 rd Avenue NE to provide for 50 angle parking stalls, plus required handicap stalls; removal and replacement of approx. 550 lineal feet of curb and gutter. OF 1541
B	Public Works – Engineering	Montana Department of Transportation	03/2008 – 12/2009	Street	\$5,104.23	MACI Sidewalk Program, Adjustment of utilities encountered during construction of sidewalks. OF 1254.1
C	Public Works, Engineering and Police Department	Mealy Construction, Inc.	03/2008 – 07/2008	General Capital Projects Fund	\$36,672	Replace windows on the west side of the Police Department Bldg. OF 1529

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

**AGENDA: 9
DATE: March 18, 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	Heritage Bank, a Federal Savings Bank	Current	615-1511-511-3599	\$300,000	Satisfaction and Release of December 28, 1990, Mortgage for Real Estate, described as Original Townsite of Great Falls, Block 312, Lots 4, 5, 6 & 7. (120 1 st Avenue North)
B	Fiscal Services	Property Owner – Administrator of Veteran Affairs	Current	513-3162-531-3599	\$58.94	Partial Release of Resolution #9684 to Levy and Assess Properties for Unpaid Utility Services at 916 3 rd Avenue North. Lot 5, Block 258, GFO.
C	Fiscal Services	Property Owner – Administrator of Veteran Affairs	Current	513-3162-531-3599	\$110.55	Partial Release of Resolution #9607 to Levy and Assess Properties for Unpaid Utility Services at 916 3 rd Avenue North. Lot 5, Block 258, GFO.

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

**AGENDA # 10
DATE March 18, 2008**

Item Set Budget Hearing on Resolution 9732 – Budget Amendment Resolution

Initiated By Statutory Budget Requirements

Action Requested Set Budget Amendment Hearing

Prepared & Presented By Melissa Kinzler, Budget Officer

Reviewed & Approved By Cheryl Patton, Assistant City Manager

RECOMMENDATIONS

Staff recommends the City Commission set a budget amendment hearing on Resolution 9732 for April 1, 2008, and provide notice for the Public Hearing on the amended budget.

MOTIONS

I move the City Commission set the Public Hearing for Resolution 9732 for 7:00 pm, April 1, 2008.

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)
<u>(30,000)</u>	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.

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 March 18, 2008

ITEM: ENGINEERING SERVICES CONTRACT: WATER TREATMENT PLANT HEADHOUSE FLOOR REPLACEMENT, O.F. 1332.6.

INITIATED BY: PUBLIC WORKS DEPARTMENT / ENGINEERING DIVISION

ACTION REQUESTED: APPROVE ENGINEERING CONTRACT

PRESENTED BY: JIM REARDEN, PUBLIC WORKS DIRECTOR

- - - - -

RECOMMENDATION: Approve Engineering Contract between the City of Great Falls and Thomas, Dean, & Hoskins, Inc. (TD&H) for engineering services to be performed for the Water Treatment Plant Headhouse Floor Replacement, O.F. 1332.6 for a professional services fee not to exceed \$47,200.

MOTION: “I move the City Commission approve the Engineering Contract between the City of Great Falls and TD&H for engineering services for the Water Treatment Plant Headhouse Floor Replacement, O.F. 1332.6, and authorize the Interim City Manager to execute the contract.”

SYNOPSIS: City Staff has negotiated a professional engineering services contract (attached) with TD&H to provide project design, construction inspection, and contract administration for the replacement of the concrete floor in the headhouse at the Water Treatment Plant.

This project will evaluate the concrete floor in the Water Plant’s headhouse and develop the best solution for replacement. TD&H will then design the project and put it out for bid. During construction TD&H will perform inspections and administer the project. City Engineering Staff will assist with project administration duties.

BACKGROUND: This is one of a series of projects to install plant operational improvements and handle needed maintenance. During a previous construction project, the concrete floor in the Water Plant’s headhouse was found to be in poor condition. The plan had been to chip away the deteriorated surface concrete down to solid concrete and then pour a new concrete surface. During the chipping operation, no firm concrete was found throughout the depth of the floor. It was decided a total replacement of the floor would be needed. The headhouse contains one of the plant’s four alum tanks used for water treatment and various electrical equipment needed for plant operations. Replacement of the floor will make this space usable again and resolve future safety and structural problems.